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**Adopted on 4 December 2013
(Agenda item 9)**

**FRAMEWORK AND PROCEDURES FOR
THE IMO MEMBER STATE AUDIT SCHEME**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO that one of the goals of the Organization is to ensure the consistent and effective implementation of IMO instruments globally and compliance with their requirements and that, through resolution A.946(23), it approved the establishment and further development of the *Voluntary IMO Member State Audit Scheme* (hereinafter referred to as the "Audit Scheme") and, through resolution A.974(24), it established the *Framework and Procedures for the Voluntary IMO Member State Audit Scheme*,

RECOGNIZING that Parties to international conventions have accepted, as part of the ratification process, the obligation under applicable international law to fully meet their responsibilities and to discharge their obligations, as prescribed by the conventions and other instruments to which they are party,

RECOGNIZING ALSO that, since the commencement of audits in 2006, a number of Member States have volunteered to be audited, and the audit reports issued in relation to their audits as well as the feedback received from those States have confirmed that the Audit Scheme is a positive development in enhancing effective implementation of the provisions of the mandatory IMO instruments concerned by the Parties thereto,

REAFFIRMING that it is the primary responsibility of States to establish and maintain an adequate and effective system to exercise control over ships entitled to fly their flag, and to adopt measures to ensure that they comply with the relevant international rules and regulations,

REAFFIRMING ALSO that States, in their port and coastal State capacities, under applicable international law, have obligations and responsibilities in respect of maritime safety and security and protection of the marine environment,

NOTING that the ultimate effectiveness of any IMO instrument depends, inter alia, upon all States:

- (a) becoming Parties thereto;
- (b) implementing and enforcing them fully and effectively; and
- (c) reporting to the Organization, as required,

NOTING ALSO that, while States may realize certain benefits by becoming Parties to instruments aiming at promoting maritime safety and security and the protection of the marine environment, those benefits can only be fully achieved when all Parties carry out their obligations as required by the instruments concerned,

NOTING FURTHER the need to assist Member Governments to improve their capabilities and overall performance in order to be able to comply with the IMO instruments, to which they are party,

CONSCIOUS of the difficulties some Member States may face in complying fully with all the provisions of the various IMO instruments to which they are party,

BEING MINDFUL of the need for any such difficulties to be eliminated to the extent possible and that the Organization has its Integrated Technical Cooperation Programme established to assist for that purpose,

BEING DESIROUS of ensuring that all Member States have a common platform and methodology for assessing and improving their capabilities, as well as their overall performance in complying with the provisions of the IMO instruments to which they are party,

BEARING IN MIND that amendments to a number of IMO instruments have been circulated, with a view to their adoption, which would make the use of the IMO Instruments Implementation Code (III Code) and the auditing of the way in which Parties implement and enforce the provisions of those instruments mandatory, and that such audits should be conducted in line with a framework and procedures developed by the Organization,

HAVING CONSIDERED the decision of the Council at its 110th regular session and the work undertaken by the Committees in response to resolution A.1018(26) on *Further development of the Voluntary IMO Member State Audit Scheme*,

1 ADOPTS the Framework and Procedures for the IMO Member State Audit Scheme, as set out in the Annex to the present resolution;

2 URGES Governments to fully cooperate with all parties involved in the implementation of audits, in accordance with the said Framework and Procedures, thus contributing to the Organization's efforts to achieve consistent and effective implementation of its instruments;

3 REQUESTS the Council to monitor the implementation of the Scheme with a view to ensuring that its objectives are achieved and to report to the Assembly, as appropriate;

4 REVOKES resolution A.974(24).

Annex

PART I**FRAMEWORK FOR THE IMO MEMBER STATE AUDIT****1 PURPOSE**

1.1 The purpose of this Framework is to describe the objective, principles, scope, responsibilities and capacity-building aspect of the IMO Member State audit, which together constitute the strategy for the audit scheme.

1.2 This Framework is supported by the Procedures for the IMO Member State audit and the *IMO Instruments Implementation Code (III Code)*.

2 APPLICATION

2.1 This Framework applies to all those involved in the Member State audit.

3 AUDIT STANDARD

3.1 The audit standard is the *IMO Instruments Implementation Code (III Code)*.

4 VISION STATEMENT

4.1 To promote the consistent and effective implementation of applicable IMO instruments and to assist Member States to improve their capabilities, whilst contributing to the enhancement of global and individual Member State's overall performance in compliance with the requirements of the instruments to which it is a Party.

5 OBJECTIVE

5.1 The objective of the audit is to determine to what extent Member States are implementing and enforcing the applicable IMO instruments. In order to achieve this, the audit will observe and assess:

- .1 compliance with the audit standard;
- .2 that the Member State has enacted legislation, as appropriate, for the applicable IMO instruments relating to maritime safety and prevention of pollution to which it is a Party;
- .3 the administration and enforcement of the applicable laws and regulations of the Member State;
- .4 the mechanism and controls in place, by which the delegation of authority by a Member State to a recognized organization and for the purposes of implementing convention requirements related to safety and protection of the environment is effected;
- .5 the Member State's control, monitoring and feedback mechanism with respect to its own survey and certification process and, as applicable, of its recognized organization(s); and
- .6 the extent to which the Member State discharges any other obligations and responsibilities under the applicable IMO instruments.

5.2 In addition, the audit will:

- .1 foster capacity building and the provision of related technical assistance by identifying areas which would benefit from further development to the extent which technical assistance could assist the Member State in discharging its responsibilities;
- .2 provide the audited Member State with feedback to assist in improving its capacity to implement the applicable instruments;
- .3 provide all Member States with feedback in generic lessons learned from audits of Member States, so that the benefits can be widely shared, while taking care to preserve the anonymity of the audited Member State; and
- .4 systematically feedback any lessons learned from the audits, as may be appropriate, for further consideration by the Organization of the effectiveness and appropriateness of its legislation.

6 PRINCIPLES

6.1 Sovereignty and universality

6.1.1 Audits should be positive and constructive in approach and carried out in accordance with the established procedures. Audits should be organized and conducted in a way which recognizes the sovereignty of a Member State to enact laws and to establish implementation and enforcement mechanisms for such laws, consistent with its obligations and responsibilities contained in the IMO instruments to which it is a Party. All Member States should be subject to the same principles, processes and procedures for the conduct of the audit.

6.2 Consistency, fairness, objectivity and timeliness

6.2.1 Audits should be pragmatic, fair and carried out in accordance with an agreed time frame. Recognizing and appreciating that different Member States may have different and equally valid ways of discharging their responsibilities, audits should be conducted by appropriately trained and qualified auditors, in a consistent and objective manner. Consistency and uniformity in the quality of audits must be ensured.

6.3 Transparency and disclosure

6.3.1 Audits will be planned and conducted in a fully transparent manner through the execution of the Memorandum of Cooperation, to be signed between each Member State and the Secretary-General, and detailed audit planning will include the full scope of the audit as contained in this Framework.

6.3.2 Audit interim and final reports, audit records and relevant information and material related to the audit should be confidential and available only to the audited Member State, the audit team and the Secretary-General. An audited Member State may authorize the release of the above-mentioned reports by the Secretary-General and make available to other parties details of the findings and observations and of its own subsequent actions.

6.3.3 An executive summary report should be drafted in a standardized format and submitted to the audited Member State for acceptance.

6.3.4 The release of the executive summary report to the public or Member States should be subject to the authorization of the Member State concerned, prior to the audit.

6.3.5 The Secretariat should prepare consolidated audit summary reports in a standardized format, containing findings, observations, related root causes and corrective actions, as well as areas of positive development and areas for further development to facilitate the identification of lessons learned and possible areas for regulatory review and technical assistance. A consolidated audit summary report should be anonymous and be issued on a periodic basis for consideration by the relevant IMO body.

6.4 Cooperation

6.4.1 Audits should be conducted in such a manner that the Member State being audited can contribute to the audit process within an established time frame.

6.5 Continual improvement

6.5.1 Audits should lead to continual improvement of the implementation and enforcement of the applicable IMO instruments by the Member State. In this regard, the Member State should carry out appropriate and agreed follow-up activities.

7 SCOPE

7.1 General

7.1.1 Under the general provisions of treaty law and of IMO conventions, States are responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give those instruments full and complete effect so as to ensure safety of life at sea and protection of the marine environment.

7.1.2 In taking measures to prevent, reduce and control pollution of the marine environment, States should act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

7.2 IMO instruments

7.2.1 Recognizing the foregoing, including paragraph 4.1, the applicable IMO instruments related to the areas listed below should be covered by audits for the purpose of determining how the relevant obligations and responsibilities relating to maritime safety and protection of the environment are carried out by Member States, with a view to further enhancing their performance:

- .1 safety of life at sea;
- .2 prevention of pollution from ships;
- .3 standards of training, certification and watchkeeping for seafarers;
- .4 load lines;
- .5 tonnage measurement of ships; and
- .6 regulations for preventing collisions at sea.

7.2.2 With regard to the STCW Convention, as amended, the audit should not seek to duplicate existing mandatory audit requirements contained in that Convention. Only the aspects of that Convention that are specified therein should be covered by audits.

7.3 Obligations and responsibilities

7.3.1 The Audit should cover those obligations and responsibilities contained in the applicable IMO instruments, to the extent that such instruments have entered into force for the Member State and under which the Member State is required to act in its capacity as flag, port and coastal State.

