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IMO MEMBER STATE AUDIT SCHEME

Consolidated audit summary report

Note by the Secretary-General

SUMMARY

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| <i>Executive summary:</i> | In the annex to this document is the tenth consolidated audit summary report containing findings from eight further audits |
| <i>Strategic direction:</i> | 2 |
| <i>High-level action:</i> | 2.0.2 |
| <i>Output:</i> | No related provisions |
| <i>Action to be taken:</i> | Paragraph 5 |
| <i>Related document:</i> | C 116/6 |

1 Pursuant to paragraph 7.4.3 of the Procedures for the Audit Scheme (resolution A.1067(28)), this document contains in the annex a consolidated audit summary report (CASR) on the final eight audits conducted under VIMSAS and the transitional arrangements.

2 The CASR, which is intended to facilitate the attainment of two of the objectives of the Scheme as contained in paragraphs 5.2.3 and 5.2.4 of the Scheme's Framework, has been developed to reflect the findings identified during audits, which in themselves provide valuable lessons for Member States and would enable the Organization to further consider the effectiveness and appropriateness of its legislation.

3 The Framework and Procedures for the Scheme do not stipulate the format and method for the distribution of a CASR. As is now the established practice, the report is issued once a year as a Council document during the first year of a biennium and as an Assembly document during the second year. The report now contains findings and the related corrective action undertaken or proposed by the audited State, the root cause for each finding, areas of positive development, areas for further development, as well as any best practice identified during the audit.

4 In respect of the attached report, the Council may wish to request the Maritime Safety Committee and the Marine Environment Protection Committee to consider the report and, in due course, to inform the Council of the outcome of their consideration.

Action requested of the Council

5 The Council is invited to take note of the information provided in this document and decide accordingly, in particular with the proposal in paragraph 4 above.

ANNEX

CONSOLIDATED AUDIT SUMMARY REPORT (CASR)

INTRODUCTION

1 As required by paragraph 7.4.3 of the Procedures for the Audit Scheme (resolution A.1067(28)), this document is the tenth CASR of a further eight audits that have been completed. This completes the distribution of audit outcomes conducted under VIMSAS and the transitional arrangements.

2 The report reflects the six categories of *General* (findings relating to strategy, organization and legal system, with the latter dealing mainly with the incorporation of mandatory IMO instruments into national law), *flag State activities*, *port State activities*, *coastal State activities*, *areas of positive development* and *areas for further development*, respectively, from the previously issued eight audit summary reports.

3 This report contains the non-conformities, findings and observations identified during the audits, with each finding followed by a summary of the corrective action taken or proposed by the Member State and the root cause identified by the audited State.

4 The outcome from audits provide valuable lessons on the implementation and enforcement of the mandatory IMO instruments covered by the Scheme at the time when audits were carried out. They also identify areas where States, in exercising their rights, meeting their obligations and discharging their responsibilities attendant to the applicable mandatory IMO instruments, have either fallen short in some areas or have encountered some difficulties in doing so. Areas of positive development reflect the strengths and, in some cases, novel ideas employed by States to effectively meet their obligations and responsibilities, which are presented as best practices.

5 In an effort to disseminate the lessons learned from audits, with a view to assisting Member States to enhance further their implementation and enforcement of mandatory IMO instruments and to inform the associated work of the relevant IMO bodies, the issuance of future CASRs will continue to be submitted either as Council or Assembly documents, as appropriate.

GENERAL

Findings (FD)

6 The State had not fully incorporated SOLAS 1974; MARPOL, Annexes I, II, III, IV and V; LL 66; COLREG 1972, Tonnage 1969 and STCW 1978 amendments into its national legislation. (SOLAS 1974, article I(b); MARPOL, article 1(1); LL 66, article 1; COLREG 1972, article 1; Tonnage 1969, article 1; STCW 1978, article 1; III Code, part 1, paragraph 4).

Corrective action

7 A strategy will be developed to ensure training of existing staff as well as recruiting new, skilled personnel.

8 Amendments to SOLAS 1974, the Annexes to MARPOL, LL 66, COLREG 1972 and STCW 1978 will be incorporated into national legislation, including Tonnage 1969. Regulations will be developed and implemented in respect of all other conventions ratified by the State.

9 The State, through its maritime administration will expedite the process of finalizing the drafting of regulations pertaining to the National Shipping Act, which takes into account, and has incorporated some of the instruments mentioned above.

10 A mechanism will be developed through which the Ministry of Transport will monitor and evaluate the activity of the maritime administration relating to the fulfilment of the obligations under the mandatory IMO instruments. The maritime administration will submit an annual report to the Minister of Transport on its assessment of maritime safety and protection of the marine environment activities based on approved criteria for their achievement.

11 An inter-agency coordination body, dealing with maritime safety and marine pollution prevention from ships, will be established by a Government decree in order to facilitate rapid and efficient drafting and incorporation of IMO instruments into the national legislation. The inter-agency coordination body will be tasked to approve the strategy for maritime safety and marine environment protection; monitor and coordinate the activities of the institutions involved in fulfilling their obligations under the respective mandatory IMO Instruments. It will also draft mandatory guidelines for the respective institutions, based on the assessment of maritime safety and marine environment protection activities aiming at improving the performance of these institutions. It will also draft and enforce a mechanism for incorporation into national legislation of all amendments to the applicable mandatory IMO instruments to which the State is a Party.

12 The maritime administration will also draft and submit to the Council of Ministers a report on the measures necessary for the provision of the maritime administration with adequate administrative capacity, attraction of highly qualified and experienced professionals, and improvement of their remuneration.

13 Deadline for completion of this corrective action will be 1 March 2017.

Root cause

14 Lack of technical capacity, insufficient organization and financing for development of the strategy for the implementation and enforcement of the mandatory IMO instruments.

15 None existence of a national platform that allows inter-agency cooperation on maritime issues.

FD

16 The State had not communicated to IMO the text of laws, orders, decrees and regulations and other instruments which had been promulgated on the various matters within the scope of the relevant IMO instruments (SOLAS 1974, article III(b); MARPOL, article 11(1)(a); LL 66, article 26(b); Tonnage 1969, article(15)(b); STCW 1978, article IV; III Code, part 1, paragraph 8.3).

Corrective action

17 A formal written procedure and a central recording system will be developed to record communication to IMO of the text of laws, orders, decrees and regulations and other instruments which have been promulgated on the various matters within the scope of the relevant IMO instruments.

18 A dedicated official will be appointed to liaise and manage all communication with IMO under the above mentioned system.

19 Completion of this corrective action by February 2017.

Root cause

20 Lack of mechanism (technical and administrative) in place that ensures formal communication to IMO of the instruments promulgated by the State, which are within the scope of the relevant IMO instruments.

FD

21 The maritime administration had not communicated to IMO the specimen of certificates issued in accordance with the relevant IMO instruments (SOLAS 1974, article III(c); MARPOL, article 11(1)(c); LL 66, article 26(a); Tonnage 1969, article 15(a); III Code, part 1, paragraph 8.3).

Corrective action

22 The State will update and standardize its certificates in use, and will further communicate their specimen to IMO. Arrangements will be made to ensure ongoing and permanent communication of specimen of all new certificates issued by the continuous compliance with this requirement. A dedicated personnel will be assigned.

23 Completion of this corrective action by end of February 2017.

Root cause

24 Lack of awareness of its obligations under the relevant IMO instruments.

FD

25 The maritime administration had not communicated to IMO a list of non-governmental agencies which are authorized to act on its behalf (SOLAS 1974, article III(a); MARPOL, article 11(1)(b); LL 66, article 26(c); Tonnage 1969, article 15(b); III Code, part 1, paragraph 8.3).

Corrective action

26 The State will ensure prompt communication of the existing list to IMO, and at the same time a mechanism will be developed through which any new list of non-governmental agencies (ROs) will be communicated to IMO in a timely manner.

27 Review of the list will be processed every first month of a given year.

28 Deadline for completing the corrective action is June 2016.

Root cause

29 The State has so far failed to formally delegate powers to ROs even though a Decree recognizing those ROs has been approved on 25 March 2014.

FD

30 The maritime administration did not communicate to IMO, reports which are required by MARPOL and the Casualty Investigation Code (MARPOL, article 11(d) and (f); Casualty Investigation Code, chapter 14.1; III Code, part 1, paragraph 8.3).

Corrective action

31 The State will ensure that a formal written procedure and a central recording system will be developed to record communication to IMO for any given calendar year to ensure that annual reports under MARPOL are submitted to IMO.

32 Responsibilities for reporting to IMO will be assigned and arrangements will be made to ensure ongoing monitoring and review of the communication system occurs, with personnel designated to follow up. To ensure continuous compliance with this requirement, the Code has been included in the quality system manual and as one of the material in the induction training that is given to personnel who are assigned to the relevant environment divisions.

33 This corrective action will be completed by the end of January 2017.

Root cause

34 MARPOL has not yet been effectively incorporated into the national legislation. The responsibility for submitting mandatory reports to IMO was not clearly defined. **13713**

FD

35 The State had not communicated to IMO all the information required by the mandatory instruments with respect to the promulgation of laws, standards and regulations, which made the requirements of those instruments effective (SOLAS 1974, article III; MARPOL, article 11; LL 66, article 26; Tonnage 1969, article 15; III Code, part 1, paragraph 8.3).

Corrective action

36 The following actions will be implemented by the responsible entity:

- .1 review the list of external communications that must be communicated and sent to IMO in accordance with the ratified international instruments, including the information already communicated;
- .2 develop a communication procedure for mandatory communication to IMO under the relevant mandatory IMO instruments; and
- .3 communicate to IMO any information that has not been communicated before the audit.

The deadline for the implementation of this corrective action is 31 December 2016.

Root cause

37 Arrangements in use to monitor and follow up international maritime affairs were so weak that they did not allow for satisfactory compliance in notifying and informing IMO and other State Parties. **67957**

FD

38 It was established that the State did not submit to IMO the reports required under various mandatory IMO instruments (MARPOL, article 11(1)(b) and (d); STCW 1978, article III(a) and VIII (3); III Code, part 1, paragraphs 8.3 and 9).

Corrective action

39 Procedures will be drafted, approved and implemented, which will describe the actions to be taken in submitting mandatory reports to IMO as required by the international instruments. The deadline for the implementation of this corrective action is December 2016.

Root cause

40 The State is gradually implementing the IMO instruments, but due to a lack of resources and documented procedures reports were not submitted.

FD

41 The Administration did not develop appropriate national legislation and processes for ratification of a convention or for transposition of amendments to instruments adopted by IMO (MARPOL, article 1; III Code, part 1, paragraph 8).

Corrective action

42 The process used by the State to ratify conventions and for the adoption of new amendments will be documented and validated; which will allow the State to have proper national legislation in a timely manner. The deadline for the implementation of this corrective action is December 2016.

Root cause

43 It had not been considered an institutional priority to document and validate the process used by the principal government entity and other involved bodies to ratify conventions or adopt new amendments. **3028**

FD

44 The State did not fulfil its obligation of reporting to IMO as required by several mandatory IMO instruments (MARPOL, article 11; SOLAS 1974, article III; III Code, part 1, paragraph 9).

Corrective action

45 MTA has a system in place to include missing information in mandatory reports to IMO. A collection of information about incidental spillages has been assigned to the Maritime Safety Department (MSD) within MTA. Updated data will be reported from relevant units to MSD, with the final compilation of reports being done by the International Relations Division, with the inclusion of data in the MARPOL reporting form.

46 MTA has uploaded on GISIS database all information in relation to eight ROs, including mutual agreements. MTA has since submitted the complete 2014 Annual Summary Report, under article 11(1) and article 12 of MARPOL, in accordance with MEPC/Circ.318 to IMO. The report contained information about illegal discharge of oily mixtures, which was missing from the previous report.

Root cause

47 Mandatory reporting under MEPC/Circ.318 was not performed in an appropriate manner, i.e. report did not contain information regarding illegal discharge of oily mixtures, as responsibility for collection of necessary data was not assigned. **10386**

FD

48 There was objective evidence to establish that the enactment of national laws for various mandatory IMO instruments and their amendments adopted through the tacit amendment procedure was often subject to delays, due, inter alia, to extensive legal processes and procedures (SOLAS 1974, article 1, regulations II-2/3.22, III/3.10, VI/1-2, VII/1.1, and XI-1/6; MARPOL, article 1; III Code part 1 paragraph 8.1).

Corrective action

49 A legal procedure will be developed and implemented for enactment of national laws for various mandatory IMO instruments, codes and amendments adopted through the tacit amendment procedure to existing and future mandatory IMO Instruments by 31 December 2016.

50 Guidance to monitor amendments adopted through the tacit amendment procedure to existing mandatory IMO instruments will be developed by 20 February 2016.

51 Working instructions and procedures to implement guidance for monitoring amendments adopted through the tacit amendment procedure to existing mandatory IMO instruments will be established by 25 February 2016.

52 An in-house training programme to improve competence on monitoring of amendments adopted by the tacit amendment procedure to existing mandatory IMO instruments will be developed. Sufficient resources will be provided for implementation and translations by 31 December 2016.

Root cause

53 There was a lack of awareness to monitor amendments adopted through the tacit amendment procedure to existing mandatory IMO instruments.

54 There was a lack of supervision to monitor promulgation processes of amendment adopted through the tacit amendment procedures.

55 There was an unclearly defined instruction and procedure. The delay in implementing conventions or their amendments was due to the complexity of the national legal process. In some cases, legal analysis of the obligations was insufficient or inappropriately timed and the obligation to translate the relevant resolutions and all the national legislative acts into national language.

FD

56 It was established that reporting to IMO, as required by several mandatory IMO instruments, had not been carried out (SOLAS 1974 article III (b) and (c); LL 66, article 6.3, 26.1(a) and (b), MARPOL, article 1; resolution MEPC.94(46) – paragraph 14; III Code, part, 1, paragraph 8.3).

Corrective action

57 All mandatory reporting requirements related to National Legislations, exemptions granted, specimen of certificates and CAS reports to IMO will be executed by official letter from the Head of Maritime Administration starting from 1 January 2016 onwards, and reported regularly.

58 Guidance for mandatory reporting requirements related to National Legislations, exemptions granted, specimen of certificates and CAS reports to IMO will be developed by 31 March 2016.

59 Working instruction and procedures to implement guidance for mandatory reporting requirements related to National Legislations, exemptions granted, specimen of certificates and CAS reports to IMO will be issued by 15 April 2016.

60 An in-house training programme to improve competence on mandatory reporting requirements related to National Legislations, exemptions granted, specimen of certificates and CAS reports will be developed by 31 December 2016.

Root cause

61 There was a lack of awareness on the mandatory requirements to communicate National Legislations, exemptions granted, specimen of certificates and CAS reports to IMO.

62 There was a lack of supervision to monitor mandatory reporting requirements of National Legislations, exemptions granted, specimen of certificates and CAS reports to IMO.

63 There was an unclearly defined instruction and procedure. **99123**

Non-conformity (NC)

64 A considerable number of applicable mandatory IMO instruments and amendments thereto were not fully implemented in the State's law. Furthermore, it was established that amendments were not implemented on a timely basis (SOLAS 1974, article 1; MARPOL article 1 and Code, part 1, paragraph 7).

Corrective action

65 The lack of implementation of mandatory IMO instruments will be resolved by the amendments to the Maritime Code providing for appropriate publication of new mandatory IMO instruments and amendments to the existing ones. The deadline for the implementation of this corrective action is 31 December 2015.

Root cause

66 A lack of national legislation.

NC

67 Mandatory reporting requirements contained in various IMO instruments were not fulfilled. It was also established that there was no adequate system in use to ensure that mandatory reports to IMO were prepared and communicated (MARPOL, article 11(1); SOLAS 1974, article III and Code, part 1, paragraph 9).

