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SUPPLEMENTARY AGENDA ITEMS

Follow-up of the consideration of the report to the Assembly on the periodic review of administrative requirements in mandatory IMO instruments

Submitted by the Russian Federation

SUMMARY

Executive summary: This document outlines proposals to continue the work by the Organization to reduce administrative burdens, in particular related to the statutory certification of ships

Strategic direction, if applicable: 5

Output: Not applicable

Action to be taken: Paragraph 13

Related documents: A 30/15/1, A 30/D and A 30/D/Corr.1

Introduction

1 The Assembly, at its thirtieth session, agreed with the Council's recommendation to retain the item on periodic review of administrative requirements in mandatory IMO instruments on the Assembly's agenda.

2 The Assembly, as well as the Secretary General, recognized that the issues outlined in the document A 30/15/1 are issues of common interest and common concern, and referred the document to the Council, and invited Member States to submit relevant documents to the Council, for consideration.

Discussion

3 By now, IMO has developed more than 50 statutory instruments. Each instrument provides a certain scheme of survey / inspection / audit and a particular certificate / document to be issued to confirm compliance. Some instruments contain additional requirements for specific manuals, booklets, etc. to be approved by the Administration, maintained by the shipping company or the ship's crew and/or kept on board.

4 The survey and certification scheme of one IMO instrument may have similarities with the schemes of other instruments in terms of procedures, periodicity etc. or may differ depending on the particulars of the instrument and the technical scope of relevant requirements.

5 The number of such certificates and documents to be carried on board is constantly growing as IMO develops new instruments or amendments to the existing instruments. In 1990, the list of mandatory statutory certificates and documents to be carried on board contained around 25 entries; in 2004, the revised list contained more than 60 entries. The current list, as updated in 2017 (FAL.2/Circ.131 / MEPC.1/Circ.873 / MSC.1/Circ.1586 / LEG.2/Circ.3), contains already more than 100 entries, with the most recently added International Energy Efficiency Certificate and SEEMP, International Polar Ship Certificate and PWOM, International Ballast Water Management Certificate and BWMP.

6 Some other IMO instruments are either developed, but not yet in force (Hong Kong Ship Recycling Convention, Cape Town Agreement) or are under development (new chapter XV of SOLAS and the IP Code), which would imply surveys and issuance of some new certificates and documents, thus adding to the list of documents required to be carried on board.

7 The submission of the Russian Federation to the thirtieth session of the Assembly thus outlined two main challenges associated with the management and control of statutory compliance for all parties involved (flag Administrations, shipping companies, ships' crew, port Authorities, recognized organizations etc.), namely:

- the growing number of statutory certificates and documents to be carried on board; and
- that the requirements and procedures, which regulate survey, certification and statutory documentation on board are often similar, but spread across various instruments.

8 Also, it was emphasized, that even with the wider use of electronic certificates in the near future, the existing burden related to the number of documents required to be carried on board will not be significantly decreased.

9 As a potential way forward it was suggested to embark on the development of a legislative instrument / tool that would comprise of a harmonized, unified (where applicable) and consistent set of requirements and procedures for statutory surveys and certification, development, management and maintenance of all documents required to be carried on board across all the IMO instruments.

10 In that case, all other revised statutory instruments, such as SOLAS, MARPOL, etc., would contain a set of requirements for a specific technical area or process; however, the instruments would be cleared of any administrative requirements on survey and certification, since the whole set of harmonized certification requirements would be placed in the new dedicated legislative tool, which other instruments would make reference to where appropriate.

11 To achieve the objective above, it has been proposed to consider three more detailed and consecutive steps of a practical nature:

- .1 Firstly, to carry out a comprehensive review of IMO statutory instruments in order to clearly identify all requirements related to a statutory survey / inspection / audit and certification, the issuance, maintenance and management of all documentation issued for ships to prove compliance with IMO instruments and required to be carried on board.

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- .2 Secondly, to carry out a comparative analysis of requirements identified as a result of the first step, aimed at harmonizing and simplifying (where possible) the survey and certification process and document management procedures, the analysis of possible duplication contained in certification requirements and documents, the consideration to reduce the number of certificates and documents and optimize the scope and volume of information required for issuance.
 - .3 Thirdly, once the results of the second step become available, the decision is to be made how exactly the statutory certification procedures could be improved; whether a dedicated chapter / section of an existing instrument (e.g. a new chapter of SOLAS) or a completely new IMO instrument could be created and how all relevant consequential amendments to other statutory instruments could be introduced.

Proposal

12 In view of the decisions taken at the thirtieth session of the Assembly, as well as taking into account the discussion in paragraphs 3 to 11 above, it is proposed that Council considers the following actions:

- .1 the Committees (MSC, MEPC, LEG) should be instructed to carry out a comprehensive review as outlined in item 11.1 with respect to relevant statutory instruments under purview of each Committee;
- .2 the Committees should revert to Council (C 122) with the outcome of the comprehensive review and their recommendations;
- .3 the Council, at its 122th session, should review the results and decide on further actions. For that purpose a working group may be established to discuss the matter in detail and develop specific proposals; and
- .4 the Council should report to the thirty-first session of the Assembly within its agenda item "Periodic review of administrative requirements in mandatory IMO instruments" on the outcome of its considerations of the matter.

Action requested of the Council

13 The Council is requested to consider the matter and proposed work plan in paragraph 12 with a view to tasking the committees accordingly.