7.3.2 The obligations and responsibilities should be such that measures related to maritime safety and protection of the environment and which are undertaken by the Member State can be audited, in accordance with the audit standard.

7.4 Areas to be covered by the audit

7.4.1 The audit will cover the Member State's implementation and enforcement of applicable IMO instruments in its legislation; the effectiveness of its control and monitoring mechanism; effectiveness in promulgating IMO rules and regulations; enforcement action for the contravention of its laws and regulations; and other obligations and responsibilities under the applicable instruments.

7.4.2 With due regard to the implementation and enforcement of IMO instruments, the administrative, legal and technical areas which should provide the minimum scope for an audit are:

- .1 jurisdiction;
- .2 organization and authority;
- .3 legislation, rules and regulations;
- .4 promulgation of IMO instruments, rules and regulations;
- .5 enforcement arrangements;
- .6 control, survey, inspection, audit, verification, approval and certification functions;
- .7 selection, recognition, authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors;
- .8 investigations required to be reported to the Organization; and
- .9 reporting to the Organization and other Administrations.

7.4.3 In those instances where work to give effect to the Member State's responsibilities is divided between different organizations or offices, audits should address whether the respective tasks are clearly defined and should be conducted on a technical basis with the entities assigned those tasks.

8 RESPONSIBILITIES

8.1 The Secretary-General is responsible for:

- .1 administering the audit scheme;
- .2 formal appointment and maintenance of an appropriate list of audit team leaders and auditors;
- .3 establishing an audit team for each Member State audit;
- .4 ensuring that audit team leaders and auditors are competent as defined in section 4 of the Procedures;
- .5 ensuring that audit team members meet required standards of training to achieve consistency in the quality of audits;
- .6 concluding a Memorandum of Cooperation with the Member State to be audited, prior to the audit;
- .7 ensuring that the audit team is provided with all pertinent information to facilitate smooth and efficient conduct of the audit;
- .8 ensuring that the audits are planned in accordance with the overall IMO audit schedule;
- .9 liaising with and assisting developing and least developed countries to gather resources from external sources such as the Integrated Technical Cooperation Programme (ITCP);
- .10 ensuring that the Member State to be audited is offered the opportunity of receiving a visit by the audit team leader in advance of the actual audit, in order to be provided with information about the intention behind the scheme, the scope of the audit, how such an audit is carried out, and all other information needed to enhance understanding and cooperation between the audit team and the Member State to be audited;
- .11 communicating the agreed executive summary report to all Member States or the public;
- .12 ensuring the preparation of consolidated audit summary reports in a standardized format to be issued on a periodic basis in support of the work of the Organization;
- .13 maintaining appropriate records of the findings and observations of the actual audits of Member States; and
- .14 managing the audit scheme and possible follow-ups.

8.2 The Member State is responsible for:

- .1 fully facilitating the audit, in accordance with the Memorandum of Cooperation;
- .2 agreeing with the Secretary-General on the person who is to be the audit team leader and on the total membership of the audit team;

- .3 responding to audit team findings by preparing a programme of actions;
- .4 authorizing the release of the executive summary report, corrective action plan and Member State comments on the progress of implementation of the corrective action plan, prior to the audit;
- .5 implementing a programme of actions to address the findings, which should not exceed three years after the completion of the audit; and
- .6 informing the Secretary-General when action to address a finding is completed.

8.3 The audit team leader is responsible for:

- .1 the detailed planning of the actual audit;
- .2 ensuring that the audit team is fully acquainted with pertinent information regarding the audit;
- .3 the conduct of audit interviews and meetings, etc. in accordance with the Procedures, and assigning and maintaining overall responsibility over the other team members conducting such interviews, meetings, etc.;
- .4 preparing and completing the audit reports (interim and final) and the mission report;
- .5 reporting details of any finding and/or observation to the audited Member State;
- .6 preparing and agreeing with the Member State the executive summary report to be submitted to the Secretary-General;
- .7 assisting in the verification of corrective actions taken by the Member State; and
- .8 conducting a follow-up audit, as appropriate.

9 TECHNICAL COOPERATION

9.1 In order to obtain the full benefits from the scheme, consideration of capacity-building matters is essential, particularly in respect of human and financial resources. Where appropriate, Member States will be assisted in order to prepare for the audit and to address audit findings.

9.2 Capacity building includes an adequate supply of suitably trained personnel with maritime and audit skills, as well as the required software systems. The need for infrastructural facilities, defined as workspace, utilities and communication systems relevant to meeting the initial needs of the audit and ultimately the aims of the scheme, must also be taken into account.

9.3 Technical assistance will become part of the process with a view to facilitating:

- .1 the preparation of the audit;
- .2 the identification of obstacles to completing the audit;

.3 the effective implementation of actions to address the findings of the audit;
and

.4 any related capacity building.

9.4 Technical assistance may, inter alia, include the following:

.1 training;

.2 exchange programmes;

.3 provision of experts; and

.4 participation of observers during the conduct of audits in other Member States.

9.5 Account should also be taken of the need to ensure participation by maritime and auditing experts from developing countries in the audit process. Arrangements should be made for the training of internal auditors who may subsequently become part of audit teams.

PART II

PROCEDURES FOR THE IMO MEMBER STATE AUDIT

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PROCEDURES FOR THE IMO MEMBER STATE AUDIT

1 PURPOSE

1.1 The purpose of this part is to describe the procedures for the Member State audit including, but not limited to:

- .1 preparation;
- .2 conduct of the audit; and
- .3 reporting requirements.

2 APPLICATION

2.1 The present Procedures apply to all those involved in a Member State audit.

3 DEFINITIONS

3.1 **"Audit"** Systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

3.2 **"Audit criteria"** Set of policies, procedures or requirements used as a reference.

3.3 **"Audit evidence"** Records, statements of fact or other information that are relevant to the audit criteria and verifiable.

3.4 **"Corrective action"** Action to eliminate the cause of a finding.

3.5 **"Document"** Information and its supporting medium.

3.6 **"Audit follow-up"** is a process to confirm the implementation of the corrective action plan, which could include an actual audit or a document-based audit.

3.7 **"Information"** Meaningful data.

3.8 **"Finding"** A situation where objective evidence indicates the non-compliance with a mandatory requirement contained in an IMO instrument or in the audit standard.

3.9 **"Observation"** A statement of fact substantiated by objective evidence, relating to a non-mandatory provision of the audit standard.

3.10 **"Objective evidence"** Quantitative or qualitative information, records or statements of fact, which are based on observation, measurement or test and which can be verified.

3.11 **"Procedure"** Specified way to carry out an activity or a process.

3.12 **"Process"** Set of interrelated or interacting activities that transform inputs into outputs.

3.13 **"Records"** Documents stating results achieved or providing evidence of activities performed.

3.14 **"Requirements"** Need or expectation that is stated, generally implied or obligatory.

3.15 **"Verification"** Confirmation, through the provision of objective evidence, that specified requirements have been fulfilled.

4 PLANNING

4.1 Audit cycle and schedule

4.1.1 Audit of all Member States shall be conducted at periodic intervals not exceeding seven years and shall be based on an overall schedule developed by the Secretary-General of the Organization, based on the following principles:

- .1 The audit schedule should be determined from a random drawing of the names of Member States, who have not completed an audit under the voluntary Scheme. This should be followed by those Member States that have completed a voluntary audit in the order in which they were audited.
- .2 The Secretary-General will notify each Member State of the projected date of its audit as soon as possible but not less than 18 months in advance.
- .3 Any request to postpone a scheduled audit by a Member State, due to extraordinary circumstances, should be submitted in writing at least six months prior to the audit due date and should be considered and determined by the Council.

4.2 Initial arrangements

4.2.1 The scope of the audit, consistent with the applicable IMO instruments and the audit standard, is to be concluded between the Member State and the Secretary-General and included in a Memorandum of Cooperation. The Memorandum of Cooperation should outline the responsibilities of IMO and the Member State in all phases of the audit.

4.2.2 An audit will not proceed until a Memorandum of Cooperation has been signed and exchanged between the Member State and the Secretary-General.

4.2.3 The Memorandum of Cooperation will confirm, inter alia, that the audit is to be conducted in accordance with the procedures contained therein.

4.2.4 The audit of a Member State should be planned in accordance with an agreed timetable.

4.2.5 The audit team leader will discuss and agree with the Member State the detailed audit timetable, within the context of the Framework.

4.3 Nomination of auditors

4.3.1 When a Member State nominates an auditor, who shall have demonstrable auditing skills and techniques, as for example obtained from a management system auditor training course, ISM Code auditor training course or IMO Member State auditor training course, the following personal qualities and qualifications should be taken into account:

- .1 initiative, judgement, tact, sensitivity and the ability to maintain harmonious working relations when meeting intended or unintended obstacles during the audit, and when working in a multicultural environment;
- .2 proven skills at managerial and/or senior level;
- .3 demonstrated motivation and the ability to write clearly and concisely;
- .4 full command of at least one of the six official IMO languages;
- .5 in-depth knowledge of the functions of an Administration;
- .6 good knowledge of the IMO's regulatory framework, including relevant instruments; and
- .7 computer literacy.

4.4 Selection of auditors

4.4.1 Selection of individuals as designated members of an audit team shall be done on the basis of nominations of appropriately competent auditors received from Member States. Acceptance shall be the responsibility of the Secretary-General, who should verify that the relevant individuals are competent to conduct the audit. The criteria to be applied in the verification should include:

- .1 audit team leaders and auditors with demonstrable auditing skills and techniques, as for example obtained from a management system auditor training course, ISM Code auditor training course or IMO Member State auditor training course;
- .2 language capabilities (IMO official languages and others); and
- .3 representation from different geographical regions and nationalities.