Corrective action

68 The relevant government entities will work collectively to formulate a clear procedure to ensure that mandatory reports are sent to IMO. Each entity will be tasked to appoint responsible personnel for entering information into the GISIS system or provide reporting information in another applicable format. The deadline for the implementation of this corrective action is 31 December 2016.

Root cause

69 Lack of awareness, coordination and insufficient number of staff. Responsibilities related to the requirements for mandatory reporting to IMO have not been clearly defined in an internal procedure. **20361**

FD

70 Information concerning the implementation of the Manila amendments had not been sent to IMO (STCW 1978, article IV and regulation I/7; III Code, part 1, paragraph 8.3).

Corrective action

71 The Manila Amendments were transposed by the Royal Decree of 4 September 2014 amending the Royal Decree of 24 May 2006 concerning Certificates for Seafarers and amending the Royal Decree of 20 July 1973 regulating Maritime Inspection. As established in section A-I/7, part 2, paragraphs 5 and 6, of the STCW Code, communication must take the form of a report written in the specified format. The report must be transmitted according to regulation I/8, paragraph 3 of the STCW 1978 by November 2015.

Root cause

72 At the time of the audit, the text transposing the Manila Amendments had not yet been prepared. It was decided to await European Directive 2013/33/EU, which transposed the Manila Amendments into EU law. **35590**

FD

73 There is no objective evidence that regulations had been promulgated, or amendments incorporated into national law for the implementation and enforcement of mandatory IMO instruments (SOLAS 1974, article I; LL 66, article I; MARPOL, article I; III Code, part 1, paragraph 8.).

Corrective actions

74 The services of personnel with maritime expertise to assist in the review of amendments to mandatory IMO instruments and, as appropriate, the drafting of regulations or amendments to national law will be acquired, commencing with a maritime expert who will be on assignment with the maritime administration for at least two years.

75 Draft legislation to give effect to mandatory IMO instruments will be finalized and enacted into law.

76 A process to review amendments to mandatory IMO instruments and draft implementing legislation where necessary will be developed and implemented. This process will be documented as part of an overall Quality Management System (QMS).

77 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

78 The State did not have an adequate number of personnel with maritime expertise to assist in the promulgation of the necessary laws.

FD

79 The State had not communicated mandatory reports to IMO on numerous instruments which require such communication (MARPOL, article 11; SOLAS 1974, article III; III Code, part 1, paragraphs 7.3, 7.8 and 7.9).

Corrective actions

80 Outstanding mandatory reports will be communicated to IMO by the responsible agencies.

81 The maritime administration will establish a system to ensure that personnel are assigned responsibility to satisfy mandatory IMO reporting requirements and for monitoring performance by personnel assigned such responsibility.

82 A system will be established within the framework of a documented QMS for the maritime administration.

83 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

84 Responsibilities were not assigned within a systematic framework which includes monitoring. **59809**

Observations (OB)

85 The State had not developed an overall strategy to ensure that its international obligations and responsibilities as a flag, coastal and port State are met. No overall strategy could be produced nor was it known to the various entities involved in the implementation of the relevant IMO instruments (III Code, part 1, paragraph 3).

Corrective action

86 The State will develop a programme to ensure continuous training of existing and future personnel. It will work together with IMO for assistance through its Integrated Technical Cooperation Programme on matters related to its responsibilities as a flag, port and coastal State. The maritime administration will spearhead the inter-agency coordination body, to be established by the State, to ensure a continuous fulfilment of the State's international obligations and responsibilities related to flag, port and coastal State. A mechanism for review and corrective measures will also be part of the programme.

87 Deadline for completing this corrective action is March 2017.

Root cause

88 Administrative hindrances and lack of skilled personnel.

OB

89 The maritime administration had not communicated information on its national legislation to all concerned (III Code, part 1, paragraph 9).

Corrective action

90 The State will ensure the development of its strategy as referred to in paragraph 3 of the III Code and communicate it to IMO.

91 The maritime administration will assign responsibilities within its organization to ensure progressive implementation and observance of its obligations concerning maritime safety and marine pollution prevention from ships.

92 The maritime administration will also update and revise any relevant policies, make available appropriate resources (human, financial, equipment) to assist in fulfilling compliance with the III Code.

93 The deadline for the implementation of this corrective action is 1 July 2017.

Root cause

94 Lack of awareness on the extent and level of requirements regarding paragraph 3 of the III Code, and the lack of skilled personnel and the strategy required.

OB

95 The maritime administration had not established a documented procedure to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records. Furthermore, the records are not readily identifiable and retrievable (III Code, part 1, paragraph 10).

Corrective action

96 The maritime administration will create a document management system (national database), with relevant operating procedures, which will allow for the retrieval of documents or files readily. The deadline for the implementation of this corrective action is 1 July 2017.

Root cause

97 Lack of adequate resources and technical know-how to ensure an efficient management of data.

OB

98 During the audit, it was noted that although a number of legal instruments had been enacted and are in force, these legal instruments were neither implemented nor enforced fully or partially (III Code, part 1, paragraph 11).

Corrective action

99 The maritime administration will conduct an overall review of the existing legal instruments and submit its report to the Government, which will, in accordance with the findings, instruct the relevant bodies to harmonize, fill the gaps or develop and enact new legal instruments where needed, or/and expedite the implementation of existing legal instruments.

100 The maritime administration will propose to the Government to submit itself to a periodical inspection by a specialized independent body to ensure a continuous enforcement of maritime legal instruments.

101 The deadline for the implementation of this corrective action is 1 August 2016.

Root cause

102 Considerable delays in regulating a number of legal instruments.

OB

103 During the audit it was established on several occasions that the maritime administration was aware of the existence of the non-conformities e.g. use of ROs without formal recognition, carrying out port State control (PSC) inspections without legal basis. However, it had not taken action to identify and eliminate the cause of these non-conformities (III Code, part 1, paragraph 13).

Corrective action

104 The maritime administration will set up a stringent reporting and assessment mechanism to identify and eliminate non-conformities. It will submit its personnel to periodical technical and legal refresher training in relation to their day-to-day duties.

The maritime administration will ensure rapid implementation of all existing legal instruments designed to prevent and/or eliminate non-conformities, such as those related to ROs operating in the country.

105 To ensure continuous compliance, a quality system manual will be developed and given to those assigned to conduct inspections or other relevant safety and environment enforcement duties.

106 The deadline for the implementation of this corrective action is 1 July 2017.

Root cause

107 Lack of stringent measures in place, which are supported by legislation and lack of inspection structures.

OB

108 The maritime administration had not established a legal basis for the enforcement of national laws and regulations, including the associated investigative and penal processes (III Code, part 1, paragraph 8.2).

Corrective action

109 The State will ensure that the National Shipping Act, which is the legal basis for enforcement of all relevant national laws and regulations, will be implemented as soon as possible.

110 Steps for the implementation of the said instrument are already underway, and it is expected to be fully implemented by December 2017.

Root cause

111 Lack of regulatory instrument for its effective implementation. **13713**

OB

112 Although the State had a strategy for implementing and enforcing the relevant IMO mandatory instruments, the strategy did not ensure full compliance with the obligations, since it was not possible to check its effectiveness (III Code, part 1, paragraphs 3.2 and 3.3).

Corrective action

113 The following actions will be implemented by the responsible entities:

- .1 strengthening of the inter-agency working groups for the implementation of the maritime strategy;
- .2 implementation of joint agreements, regulations and procedures aimed at ensuring compliance with the international instruments in accordance with the strategy; and
- .3 monitoring and assessment of the strategy.

114 The deadline for implementation of this corrective action is 31 December 2018.

Root cause

115 The handling of external relations by the principal government entity was not achieving the expected level of effectiveness and that entity had insufficient powers as coordinator of the maritime administration, with the result that the strategy for the implementation of international instruments was of short duration, so that its effectiveness could not be verified.

OB

116 Evidence was found that, in certain cases in the process of developing the legal framework, due attention was not given to jurisdiction, organization and authority (III Code, part 1, paragraphs 7.1 and 7.2).

Corrective action

117 The following actions will be implemented by the responsible entity:

- .1 strengthening of inter-agency working groups for the implementation of the maritime strategy;

- .2 implement the agreements, regulations and procedures aimed at ensuring compliance with the international instruments in accordance with the strategy; and
- .3 monitoring and assessment of the strategy.

118 The deadline for the implementation of this corrective action is 31 December 2018.

Root cause

119 The handling of external relations by the principal government entity was not achieving the expected level of effectiveness and that entity had insufficient powers as coordinator of the maritime administration, with the result that due consideration was not given to aspects of jurisdiction, organization and authority when certain parts of the national legislation were drafted.

OB

120 Although the maritime administration had a documented records management procedure, it was not always possible to identify or retrieve records easily (III Code, part 1, paragraph 10).

Corrective action

121 The principal government entity will verify and revise the records control procedure within its quality management system, as well as its implementation. The deadline for the implementation of this corrective action is 31 December 2017.

Root cause

122 Partial compliance with the regulations on document management, which was evident by difficulties in identifying or retrieving records. **67957**

OB

123 The State did not develop an overall strategy for meeting its obligations and responsibilities under the mandatory IMO instruments to which it is party. There was also no overall mechanism for coordinating the various bodies involved in implementing and enforcing the mandatory IMO instruments and a system was not implemented to evaluate and verify the State's effectiveness with a view to achieving continuous improvement (III Code, part 1, paragraphs 3 and 11).

Corrective action

124 A national strategy will be developed and implemented for monitoring of, and compliance with, the maritime conventions in accordance with the III Code requirements in order to achieve continuous improvement. It will cover all relevant activities of all State entities involved in the implementation and enforcement of the mandatory IMO instruments. The deadline for the implementation of this corrective action is December 2019.

Root cause

125 The principal government entity had not considered that an instrument to be used for improving and monitoring the implementation and enforcement of relevant mandatory international instruments was required. **3028**

OB

126 The State had no documented strategy for meeting its overall obligations and responsibilities contained in the mandatory IMO instruments to which it is a Party (III Code, part 1, paragraph 3).

Corrective action

127 A strategy for meeting the State's overall obligations and responsibilities contained in the mandatory IMO instruments to which it is a Party will be developed. Proposed target completion date is December 2016.

128 It is worth noting that the Maritime Transport Strategy, which will be part of an overall transport policy (maritime, land and aviation) will reflect the requirements of III Code, namely: 1) implementation and enforcement of relevant international mandatory instruments 2) adherence to international recommendations, as appropriate 3) continuous review and verification of the effectiveness of the State in respect of meeting its international obligations 4) the achievement, maintenance and improvement of overall organisational performance and capability.

Root cause

129 The Ministry of Economy and Sustainable Development which is the policy-making body in the transport sector, did not deem it necessary to approve such a strategy before the III Code and IMO Member State audit became a mandatory treaty obligation for the State. **10386**

OB

130 There was no strategy as provided for in paragraph 3 of the III Code with respect to the State carrying out its functions as a flag, port and coastal State. In the absence of a proper strategy, there was no evidence to confirm that the State had a system to discharge its obligations under the mandatory IMO instruments (III Code, part 1, paragraph 3).

Corrective action

131 The Head of Maritime Administration shall send reminder letters to the relevant working units to include aspects on paragraph 3 of III Code within the planning, preparation and formulation of the strategy development of organizational performance and capability by 31 December 2015.

132 Guidance to enhance knowledge of the strategy document related to paragraph 3 of the III Code will be developed by 30 September 2016.

133 Working instruction and procedure to conduct assessment on overall organizational performance and capability will be developed by 30 September 2016.

134 The maritime administration will bring to the attention of all parties concerned, of the need to promulgate the Government's overall strategy in the maritime sector throughout all relevant agencies. The overall maritime sector strategy will be developed by 31 December 2016.

Root cause

135 There was inadequate information on the documented strategy, review and verification of organizational performance and capability in compliance with paragraph 3 of III Code.

136 There was inadequate arrangement of the strategy documents related to paragraph 3 of the III Code since they were scattered around in various locations.

137 Instruction to conduct assessment on overall organizational performance and capability was not clearly given.

OB

138 It was established on several occasions that records were not maintained, readily identifiable, retrievable and available (III Code, part 1, paragraph 10).

Corrective action

139 The procedure will be reviewed and updated for proper record keeping by 30 November 2016.

140 A proper record keeping system of the maritime administration shall be evaluated and measures will be taken to enable record keeping and retrieval of essential records as necessary by 31 December 2016.

141 An in-house training programme will be developed to enhance knowledge of the requirement for proper record keeping system.

Root cause

142 There was a lack of understanding to identify and retrieve documents, including safe manning certificates, training records of marine inspectors and exemptions granted under SOLAS 1974 and LL 66.

143 There was a lack of supervision in maintaining records. **99123**

OB

144 The State had no overall strategy for meeting its obligations and responsibilities under the mandatory IMO instruments (Code, part 1, paragraph 3).

Corrective action

145 An overall strategy for meeting obligations and responsibilities of the State under the mandatory IMO instruments shall be developed and adopted. A group of experts composed of representatives from all relevant entities will be tasked to draft an overall strategy. The deadline for the implementation of this corrective action is 31 December 2016.

Root cause

146 Continuing organizational changes and insufficient number of staff with applicable

OB

147 There was no system in place to monitor and improve the adequacy of the measures taken to give effect to the conventions and protocols, which the State had accepted. No system was in place to identify and eliminate the cause of non-conformities in order to prevent reoccurrence. The observed lack of ability to implement mandatory IMO instruments and lack of monitoring and enforcement thereof can be attributed to a considerable extent to continuing organizational changes and insufficient number of staff with applicable legal and maritime expertise (Code, part 1, paragraphs 7 and 11).

Corrective action

148 A quality management system will be established within the relevant entities responsible for implementation and enforcement of the mandatory IMO instruments, to monitor and improve the adequacy of the measures taken to give full effect to the conventions and protocols to which the State is a party. Organizational changes within the relevant entities will be considered and additional staff with appropriate legal and maritime expertise will be recruited. The deadline for the implementation of this corrective action is 31 December 2018.

Root cause

149 Continuing organizational changes and insufficient number of staff with applicable legal and maritime expertise. **20361**

OB

150 The 2001 and 2007 amendments to COLREG 1972 had not yet been incorporated into national legislation and were not binding under the State's legal system (III Code, paragraph 8).

Corrective action

151 The Royal Decree of 4 November 2014 amending a number of Royal Decrees relating to safety of navigation contains, in its articles 12 to 23, the 2001 and 2007 amendments to COLREG 1972. The Royal Decree was published in the Official Gazette of 1 December 2014.

Root cause

152 The 2001 and 2007 amendments to COLREG 1972 had not been incorporated into the State's law because at that time there was a lack of legal experts in the maritime administration in relation to the number of international legal documents that had to be dealt with. Therefore, the choice had been made to focus on the transposition of European Directives, and amendments to COLREG 1972 had not been transposed on time.

OB

153 The various audited entities all have their own strategy, linked to the economic and social issues that they represent. Compliance with obligations from relevant mandatory IMO instruments is included in these strategies, even if it is not formally cited in strategic documents. These various strategies are coordinated, but there is no overall strategy aimed at ensuring

respect for obligations under the mandatory IMO instruments; as well as no methodology in place to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and there is no continuous review process in place to achieve and improve overall organizational performance (III Code, paragraph 3).

Corrective action

154 Currently, consideration is being given to an integrated maritime policy in the framework of the European institutions. At the same time, an overall strategy for ensuring that the State's international obligations and responsibilities as flag, coastal and port State are met has been included in the management plan of the new Chairman of the Federal Public Service Mobility and Transport, laying clear goals and dates.

155 In addition, a maritime platform bringing together all the major stakeholders of the State and industry is being established.

156 The date for the implementation of this corrective action is 30 June 2017.

Root cause

157 Although compliance with IMO obligations was included in the various audited bodies' strategies, it is not formally cited in strategic documents and there was no awareness at the Federal Public Service management level. These various strategies were coordinated, but there was no overall strategy aimed at ensuring that obligations under the IMO mandatory instruments were met. In the meantime that has been corrected.

OB

158 The audited entities all have effective documentary classification, although, apart from those with ISO certification, there were no systematic documented procedures for some of their tasks, identifying the controls needed for the identification, storage, protection, retrieval and retention time of records (III Code, paragraph 10).

Corrective action

159 Necessary documentation processes are being defined. A documented procedure will be put in place to establish the controls needed for the identification, storage, protection, retrieval and retention time of records. The date for the implementation of this corrective action, providing the availability of the IT budget for writing necessary requests and identifying records in the Single Window programme, is 31 December 2016.

Root cause

160 It was assumed that the control of data and documents should be consistent with the general principle of government on the conservation of documents. This principle means that some administrations and citizens retain the documents for a period of at least three years. This governmental principle is however not specific enough in the case of audited departments. Conservation policy of ISO certified departments is based entirely on the general principle of the government. **35590**

OB

161 Objective evidence indicated that the State's activities to continually improve the effectiveness of the implementation, enforcement, evaluation and monitoring of flag, port and coastal State activities are fragmented amongst the organizations charged to implement these duties (III Code, part 1, paragraphs 11 and 13).

Corrective actions

162 As part of implementation of the approved National Maritime Strategy, the Maritime Commission will be designated to coordinate and provide oversight for continuous improvement in implementation, enforcement, evaluation and monitoring among the organizations charged with implementation duties.

163 Effective implementation of the National Maritime Strategy.

164 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

165 The National Maritime Strategy, including designation of an entity to coordinate and provide oversight for continuous improvement in implementation, enforcement, evaluation and monitoring among the entities charged with implementation duties had not been approved and implemented.

OB

166 There is a general shortfall in training in both capacity building and keeping abreast of developments throughout the various entities of the State (III Code, part 1, paragraph 12.1).

Corrective action

- .1 As part of the National Maritime Strategy, the various entities of the State will each:
- .2 Establish programmes and plans which identify and benchmark the required skillsets to build capacity.
- .3 Provide for initial training and for continuous development for their members of staff to carry out their jobs effectively.
- .4 Seek allocation of resources for the continued delivery of training programmes relating to safety and pollution prevention.
- .5 Effective implementation of the approved National Maritime Strategy
- .6 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

167 The National Maritime Strategy, (inclusive of requirements for entities to benchmark the required skillsets that individuals need to carry out their jobs effectively and conduct training programmes), had not been developed, approved and implemented.

OB

168 It was established that the State had not adopted a strategy for fulfilling its general obligations and responsibilities under the mandatory IMO instruments to which it is Party (III Code, part 1, paragraphs 3 and 9.).

Corrective action

169 Development of the Preliminary Draft National Maritime Strategy will be completed in consultation with stakeholders, presented to Cabinet for adoption/approval and then implementation by stakeholders.

170 In addition to completing the development and approval process of the National Maritime Strategy, procedures for monitoring, updating and continuous improvement will be developed as part of an overall QMS.

171 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

172 The Maritime Strategy was in a very preliminary stage of development. It had not been communicated to other stakeholders and adopted/approved by Government and as such it could not be implemented.

OB

173 There was objective evidence that records were not readily retrievable and no documented procedures existed to control identification, storage, protection, retrieval, retention and disposition (III Code, part 1, paragraph 10).

Corrective action

174 Develop and document procedures for the control, identification, storage, protection, retrieval, retention and disposition of information which will be part of an overall QMS. The deadline for implementation of this corrective action is 30 September 2019.

Root cause

175 The maritime administration had not implemented a QMS to govern its activities.

OB

176 The State did not have an adequate number of personnel with maritime expertise to assist in the promulgation of the necessary laws. Furthermore, it was also apparent that there were inadequate personnel to carry out the extensive functions of the maritime administration (III Code, part 1, paragraph 8.3).

Corrective action

177 The services of a maritime expert, who among other abilities, will have competencies as a surveyor, will be recruited to be on assignment to the maritime administration for at least two years.

178 An assessment of the human resource needs of the maritime administration will be conducted.

179 Training of existing staff and recruitment of personnel with maritime expertise will be undertaken in accordance with a training plan to be established, and with approval of appropriate authorities.

180 Continuous review of human resource needs and training and recruitment of staff with approval of appropriate authorities.

181 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

182 There were inadequate financial resources allocated to recruit, train and retain personnel with maritime expertise to enable effective promulgation of necessary laws and fulfilment of the functions of the maritime administration. **59809**

Flag State activities

FD

183 The maritime administration did not implement the 1978 STCW Convention as amended and the mandatory part of the STCW Code (STCW 1978, article I; III Code, part 2, paragraph 16.3).

Corrective action

184 The State has initiated the implementation of the said Convention. It approved the creation of an implementation committee, called STCW Technical Unit, to implement the STCW Convention as amended in 2010. These development made in March 2012 is supposed to address the present non-conformity. The deadline for the implementation of this corrective action is 1 December 2019.

Root cause

185 The 1978 STCW Convention has never been a priority due to the political situation that the State had been through until 2002.

FD

186 The maritime administration did not take into account the relevant guidance adopted by IMO for the issuance of minimum safe manning documents (SOLAS 1974, regulation V/14.2.1; III Code, part 2, paragraphs 17 and 22.4).

Corrective action

187 The maritime administration will develop measures so that in future, the issuance of minimum safe manning documents takes into account the relevant guidance adopted by IMO.

188 The maritime administration will submit a proposal on this issue for the Government to consider and decide accordingly. To ensure continuous compliance with related IMO requirements on this matter, the maritime administration will also assign dedicated personnel to follow closely, related changes adopted by IMO.

189 The deadline for the implementation of this corrective action is 1 July 2017.

Root cause

190 Lack of relevant legislation.

FD

191 The maritime administration did not ensure that international certificates were issued or endorsed only after determination that the ship meets all applicable requirements (SOLAS 1974, regulation I/6; MARPOL, Annex I, regulation 7; III Code, part 2, paragraph 26).

Corrective action

192 The Government will develop a mechanism, for incorporating into national legislation, to ensure that international certificates are issued or endorsed accordingly to all the applicable requirements of related international instruments adopted by the State.

193 In order to secure implementation of the said mechanism, a system will be created through which the Ministry of Transport will monitor and evaluate the activity of the maritime administration related to ship certification.

194 The maritime administration will submit an annual report to the Minister of Transport on its assessment of international certificates issued or endorsed.

195 The deadline for the implementation of this corrective action is 1 July 2017.

Root cause

196 Lack of related regulation.

FD

197 The administrative arrangements implemented by the State did not ensure the impartiality and objectivity of the investigators carrying out marine accident investigations (SOLAS 1974, regulation XI-1/6, Casualty Investigation Code, paragraph 11.1; III Code, part 2, paragraph 16.4).

Corrective action

198 The maritime administration will review the current practice to ensure impartiality and objectivity of the investigators carrying out marine investigations. It will create a mechanism where an independent body is also considered to investigate marine accidents, which will be supported with the development and adoption of a dedicated regulatory instrument to ensure impartiality. Such independent body may also oversee maritime accident investigations carried out by the maritime administration. The deadline for the implementation of this corrective action is 1 July 2017.

Root cause

199 Lack of regulatory instrument related to marine accident investigation.

FD

200 The maritime administration had issued Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate and Cargo Ship Radio Certificate to a ship indicating that they had been issued in accordance with the 1988 SOLAS Protocol. However the State is not a Party to the 1988 SOLAS Protocol. Additionally, it had issued Statement of Compliance for International Sewage Pollution Prevention to the aforementioned ship, despite the fact that the State is a Party to MARPOL, Annex IV (SOLAS 1974, regulation I/15; MARPOL, Annex IV, regulation 7; III Code, part 2, paragraph 16.1).

Corrective action

201 The maritime administration will implement stringent internal monitoring measures to ensure that the same practice does not happen again. It will also submit a proposal to the Government recommending that the State becomes a Party to the 1988 SOLAS Protocol. The deadline for the implementation of this corrective action is 1 July 2017.

Root cause

202 Incorrect use of SOLAS and MARPOL Conventions.

FD

203 The Government had issued a Decree which regulates the recognition of classification societies and recognized organizations (ROs). No classification societies and ROs have been recognized as yet in accordance with the aforementioned law. However, ROs act on behalf of the maritime administration and issue documents and carried out other statutory work required under the conventions. Additionally, the maritime administration accepts certificates issued by a number of classification societies (SOLAS 1974, regulation XI-1/1; III Code, part 2, paragraph 18).

Corrective action

204 The maritime administration will review the current practices while at the same time ensuring the implementation of the Decree of 2014, and will promptly communicate its existence to all relevant stakeholders.

205 Copies of the annexes to the agreements reflecting the scope of authorization of the individual ROs will be submitted to IMO and made available in GISIS. The Ministry of Transport may appoint an external auditor to ensure that the classification societies and the maritime administration observe the Decree.

206 The deadline for the implementation of this corrective action is 1 July 2017.

Root cause

207 Lack of implementation of the Decree of 2014, which regulates all operations pertaining to classification societies. **13713**

FD

208 Despite the existence of rules, policies and administrative instructions, they did not guarantee that recognition, inspection and certification functions for the implementation of the mandatory IMO instruments was effective (SOLAS 1974, regulations III/20.8.1.2, III/4.5, IV/15.9, V/18.8, VI/5.6 and VII/5; III Code, part 2, paragraphs 15.1 and 16.1).

Corrective action

209 The following actions will be implemented by the responsible entity:

- .1 promulgation of national legislation and guidelines to ensure compliance with the requirements of all IMO conventions and protocols;
- .2 approval of the resources and procedures necessary to administer a marine safety and environmental protection programme which ensures that the recognition, survey and certification processes for the implementation of the mandatory IMO instruments are effective; and
- .3 implementation of an independent audit and inspection programme designed to provide verification, effectiveness and follow-up of the marine safety and environmental protection programme will be introduced.

210 The deadline for the implementation of this corrective action is 31 December 2018.

Root cause

211 Regulatory and technical implementation were weak. The principal government entity had insufficient powers as coordinator of the maritime administration and arrangements for monitoring and control were inadequate.

FD

212 During the audit it was established that authorization had been granted to five recognized organizations (ROs) without any formal written agreement between the Administration and ROs and that these ROs had periodically issued on the Administration's behalf statutory certificates provided for in the international instruments (SOLAS 1974, regulation XI-1/1; III Code, part 2, paragraph 18.2; resolution A.739(18)).

Corrective action

213 The following actions will be implemented by the responsible entity:

- .1 adoption of the Code for recognized organizations (RO Code) established by resolutions MSC.349(92) and MEPC.237(65);
- .2 revision, approval and application of a procedure for recognition of ROs in accordance with the RO Code;
- .3 revision of draft delegation of authority agreements on the basis of the national regulatory framework; and
- .4 signing of the delegation of authority agreements between the principal government entity and ROs.

214 The deadline for the implementation of this corrective action is 30 June 2016.

Root cause

215 Regulatory and technical implementation were weak. The principal government entity had insufficient powers as coordinator of the maritime administration and arrangements for monitoring and control were inadequate. **67957**

FD

216 The Administration did not have personnel or organizations duly authorized to determine gross and net tonnage (Tonnage 1969, article 6; III Code, part 2, paragraph 15.2).

Corrective action

217 The Administration will establish a training programme for inspectors, including surveyors of gross and net tonnage. The deadline for the implementation of this corrective action is December 2018.

Root cause

218 This was not defined as an institutional priority.

FD

219 The Administration did not have any personnel or organization competent to receive and process reports on incidents involving harmful substances (MARPOL, article 8(2) (a); III Code, part 2, paragraph 15.2).

Corrective action

220 The Administration will designate a department or a person in charge of processing and sending out reports concerning harmful substances. The deadline for the implementation of this corrective action is December 2016.

Root cause

221 Due to a lack of human resources, there has been no strengthening of the department responsible for dealing with reports concerning harmful substances.

FD

222 The Administration did not have a mechanism for verifying that oil filtering equipment and sewage treatment plants comply with the Organization's recommendation on international performance and test specification (resolution A.393(X)) for this type of equipment (MARPOL, Annex I, regulation 14.6 and Annex IV, regulation 9.1; III Code, part 2, paragraph 16.5).

Corrective action

223 The Administration will establish a procedure for verifying that oil filtering equipment and sewage treatment plants comply with relevant requirements. The deadline for the implementation of this corrective action is December 2018.

Root Cause

224 Due to a lack of resources, the State is gradually implementing the MARPOL Convention.

FD

225 There was no objective evidence to demonstrate that the Administration had carried out an independent evaluation and communicated relevant information to the Organization. In addition, reports on dispensation had not been communicated to IMO (STCW 1978, article VIII, and regulation I/8; STCW Code section A-1/7.4; III Code, part 2, paragraph 16.3).

Corrective action

226 The Administration is currently in the process of obtaining a quality system certification. All reporting requirements under the 1978 STCW Convention will be reviewed and the necessary procedures will be developed and included in the quality management system. The issuance of dispensations will be included in the national legislation and responsibilities related to reporting to IMO will be allocated. The deadline for the implementation of this corrective action is December 2017.

Root cause

227 The Administration had not considered establishing a quality management system prior to the implementation of STCW 1978. **3028**

FD

228 There was no objective evidence to demonstrate that arrangements had been made for an appropriate officer or agency to receive and process all reports on incidents involving harmful substances and to notify IMO with such details (MARPOL, article 8; III Code, part 2, paragraph 15).

Corrective action

229 Institutional requirements and arrangements for reporting of incidents involving harmful substances have been established in the Rules and the relevant mandatory report will be submitted to IMO when such incident occurs.

Root cause

230 Since the establishment of the accident and investigation bureau, there has never been an incident involving harmful substances under the authority of the accident and investigation bureau, therefore the arrangements for reporting had not been established.

FD

231 There was no objective evidence to demonstrate that the Administration had ensured that ships of less than 400 gross tonnage are equipped, as far as practicable, to retain on board oil or oily mixtures or discharge them in accordance with the requirements (MARPOL, annex I, regulation 15.6; III Code, part 2, paragraph 15).

Corrective action

232 MTA amended the flag State inspection form and issued a related circular letter on 19 March 2015. The new form, which includes provisions for ships of less than 400 gross tonnage to be in compliance with regulation 15.6 of Annex 1 of MARPOL, enables flag State inspectors to verify ship's compliance with the above mentioned regulation during flag State inspections.

Root cause

233 The requirement was not duly implemented due to the fact that the FSI department of MTA was focussing its effort towards convention ships of 500 GT and above, therefore this particular requirement for the ships below 400 GT was missed by the staff of FSI department.

FD

234 The written agreement between the Administration and one of the ROs did not include the minimum elements set out in the appendix 2 of the resolution A.739(18) which was in force at the time of signing of the agreement (SOLAS 1974, regulation XI-1/1; III Code, part 2, paragraph 18.2).

Corrective action

235 The MTA will update the delegation agreement with LR in accordance with the RO Code. Target completion date for this corrective action is 15 August 2015.

Root cause

236 MTA was established in 2011 after comprehensive reforms were initiated in the transport field. From March 2013 to December 2014 MTA was in the process of updating existing agreements with all ROs taking into consideration the list of applicable instruments and degree of updated authorization to be granted to each RO as set out in the appendix 2 of resolution A.739(18). During the audit period, updating of the agreement between MTA and LR, signed on 10 January 1995, was still in progress.