4.5 Selection of an audit team

4.5.1 When putting together a team to carry out an individual Member State audit, the Secretary-General should have regard to the need for:

- .1 all teams to aspire to the highest standards of excellence in their task;
- .2 the audit team leader to combine high professional qualifications as an auditor with the ability to lead/manage;
- .3 the audit team leader to be fully conversant with the *audit standard*;
- .4 the team leader and/or other team members to have full command of the IMO official language chosen by the Member State for use in the audit, the audit briefing and the preparation material for the members of the audit team. Where possible, at least one team member should have working knowledge of the language of the Member State's legislation and other relevant documentation, if not available in the chosen IMO language. Failing that, interpretation, as required, should be provided by the Member State;

- .5 provision of an updated CV of all audit team members to the Member State and agreement with the Member State as to the suitability of the team members being proposed, prior to commencement of the audit;
- .6 the audit team to consist of a sufficient number of auditors to ensure that the audit is conducted and completed in a satisfactory way, within the agreed period. In some situations, allowance must be made for the team to be subdivided to conduct parallel activities during the course of the audit;
- .7 all members of the audit team to operate on behalf of IMO, i.e. fully independent of both their own Member State and the Member State being audited; and
- .8 a range of nationalities.

5 PREPARING FOR THE AUDIT

5.1 The audit team leader should, with the assistance of the Secretary-General, obtain the necessary background information about the Member State to be audited. This should include the Memorandum of Cooperation and the pre-audit questionnaire (see appendix 2).

5.2 If the Member State to be audited has requested an information meeting in accordance with paragraph 8.1.10 of the Framework, the audit team leader should make the necessary arrangements for such a meeting in consultation with the Member State to be audited.

5.3 The pre-audit questionnaire should be returned, duly completed, by the Member State to be audited, as soon as possible and not later than two months after receipt, and updated, as appropriate, not later than three months before the audit.

5.4 The audit team should review the completed pre-audit questionnaire, as well as any additional information provided by the Member State.

5.5 If the audit team leader finds it necessary, he/she may, after consultations with the other members of the audit team, send additional questions to the Member State on an ad hoc basis.

5.6 Based on the information provided by the Member State in the pre-audit questionnaire and any attached documents, the audit team leader, assisted by the other members of the audit team and the Member State to be audited, should carry out detailed planning for the audit.

5.7 The audit planning should include:

- .1 the location(s) where the audit is to take place;
- .2 the scope and objectives of the audit as defined in the Framework and Memorandum of Cooperation;
- .3 the starting and ending dates of the audit, including of the opening and closing meetings;

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- .4 the names of the participants in the audit – both auditors and key personnel from the Member State to be audited – including a person designated by the Member State as the single point of contact between the Member State and the audit team;
 - .5 identification of the documents necessary to conduct the audit;
 - .6 a tentative programme of the audit activities;
 - .7 a brief review of the information provided in the pre-audit questionnaire, including general areas to be covered:
 - .1 arrangements for transposing ratified conventions and subsequent amendments into national legislation;
 - .2 implementation arrangements, including responsibilities, delegation and verification;
 - .3 enforcement arrangements; and
 - .4 reporting arrangements, a self-assessment and a review of performance;
 - .8 travel and administration plans (entry visas, security clearances, health requirements, etc.), as well as the travel schedules of the audit team members;
 - .9 the language to be used for the audit and for the audit briefing/preparation material for team members; and
 - .10 assignments and responsibilities of the audit team members.

5.8 Checklists and/or *aides-memoires* are important tools when conducting the audit in specific fields. When preparing the audit, the audit team leader and the audit team should consider whether checklists and/or *aides-memoires* could be used. Development of such checklists and/or *aides-memoires* may be necessary.

5.9 With due regard to the sequence of activities (see appendix 3), and in order to allow the Member State to be audited sufficient time to consider and accept all elements of the audit planning, and also to plan and facilitate the smooth conduct of the audit, consultations should take place between the Secretary-General, the audit team leader and the Member State to be audited at the earliest opportunity.

5.10 The audit team leader should brief the other members of the audit team sufficiently in advance to ensure that the audit team is prepared. The purpose of this briefing is to ensure that all members are aware of the results from the pre-audit questionnaire and the audit planning, including allocations of responsibility among the team members for conducting the different parts of the audit. The briefing should at least include:

- .1 the scope and objectives of the audit;
- .2 analysis of the pre-audit questionnaire; and

- .3 agreement as to roles and responsibilities during the audit, including the final preparations of checklists and/or *aides-memoires* in specific fields, as necessary.

At the discretion of the team leader, the briefing need not occur in person.

5.11 The contact person, designated in accordance with paragraph 5.7.4, should also be responsible for supplying the necessary documentation to the audit team prior to the audit.

6 CONDUCTING THE AUDIT

6.1 Timeline

6.1.1 The audit shall proceed on the basis of the timeline agreed between audit team leader and the Member State, in accordance with the audit timetable and the Memorandum of Cooperation signed by the Member State and the Secretary-General.

6.2 Conduct of auditors

6.2.1 The overall policy for the audit team when conducting the audit should be the objective, strategy and principles as described in the Framework.

6.2.2 When conducting the audit, the members of the audit team must strive to achieve the highest standards of objectivity, impartiality and confidentiality. Correct behaviour is essential to avoid any impression that there is a bias for or against the Member State that is being audited.

6.2.3 To ensure transparency and consistency among all members of the audit team, the team member(s) with a working knowledge of the language of the Member State's legislation and other relevant documentation should assist with communication so as to minimize ambiguity and risk of misunderstandings in the auditing process, but they should not attempt independently to act as interpreter(s).

6.2.4 It should be recognized that the final result of the audit, i.e. the audit report including its findings and observations, is a very sensitive document, as it gives the Member State an indication of how it fulfils its role as a responsible party to the applicable IMO instruments.

6.2.5 Audits may result in raising the awareness and interest of the local media, employers' organizations, trade unions, etc. some of which may request interviews with the audit team. Such interviews should only be conducted with the consent of, and in the presence of, an official of the Member State. In such circumstances, information provided by the audit team will be limited to explaining its mandate and objectives.

6.3 Opening meeting

6.3.1 An opening meeting between the auditors and the representatives of the Member State to be audited should be held in order to confirm the arrangements prior to commencing the on-site audit. The audit team leader should use the opening meeting to present the objective and scope of the audit. The opening meeting is to be scheduled in advance and included in the audit timetable.

6.3.2 The opening meeting will be chaired by the audit team leader. At that meeting, the senior executive of the audited Member State may also wish to provide a briefing and information to the audit team. The agenda should cover at least the following items:

- .1 introduction of the participants (a list of participants should be distributed before the meeting);
- .2 background history and objectives of the audit;
- .3 review and confirmation of the provisional audit timetable, including the scope and objectives of the audit;
- .4 a short summary of the methods and procedures to be used in conducting the audit;
- .5 official communication links between the audit team and the Member State's officials, for example the appointment of a liaison officer;
- .6 facilities and administrative arrangements;
- .7 an appropriate programme of visits to the Member State's regional offices and other involved organizational elements;
- .8 time, date and place of the closing meeting and any interim meetings of the audit team and the Member State's senior management;
- .9 procedures for documenting audit findings and observations, providing response to such findings and observations and agreeing them (see appendix 4);
- .10 confidentiality of findings and observations, i.e. the auditors are to agree with the auditee on any controls on evidence obtained during the audit and on disposal of report findings and observations and report copies; and
- .11 agreement that, if practicable, a draft audit interim report and a draft executive summary report should be tabled during the closing meeting.

6.3.3 The audited Member State should be prepared to assist the audit team by providing:

- .1 working space, preferably with privacy;
- .2 access to personal computers, photocopiers and facsimile machines, as well as electronic communication media such as the Internet and e-mail, if available;
- .3 access to facilities (i.e. building passes or other suitable arrangements);
- .4 access to relevant files and records including those of any other relevant entity responsible for maritime regulation relating to IMO instruments; and
- .5 access to selected personnel for interviews.

6.4 The audit

6.4.1 A Member State official from the area being audited should accompany the auditor as a guide.

6.4.2 Evidence should be collected by interviewing staff, reviewing documents and observing selected activities of the responsible entities of the Member State.

6.4.3 When an auditor has reason to believe that a possible finding or observation exists, he/she should discuss it with the responsible Member State official and record the following details as appropriate:

- .1 details of the finding or the observation (including the title, number and issue of any document involved, where appropriate); and
- .2 the location where the finding or the observation was obtained.

6.4.4 To assist the Member State in devising early solutions, the audit team may provide information on findings and/or observations to their Member State counterparts on a regular basis, in advance of the closing meeting.

6.5 Audit closing meeting

6.5.1 The audit closing meeting provides the opportunity for the audit team to brief all relevant personnel from the audited Member State on findings and/or observations relating to the audit. The meeting should ensure that the Member State authorities clearly understand the situation as audited by the audit team and are able to start working on the corrective action plan, if necessary. The meeting should emphasize the most significant issues and concisely present the team's findings and/or observations.