FD

237 One of the ROs acting on behalf of the Administration for domestic navigation issued an exemption for a ship to perform an international voyage, for a period of 5 years (SOLAS 1974, regulation XI-1/1; III Code, part 2, paragraph 20).

Corrective action

238 The Administration cancelled the exemption certificate for the ship to perform an international voyage. An audit of the RO has been conducted, during which a particular attention was given to the functions delegated to that RO and it was properly instructed not to issue any kind of exemption certificate for ships engaged in domestic navigation to perform an international voyage.

Root cause

239 Terms of the agreement between the Administration and the RO were not respected by the RO and there was no appropriate monitoring process of the RO in place by the Administration. **10386**

FD

240 It was established that there was no specific requirement enacted for fitting of type-approved equipment on ships entitled to fly the flag of State consistent with the provisions of the mandatory IMO instruments (SOLAS 1974, regulations V/18 and IV/14; MARPOL, Annex I, regulation 5 and Annex VI, regulation 16; III Code, part 2, paragraph 15.1).

Corrective action

241 All specific requirements on fitting of type-approved equipment on ships entitled to fly the flag of the State under IMO mandatory instruments will be developed by 30 May 2016.

242 Guidance concerning the implementation of specific requirements on fitting of type-approved equipment on National flag ships will be developed by 26 July 2016.

243 Working instructions and procedures for implementing specific requirements of fitting of type-approved equipment on National flag ships will be issued by 15 August 2016.

244 An in-house training programme will be developed to improve competence in the implementation of specific requirements on fitting of type-approved equipment on National flag ships by 31 October 2016.

Root cause

245 The requirements for fitting of type-approved equipment on National flag ships as required by various mandatory IMO instruments relies on the records and the system provided by the makers and some were also done by classification bodies without authorization from the Maritime Administration. The Maritime Administration therefore did not have records and the system on such approvals.

246 There was a lack of awareness of the requirements to fit type approved equipment on National flag ships as required by various mandatory IMO instruments.

247 There was a lack of supervision to implement the specific requirements of fitting of type-approved equipment on National flag ships.

248 Instruction and procedure were unclearly defined.

FD

249 The Administration had not ensured that ships entitled to fly the flag of State were sufficiently and efficiently manned (SOLAS 1974, regulation V/14.2, resolution A.1047 (27); III Code, part 2, paragraph 17).

Corrective action

250 New safe manning certificates will be issued in line with the requirement of SOLAS 1974 regulation V/ 14.2 and resolution A.1047(27) by 10 March 2016.

251 The Maritime Administration will review current procedures associated with the assessment and issue of Minimum Safe Manning and bring them into line with the requirements set out in resolution A.1047(27). The procedures will ensure that the documents submitted by the applicant are reviewed in accordance with the provisions outlined in the resolution. A mechanism to ensure continuous compliance with this requirement in the future will be introduced by 30 November 2016.

252 The Maritime Administration will conduct an in-house training programme to up-date relevant officials/staff.

Root cause

253 There was a lack of awareness of those in charge of the maritime administration in performing their responsibility and implementation functions based on the Shipping Act.

254 There was a lack of supervision from the harbour master to ensure that the requirements for the issuance of Safe Manning Certificates were met.

255 Instructions and procedures were not clearly defined.

FD

256 The Administration had delegated authority to recognized organizations (ROs) to conduct survey and certification on its behalf without formal written agreement or evaluating their capabilities and monitoring of their performance (LL 66, article 13; III Code, paragraph 18 to 21).

Corrective action

257 Evaluation and assessment of the classification societies that are issuing Load Lines certificates on behalf of the Maritime Administration will be conducted by 30 March 2016.

258 National classification and international classification societies will be required to have a formal written agreement with the Maritime Administration according to the RO Code. The assessment procedures on the delegation of authority to an RO contained in Appendix 2 to the RO Code will be undertaken and based on the outcome, formal agreements will be developed based on Appendix 3 for the delegation of authority to ROs. Once delegation of authority has been granted by agreement, an oversight programme, including the conduct of audits of ROs will be conducted by 30 June 2016.

259 Guidance concerning the implementation of assessment for ROs will be developed under a Decree by 7 December 2015.

260 Working instruction and procedures for implementing the RO Code will be issued by 30 December 2015.

261 To develop tutor training materials for the purpose of improvement of competence through in-house training for assessors and auditors for the implementation of RO Code by 7 December 2015

Root cause

262 The requirements for delegating authority to ROs refer to Shipping Act and other regulations issued by the Ministry of Transport. ROs' agreement in accordance with resolutions A.739(18) and A.789(19) were deemed to be the reference of the above referenced law and regulation.

263 There was a lack of awareness on the implementation of the RO Code (resolution MSC.349(92) of 2013) and resolutions A.739(18) and A.789(19).

264 There was a lack of capacity to conduct evaluation and assessment for establishing a formal written agreement as well as oversight programme to monitor the capability and performance of ROs.

265 Instructions and procedures were not clearly defined.

FD

266 There was evidence to indicate that some ships flying the flag of the State had been certified for operation on international voyages and allowed to proceed to sea, although these ships had not fully complied with the requirements of the mandatory IMO instrument to which the State is a Party (SOLAS 1974, regulation II-2/1.4; III Code, part 2, paragraph 22.1).

Corrective action

267 Re-evaluate and re-issue of exemption certificates will be carried out, as appropriate, in accordance with the Shipping Act by 7 April 2016.

268 Procedures and guidance concerning issuance of exemption certificate shall be developed and implemented by 30 October 2016.

269 An in-house training to improve competence on implementation on the provisions for granting any exemption under all relevant IMO instrument will be conducted by 30 December 2016.

270 Administrative instructions to offices on the process of survey, inspection and certification including prohibiting ships without proper statutory certificates undertaking foreign going voyages will be prepared, issued and implemented by 30 December 2016.

Root cause

271 There was a lack of awareness in granting exemption under SOLAS 1974 requirements.

272 There was a lack of supervision from heads of divisions in ensuring the requirements for granting exemptions were in compliance with SOLAS 1974.

273 Instructions and procedures were not clearly defined. **99123**

NC

274 No processes and procedures were established for the impartial investigation of any reported incompetency, act or omission by the holder of a certificate or endorsement issued by the State (STCW 1978, regulation I/5, Code, part 2, paragraph 16.3).

Corrective action

275 In order to establish the processes and procedures for the impartial investigation of any reported incompetency, act or omission by the holder of a certificate of competency or endorsement issued by the State in accordance with the STCW 1978, the Decree on seafarers' certificates (Official Gazette RS, No. 85/14) has been adopted.

Root cause

276 A lack of national legislation.

NC

277 The three agreements with the ROs, concerning the authorization to carry out surveys and certification of ships entitled to fly the flag of the State, were not in accordance with the minimum requirements of resolution A.739(18) (SOLAS 1974, regulation XI-1/1, resolution A.739(18) and Code, part 2, paragraph 18.2).

Corrective action

278 The Administration will analyse all three existing agreements with ROs and amend them, as necessary, in line with the requirements of the Code for Recognized Organizations (RO Code) (resolutions MSC.349(92) and MEPC.237(65)), which superseded resolution A.739(18). The deadline for the implementation of this corrective action is 31 December 2016.

Root cause

279 A lack of staff with appropriate expertise.

NC

280 The Continuous Synopsis Record (CSR) of a ship was not updated as required (SOLAS 1974, regulation XI-1/5.4.2).

Corrective action

281 The CSR of the ship was updated to display the correct RO.

Root cause

282 A lack of awareness. **20361**

FD

283 It could not be demonstrated during the audit that the Administration had put in place mechanisms to verify certain requirements of the STCW 1978 concerning the following:

- .1 checks prior to the recognition of certificates relating to officers' knowledge of domestic maritime legislation (STCW 1978, regulation I/10, paragraph 2); and
- .2 checks to ensure that adequate measures are established to prevent drug and alcohol abuse (STCW 1978, regulation VIII/1, paragraph 2; III Code, part 2, paragraph 16.3).

Corrective action

284 The Manila Amendments were transposed by the Royal Decree of 4 September 2014 amending the Royal Decree of 24 May 2006 concerning certificates for seafarers and amending the Royal Decree of 20 July 1973, regulating maritime inspection.

285 The prevention of drug and alcohol abuse is described in chapter 1/1 of the Royal Decree of 24 May 2006. In addition, two circular on these measures were issued by officials responsible for control of navigation, appointed for that purpose, for the information of shipowners.

Root cause

286 At the time of the audit, the texts transposing the Manila Amendments had not yet been prepared. It was decided to await the European Directive 2013/33/EU, which transposed the Manila amendments into European law.

FD

287 Casualty investigations were initiated by the Director-General for Maritime Transport and reports were not published (resolution MSC.255(84), chapters 11 and 14; III Code, part 2, paragraphs 40 and 41).

Corrective action

288 New legislation concerning the funding of the body responsible for investigating maritime accidents is in preparation. The new legislation is currently with the Finance Inspectorate for review. The date for the implementation of this corrective action is 1 July 2016.

Root cause

289 An act of June 2012 established an investigative body for maritime accidents. This body was not yet active because articles concerning the funding were deleted by the Constitutional Court. **35590**

FSOB: Observations

OB

290 The maritime administration did not implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which the State is Party; and had not assigned responsibilities within the maritime administration to update and revise any relevant policies adopted, as necessary (III Code, part 2, paragraph 15).

Corrective action

291 The maritime administration will develop and implement policies, which will assist the implementation and enforcement of the requirements of all IMO safety and pollution prevention instruments to which the State is Party. It will ensure the development of internal guidance to promulgate the maritime administration's policies with regards to the implementation of the relevant IMO mandatory instruments, and will also assign dedicated personnel with the responsibility for updating and revising any relevant policy adopted.

292 To ensure continued compliance with its responsibilities, the maritime administration will submit an annual report to the Minister of Transport regarding its assessment on activities related to the implementation of maritime safety and protection of the marine environment conventions and protocols by the State. The maritime administration will ensure the development of regulation defining powers and responsibilities for each national institution involved in the implementation of IMO instruments related to safety and pollution prevention.

293 The deadline for the implementation of this corrective action is 1 July 2017.

Root cause

294 Lack of regulation that defines the powers of national institutions, involved in the implementation and enforcement of the requirements of all IMO safety and pollution prevention conventions and protocols.

OB

295 The maritime administration had neither developed nor documented guidance concerning those requirements found in the relevant international instruments that are "to the satisfaction of the Administration" (III Code, part 2, paragraph 16.5).

Corrective action

296 The maritime administration will develop a programme to ensure continuous training of existing and future personnel. It will work together with IMO for technical assistance through the Integrated Technical Cooperation Programme on matters related to development of manuals and guidelines regarding international instruments that contains provisions that are left to the satisfaction of the Administration.

297 A mechanism will be developed through which the Ministry of Transport will conduct periodical monitoring and evaluation of the maritime administration activities related to the implementation of these corrective measures.

298 The deadline for the implementation of this corrective action is 1 December 2017.

Root cause

299 Lack of competent personnel for development of guidance concerning requirements found in the relevant international instruments that falls within the remit of the maritime administration.

OB

300 The maritime administration had not established or participated in an oversight programme for monitoring of, and communication with, its ROs in order to ensure that its international obligations are fully met (III Code, part 2, paragraph 20).

Corrective action

301 The maritime administration will develop and implement a stringent system for monitoring the activities of its recognized organizations. It will also create a mechanism to ensure annual reporting related to the activities of such recognized organizations in line with the appropriate Decree.

302 The deadline for the implementation of this corrective action is 30 July 2016.

Root cause

303 Lack of a system of supervision and control.

OB

304 The maritime administration did not take all the necessary measures to secure observance of international rules and standards by ships entitled to fly the flag of the State so as to ensure compliance with its international obligations (III Code, part 2, paragraph 22).

Corrective action

305 The maritime administration will conduct a review of the current practice regarding the observance of international rules and standards in relation to flag State implementation to ensure the development of relevant regulation and its effective implementation and enforcement in order to achieve compliance with international obligations. The deadline for the implementation of this corrective action is 1 July 2017.

Root cause

306 Lack of good practices, which would reflect compliance with international obligations.

OB

307 The maritime administration had not developed and implemented a control and monitoring programme in order to communicate casualty investigation reports to IMO, and to provide for the collection of statistical data, so that trend analyses can be conducted to identify problem areas (III Code, part 2, paragraph 23.1 and 23.2).

Corrective action

308 The maritime administration will produce a formal written procedure and a central control and monitoring database system will be developed to record and communicate casualty investigations to IMO for any given calendar year.

309 Responsibilities for reporting to IMO will be assigned and arrangements will be made to ensure ongoing monitoring and review of the communication system occurs, with personnel designated to follow up.

310 To ensure continuous compliance with this requirement, a mechanism will be developed through which the Ministry of Transport will monitor and evaluate the activity of maritime related to control, monitoring and communication of all casualty investigation reports to IMO.

311 In general, the State will endeavour to meet the requirements of IMO Casualty Investigation Code, 2008 (resolution MSC.255(84)), and will establish an independent accident investigation board. The methods of writing reports related to casualty investigation will be included in the quality system manual and as one of the materials in the induction training that is given to personnel who are assigned to the relevant safety divisions.

312 This corrective action will be completed by the end of July 2017.

Root cause

313 Lack of an effective mechanism to control, and monitoring of casualty investigation reports, lack of accountability, and the responsibility for submitting mandatory reports to IMO was not clearly defined.

OB

314 The maritime administration had not defined and documented the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention (III Code, part 2, paragraph 28).

Corrective action

315 The maritime administration will draft an internal mandatory guideline, and produce internal rules illustrating clear responsibilities, authority and interrelation of all personnel involved in safety and pollution prevention. There will be a system for continuous periodical check and review to ensure that the activities of every specific personnel is exercised according to the guidelines and the internal rules in place. The deadline for the implementation of this action is 1 July 2017.

Root cause

316 Lack of internal guidance and rules regarding procedures related to safety and pollution prevention.

OB

317 The maritime administration had not specified the minimum qualifications for personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant international mandatory instruments (III Code, part 2, paragraph 29).

Corrective action

318 The maritime administration will develop guidelines defining the profile for personnel responsible for inspections, survey and audits of ships and companies, for each of the relevant international mandatory instruments. It will request IMO technical assistance on this matter, and will also count on support from other IMO Member States that are well advanced in this regard.

319 The said guidelines will be periodically reviewed and adapted according to new developments regarding mandatory IMO instruments.

320 The deadline for the implementation of this action is 1 July 2016.

Root cause

321 Lack of sufficient competent personnel and internal guidelines regarding personnel qualifications for specific relevant international mandatory instruments.

OB

322 The maritime administration did not ensure that personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant international mandatory instruments have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors through documented training programmes (III Code, part 2, paragraph 32).

Corrective action

323 The maritime administration will conduct a staff qualification review and develop a training programme (technical and legal) for existing officials, and will ensure that in future, new personnel joining the maritime administration and assigned to a specific area must have appropriate practical and theoretical knowledge of all matters pertaining to ships operation at the international level, in particular performing duties as flag State surveyor.

324 The maritime administration will seek cooperation from other advanced maritime administrations to ensure practical skills for those personnel who already have theoretical knowledge. It will also design a system that ensures periodical evaluation of the personnel responsible for performing duties as flag State surveyor and other similar and relevant responsibilities.

325 The deadline for the implementation of this action is 1 December 2017.

Root cause

326 Lack of sufficient competent personnel and internal guidelines regarding staff qualifications for performing duties such as surveys, inspections and audits of ships.

327 The responsibility for performing inspections on ships, in terms of inter-agency cooperation, had not been clearly defined.

OB

328 The maritime administration had not implemented a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake (III Code, part 2, paragraph 35).

Corrective action

329 The maritime administration will draft and implement an internal document setting the rules for qualification of its personnel, and will ensure an insertion of a contractual clause in its contracts of employment that sets certain obligations; submitting new staff joining the maritime administration on continuous training on the basis of existing offer and availability of relevant courses.

330 It will also draw up a plan for professional qualifications for its officials, and develop an area of quality control with the technical advice and assistance of IMO to ensure continuity.

331 The deadline for the implementation of this action is 1 July 2016.

Root cause

332 Lack of a quality control system in place, and insufficient financing for the development of a training strategy mechanism for existing and future personnel.

OB

333 The maritime administration did not, on a periodic basis, evaluate its performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as a flag State, as required by the international instruments to which the State is Party (III Code, part 2, paragraph 42).

Corrective action

334 The maritime administration will develop criteria for periodical assessment regarding the fulfilment of its obligations under the mandatory IMO instruments.

335 The maritime administration will also submit to the Council of Ministers, a periodical report on the measures necessary for the provision of the maritime administration with adequate administrative capacity, the attraction of highly qualified and experienced professionals, and improvement of their remuneration.

336 The deadline for the implementation of this action is 1 August 2016.

Root cause

337 Lack of an internal audit mechanism and technical know-how to develop such a mechanism. **13713**

OB

338 During the audit it was established that the Administration did not have clear guidelines concerning the requirements in relevant international instruments that are left to the satisfaction of the Administration. Neither are there clear and accurate procedures or instructions for implementing the requirements relating to equipment which, according to the international instruments, must be of a type approved by the Administration (III Code, part 2, paragraph 16.5).

Corrective action

339 The following actions will be implemented by the responsible entity:

- .1 verification of the list of requirements in international instruments that are left "to the satisfaction of the Administration", as well as those relating to the equipment which must be of "a type approved by the Administration"; and
- .2 develop joint guidelines and procedures for applying the above mentioned requirements.

340 The deadline for the implementation of this corrective action is 31 December 2017.

Root cause

341 Weaknesses in regulatory and technical implementation, which led to a failure to establish clear provisions concerning the requirements in the relevant international instruments that are left "to the satisfaction of the Administration" and also to a lack of clear and accurate procedures and instructions relating to equipment that must be "of a type approved by the Administration".

OB

342 It was noted that the certificates on minimum safe manning had been issued by the Administration to ships flying the flag of the State and engaged in international voyages without taking into account the relevant measures (III Code, part 2, paragraph 17).

Corrective action

343 The following actions will be implemented by the responsible entity:

- .1 drafting of the necessary legislation in accordance with the requirements of resolution A.1047(27);
- .2 verification and updating of the procedure for regulatory implementation;
- .3 informing the maritime sector of the new criteria established on the matter; and
- .4 verification of the results of the implementation of the mentioned procedure.

The deadline for the implementation of this corrective action is 30 June 2016.

Root cause

344 Owing to weaknesses in regulatory and technical implementation, as well as deficiencies in the system of monitoring and follow-up, the safe manning certificates issued did not take into account the provisions outlined in SOLAS 1974 and resolution A.1047 (27).

OB

345 The manner in which the training programmes for flag State surveyors, auditors, marine accident investigators and VTS operators were written makes it impossible to verify what standard of equivalent practical training and experience were needed to accomplish these tasks. Also there was no documented system for bringing surveyors up to date with the latest amendments or similar changes to international instruments (III Code, part 2, paragraphs 35 and 38).

Corrective action

346 The following actions will be implemented by the responsible entity:

- .1 revision of the training programme and the procedure for ensuring appropriate levels of knowledge and competence (training and refresher courses) for flag State surveyors, auditors, marine accident investigators and VTS operators, establishing job descriptions for each post and the respective training plans;

- .2 take as a basis for the training programmes mentioned above the respective IMO model courses; and
- .3 institute record keeping and evaluations of training/ refresher courses effectiveness.

The deadline for the implementation of this corrective action is 30 June 2017.

Root cause

347 There are limitations in the competencies of the staff required within the maritime authority, so there was no guaranteed standard of training among staff engaged in compliance with IMO obligations.

OB

348 The Administration had not implemented an oversight programme for ensuring effective enforcement of the applicable international and national regulations by ships entitled to fly the flag of the State (III Code, part 2, paragraphs 20.1 and 20.2).

Corrective action

349 The following actions will be implemented by the responsible entity:

- .1 introduce, establish and implement a programme of supervision in accordance with the guidelines set out in the III Code, part 2 paragraphs 20.1 and 20.2; and
- .2 implement a procedure for monitoring and evaluation of the programme.

350 The deadline for the implementation of this corrective action is 31 December 2018.

Root cause

351 Regulatory and technical implementation were weak. The principle government entity had insufficient powers as coordinator of the maritime administration and the system for monitoring and control were inadequate.

OB

352 It was found that impartiality and objectivity of investigators who perform casualty investigations had not been ensured, and there are no procedures establishing their competencies and job profiles (III Code, part 2, paragraph 38).

Corrective action

353 The following actions will be implemented by the responsible entity:

- .1 the Administration will analyse the current legislation and procedures applied in technical casualty investigation with a view to adjusting them to comply with the Code for the Investigation of Maritime Casualties and Incidents and thus guaranteeing the principle of impartiality and independence of investigators; and

- .2 a job profile for the post of maritime casualty investigator will be established as well as training requirements, updates in line with the international regulations in force, evaluation of training effectiveness training and relevant record-keeping

354 The deadline for the implementation of this corrective action is 31 December 2018.

Root cause

355 Regulatory and technical implementation were weak. The principle government entity had insufficient powers as coordinator of the maritime administration and arrangements for monitoring and control were inadequate. **67957**

OB

356 The Administration had not approved or defined any criteria concerning unified interpretations agreed by IMO in relation to requirements that are left "to the satisfaction of the Administration" (III Code, part 2, paragraph 16.5).

Corrective action

357 The Administration will define and approve criteria and/or interpretations concerning requirements in the relevant international instruments that are left "to the satisfaction of the Administration." The deadline for the implementation of this corrective action is December 2017.

Root cause

358 The Administration did not consider the necessity of having official procedures within its regulations to deal with provisions that the conventions had left "to the satisfaction of the Administration".

OB

359 The Administration had not implemented a documented system to continuously update the knowledge of flag State surveyors for the tasks they are authorized to perform (III Code, part 2, paragraph 35).

Corrective action

360 A documented system of qualifications for personnel and for continuous updating of their knowledge, covering flag State surveyors will be established. The deadline for the implementation of this corrective action is December 2018

Root cause

361 This was not defined as an institutional priority.

OB

362 The Administration was unable to demonstrate the existence of any official programme and instructions for marine accident investigators (III Code, part 2, paragraphs 24.2 and 38).

Corrective action

363 A documented system of qualifications for personnel and for continuous updating of their knowledge, covering marine accident investigators will be established. The deadline for the implementation of this corrective action is December 2018.

Root cause

364 The training system was not sufficiently documented.

OB

365 The Administration's regulations for investigating marine accidents and casualties were not approved and the draft did not include provisions from the Casualty Investigation Code. It also did not provide for investigation of accidents involving personal injury necessitating absence from duty of three days or more, for the results of such investigations to be made public, and for the reports to be forwarded to IMO (III Code, part 2, paragraphs 40 and 41).

Corrective action

366 The Administration will review and approve the regulations for investigating marine accidents and casualties in accordance with the provisions of the Casualty Investigation Code. The deadline for the implementation of this corrective action is December 2017.

Root cause

367 Due to a lack of resources, the Administration is in the process of gradually developing and approving the necessary legislation.

OB

368 The description of training programmes did not make it possible to verify how qualifications and experience comparable to those required in paragraphs 29.1, 29.2 and 32 of the III Code are achieved (III Code, part 2, paragraphs 29.3, 36.3 and 36.5).

Corrective action

369 A documented system of training with matching qualifications for personnel and for continuous updating of their knowledge, covering flag State surveyors in accordance with III Code paragraphs 29.1, 29.2 and 32 will be established. The deadline for the implementation of this corrective action is December 2019.

Root cause

370 Due to a lack of resources, the Administration has not defined an overall systematic policy on satisfactory training and instruction.

OB

371 Although there was a clear mandate for the Administration in the form of various laws, IMO recommendations and guidelines were not taken into official account nor evaluated for use as technical support in the implementation of the mandatory IMO instruments (III Code, part 2, paragraph 15.1).

Corrective action

372 The Administration will propose the establishment of a specific department whose function would include analysing the various resolutions and guidelines that IMO issues for use by Administrations and to support them. The deadline for the implementation of this corrective action is December 2016.

Root cause

373 The Administration had not considered taking into account IMO recommendations and guidelines to support the implementation of the mandatory instruments. **3028**

OB

374 There was no objective evidence that the accident and incident investigation bureau maintained a database/record of experts to enable ready access to expertise in many areas, as necessary (III Code, part 1, paragraph 39).

Corrective action

375 A database of specialists/companies will be established and updated periodically in order to enable access to expertise in relevant investigation areas. The database will be kept ready for use in the process of investigation, as necessary. Target completion date for this corrective action is 15 September 2015.

Root cause

376 The accident investigation bureau is a newly established entity and, consequently, there was a lack of human resources dealing with marine casualties, so that ready access to external expertise for specific areas had not been provided at the time of the audit.

OB

377 The Administration had not determined that the ROs had adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned. It was also established that an oversight programme was not in place and was not being carried out for the ROs (III Code, part 2, paragraphs 18.1 and 20).

Corrective action

378 The Administration has issued a circular concerning the policy and guidance in relation to flag state implementation targets for 2015-2016, which considers the delegation of authority and monitoring policy of ROs. Based on revised agreements between the Administration and ROs, the Administration may supervise the work of RO by audits, random inspections or expanded special surveys of ships. The requirements for recognition and authorization of ROs continues to comply with the requirements of the RO Code. In this respect the schedule for monitoring of ROs has been developed and it contains all monitoring dates. The ROs having representative offices in the State are normally audited in those offices, whilst ROs with no representative offices in the State will be audited by the Administration in their head offices or regional branches.

Root cause

379 Under the Maritime Code of the State "an organization recognized by the European Union shall have the right to exercise powers of a recognized organization towards a ship sailing under the national flag of State [...]." There was no detailed review of ROs technical, managerial and research capabilities before the authorizations were granted and no oversight process in place. **10386**

OB

380 It was established that the Administration did not have a policy for developing, documenting and providing guidance concerning those requirements that are left "to the satisfaction of the Administration" in relevant mandatory IMO instruments and interpretations of mandatory instruments (III Code, part 2, paragraph 16.5).

Corrective action

381 Circulars concerning the requirements of putting formal detail explanation of "to the satisfaction of the Administration" in relation to mandatory IMO Instruments and interpretations of mandatory instruments will be issued by 30 April 2016.

382 Procedure providing mandatory interpretation in terms of "to the satisfaction of the Administration" in relation to the implementation of mandatory IMO instruments will be developed and implemented by 30 November 2016.

383 To develop an in-house training programme to enhance the knowledge on requirement of term of "to the satisfaction of the Administration" by 30 November 2016.

Root cause

384 Technical personnel required to conduct interpretation of the term "to the satisfaction of the Administration" were not aware of the requirement.

385 So far there is no system in place to interpret the term "to the satisfaction of the Administration" in relation to the implementation of mandatory IMO instruments.

OB

386 There was objective evidence to confirm that flag State inspectors who carry out surveys were not properly trained and their knowledge was not updated in respect of the implementation of relevant IMO instruments (III Code, part 2, paragraphs 24.5 and 35).

Corrective action

387 Reminder letter on the obligation to maintain supervision and updating of knowledge, skills, understanding and attitude of inspectors will be issued by 30 August 2016.

388 Guidance regarding supervision, and updating of knowledge, skill, understanding and attitude of inspectors will be re-evaluated and reviewed by 30 August 2016.

389 Properly structured regular training programmes and a retraining programme of flag State inspectors will be implemented by 30 August 2016.

Root cause

390 There was a lack of attention on the supervision for updating the knowledge and performance of inspectors.

OB

391 It was evident that there were no specific written internal procedures or adequate instructions concerning survey and certification, including issuance of exemption from the requirements of the mandatory IMO instruments (III Code, part 2, paragraph 15.1).

Corrective action

392 Circular letter concerning the requirements for granting exemption, their limitations, including those under the mandatory IMO Instruments will be issued by 28 July 2016.

393 Guidance regarding the requirements to conduct survey and certification based on mandatory IMO Instruments will be reviewed and developed by 30 August 2016.

394 Working instruction, updating programme and procedures for granting exemption, including their limitations under IMO Instruments, will be developed by 30 September 2016.

395 Circular letter to related offices responsible for the supervision of survey and certification of the ships with regard to the annulment policy of exemptions will be sent by 30 July 2016.

Root cause

396 There was a lack of understanding of the instructions and procedures for issuing exemption under IMO Instruments.

397 Instructions and procedures were unclearly defined.

OB

398 There was objective evidence to confirm that there was no effective coordination between the main office and the other offices to manage, perform and verify work relating to, and affecting, safety and pollution prevention (III Code, part 2, paragraph 28).

Corrective action

399 All offices will be reminded by a letter, on implementation, particularly on supervision and coordination of activities by 30 June 2016.

400 Working instructions and procedures regarding coordination between other offices and head office will be developed and implemented by 30 December 2016.

Root cause

401 There was a lack of attention on the supervision for the implementation of safety and pollution prevention work.

402 There were unclearly defined instructions and procedures for coordination between other offices and head office.

OB

403 There was no evidence to show that the evaluation and review of the performance of the State in performing its obligations as a flag, coastal and port State had been carried out (III Code, part 2, paragraph 42, part 3, paragraph 51 and part 4, paragraph 63).

Corrective action

404 Comprehensive information concerning the required performance of the State of its obligations as a flag, coastal and port State, as required by para 42, 51 and 63 of the III Code by 30 June 2016.

405 Guidance regarding the implementation and understanding of the obligation to evaluate performance of flag, coastal and port State, as required by para 42, 51 and 63 of the III Code will be developed by relevant entities by 31 July 2016.

406 As a means of ensuring compliance with the mandatory IMO instruments in the future, consideration will be given to incorporating into the national strategy, the evaluation of performance, and will further develop processes for periodic performance evaluations of flag, coast and port State obligations, including, inter alia, a more comprehensive and systematic way of data acquisition and by making use of existing statistics and data. This strategy will include regular evaluation meetings where the relevant statistical information on the performance of the maritime administration may be presented as a basis for defining measures to improve the overall performance of the maritime administration by 31 December 2016.

Root cause

407 There was inadequate information on the performance of the obligations as a flag, coastal and port State as required by para 42, 51 and 63 of the III Code.

408 There was a lack of understanding on the implementation of obligations as a flag, coastal and port State as required by para 42, 51 and 63 of the III Code. Instructions and procedures were not clearly defined. **99123**

OB

409 The absence of national technical provisions, combined with the unavailability of ROs' data, limits the performance of the flag State inspections, which, as a result, did not ensure compliance of ships entitled to fly the flag of the State with the requirements of the mandatory IMO instruments (Code, part 2, paragraphs 16.1 and 16.2).

Corrective action

410 The Administration will establish direct links to authorized ROs' databases to secure observance of international rules and standards so as to ensure compliance with its international obligations (for SOLAS ships). The Administration will develop national technical provisions (for non SOLAS ships) and will implement the IACS technical recommendations, until such provisions will have been developed and implemented. The deadline for the implementation of this corrective action is 31 December 2017.

Root cause

411 A lack of staff with appropriate expertise.

OB

412 There was no oversight programme established and the Administration did not participate in such a programme for the monitoring of ROs (Code, part 2, paragraph 20).