6.5.2 The audit closing meeting should also include a short briefing on all findings and/or observations to be included in the audit interim report and the executive summary report. Where practicable, a draft audit interim report and a draft executive summary report should be provided to the Member State at the end of the audit during the audit closing meeting.

6.5.3 The audit team leader should discuss with the Member State any follow-up activities, including suggestions regarding the need for and content of a corrective action plan to be developed by the Member State. The audit team leader should also inform the Member State of critical dates for the submission of the corrective action plan (see appendix 4), the final and executive summary reports.

6.5.4 The format of the audit closing meeting should be as follows:

- .1 review of the scope and objectives of the audit;
- .2 summary of audit procedures;
- .3 presentation of findings and/or observations included in the draft audit interim report and draft executive summary report;
- .4 information on visits to regional offices and other involved organizational elements, as applicable; and
- .5 actions to be taken by the audited Member State following the audit.

6.5.5 Specialist meetings of the audit team members and the relevant officials of the Member State may be held prior to or after the audit closing meeting, at the discretion of the audit team leader and the Member State.

7 REPORTING

7.1 General

7.1.1 The following principles should be taken into account when preparing audit reports:

- .1 the audit findings and/or observations in the briefing to the audit closing meeting, the audit interim report and the audit final report must be consistent;
- .2 findings and observations must be supported by objective evidence;
- .3 findings and observations must be stated clearly and concisely;
- .4 generalities and vague expressions must be avoided;
- .5 audit findings and observations must be objectively presented;
- .6 widely accepted maritime terminology must be used, avoiding acronyms and jargon; and
- .7 criticism of individuals or positions must be avoided.

7.1.2 All information gathered, materials, notes and reports obtained or compiled during the Member State audit will be treated as confidential by the audit team and the Secretary-General. Only the audited State has the right to authorize the release of reports.

7.1.3 On completion of an audit, the audit team leader will transmit any completed audit checklist and any other associated records and reports to the Secretary-General for review and retention in confidence until replaced by any subsequent audit material.

7.2 Audit interim report

7.2.1 The audit interim report is a formal report of the audit findings and observations submitted to the Member State. The Member State's corrective action plan should be based on the findings from the audit interim report. The audit interim report forms the basis for the preparation of the audit final report and is superseded by the audit final report when completed.

7.2.2 The audit interim report should be confidential and available only to the audited Member State, the Secretary-General and the audit team. The contents of the audit interim report should be the following:

- .1 *Introduction*
 - .1 background;
 - .2 members of the audit team;
 - .3 involved officials from the Member State; and
 - .4 acknowledgement.
- .2 *Scope, objectives and activities of the audit*

- .3 *Maritime activities of the Member State (general description)*
 - .1 general;
 - .2 flag State;
 - .3 coastal State; and
 - .4 port State.
- .4 *Findings*
- .5 *Observations*
- .6 *Comments and possible recommendations*
 - .1 areas of positive development; and
 - .2 areas for further development.
- .7 *Appendices*
- .8 *Annexes*

7.2.3 Any disagreement with the audit team's interim report may be recorded in writing by the Member State and shall be annexed to the interim report.

7.2.4 Every endeavour should be made by both the Member State and the audit team to avoid disagreement over the audit findings and/or observations. At any stage, the Member State should notify any concerns to the audit team with respect to the validity and/or interpretation of any audit findings and/or observations. Diverging opinions regarding the audit findings and/or observations between the audit team and the Member State should be discussed and, if possible, resolved. If not resolved, all opinions, including those annexed to the interim report, should be annexed to the final report. The objective is to resolve all such disagreements.

7.3 Executive summary report

7.3.1 An executive summary report, which will contain the details of the audited Member State, including the involved entity(ies) of the State, will provide a summary of findings and observations relating to the Member State's adherence to the audit standard and implementation of the applicable IMO instruments. The executive summary report should be prepared by the audit team leader and forwarded to the audited State for comments and final acceptance before the report is published by the Secretary-General, based on authorization received from the Member State prior to the audit.

7.3.2 The report should be in the form as set out in appendix 5.

7.4 Audit final report

7.4.1 The audit final report represents the official and actual report of the audit. The structure and contents of the audit final report should be similar to the audit interim report, with the exception that the audit final report should include a summary of the Member State corrective action plan submitted by the audited State, root cause as identified by the audited

State, information on the progress made by the audited State on the implementation of the Member State corrective action plan and any issues left unresolved.

7.4.2 The audit team is responsible for preparing the audit final report. The audit final report should only be available to the audited Member State, the audit team and the Secretary-General, unless its release by the Secretary-General to the public or Member States has been authorized by the audited Member State prior to the audit.

7.4.3 Based on audit final reports prepared by audit team leaders, the Secretariat should prepare an anonymous consolidated audit summary report on a periodic basis containing lessons learned from the audits.

7.5 Member State's comments on the progress of implementation of corrective action plan

7.5.1 A Member State's comments contain any statement that an audited State may wish to put forward in relation to the progress made in the implementation of the corrective action plan. Such comments are published as received and based on authorization received from the Member State prior to the audit, without validation by the Secretariat or the audit team leader.

7.6 Audit team leader's mission report

7.6.1 The audit team leader should prepare a separate report describing the conduct of the audit, positive elements and difficulties encountered and proposals to improve the planning and conduct of audits. The audit team leader's mission report should, therefore, provide feedback on the conduct of the audit from planning to completion. The mission report is an integral part of the quality assurance programme for the audit scheme and will be used by the Secretary-General to improve audit planning.

7.6.2 A record of all feedback and recommendations from mission reports of all audit team leaders and of action taken to address concerns raised should be maintained by the Secretary-General and made available to auditors, when necessary.

7.7 Feedback from the Member State

7.7.1 The Member State may prepare feedback describing the conduct of the audit, positive elements and difficulties encountered and proposals to improve the planning and conduct of audits. The Member State's feedback, if available, is an integral part of the quality assurance programme for the audit scheme and will be used by the Secretary-General to improve audit planning.

8 MEMBER STATE'S CORRECTIVE ACTION PLAN

8.1 The Member State's corrective action plan responds to the audit findings by proposing action to bring the Member State in conformity or adherence with the audit standard. The corrective action plan may also include the Member State's response to the audit observations.

8.2 Corrective actions, with appropriate timelines, taking into account paragraph 8.2.4 of the Framework, should be established for each of the audit findings. Together, the corrective actions form the Member State's corrective action plan.

8.3 The Member State's corrective action plan should contain information relevant to the audit conducted and respond to each audit finding and/or observation. The Member State's corrective action plan should provide detailed information of action to be taken, including a time frame for the commencement and completion of each action, and should be signed by the Member State.

8.4 The Member State's corrective action plan should be presented to the audit team leader and the Secretary-General within 90 calendar days after receiving the agreed audit interim report. In exceptional cases, a Member State may be granted an extension.

8.5 The Member State's corrective action plan, in response to the audit interim report and executive summary report and prepared in the format stipulated in appendix 4, should be released to all Member States or the public by the Secretary General, subject to prior authorization of the Member State concerned.

8.6 The audit final report should include information on the possible corrective action plan proposed by the Member State. If the Member State is not required to submit a corrective action plan, the audit final report will be prepared and submitted without any corrective action plan.

9 AUDIT FOLLOW-UP

9.1 An audit follow-up should, if applicable, be conducted after corrective actions have been completed by the Member State, but not later than three to four years following a Member State audit, in order to determine the status of implementation of the corrective action plan.

9.2 The audit follow-up should normally be conducted in the form of a document-based audit. Where the full implementation of the corrective action cannot be effectively verified by reviewing the documentary evidence submitted by the audited Member State, the Secretary-General should consider constituting an on-site follow-up audit for that purpose.

9.3 If a need for conducting an on-site follow up audit is established, the standard procedures applied to the regular Member State audit described in this document should be applied. The only exception is the difference in scope, as the audit follow-up should be limited to issues identified during the initial audit as being in need of improvement or further monitoring.

9.4 The audit follow-up team will normally consist of an audit team leader and other members, as required, depending on the scope of the audit. Where possible, at least one of the audit team members for an audit follow-up should have been a member of the original audit team.

10 RECORDS

10.1 Records from all audits conducted should be maintained by the Secretary-General. Such records should include:

- .1 Member State audit interim and final reports;
- .2 executive summary reports;
- .3 corrective action plan;

- .4 audit team leaders' mission reports; and
- .5 audit follow-up reports.

11 THE AUDIT PROCESS

11.1 The audit process is illustrated in the flow chart given in appendix 6 of this Procedure.

Appendix 1

MODEL MEMORANDUM OF COOPERATION

Model Memorandum of Cooperation between [Member State] and the International Maritime Organization concerning participation in the IMO Member State Audit Scheme

Preamble

1 *Whereas* the Assembly of the International Maritime Organization (IMO) has adopted resolution A.1070(28) on the *IMO Instruments Implementation (III) Code*; and resolution A.1067(28) on the *Framework and Procedures for the IMO Member State Audit Scheme*, for the purpose of ensuring the consistent and effective implementation of IMO instruments globally and compliance with their requirements,

2 *Whereas* [Member State] supports the principles on which this scheme has been based and is committed to contributing to its success,

3 [Member State] and IMO have agreed as follows:

Section 1 – General

4 [Member State] hereby consents to the conduct of a Member State audit by an IMO audit team. This audit will be in conformity with the Framework and Procedures set out in Assembly resolution A.1067(28).