Corrective action

413 The Administration will establish an oversight programme with adequate resources for monitoring of its ROs in order to ensure that its international obligations are fully met. The maritime inspectors conduct regular flag State inspections to ensure that ships entitled to fly the flag of the State comply with national requirements which supplement IMO convention requirements. The deadline for the implementation of this corrective action is 31 March 2016.

Root cause

414 A lack of staff with appropriate expertise.

OB

415 No evidence of guidance provided for the implementation of mandatory requirements referring to the term "to the satisfaction of the Administration" could be demonstrated (Code, part 2, paragraph 16.5).

Corrective action

416 The Administration will develop and implement guidance on the interpretation of mandatory requirements referring to the term "to the satisfaction of the Administration". To ensure compliance with this requirement in the future, the Administration will amend the RO agreements with the clear criteria for granting the authority to accept equivalents within the limits of the mandatory IMO instruments and to inform the Administration accordingly. The deadline for the implementation of this corrective action is 31 December 2017.

Root cause

417 There was a lack of awareness and insight into ROs' working practices due to a lack of oversight and staff with appropriate expertise. **20361**

OB

418 At the time of the audit, it could not be demonstrated that all the requirements of the relevant instruments left "to the satisfaction of the Administration" were covered by directives and interpretations (III Code, part 2, paragraph 16.5).

Corrective action

419 There is currently no list of guidelines and interpretations. The Administration will identify, document and provide guidance on the requirements left "to the satisfaction of the Administration", namely:

- .1 identify provisions that are left to the satisfaction of the Administration in the relevant instruments;
- .2 determine which provisions have already been transposed; and
- .3 write guidelines and instructions to interpret those provisions.

Root cause

420 The absence of guidelines implementing the provisions left "to the satisfaction of the Administration" was caused by the expert being engaged primarily on the transposition of EU legislation. Also, there were no procedures in place specifying the legal instruments in which it was necessary to establish this principle. **35590**

OB

421 The maritime administration and Port Authority had not established nor participated in an oversight programme for monitoring of ROs (III Code, part 2, paragraph 20).

Corrective action

422 Arrangements will be entered into with other Administrations or entities which have expertise to undertake oversight and monitoring of Recognized Organizations (ROs).

423 Procedures establishing periodicity of monitoring, review of reports and follow-up with ROs based on findings will be included in the maritime administration's QMS.

424 The maritime administration and the Port Authority will enter into an MOU for mutual recognition/acceptance and monitoring/oversight of ROs and of surveyors to whom flag State services are delegated.

425 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

426 There was insufficient personnel with the requisite expertise to carry out the oversight programme.

OB

427 The maritime administration did not have a documented system to ensure the updating of the knowledge and competencies of their surveyors (III Code, part 2, paragraph 35).

Corrective action

428 Develop and implement a documented system for the knowledge and competencies of surveyors and for continuous updating of their knowledge and competencies.

429 Integrate this system within an overall maritime administration QMS, which will be developed using the services of a contracted expert.

430 Establishment of an MOU between the maritime administration and Port Authority on the foregoing.

431 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

432 The Administration had not implemented a QMS to govern its activities.

OB

433 The maritime administration nominated a surveyor to carry out statutory surveys on convention ships without using a documented process to confirm the minimum practical knowledge and abilities required (III Code, part 2, paragraph 28).

Corrective action

434 Acquire personnel with the requisite expertise to develop a documented process to confirm the minimum practical knowledge and competencies of surveyors, beginning with the maritime expert.

435 Prepare a procedure manual for the selection and monitoring of non-exclusive surveyors which includes an agreement for the delegation of flag State services.

436 The procedure manual developed in paragraph .3.2 above, will be integrated into a QMS.

437 The maritime administration and Port Authority will enter into an MOU for recognition of non-exclusive surveyors and delegation of flag state services.

438 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

439 There were inadequate human resources to assist in the development of a documented process to confirm the minimum practical knowledge and competencies of surveyors. **59809**

Port State activities

FD

440 The State did not guarantee that steps are taken to ensure the provision of appropriate reception facilities for ships arriving in its ports. Means other than port reception facilities are used for the collection of ships' waste (MARPOL, Annex I, regulation 38; Annex II, regulation 18; Annex IV, regulation 12; Annex V, regulation 8; resolution MEPC.83(44); III Code, part 4, paragraph 56.1).

Corrective action

441 The following actions will be implemented by the responsible entity:

- .1 continuation of the inter-institutional working groups;
- .2 establishment of coordination agreements among the organizations involved;
- .3 production of policies, regulations and guidelines together with provision of the necessary resources;
- .4 drafting of harmonized management procedures; and
- .5 nationwide integration of policies, regulations, guidelines and procedures.

442 The deadline for the implementation of this corrective action is 31 December 2018.

Root cause

443 The principal government entity had insufficient powers as coordinator of the maritime administration, such that necessary action could not be taken by entities within the maritime administration to ensure that ports are provided with adequate reception facilities and/or capacity to receive waste from ships (reception facilities). **67957**

FD

444 It was established during the audit that the three ports, which are located within a Sea Special Area, did not have facilities for the reception of sludge or chemicals from ships (MARPOL, Annex I, regulation 38; Annex II, regulation 18; III Code, part 4, paragraph 56.1).

Corrective action

445 The MTA agreed the appropriate steps to be implemented with relevant departments of all ports. The contractor providing collection of oil residues has been requested to provide necessary means for collection of sludge and chemical substances. All existing agreements between the contractor and the ports will be dully updated with regard to those requirements and the same obligation will be included in any new agreement. Updated information about port reception facilities will be submitted to MTA, which itself undertakes to update the GISIS database accordingly. Target completion date for this corrective action is 31 December 2015.

Root cause

446 All ports in the State are under private ownership or operate under long term concession. Privatization/lease agreements concluded between the investor and the State do not contain detailed technical provisions which would enable the national maritime authority to monitor the strict compliance with the terms and conditions of the agreement. However, each privatization/lease agreement contains the general statement that the Port shall strictly comply with the national legislation of State, which on its part is a very vague statement and enabled ports to interpret the provision in a way which did not ensure compliance with the international undertakings of the State. However, the Law of the State on International Treaties directly states that international treaty of the State is part of national legislation due to the monist nature of national legislative system. Therefore, private investors cannot disregard the requirements of international treaties obligations of the State that are not directly stated in national legislation.

447 Unfortunately, due to lack of cooperation between the State and the private port owners/lease holders prior to the reorganization and establishment of the current maritime administration structure, relevant international undertakings of the State were neglected. **10386**

FD

448 In the case of interventions of any kind during PSC inspections, the port State is obliged to inform the flag State and the concerned recognised organization (RO) promptly as required by the mandatory IMO instrument concerned. The Member State had not informed the flag State and the RO in the case of detentions (SOLAS 1974, regulation I/19(d); MARPOL, article 5(3)).

Corrective action

449 Official letter to related ports to request clarification on those findings will be sent by 29 January 2016.

450 Guidance concerning supervision, instructions and reporting procedures for Port State Control Officers (PSCOs) will be developed by 30 March 2016.

451 To provide in-house training for PSCOs on port State control procedures including obligation to inform the flag State and the RO in the case of detentions by 30 June 2016.

452 To appoint a responsible focal point of contact and contact point in relation with the obligation to inform the flag State and the RO regarding detentions. PSCOs will also be trained and authorized to carry out reporting to flag States and ROs after a detention by 30 September 2016.

453 To conduct improvement on competence through training on implementation of provision related to detentions by 31 December 2016.

454 Working instructions and procedures on the obligation to inform the flag State and RO under IMO instruments, in the case of detentions by 30 March 2016.

Root cause

455 There was a lack of awareness of PSCOs on obligation to inform the flag State and RO under IMO instruments, in the case of detentions.

456 There was a lack of supervision to perform the obligation in informing the flag State and R O in the case of detentions in accordance with IMO Instruments.

457 Instructions and procedures for PSCOs on reporting requirements were unclearly defined.

FD

458 It was established that the State did not provide a range of reception facilities in ports under its jurisdiction for collection of ship-generated waste in accordance with the MARPOL Convention (MARPOL, Annex I, regulation 38, Annex II, regulation 18, Annex IV, regulation 12, Annex V, regulation 8, and Annex VI, regulation 17; III Code, part 4, paragraph 55).

Corrective action

459 Official letter to request that ports submit information regarding the status of reception facilities in their jurisdiction will be sent by 30 September 2016.

460 Circular letter concerning the requirements of existing regulation related to reception facilities in ports will be issued by 28 February 2016.

461 Working instructions and procedures for the implementation of reception facilities in ports for regional offices and port authority will be developed by 28 February 2016.

462 An in-house training will be undertaken to improve competence and understanding on the provision of reception facilities in accordance with MARPOL by 31 December 2016.

463 Regulations will be developed on the provision of reception facilities by all ports and port authorities by 31 December 2016.

Root cause

464 There was a lack of awareness on the implementation of the provisions of the MARPOL Convention relating to reception facilities.

465 Instructions and procedures were not clearly defined.

FD

466 It was established that the maritime administration did not maintain a list of local suppliers of fuel oil to ships (MARPOL, Annex VI, regulation 18.9.1; III Code, part 4, paragraph 56.3).

Corrective action

467 An Official letter to request for submission of information regarding local suppliers of fuel oil to all offices will be sent by 30 March 2016.

468 A circular letter concerning the list of local suppliers of fuel oil will be published by the maritime administration by 30 September 2016.

469 Guidance concerning supervision of local suppliers of fuel oil by the offices will be developed by 31 December 2016.

Root cause

470 Control of oil suppliers and bunkering companies has been performed by national oil companies, the maritime administration, therefore, did not maintain the list of local suppliers of fuel oil.

471 There was a lack of awareness of the requirements to maintain a list of fuel oil suppliers by the maritime administration.

472 There was a lack of instruction from the maritime administration to regional offices to conduct supervision of and reports on the status of local suppliers of fuel oil.

FD

473 There was no objective evidence to confirm that the State fully complied with the requirements of training of shore based personnel engaged in the transportation of dangerous goods under the IMDG Code (SOLAS 1974, regulation VII/3; IMDG Code, chapter 1.3.1).

Corrective action

474 All parties handling DG cargoes will be updated on the requirements under the IMDG Code and to identify shore-based personnel who are unaware of the rules and regulation, for training by 30 May 2016.

475 A circular letter concerning training requirements and maintenance of training records in accordance with the requirements of IMDG Code will be issued by 30 May 2016.

476 Training requirements of the IMDG Code for inclusion in national legislation will be developed by 31 December 2016.

477 Working instruction and procedures for shore-based personnel engaged in handling and transportation of dangerous goods under the IMDG Code will be issued by 31 December 2016.

Root cause

478 There was a lack of awareness of shore-based personnel in understanding the rules and regulation in relation with the IMDG Code.

479 There was a lack of knowledge about the IMDG Code in terms of the need for national legislation to be developed.

480 There was a lack of awareness in maintaining training records regarding IMDG Code compliance.

481 Instructions and procedures were unclearly defined. **99123**

NC

482 Detailed instructions on emergency response and medical first aid relevant to dangerous goods in packaged form, issued by or caused to be issued by the State could not be demonstrated. There were no training requirements nor a training programme for shore-based personnel related to IMDG issues (SOLAS 1974 regulations VII/2.4 and VII/3; IMDG Code Section 1.3.1).

Corrective action

483 The lack of implementation of mandatory IMO instruments shall be resolved by the amendments to the Maritime Code. A training programme for shore-based personnel will be established and all shore-based personnel dealing with IMDG issues will have to participate in the prescribed training programme. The deadline for the implementation of this corrective action is 31 December 2015.

Root cause

484 The lack of awareness and legislation. **20361**

FD

485 It was established that the maritime administration had not published the detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form (SOLAS 1974, regulation VII/2.4; III Code, part 4, paragraph 55).

Corrective action

486 Detailed instructions on emergency response and emergency medical care will be established. The date for the implementation of this corrective action is 1 March 2016.

Root cause

487 The State was of the opinion that the use of the EmS Guide and the MFAG was sufficient, on the basis of article 5.4.3.2 of the IMDG Code. **35590**

FD

488 The maritime administration had not implemented a register of local fuel oil suppliers (MARPOL, Annex VI, regulation 18.9.1; III Code, part 4, paragraph 56.3).

Corrective action

489 The Administration will, as a matter of policy, implement use of the register of local oil suppliers.

490 The Draft Shipping Marine Pollution Prevention Bill which, inter alia, will give effect to and assign responsibilities for implementation of MARPOL Annex VI will be submitted for review, acceptance and enactment into law.

491 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

492 While the maritime administration had taken the initiative to develop a register of local fuel oil suppliers, the State had not enacted legislation giving effect to, and assigning responsibility for, the implementation of Annex VI of MARPOL. **59809**

OB

493 The maritime administration had not implemented policies through the issuance of national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention instruments to which it is a Party and had not assigned responsibilities to update and revise any relevant policies adopted related to port State responsibilities, as necessary (III Code, part 4, paragraphs 54).

Corrective action

494 The State will ensure the finalization of all regulations related to the National Maritime Shipping Act, and develop policies to assist the implementation and enforcement of all safety and pollution prevention conventions and protocols to which the State is Party.

495 It will establish a national IMO committee, which will coordinate all work pertaining to the implementation of all IMO instruments adhered to by the Member State, and will submit a report on their current status to the Council of Ministers for it to decide upon and facilitate speedy implementation of such instruments, including safety and pollution prevention conventions and protocols.

496 Staff will be trained and provisions will be made for their continuous development in order to obtain the required expertise.

497 The deadline for the implementation of this action is 1 July 2017.

Root cause

498 Lack of competent personnel for development of policies and guidance to assist in the implementation and enforcement of the requirements of all IMO safety and pollution prevention conventions and protocols.

499 Failure to implement the National Shipping Act.

OB

500 The State had not issued guidance nor established procedures for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments to which the State is a Party, (III Code, part 4, paragraph 55).

Corrective action

501 The maritime administration will assemble a collection of legal officials to develop guidance and strategies for the implementation and verification of its rights, obligations and responsibilities. It will request IMO technical assistance on this regard.

502 To ensure continuity of this undertaking, the maritime administration will equally make sure that its control and monitoring mechanism will be established to observe this corrective measure on a periodic basis. Periodical performance evaluation reports in respect of exercising the State's rights and meeting its obligations under the applicable international instruments will be sent to the Ministry of Transport to ensure efficient compliance.

503 The deadline for approval and the implementation of this action is 1 July 2017.

Root cause

504 Lack of competent human resources to develop guidance to ensure the smooth implementation of relevant international instruments.

505 Maritime affairs were not prioritized on the national level.

OB

506 The maritime administration carries out ad-hoc port State control but had not established processes to administer its port State control programme that are consistent with resolution A.1052(27), (III Code, part 4, paragraph 60).

Corrective action

507 The maritime administration will develop a national programme for port State control training to be administered consistent with resolution A.1052(27). It will also submit to the Council of Ministers a proposal on the measures necessary for the provision to the maritime administration with adequate personnel and administrative capacity in order to facilitate the effective implementation of PSC MoU in the State.

508 Improvement on remuneration of personnel conducting port State control will be the core of the referred proposal. The maritime administration will appoint an experienced inspector to work closely with the IMO and PSC MoU on a daily basis.

509 The deadline for the implementation of this action is 1 July 2017.

Root cause

510 Lack of competent personnel versed with the provisions of resolution A.1052(27), and failure to implement PSC MoU provisions.

OB

511 The maritime administration did not always ensure that port State control is carried out only by authorized and qualified port State control officers, (III Code, part 4, paragraph 61).

Corrective action

512 Establishment of mechanisms for monitoring, supervision and control of inspections and inspectors under the PSC arrangements, with the support of the PSC MoU Secretariat and IMO, as appropriate. Commencement of full implementation of the National Shipping Act as soon as possible. The deadline for the implementation of this action is 1 July 2017.

Root cause

513 Lack of internal robust guidelines for inspections.

514 Lack of clear delimitation of powers for PSC inspection, among agencies, due to the failure to implement the National Shipping Act.

OB

515 The maritime administration did not periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the applicable instruments of the Organization, (III Code, part 4, paragraph 63).

Corrective action

516 The maritime administration will develop a permanent control and evaluation mechanism taking into consideration the provisions of resolution A.1070(28). Such mechanism will ensure that it submits to the Ministry of Transport periodical report on its performance in respect of exercising the rights and meeting relevant obligations under the applicable instruments of IMO, which will be scrutinized accordingly.

517 The system of quality control to be adopted by the maritime administration will indeed facilitate the evaluation of its periodical performance. The deadline for the implementation of this action is 1 July 2017.

Root cause

518 Failure to implement relevant IMO conventions. Lack of awareness of the need for evaluating its performance in relation to the implementation of the IMO instruments. Lack of a system of quality control to monitor the maritime administration's daily activities. **13713**

OB

519 The manner in which the training programmes for PSC inspectors were written makes it impossible to verify the standards of practical training and experience that are sufficient to accomplish these tasks (III Code, part 4, paragraph 61).

Corrective action

520 The following actions will be implemented by the responsible entity:

- .1 revision of the training programme and the procedure for ensuring appropriate levels of knowledge and competence (training and refresher courses) for port State control officials, establishing job profiles and respective training plans;
- .2 the training programme mentioned above will take into account the respective IMO model courses, resolution A.1052(27) and the provisions of the regional PSC agreement in this regard; and
- .3 establish record-keeping and evaluation of training/refresher courses effectiveness.

521 The deadline for the implementation of this corrective action is 30 June 2017.

Root cause

522 There are limitations in the competencies of the staff required for the exercise of maritime authority, so there was no guaranteed standard of training among staff in accordance with the guidelines and recommendations of IMO and the regional PSC agreement. **67957**

OB

523 The State did not carry out any periodic evaluation or review of its actions to fulfil its obligations under the applicable mandatory IMO instruments as a port State (III Code, part 3, paragraph 63).

Corrective action

524 The responsible government entity will establish a regular monitoring programme in order to evaluate their performance in respect of the mandatory instruments of IMO in the capacity of a port State. The deadline for the implementation of this corrective action is December 2019.

Root cause

525 The responsible government entity had not considered having an instrument for regular monitoring in respect of the compliance with the mandatory IMO instruments, due to a lack of properly trained and accredited human resources. **3028**

OB

526 There was evidence to show that all the PSCOs who carry out inspection of operational requirements were not fully authorized and qualified in accordance with Procedures for Port State Control (Paragraph 1.9.5 and 1.8.4 of resolution A.1052(27); III Code, part 2, paragraph 29.1).

Corrective action

527 Reminder letter to Harbour Masters on their obligation to comply with resolution 1052(27), paragraph 1.9.5 on the implementation of PSC inspection will be issued by 30 November 2015.

528 A personal document in the form of an identity card will be issued to all PSCOs by the maritime administration by 30 November 2015.

529 Guidance regarding prerequisite, qualifying, endorsement, appointment and assignment of PSCOs will be reviewed, developed and implemented. Structured training and continued professional development programme and guidelines relating to PSC will be reviewed in order to develop and enhance all processes pertaining to PSC. As a mechanism to ensure continuous compliance with PSC requirements, the maritime administration will implement a periodical review of PSC activities by June 30 2016.

Root cause

530 There was an inadequate number of personnel in terms of qualification and authorization to perform PSC inspections based on resolution A.1052(27), paragraph 1.9.5.

531 There was a lack of awareness on the required supporting official administrative documents to perform PSC inspections. **99123**

OB

532 No procedure was in place to ensure that complaints on alleged inadequacies of port reception facilities were forwarded to the Environmental Agency to take such complaints into account for re-approval purposes and for reporting to IMO (Code, part 4, paragraph 52).

Corrective action

533 The responsible government entity will draft a reporting standard to ensure that complaints on alleged inadequacies of port reception facilities are forwarded to the Environment Agency for taking such complaints into account for re-approval purposes and for reporting to IMO. The deadline for the implementation of this corrective action is 31 December 2016.

Root cause

534 The lack of awareness and national legislation. **20361**

OB

535 The maritime administration did not evaluate its PSC performance periodically to ensure they are meeting their obligations under the applicable instruments (III Code, Part 4, paragraph 63.).

Corrective action

536 Evaluation and review of PSC performance and corrective action, as appropriate, will be undertaken periodically in accordance with guidance from IMO and with regional MOU procedures. The deadline for the implementation of this corrective action is 31 March 2017.

Root cause

537 The State had only recently become a member of the regional MOU on PSC and at the time of the audit the period had not yet elapsed for evaluation and review of PSC performance.

OB

538 It was discovered that receipts or certificates were not provided to the masters of ships discharging Annex V waste to the port reception facility as specified in the appendix to MARPOL, Annex V (III Code, part 3, paragraph 49.).

Corrective action

539 Receipts or certificates will be issued to masters of ships discharging Annex V waste.

540 Training will be provided for personnel responsible for issuance of receipts/certificates for MARPOL Annex V waste.

541 Monitoring, coordination and oversight will be implemented within the framework of the National Maritime Strategy.

The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

542 There was insufficient personnel with expertise related to the issuance of receipts/certificates for MARPOL Annex V waste. **59809**

Coastal State activities

FD

543 There was objective evidence to indicate that the hydrographic survey carried out by the State was not adequate to the requirements to ensure safe navigation of ships in its waters (SOLAS 1974, regulation V/9.2-1; III Code, part 3, paragraphs 47 and 48).

Corrective action

544 A proper study will be carried out on the requirement for hydrography surveys and sufficient resources will be provided to conduct surveys of areas that are not already covered by 31 December 2016.

Root cause

545 There was a lack of awareness by the Hydrography Office to provide up-to-date data as the existing data used at the moment is coming from other data sources.

546 There was less demand and lack of resources to enhance the capability of the Hydrography Office to provide survey covering entire national waters in relation with safe navigation of the ships.

FD

547 There was no objective evidence to establish that the maritime administration was fully discharging its obligations in providing aids to navigation (AtoNs) and navigational warnings, in particular, for the establishment and operation as required for safety of navigation (SOLAS 1974, regulations V/4 and V/13; III Code, part 3, paragraphs 47 and 48).

Corrective action

548 Official letter to request the Hydrographic Office to share the information and act as a focal point for matters related to the reliability of AtoNs and for navigational warnings to be issued. These series of actions will be completed by 30 May 2016.

549 Guidance in relation to the obligation to provide AtoNs and navigational warnings for safety of navigation under the SOLAS Convention will be developed. A focal point for communication on AtoNs matters will be appointed by 30 August 2016.

550 Working instructions and procedures for matters related with AtoNs, in particular for their establishment and operation, and navigational warnings, will be issued by 30 August 2016.

551 An education and training programme will be conducted to improve competence and develop a strategic plan relating to AtoNs and navigational warnings by 31 December 2016.

552 Reliability of AtoNs will be evaluated and improved to IALA requirements by 31 December 2016.

Root cause

553 There was a lack of awareness regarding the obligation to provide AtoNs and navigational warnings in relation to the safety of navigation as required by the SOLAS Convention.

554 Instructions and procedures were not clearly defined.

555 There was no single person responsible as a focal point for any communication to the Hydrography Office. **99123**

FD

556 Objective evidence was discovered that a navigation warning was not broadcast for a crucial Aid-to-Navigation that was extinguished (SOLAS 1974, regulation V/13.3; III Code, part 3, paragraph 49.).

Corrective action

557 The Administration will broadcast the navigation warnings for all outstanding Aids-to-Navigation (AtoNs) that were extinguished.

558 The Port Authority will, as appropriate, repair or replace AtoNs which are out of service.

559 Maritime safety information will be provided to mariners on completion of the repairs above.

560 The maritime administration and Port Authority will enter into a Memorandum of Understanding (MOU) for monitoring, maintenance and communication on AtoNs and publication of maritime safety information/notices to mariners which will be documented as part of an overall QMS.

561 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

562 The maritime administration and the Port Authority are assigned responsibility, through legislation, for maintenance of AtoNs. However, an agreed process is not in place with documented procedures for communication between both agencies regarding monitoring and reporting on the status of AtoNs to facilitate timely publication of maritime safety information/notices to mariners.

FD

563 There was no objective evidence that hydrographic information for the State is up-to-date and being disseminated to support safe navigation in their waters (SOLAS 1974, regulation V/9.1; III Code, part 3, paragraph 49).

Corrective action

564 Agreements/arrangements will be entered into for the conduct of surveys to acquire up-to-date hydrographic information for waters under the jurisdiction of the State.

565 The maritime administration will disseminate information/data resulting from surveys.

566 Technical assistance will be sought through various initiatives for capacity building to enable conduct of surveys, as needed, to acquire hydrographic information

567 Procedures for the dissemination of hydrographic information/data will be included in the QMS.

568 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

569 There was a lack of financial, technical and human resources to conduct surveys to acquire up-to-date hydrographic information and absence of agreement/arrangement for the acquisition of such information.

FD

570 Navigational warnings for storms and gales were not issued by the competent authority, nor were they providing information to the international shipping community through the NAVAREA Coordinator on all occasions (SOLAS 1974, V/5.2; III Code, part 3, paragraph 49).

Corrective action

571 A process will be put in place for issuance of navigational warnings for storms and gales to include notification to the international community through the NAVAREA Coordinator.

572 To facilitate transmission of such information within the local area, an MOU will be established between the maritime administration and allied agency(ies) which have the capability to transmit the information by text.

573 Training, in accordance with applicable standards, executed within the framework of programmes and plans under the National Maritime Strategy will be provided to personnel who will be tasked with transmission of information by text in the local area.

574 The deadline for the implementation of this corrective action is 30 September 2019.

Root cause

575 There was no process for issuance of navigational warnings for storms and gales as required by applicable instrument(s) to include transmission of such information in the local area and to the international community through the NAVAREA Coordinator.

FD

576 There were no plans nor had there been any SAR exercises with passenger ships (SOLAS 1974, regulation V/7.3; III Code, part 3, paragraph 51).

Corrective actions

577 The services of maritime expert(s) will be secured to elaborate and finalize the Draft National Maritime Search and Rescue Plan and deliver training to available personnel to develop their expertise to conduct SAR exercises with passenger ships.

578 A plan for the conduct of SAR exercises with passenger ships will be developed.

579 The finalized Draft National Maritime Search and Rescue Plan will be submitted to Cabinet for approval.

580 Plans for the development and conduct of exercises with passenger ships will be done within the framework of the approved National Maritime Search and Rescue Plan.

581 The deadline for the implementation of this corrective action is 31 March 2019.

Root cause

582 There was insufficient personnel with maritime expertise to develop a National Maritime SAR Plan inclusive of plans for exercises with passenger ships. Also, efforts to secure the services of personnel with appropriate expertise with support from a funding agency were unsuccessful. **59809**

OB

583 The maritime administration had not implemented policies through issuing guidance which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention instruments to which it is party to. Furthermore, the maritime administration had not assigned responsibilities for updating and revising relevant policies related to coastal State responsibilities (III Code, part 3, paragraph 46).

Corrective action

584 The maritime administration will ensure the finalization of all regulations related to the National Maritime Shipping Act, and develop policies to assist the implementation and enforcement of all safety and pollution prevention conventions and protocols to which the State is Party. It will establish a national IMO committee, which will coordinate all work pertaining to the implementation of all IMO instruments ratified by the State, and will submit a report on their current status to the Council of Ministers for it to decide upon and facilitate speedy implementation of such instruments including safety and pollution prevention conventions and protocols. Staff will be trained and provisions will be made for their continuous development in order to obtain the required expertise. The deadline for the implementation of this action is 1 July 2017.

Root cause

585 Lack of competent personnel for development of policies and guidance to assist in the implementation and enforcement of the requirements of all IMO safety and pollution prevention conventions and protocols.

586 Failure to implement the National Shipping Act.

OB

587 The State had not established guidance and procedures for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments to which it is a Party (III Code, part 3, paragraph 47).

Corrective action

588 The maritime administration will create an internal 'IMO Committee' in accordance with the law of the State which will deal with all matters related to relevant international instruments to which the State is Party. Such body will develop the necessary guidance and procedures to ensure continuous and consistent implementation of mentioned instruments.

589 A mechanism will be developed through which the Ministry of Transport will monitor and evaluate the activity of the maritime administration on this regard.

590 Deadline for this corrective action is June 2017.

Root cause

591 Lack of internal regulatory body in the maritime administration, which would otherwise monitor its periodical activities regarding the implementation of relevant international instruments to which the State is Party.

592 Lack of a mechanism, which would ensure the maritime administration is accountable for its various activities related to the implementation of relevant international instruments to which the State is Party. **13713**

OB

593 The approved SAR plan did not ensure that all parties involved in dealing with an event are formally committed to carrying out their responsibilities (III Code, part 3, paragraph 47).

Corrective action

594 The following actions will be implemented by the responsible entity:

- .1 strengthening of the inter-institutional working groups;
- .2 revision and approval of the operational plan in accordance with the IAMSAR manual and IMO guidelines so as to facilitate harmonization of inter-institutional procedures; and
- .3 implementation and verification of compliance (simulations and real cases).

595 The deadline for the implementation of this corrective action is 30 June 2018.

Root cause

596 The handling of external relations by the principal government entity was not achieving the expected levels of effectiveness; the entity had insufficient powers as coordinator of the maritime administration, with the result that the parties providing SAR services were not formally engaged. **67957**

OB

597 The State did not carry out any periodic evaluation or review of its actions to fulfil its obligations under the applicable mandatory IMO instruments as a coastal State (III Code, part 3, paragraph 51).

Corrective action

598 The responsible government entity will establish a supervision and regular monitoring programme in order to evaluate the performance in respect of exercising the rights and fulfilling the obligations under relevant international instruments. The deadline for the implementation of this corrective action is December 2019.

Root cause

599 The responsible government entity had not considered having an instrument for monitoring and supervision in order to evaluate the level of performance in exercising the rights and fulfilling the obligations of a coastal State under the conventions ratified by the State. **3028**

OB

600 There was no objective evidence to demonstrate that the State carries out periodic exercises to test the effectiveness of passenger ship search and rescue cooperation plans. It was confirmed by the MRCC that only communications exercises were carried out (III Code, part 3, paragraph 51).

Corrective action

601 MRCC will carry out periodic exercises with the ships operating in its SAR area to test the effectiveness of passenger ship search and rescue co-operation plans. Scenarios for exercises will be developed in co-operation between MRCC and company. The MRCC and the respective companies shall liaise in order to organize various types of exercises, as defined in the plans for cooperation. Target completion date for this corrective action is 31 August 2015.

Root cause

602 Passenger ships operating in the SAR area of the State have SAR cooperation plans prepared between the ship, the company and MRCC, but MRCC was unable to schedule the periodic exercises with the passenger ships and the company. **10386**

OB

603 There was no evidence to establish that national or regional drills and/or training on pollution prevention had been carried out in fulfilment of the requirements of the III Code (III Code, part 1, paragraphs 12.1 and 12.2 and part 3, paragraph 50.2).

Corrective action

604 A circular letter to relevant authorities informing them of the importance of implementation of integrated pollution response drills and exercises in order to comply with the III Code paragraphs 12.1 and 12.2 will be issued by 31 December 2015.