5 The audit will be conducted in accordance with the prescribed sequence of activities. It should be completed within the scheduled period, following consultation between the parties to this Memorandum.

Section 2 – Confidentiality

6 The parties agree that all information gathered, materials, notes and reports obtained or compiled during this audit will be treated in confidence. The term "in confidence" is understood to mean that none of the above will be communicated or provided by the audit team or the Secretary-General to any other party, unless authorized by [Member State] in writing.

7 Notwithstanding the previous paragraph, it is agreed that the executive summary report, the corrective action plan and comments on the progress of implementation of the corrective action plan will be released to [all Member States of IMO] [the public] as individual reports¹.

¹ This paragraph is optional for authorizing the release of the information stated therein. A Member State may opt to use a separate authorization process for the release of the information.

Section 3 – Member State responsibilities

8 [Member State] agrees to provide the audit team with any cooperation and assistance necessary to the successful completion of the audit. This includes:

- .1 designating a single point of contact within the [Administration] for all communications regarding the audit conducted pursuant to this Memorandum;
- .2 assisting with the procedures for any visas or permits that may be necessary for the audit team to perform its duties;
- .3 providing the audit team with copies of, and/or convenient access to, relevant documents and records, including electronically maintained records;
- .4 making the appropriate staff members and officials from its [Administration] and any other involved organizational elements available for interview by the audit team at a mutually agreed time and place;
- .5 closely monitoring implementation of the agreed timeline for the audit and bringing to the attention of the audit team any conditions which may make adjustments necessary;
- .6 arranging, as may be requested by the audit team, for the team to observe operations or activities that fall within the scope of the audit, provided that the Member State is not expected to arrange for observations of operations or activities which are not scheduled in the normal course of business; and
- .7 otherwise facilitating the work of the audit team by providing administrative, secretarial, interpretation and transportation services, as appropriate.

Section 4 – IMO responsibilities

9 The Secretary-General will support the audit undertaken pursuant to this Memorandum by:

- .1 designating a single point of contact within the Secretariat for all communications regarding the audit conducted pursuant to this Memorandum;
- .2 selecting the audit team leader and members of the audit team, the composition of which (names, nationalities and qualifications and other relevant information that may be necessary to facilitate entry) will be provided to [Member State] prior to the audit;
- .3 closely monitoring implementation of the agreed timeline for the audit and bringing to the attention of the audit team and [Member State] any conditions which may make adjustments necessary;
- .4 maintaining appropriate records of the audit; and
- .5 providing practical, logistical and other assistance as necessary to facilitate the conduct of the audit.

Section 5 – Scope of the audit

[To be agreed between the parties]

Section 6 – Privileges and immunities and other legal implications

10 Nothing in this Memorandum shall constitute a waiver, express or implied, of any privilege or immunity which IMO and [Member State] may enjoy, whether pursuant to the Convention on Privileges and Immunities of the Specialized Agencies or any other convention or agreement, law or decree of international or national character.

11 Individuals who are designated, pursuant to this Memorandum, to serve as auditors will be considered to be IMO experts for the purposes of annex XII of the Convention on Privileges and Immunities of the Specialized Agencies.

12 Nothing in this Memorandum is intended to create any legal right or obligation between the parties or regarding third parties.

Section 7 – Settlement of disputes

13 Any dispute, controversy or claim between the parties arising out of, or relating to, this Memorandum is to be resolved amicably by negotiation.

Section 8 – Suspension, modification or cancellation

14 This Memorandum may be suspended, modified or cancelled at any time by the Member State by giving one month's written notice, provided that due consideration is given to winding up any arrangements which have been put in place pursuant to this Memorandum.

Section 9 – Validity and duration

15 This Memorandum shall be valid from the date on which it has been signed by both parties and remain valid for a period of three years, or until the agreed timeline referred to in section 4 has been completed, whichever is later. Implementation of this Memorandum is subject to the availability of funding.

Section 10 – Additional provisions

[As necessary]

16 In witness whereof, the parties have signed the present Memorandum in two originals.

On behalf of [Member State]

On behalf of IMO

(Name and title)

Secretary-General

Date: _____

Date: _____

Appendix 2

PRE-AUDIT QUESTIONNAIRE

The pre-audit questionnaire (PAQ) should be returned, duly completed, by the Member State to be audited, as soon as possible and not later than two months after receipt, and updated, as appropriate, not later than three months before the audit.

The structure of the PAQ is harmonized with the sections and provisions of the IMO Instruments Implementation Code (III Code) and this should be referred to when completing the form.

Any material provided may be used in the final report.

The Member State should keep the descriptions/answers clear and concise and, if more convenient, link the responses to appendices or documents attached to the PAQ containing descriptions, procedures, diagrams, etc. which are relevant for answering the questions in the PAQ and to illustrate the Member State's implementation of the applicable IMO instruments.

GENERAL INFORMATION

| | | |
|-----------------------|--|--|
| 1 | Name of State: | |
| 2 | Full contact details for the designated single point of contact for the audit: | |
| Name and Title | | |
| Address | | Telephone No.: Fax No.: E-mail address: |

3 Full contact details of all government body(ies) covering the following areas of responsibility (when the responsibility is divided between more than one entity please insert details of each of the government bodies):

| Safety | | | | | | |
|--|-------------------|---|----------------------|---|-------------------|---|
| | Flag State | IMO instruments and main national laws/regulations the body has responsibility for | Coastal State | IMO instruments and main national laws/regulations the body has responsibility for | Port State | IMO instruments and main national laws/regulations the body has responsibility for |
| Name(s) of government body(ies) | | | | | | |
| Address | | | | | | |
| Website | | | | | | |
| Environmental Protection | | | | | | |
| | Flag State | IMO instruments and main national laws/regulations the body has responsibility for | Coastal State | IMO instruments and main national laws/regulations the body has responsibility for | Port State | IMO instruments and main national laws/regulations the body has responsibility for |
| Name(s) of government body(ies) | | | | | | |
| Address | | | | | | |
| Website | | | | | | |

4 Please provide a description, preferable as an organogram and/or a diagram, depicting the area of responsibility of each of the above-mentioned government bodies (responsibilities should be described according to the general obligations emanating from the IMO instruments).

5 Please indicate the number of employees of each relevant government body by category and by location (repeat the table as many times as necessary). Include any additional explanations regarding number and location of employees.

| Category | No. of employees | Location |
|--|------------------|----------|
| Flag State surveyors/inspectors/auditors | | |
| Port State control officers | | |
| Investigators | | |
| Management | | |
| Support Staff | | |

6 Please indicate the number of ships on your State's register according to the following types and the nature of the trade in which they are involved. Please provide the information separately for each register, where applicable.

| | Number | Nature of Trade |
|-----------|--------|-----------------|
| Passenger | | |
| Cargo | | |
| Fishing | | |
| Other | | |

7 Please indicate the number and location of ports in your State according to the following types.

| | Number | Location(s) |
|-----------|--------|-------------|
| Passenger | | |
| Cargo | | |
| Other | | |

8 Please provide information on any relevant organizations and/or entities fulfilling functions required by the mandatory instruments, their relationship to the maritime administration and details of the functions they provide.

(PLEASE USE III CODE AS A GUIDE WHEN COMPLETING THIS PAQ AFTER THIS POINT)

PART 1 – COMMON AREAS

Strategy (paragraphs 3 and 9)

9 Please provide the overall maritime policies and strategy of your State to implement the applicable IMO instruments and also how this is communicated to all concerned.

General (paragraphs 4 and 5)

- | | |
|----|--|
| 10 | Please describe how your State: .1 develops and promulgates legislation and takes all other steps to give the applicable IMO instruments full and complete effect (include a flow chart); and .2 incorporates amendments to IMO instruments into national legislation. |
|----|--|

Scope (paragraphs 6 and 7)

- | | |
|----|---|
| 11 | Please provide INDIVIDUALLY FOR EACH OF THE INSTRUMENTS: .1 the number of equivalents/exemptions issued under this instrument and reported, as appropriate, to the IMO; and .2 whether information on national laws, etc. has been communicated to IMO. |
|----|---|

- | | |
|----|--|
| 12 | Please describe how policies are developed to implement legislation, including administrative procedures and examples thereof. |
|----|--|

Records (paragraph 10)

- | | |
|----|---|
| 13 | Please describe which records are retained and for what period. |
|----|---|

Improvement (paragraphs 11 to 14)

- | | |
|----|--|
| 14 | Please describe how your State: .1 stimulates a culture which provides for improvement of performance in relevant maritime activities; .2 identifies and eliminate the root causes of any non-conformities; and .3 anticipates potential non-conformities in order to prevent their occurrence. |
|----|--|

PART 2 – FLAG STATE

Implementation (paragraphs 15 and 16)

- | | |
|----|--|
| 15 | Please describe how your State assigns responsibilities for implementing relevant legislation and national policies including how these are periodically reviewed. |
|----|--|

- | | |
|----|---|
| 16 | Please describe how your State develops or implements: .1 an independent audit and inspection programme for ships entitled to fly the flag; and .2 guidance for those requirements in the IMO instruments that are to "the satisfaction of the Administration". |
|----|---|

Delegation of authority (paragraphs 18 to 21)

- | | |
|----|--|
| 17 | List the recognized organizations (ROs) and/or nominated surveyor(s) that are appointed to act on behalf of your State for conducting surveys, inspections and audits, issuing of certificates and documents, marking of ships and other statutory work required by the IMO instruments. |
|----|--|

18 Please provide a matrix indicating which functions (plan approvals, surveys, certification, exemptions and equivalent arrangements) have been delegated. The formal agreements or equivalent arrangements with ROs should also be attached.

19 Please describe how your State maintains oversight of the functions delegated to ROs and/or nominated surveyors.

Enforcement (paragraphs 22 to 27)

20 What enforcement actions has your State undertaken during the preceding twelve months where breaches of provisions of the IMO instruments have been identified.

21 Please describe how your State:

- .1 follows up on detentions of ships entitled to fly its flag;
- .2 ensures that international certificates are only issued or endorsed to a ship when it is determined that the ship meets all applicable requirements; and
- .3 ensures that an international certificate of competency or endorsement is only issued to a person when it is determined that the person meets all applicable requirements.

Flag State surveyors (paragraphs 29 to 36)

22 Please describe your State's requirements for the following:

- .1 surveyor/inspector/auditor/investigator recruitment criteria; and
- .2 the initial and in-service training requirements for surveyors/inspectors/auditors/investigators.

Flag State investigations (paragraphs 40 and 41)

23 Please describe how your State:

- .1 maintains records, databases, etc. of the number of accidents involving personal injuries, occupational accidents and casualties to ships, and pollution incidents that are investigated by your State and/or other States during the last two years;
- .2 ensures that investigations are impartial and objective;
- .3 ensures reportable personal injuries, accidents and casualties are reported and the criteria for determining what is reportable;
- .4 ensures that accidents, casualties and injuries are investigated and the criteria for determining what to investigate; and
- .5 reports accidents and casualties to IMO.

Evaluation and review (paragraphs 42 to 44)

24 Please describe how your State evaluates its performance in meeting the requirements of the IMO instruments. In particular, evaluation of detention rates, inspection results, casualty statistics, communication processes, annual loss statistics and other performance indicators.

PART 3 – COASTAL STATE

Implementation (paragraphs 45 to 48)

- 25 Please describe how your State fulfils the following:
- .1 promulgating navigational warnings and dangers to navigation;
 - .2 establishment and maintenance of any navigational aids within waters for which it has responsibility and how information relating to these is promulgated;
 - .3 putting measures in place to encourage the collection of meteorological data and what use is made of this data;
 - .4 establishing arrangements for maritime distress communication monitoring and coordination and rescue within your State;
 - .5 establishing arrangements for investigating reported incidents of pollution;
 - .6 arrangements for the provision of hydrographic services; and
 - .7 any other measures undertaken by your State to evaluate its effectiveness in implementing the above provisions.
- Please describe, if applicable:
- .8 any maritime traffic routing schemes or restricted areas enforced within waters for which your State has responsibility and which have not been adopted by IMO, and any ship reporting systems;
 - .9 any IMO maritime traffic routing system or restricted area within waters under the jurisdiction of your State and how it is managed; and
 - .10 any reporting system or VTS system adopted by IMO that is within your State.

Enforcement (paragraph 50)

- 26 Please describe how your State fulfils the requirements of the III Code for:
- .1 considering, developing and implementing a control and monitoring programme;
 - .2 the timely response to pollution incidents; and
 - .3 cooperating with other flag and/or coastal States for the investigation of maritime casualties.

Evaluation and review (paragraph 51)

- 27 Please explain how your State evaluates its performance as a coastal State, e.g. exercises to test counter-pollution measures, rescue of distressed persons, etc.

PART 4 – PORT STATE

Implementation (paragraphs 52 to 56)

- 28 If applicable please indicate:
- .1 what legislation is in place permitting port State control to be undertaken on foreign ships visiting your ports and the procedures for undertaking them;
 - .2 the regional port State control regimes your State is affiliated to;
 - .3 the recruitment criteria and qualifications for port State control officers engaged in port State duties;
 - .4 the arrangements in place to enable port State control interventions to be transmitted "forthwith" to all parties concerned;

- | |
|--|
| <ul style="list-style-type: none">.5 how many port State control inspections have been carried out by your State over the last two years, and how do these relate to national and regional targets;.6 whether your State has reception facilities for ship-generated wastes under the MARPOL Convention and provide details of this and the adequacy of these arrangements; and.7 whether a register of fuel oil suppliers is maintained and who maintains it. |
|--|

Evaluation and review (paragraph 63)

| | |
|----|--|
| 29 | Please explain how your State evaluates its performance as a port State. |
|----|--|

Appendix 3

AUDIT SCHEME SEQUENCE OF ACTIVITIES

| Ref. | Activity | Responsible | Procedures Ref. |
|------|---|----------------|--------------------------------------|
| 1 | All Member States informed of overall audit schedule | SG | 4.1.1 |
| 2 | Pre-audit questionnaire sent to the Member State | SG | 5.2 |
| 3 | Completed pre-audit questionnaire sent to IMO | MS | 5.4 |
| 4 | Selection of auditors by IMO | SG | 4.3 |
| 5 | Notification of auditors to Member State | SG | 4.5.5 |
| 6 | Final selection of audit team | SG + MS | 4.4.1.5; 4.5.5 |
| 7 | Developing and negotiating the Memorandum of Cooperation, including authorization for release of the audit reports to the public or Member States | SG + MS | (Framework 8.2.4) 4.2.1; 4.2.3 |
| 8 | Memorandum of Cooperation finalized and signed | MS + SG | 4.2.2 |
| 9 | Preparation for the audit by the audit team | ATL | Section 5 (various references) |
| 10 | Agreeing the audit plan | ATL + MS | 4.2.4; 4.2.5; 5.7 |
| 11 | Opening meeting between the audit team and the Member State | ATL + MS | 6.3 |
| 12 | Audit closing meeting, draft audit interim report and draft executive summary report tabled | ATL + MS | 6.5 |
| 13 | Draft audit interim report and draft executive summary report sent to the Member State and IMO | ATL | 7.1.3; 7.2.2; 7.3.1; 7.3.2 |
| 14 | Review of the draft interim report and draft executive summary report; including comments sent by the Member State | ATL + MS + IMO | 7.1.3; 7.2.3; 7.2.4; 7.3.1 |
| 15 | Agreed interim report and executive summary report sent to the Member State | ATL | 7.2.1, 7.3.1 |
| 16 | Executive summary report released | SG | (Framework 6.3.3 and 6.3.4) 7.3.1 |
| 17 | Member State's corrective action plan, as appropriate, sent to ATL and IMO | MS | 7.2.1; 7.4.1; 8.4 |
| 18 | Corrective action plan released | SG | 8.5 |
| 19 | Draft audit final report sent to the Member State and IMO | ATL | 7.4.2; 8.5 |
| 20 | Agreed audit final report sent to the Member State and IMO | ATL | 7.4.2; 8.5 |
| 21 | Member State's comments on the progress of implementation of corrective action plan sent to IMO | MS | 7.5.1 |
| 22 | Audit team leader's mission report sent to IMO | ATL | 7.6.1 |
| 23 | Feedback from the Member State sent to IMO | MS | 7.7.1 |
| 24 | Audit follow-up, as appropriate | SG | 9.1 |
| 25 | Consolidated audit summary reports prepared as IMO meeting documents | SG | 7.4.3 |

Note: Items 4 and 7 and also items 6 and 8 may proceed concurrently.

MS = Member State

SG = IMO Secretary-General

ATL = Audit team leader

Appendix 4

MODEL APPENDIX FORMS FOR AUDIT REPORTS

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|-------------------------|
| Member State: | Audit period: |
| Department: | |
| Finding No.: | Observation No.: |
| STATEMENT: | |
| | |
| EVIDENCE: | |
| | |
| APPLICABLE PROVISION OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: | |
| | |
| Team leader: | Date: |
| Member State: | Date received: |

(Form B)

| | | | |
|--------------------------|--|-------------------------|--|
| CORRECTIVE ACTION | | | |
| Member State: | | Audit Period: | |
| Department: | | Team leader: | |
| Finding No.: | | Observation No.: | |

Root Cause:

Corrective Action:

Proposed target completion date:

Action Plan Submitted:

By _____ On _____

To: Audit Team Leader: _____ Name
IMO Secretariat: _____ Name

For Review: _____ For Information: _____

| | | | | |
|------------|--------------------------|------|--------------------------|------|
| | Signature | Date | Signature | Date |
| Copies to: | <input type="checkbox"/> | | <input type="checkbox"/> | |
| | <input type="checkbox"/> | | <input type="checkbox"/> | |

(Form C)

| VERIFICATION OF EFFECTIVE IMPLEMENTATION OF THE CORRECTIVE ACTION | | | |
|--|-------------------------|------------------------|-------------|
| Member State: | | Audit Period: | |
| Department: | | Team leader: | |
| Finding No.: | Observation No.: | | |
| Action Implemented: | | | |
| By _____ On _____ | | | |
| Verification of Effective Implementation/Comments (if any): | | | |
| Sign-off, as appropriate: | | | |
| Audit Team Leader | Date | IMO Secretariat | Date |