605 Guidelines on comprehensive information concerning implementation of exercises related to pollution prevention by involving stakeholders by 30 June 2016.

606 Working instructions and procedures on drills to respond to oil pollution incidents will be reviewed and developed by 31 August 2016.

607 National and regional contingency plans to respond to incidents on oil pollution will be developed by 31 August 2016.

Root cause

608 There was inadequate awareness on the implementation of requirements under III code para.12.1 and 12.2.

609 Implementation of exercises related to pollution prevention by involving stakeholders was not appeared and socialized because it was irregularly done.

610 Instructions and procedures on drills to respond to oil pollution incident were not clearly defined.

611 No availability of national and regional contingency plans to respond to incidents on oil pollution. **99123**

OB

612 Evaluations of performance with respect to pollution response operations and search and rescue operations were not carried out, with regard to assets and cooperation with other agencies (Code, part 3, paragraph 49).

Corrective action

613 Evaluations of performance in respect to pollution response operations and SAR operations have been carried out for every operation performed by any organization or response unit. Instructions on how performance evaluations have to be performed in the future will be included in the response plans (MRCC and SAR handbooks). The deadline for the implementation of this corrective action is 31 December 2015.

Root cause

614 The lack of awareness and a structured system of evaluations. **20361**

OB

615 The Administration did not conduct drills and exercises in accordance with the National Contingency Plan to ensure that they provide a timely response to pollution incidents (III Code, part 3, paragraph 50.2).

Corrective actions

616 Drills and exercises will be conducted in accordance with the approved Plan.

617 The National Oil Spill Contingency Plan will be finalized and submitted to Cabinet for approval to give it force of law.

618 The deadline for the implementation of this corrective action is 31 March 2018.

Root cause

619 The National Contingency Plan had not been officially approved.

OB

620 The National Oil Spill Contingency Plan was still in draft, therefore it had not been officially approved (III Code, part 3, paragraph 46.1).

Corrective action

621 Finalize and submit the draft National Contingency Plan to Cabinet for approval. The deadline for the implementation of this corrective action is 31 December 2016.

Root cause

622 The Plan was not at final draft stage for presentation to the Cabinet. **59809**

AREAS OF POSITIVE DEVELOPMENT:

Best practices

623 Three months before the audit, the maritime administration received a general evaluation carried out by another Member State in accordance with the Procedures for the Scheme as a horizontal cooperation activity. This activity led to the identification of findings and observations. The implementation of the associated corrective actions by the maritime administration had a positive impact on the outcome of this audit.

Other areas of positive development

624 Pursuant to national legislation, the State has established inter-sectoral committees to provide coordination and guidance on certain public duties and services when, for legal reasons or by their nature, they fall under the responsibility of two or more ministries, departments or decentralized bodies, without prejudice to the specific competence of each of them. As an example, the maritime administration holds an inter-sectoral committee (working group) on behalf of authorities that have obligations regarding fixed waste reception facilities or service.

625 With the aim of increasing the internal communications capacity of the maritime administration and its harbour master offices as bodies that carry out its policies, a modern interdisciplinary system have been introduced, in which videoconferencing is used at various levels for discussion purposes, e.g. when new directives are issued and doubts arise about their enforcement.

626 The maritime administration has created a public forum on its internet site called "Socialization of Standards", which reflects governmental strategy and whose basic approach is to enable members of the public or companies to voice their opinions during the preparation stage of laws, decrees and other legislation.

627 The maritime administration has created and introduced on its internet site a computerized system providing updated weather and sea forecasts, as well as warnings to navigators for the adjacent sea areas, and also a module for handling the procedures involved in the certification and licensing of seafarers.

628 The maritime administration has developed a marine SOS application, which can be downloaded by the public via the Navy's website. This application sends an alert to the Navy, triggering the display of a procedure enabling a response to a distress message at sea. This app also contains an updated chart giving contact information of the coastguard, marine infantry and naval units nearest to the actual location and which is able to attend to emergency.

629 The maritime administration has developed a basic matrix for identifying compliance with IMO instruments, showing clearly the State's obligations with respect to the instruments that fall within the scope of IMO audit, the organizations responsible for compliance and the actual status of their compliance.

630 The maritime administration has invested significantly in improving and extending the infrastructure of its maritime traffic control centres. The new centres in two ports employ advanced equipment and facilities and the latest technology to regulate the large traffic flows.

631 The maritime administration has created a new joint maritime and port safety area in order to improve overall understanding of the safety-related factors in the maritime and port sphere through statistical analysis intended to enhance the procedures for implementing and enforcing IMO instruments. **67957**

632 The creation of a governing board contributes to the effective coordination of the Administration's branches and shows that the process of implementing and enforcing the mandatory IMO instruments has improved.

633 The State has a system for supervising and controlling aids to navigation through documented procedures, implemented and coordinated by the responsible bodies.

634 The staff of the Administration demonstrated strong commitment to fulfilling the State's obligations and responsibilities in maritime safety and pollution prevention.

635 There is keen interest at government level to approve the first training centre for seafarers, which shows a commitment to having a centre for qualified seafarers. **3028**

636 The State Hydrographic Services uses advanced technical systems to monitor all AtoN. Their position and function can be remotely monitored on a 24/7 basis in order to ensure safe navigation in the State's waters.

637 The Seafarers Certification Department of MTA had a very good system of enabling verification of Seafarers' documents issued by the Administration.

Other areas of positive development

638 Staff in the various entities have received much training in the last year and future sessions are also planned. The management are active to attract seminars and other meetings for the State and the entire region.

639 A new training facility has been established within the State's Maritime Academy and contains simulators such as bridge, engine room and for dynamic positioning [of] ships. **10386**

Best practices

640 Uniform procedures for document numbering across the Maritime Administration, and SAR preparedness and regional cooperation for SAR activities.

Other areas of positive development

641 The State has a very long coastline, and in order to have effective coverage of all the navigable waters on the coast, there was a proposal to set up additional radio stations. In addition, maritime communication equipment in one of the ports is being upgraded. These are expected to significantly enhance the communication facilities available to domestic ships as well as international ships passing through waters around the State.

642 There was no mandatory VTS/VTMS at present in the State's territorial waters. VTS facilities were already set up and were ready for commissioning in one of the ports where there is international traffic of deep draft ships. In addition, VTS facilities were also being set up at identified locations where the traffic is high. Once these facilities are commissioned in the near future, shore based assistance and monitoring of ship movements through VTS will benefit all ships and enhance maritime safety in the State's waters. **99123**

643 A national strategy for the development of the maritime sector in the State, in close cooperation with business partners, was developed in 2010.

644 There is the possibility to delete poor performing ships from the register, based on a poor port State control performance.

645 The national provision is in place that requires all inspectors to pass an examination before a commission of experts before their nomination as independently operating inspectors within the State.

646 Arrangements are in place for sampling and analysis of imported fuel oil as well as those used on board ships.

647 Information leaflets are available in foreign languages on safe navigation and restricted access to nature reserves for pleasure yachts in the State's waters.

648 There is a structured organization of the oil pollution response, including several agreements with national and international partners. **20361**

649 There were significant numbers of highly qualified shore-based professionals, in all areas concerning monitoring of maritime activities. This means that all of the State's tasks can be performed with a high level of reliability.

650 The vessel traffic system performs at a high level, both in technical terms and from the point of view of the level of qualification of its operators.

651 A solid system had been established for supervising all those involved in flag-State activities.

652 A voluntary and effective policy is in place regarding the treatment of waste. **35590**

Best Practice

653 To improve the safety of the domestic fleet, the maritime administration frequently visit all ships and records are produced to determine how well they are progressing in meeting the standards.

654 The maritime administration requires applications for all excursions to be sent to them despite the law only requires them to be sent to the Coast Guard for awareness. As a consequence, all ships requesting the excursion are thoroughly reviewed and inspected prior to approval, and in some cases, approval has been denied. This is a great preventative measure.

Other areas of positive development

655 The maritime administration plans to implement a Quality Management System (QMS) to cover the maritime administrative functions and will include the entities responsible for discharging the duties of the maritime administration. It was noted that funds are allocated in the Government's Estimates of Revenue and Expenditure for "Strengthening of Maritime Administration" to include legislative framework, capacity building and to implement the QMS.

656 A hospitality maritime training institute has been established which will also facilitate the training of ratings.

657 The establishment of an IT platform to provide a system of communication and sharing of documents and information between the overseas offices overseas and the maritime administration.

658 The survey of principal bays/harbours in the State to modern standards will support provision and production of charts and hydrographic information in accordance with SOLAS regulation V/9. The study conducted for the Hydrographic cooperative agreement gap analysis provides a solid foundation to move forward in this area. For example, AtoN was reviewed and recommendations were made to engage IALA for assistance. The UK Hydrographic Office has produced three ENCs for two important Bays.

659 The decision to become an associate member of the PSC MOU has given the maritime administration the framework to develop and carry out PSC.

660 The State is taking aggressive efforts to prepare subsidiary legislation for promulgation, and there are a 66 pieces of regulations at various stages of development for promulgation. They have recruited a legal intern to assist and have requested a full-time attorney.

661 The Administration has notified recognized organizations and recognized security organizations that it will undertake oversight and monitoring of them in accordance with provisions of resolution MSC.349(92). **59809**

Areas for further development:

662 The number and nature of findings and observations noted during the audit indicate that the maritime administration may not have available sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all of its responsibilities, including reporting as required by the respective conventions. **13713**

663 The SAR services, when dealing with cases in which a ship has suffered an accident that does not impair its seaworthiness or requires assistance, but is not endangered such that persons must be rescued, or is in a situation of risk in which persons have already been rescued, do not have documented criteria to help them decide whether a case is one for the SAR services or should be treated as one of maritime assistance. Consequently, the decision becomes an operational one for the person dealing with the case. The implementation of a MAS service in accordance with resolution A.950 (23) would help improve the handling of such situations.

664 The smartphone application developed for notifying, among other things, events that might signal the start of a SAR case does not allow for notifying the national SAR agency declared in the IMO GISIS COMSAR module.

665 Although the function of the maritime authority is delegated to the Administration in the State's law, other State bodies, e.g. the Coastguards Corps of the Navy, Ports and Transport Authority and the Ministry of the Environment, also fulfil tasks of the same nature and very often without any previous formal agreement. In this respect, these kinds of action should be coordinated through cooperation agreements under the auspices of the Administration. **67957**

666 Procedures should be introduced to ensure that all amendments to the relevant instruments are incorporated into national legislation.

667 The Administration should develop procedures to bring all flag and port State inspections and accident investigations into compliance with the applicable instruments.

668 The Administration should establish a process of continuous inspector training in accordance with IMO guidelines, taking into account new regulations as they are adopted.

669 The State should consider the possibility of establishing a system for following up of all amendments to mandatory IMO instruments.

670 The State should analyse and introduce a procedure for enforcing the requirements of the MARPOL Convention in connection with the annexes to which is a Party. **3028**

671 Marine Circulars are issued [] to inform the industry of new regulations coming into force and being incorporated into national legislation. The Circulars are issued on a "case by case" basis and not in accordance with a formalized routine. This may cause confusion on what is coming into force, since not all new regulations get the same attention.

672 The terminology within the quality system used by MTA needs to be harmonized. Requirements for PSC officers are not consistent with the PSC MoU criteria. Also the use of the terms "Inspector" and "Surveyor" is not consistent, as it was used in several places in the wrong context, including cases of appointing nominated flag State surveyors.

673 There should be more focus on analysing data, e.g. deficiencies raised by ROs, to enable the improvement of the quality of the fleet.

674 It would be helpful to ensure that appropriate guidance was provided to PSCOs on targeting of ships for PSC inspection on the basis of the PSC MOU manual, as well as on the appropriate use of deficiency action codes. **10386**

675 The maritime administration needs to introduce effective professional development programmes for their surveyors and PSCOs that deal specifically with marine surveying practices, legislation and new reforms that will impact on marine surveyors and PSCOs. This programme should include both theoretical and practical aspects of training.

676 There is a need to establish an effective line of communication between the various entities that make up the maritime administration. Such a mechanism should form part of the overall strategy.

677 Although there was no formal written agreement with the classification societies at the time of audit, the maritime administration indicated that a draft agreement for delegation of work has been in its final stages of processing and approvals. This agreement is stated to be in full compliance with the RO Code and is expected to be signed with the ROs in early 2015.

678 On control and uniformity in granting the exemptions to ships, and adopting standards procedures: the State should formulate policy and guidelines clearly stating the conditions for granting exemptions and providing interpretations for the phrase "to the satisfaction of the Administration", where ever it appears in the mandatory IMO instruments. **99123**

679 A mechanism should be established for timely transposition of applicable mandatory IMO instruments into National law.

680 A system should be established to ensure mandatory reporting to IMO.

681 Processes and procedures should be developed for the investigation of any reported incompetency, act or omission under STCW'1978 certificates.

682 An overall maritime strategy should be developed, including the provisions from the Code.

683 A system should be established for monitoring and improving the adequacy of the measures taken to give effect to the ratified conventions and protocols, supported by a sufficient number of staff.

684 A structured system should be established to effectively carry out flag State inspections.

685 The requirements concerning the agreements with the ROs should be fulfilled.

686 The requirements concerning the implementation referring to the term "to the satisfaction of the Administration" should be fulfilled.

687 The requirements concerning the CSRs should be fulfilled.

688 An oversight programme for the monitoring of ROs should be established.

689 A procedure should be developed to ensure that complaints on alleged inadequacies of port reception facilities are reported to the responsible governmental agency.

690 A system should be developed to evaluate the performance of search and rescue operations and pollution response operations.

691 Instructions on emergency response and medical first aid and training for the handling of dangerous goods should be established. **20361**

692 Taking account of flag-State obligations, which involve ensuring ship compliance and monitoring the quality of work of ROs, and also taking account of the strategy adopted by the Directorate-General for Maritime Transport, the Administration should assess inspector resources that it allocates to this task (only four flag State inspectors at the time of the audit). **35590**

693 The QMS system needs to be implemented across the maritime administration spectrum. It is currently implemented to some extent in the overseas offices.

694 The National Oil Spill Policy Action Group (NOSPAG) was established by the National Emergency Management Organization as an oversight body of senior officials that have interests in pollution response and clean up. Based on a review of the most recent oil spill from a fishing vessel in port, it appears that they have no clear communication with each other on their individual roles and responsibilities. NOSPAG should be used to clearly delineate those roles and responsibilities and discuss the National Contingency Plan to prevent any future confusion should there be another spill.

695 The circular outlining the Administration's interpretation of the definition of "to the satisfaction of the Administration" should be revised to direct more attention and focus to its purpose.

696 The maritime administration should develop capacity to be able to better determine the types and categories of MARPOL Annex V wastes received from ships. It was reported that wastes are simply collected and buried in a landfill without regard to the type of waste and no oversight of contracted collectors is being carried out.

697 Marine casualty investigator knowledge in the overseas office may be dated since the last training was conducted in 2005. No evidence was provided that the investigator has received updated training or training matching the elements of the Casualty Investigation Code. It appears that head office personnel were recently recruited.

698 In general, a system should be developed and personnel assigned responsibility to ensure mandatory reporting requirements to IMO are satisfied.

699 The maritime administration should undertake a review to determine if any need exists for VTS, ship routing, or ship reporting systems. Consideration should be given to cooperate with other countries in the region. It was indicated during the interviews that there is an area to the North of the region in the State's waters between other countries that has significant maritime traffic.

700 There needs to be greater collaboration amongst the entities in the discharge of the State's responsibilities since these responsibilities are distributed to several entities. It is crucial that mechanisms are established to improve the sharing of knowledge and enhance regular communication. There are collaborative groups established, both informally and formally, however, little evidence exists that they communicate on a regular basis. **59809**