Appendix 5

MODEL EXECUTIVE SUMMARY REPORT

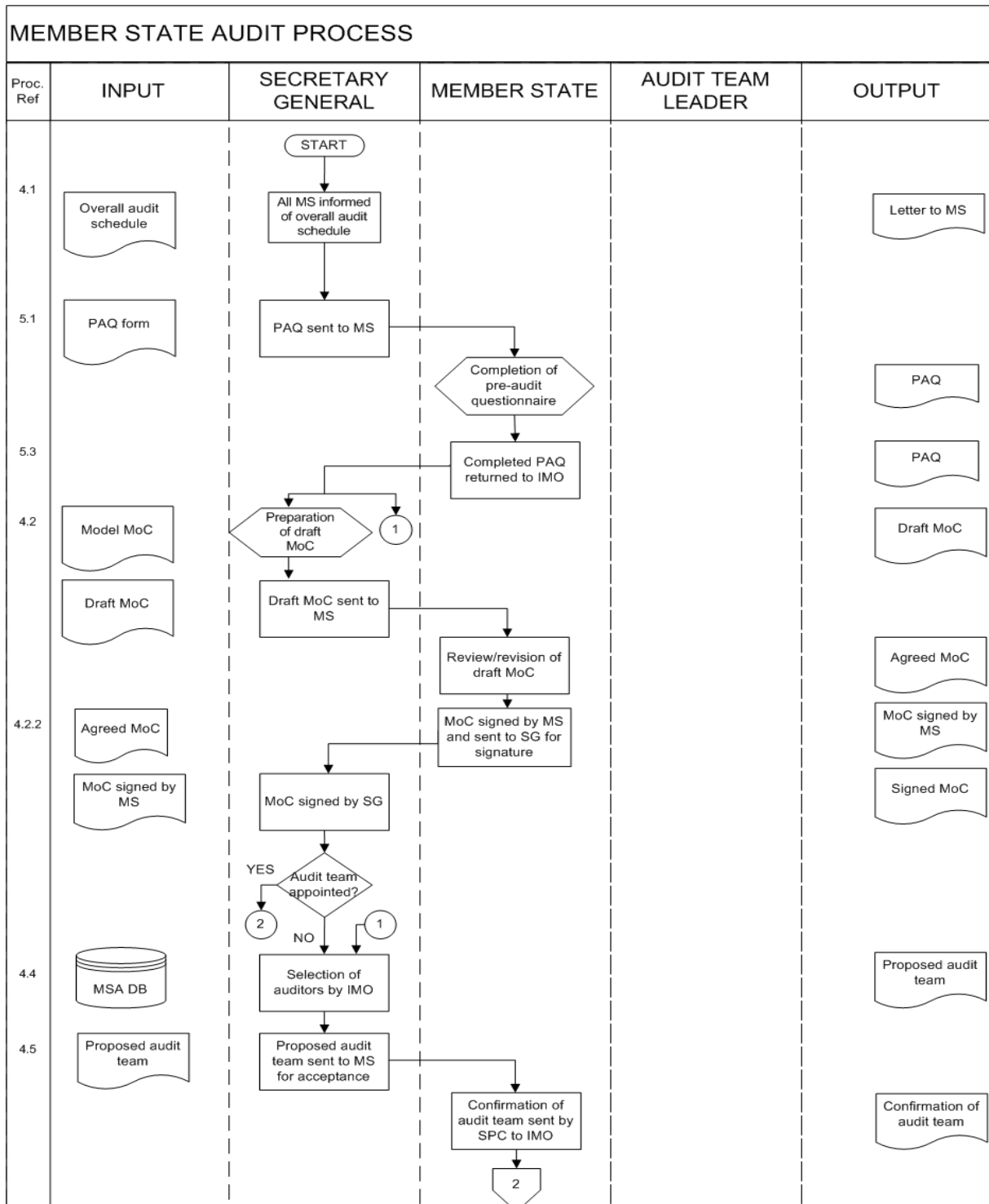
| | |
|------------------------------------|--|
| Name of State | ZENITH |
| Principal Government entity | Maritime Authority |
| Other entities involved | Ministry of Environment Hydrographic Office Port authorities Marine police |
| Period of audit | 11 – 20 February 2012 |
| Scope | <ol style="list-style-type: none"> 1. the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974); 2. the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1988); 3. the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78); 4. the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 relating thereto (MARPOL PROT 1997); 5. the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 1978); 6. the International Convention on Load Lines, 1966 (LL 66); 7. the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 1988); 8. the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 1969); and 9. the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972). |

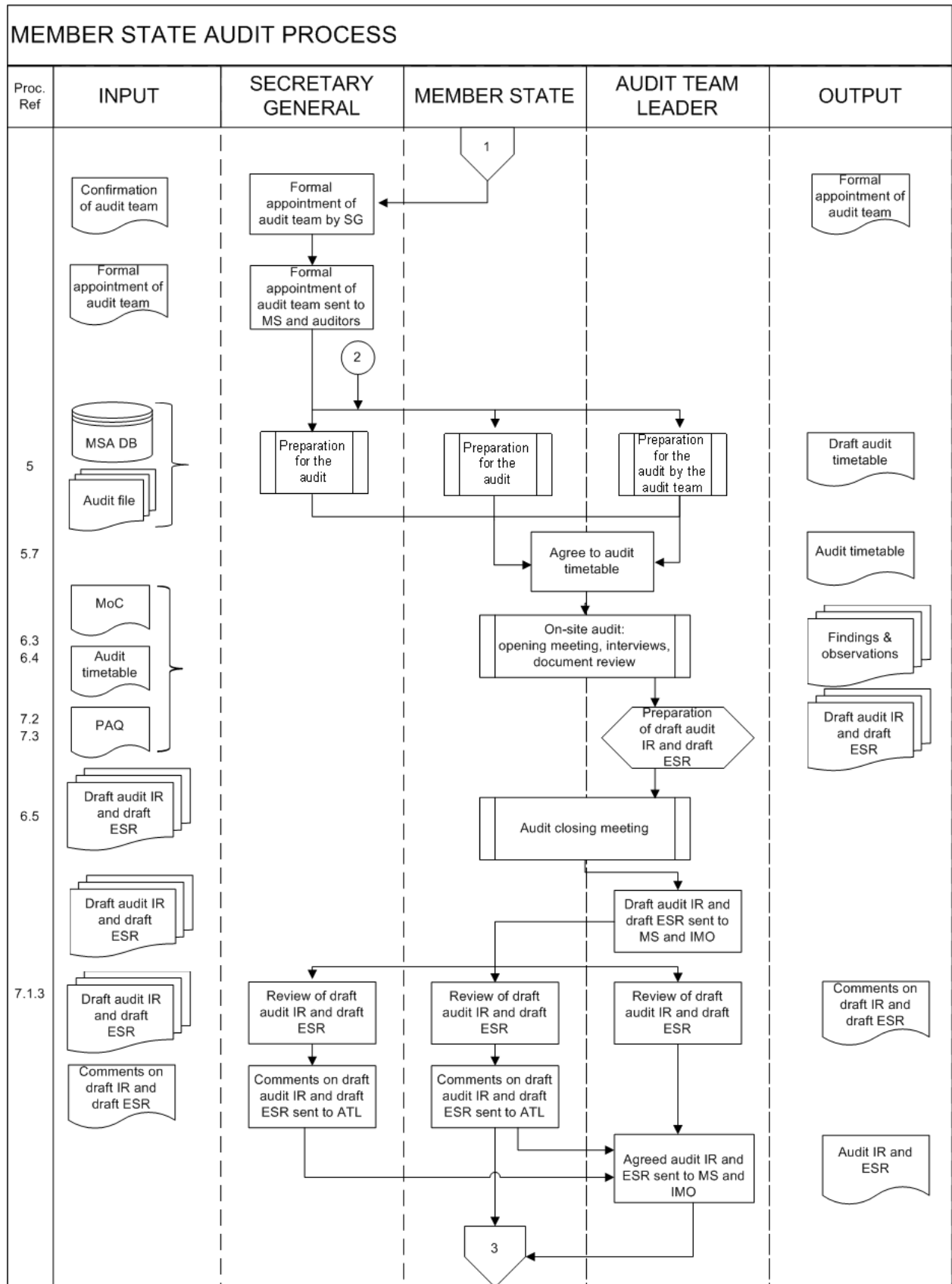
| Areas | Flag State | X | Coastal State | X | Port State | X |
|------------------|--|---|---------------|---|------------|---|
| Narrative | During the audit of the maritime administration of Zenith, two findings and one observation were revealed under general responsibilities and obligations of the State, and one finding and one observation related to flag State activities, two findings related to coastal State activities and no finding related to port State activities. | | | | | |

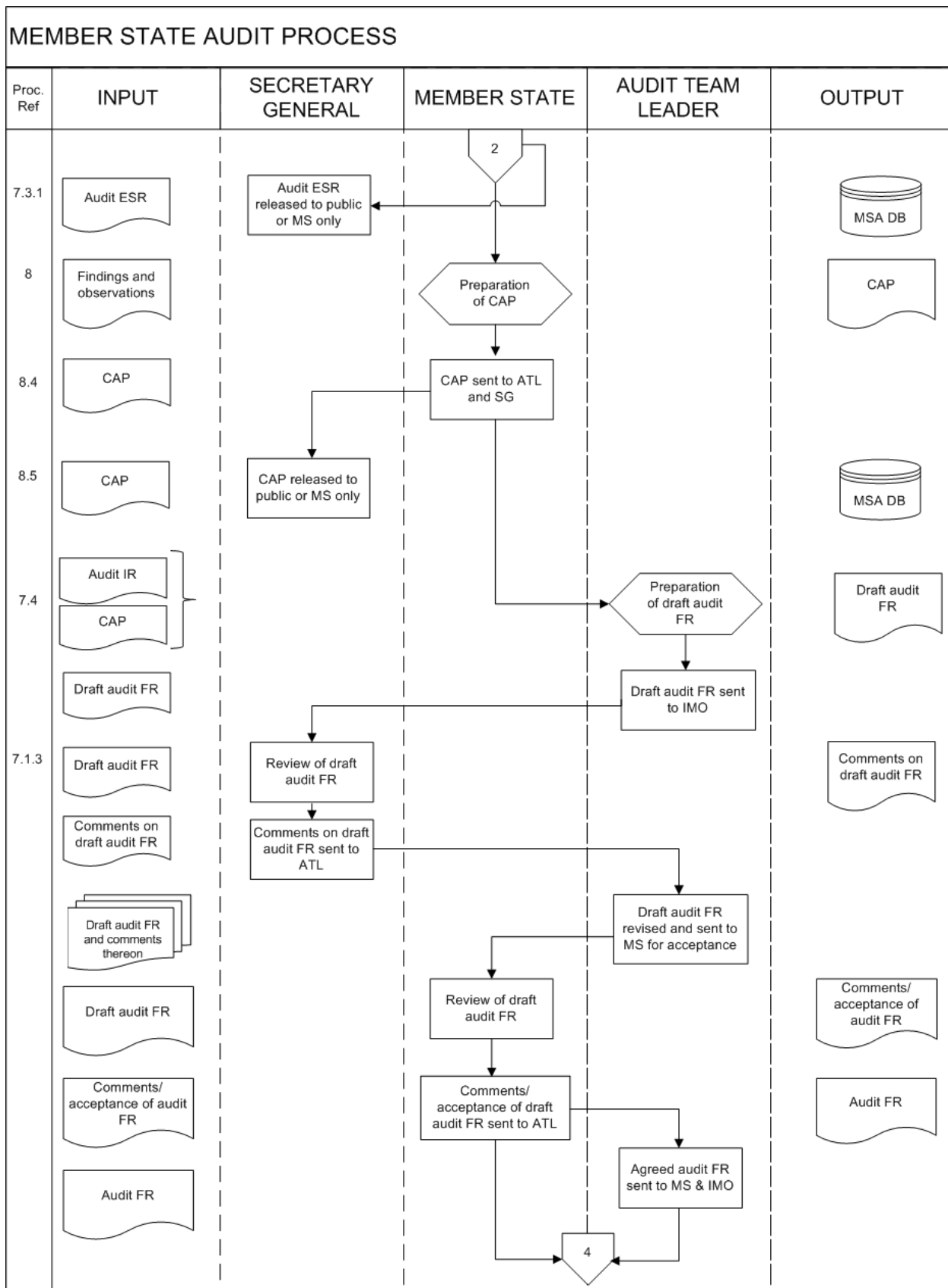
| | |
|---------------------------------|--|
| | <p>There were a number of areas of good practices revealed, as well as areas where improvements were possible.</p> <p>The breakdown of findings and observations is as shown below.</p> |
| General | <p><i>Finding 1</i></p> <p>The national legislation was not updated to give full effect to some amendments to mandatory IMO instruments to which the State is a Party (SOLAS 1974, article I; LL 66, article I; and COLREG 1972, article I).</p> <p><i>Finding 2</i></p> <p>The State has not communicated to IMO its national legislation enacting the requirements of some conventions (SOLAS 1974, article III; and MARPOL 73/78, article 11).</p> <p><i>Observation 1</i></p> <p>The maritime administration had no overall strategy covering all agencies involved in the implementation and enforcement of the mandatory IMO instruments under the Code, nor was the existing strategy promulgated to the agencies involved in the implementation and enforcement of the aforementioned instruments (Code, part 1, paragraphs 3 and 9).</p> |
| Flag State activities | <p><i>Finding 3</i></p> <p>There was evidence that continuous updating of the knowledge of flag State surveyors, appropriate to their specific qualifications, is not taking place (Code, part 2, paragraph 35).</p> <p><i>Observation 2</i></p> <p>Some of the personnel responsible for or performing surveys, inspections and audits on ships and companies, to which the relevant mandatory IMO instruments apply, were not properly qualified. The Administration does not have a system in place for initial training and continuous updating of the knowledge of flag State surveyors (Code, part 2, paragraphs 28 to 37).</p> |
| Coastal State activities | <p><i>Finding 4</i></p> <p>It was found that cruise passenger ships visiting the State's ports have no onboard plans for cooperation with the SAR services in emergencies (SOLAS 1974, regulation V/7.3).</p> |

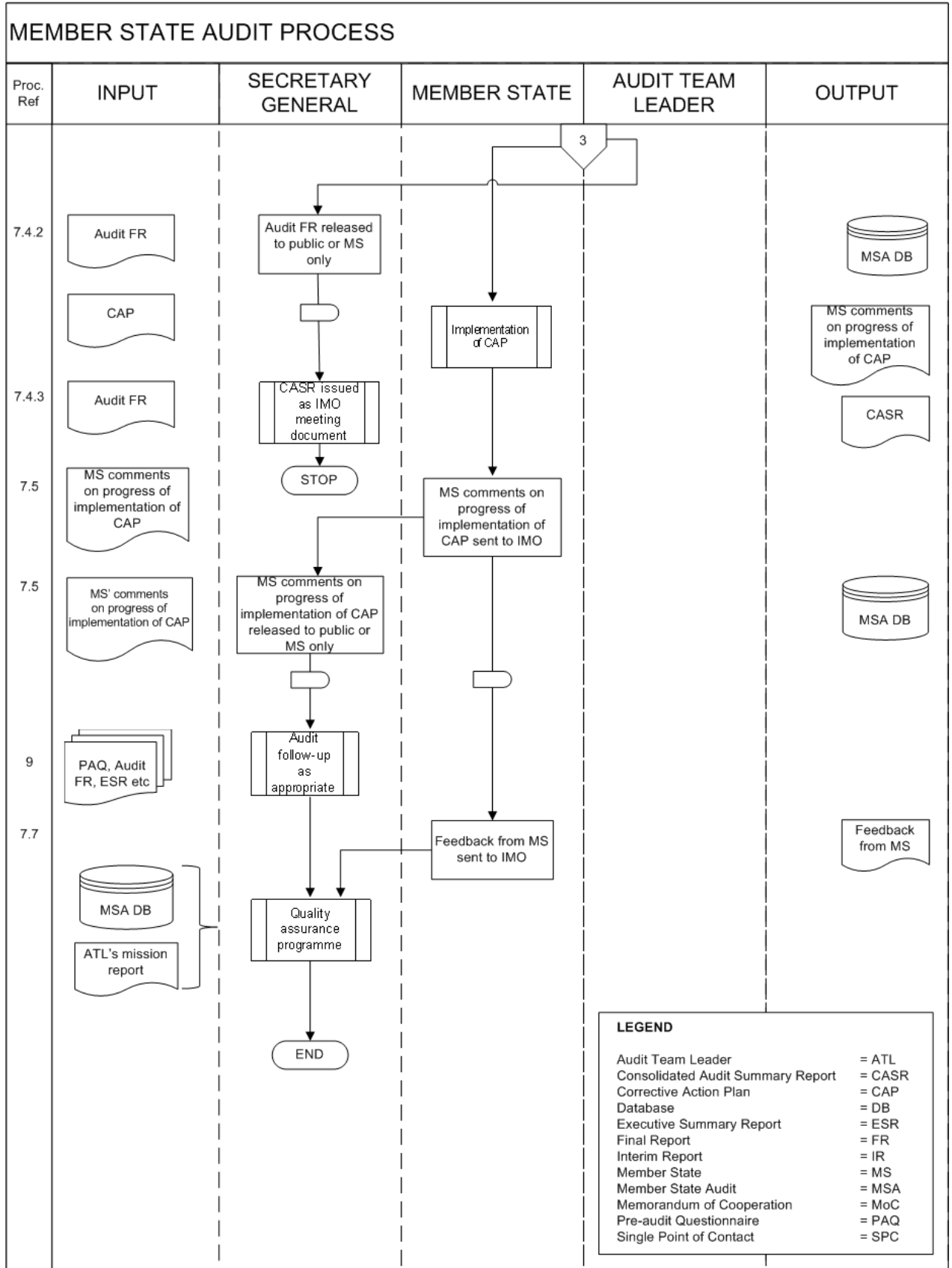
| | |
|--|---|
| | <i>Finding 5</i> Pollution investigators are not receiving adequate training to carry out pollution investigation interviews nor do procedures exist to assist them with same (Code, part 2, paragraph 38). |
| Port State activities | None |
| <i>Notation: The findings and/or observations identified above were obtained from sampling and not all obligations and requirements contained in the instruments were tested during the audit.</i> | |

Appendix 6 AUDIT PROCESS







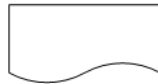


MEMBER STATE AUDIT PROCESS

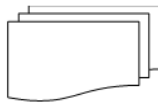
FLOW CHART SYMBOLS



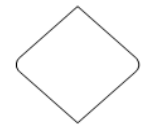
PROCESS



DOCUMENT



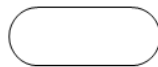
MULTIPLE DOCUMENTS



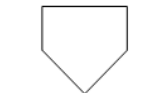
DECISION



PRE-DEFINED PROCESS



TERMINATOR



OFF PAGE REFERENCE



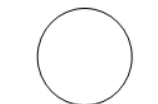
PREPARATION



DATABASE



DELAY



CONNECTOR