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**Resolution A.974(24)**

**Adopted on 1 December 2005  
(Agenda item 19)**

**FRAMEWORK AND PROCEDURES FOR THE VOLUNTARY 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 resolutions A.777(18) and A.900(21), the Assembly reaffirmed the contents of resolution A.500(XII) and thus the assignment of the highest priority to promoting the implementation of international instruments aiming at improvement of maritime safety and protection of the marine environment,

RECALLING FURTHER that, through resolution A.946(23), the Assembly approved the establishment and further development of the Voluntary IMO Member State Audit Scheme (hereinafter referred to as the “Audit Scheme”), and requested the Council to develop, as a matter of high priority, procedures and other modalities for its implementation,

RECOGNIZING that Parties to international conventions (such as the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974) and its 1988 Protocol; 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); the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972); the International Convention on Load Lines, 1966 (LL 1966), as amended by its 1988 Protocol; the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW); and the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969) have, as part of the ratification process, accepted to fully meet their responsibilities and to discharge their obligations under the conventions and other instruments to which they are party,

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REAFFIRMING that States have the primary responsibility to have in place an adequate and effective system to exercise control over ships entitled to fly their flag, and to ensure that they comply with the relevant international rules and regulations,

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

NOTING that, while States may realize certain benefits by becoming Parties to instruments aiming at promoting maritime safety and security and the prevention of pollution from ships, those benefits can only be fully realized when all Parties carry out their obligations as required by the instruments concerned,

NOTING ALSO that the ultimate effectiveness of any instrument depends, *inter alia*, upon all Member States and other States:

- (a) becoming Parties to all instruments related to maritime safety, security and pollution prevention and control;
- (b) implementing and enforcing such instruments fully and effectively;
- (c) reporting to the Organization, as required,

CONSCIOUS of the difficulties that Governments may face in their wish to comply with all the requirements of the various IMO instruments to which they are party,

RECOGNIZING the assistance that the Organization's Integrated Technical Co-operation Programme may provide to the minimization of the difficulties faced by Governments,

BEING DESIROUS to assist Governments to improve their capabilities and overall performance in order to comply with the IMO instruments to which they are party,

BEARING IN MIND that the Audit Scheme contains references to the *Code for the implementation of mandatory IMO instruments*, as appropriate; and that the Code, in addition to providing guidance for the implementation and enforcement of IMO instruments, forms the basis of the Audit Scheme, in particular concerning the identification of the auditable areas,

HAVING CONSIDERED the recommendations made by the Council at its ninety-fourth regular session and twenty-third extraordinary session,

1. ADOPTS the Framework and Procedures for the Voluntary IMO Member State Audit Scheme, set out in the annex to the present resolution;
2. URGES Governments to:
  - (a) volunteer to be audited in accordance with the said Framework and Procedures, thus contributing to the Organization's efforts to achieve consistent and effective implementation of its instruments; and

- (b) consider contributing resources to ensure the success of the Audit Scheme, which could include, *inter alia*, qualified auditors and the support they need to carry out their duties once appointed as audit team leader or members;

3. REQUESTS the Council to monitor the implementation of the Audit Scheme with a view to its further improvement and development and to report to the Assembly, as appropriate.

## ANNEX

## PART I

**FRAMEWORK FOR THE VOLUNTARY 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 Voluntary IMO Member State audit (Member State audit), which together constitute the strategy for the audit scheme.

1.2 This Framework is supported by the Procedures for the Voluntary IMO Member State audit and the *Code for the implementation of mandatory IMO instruments*.

**2 APPLICATION**

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

**3 AUDIT STANDARD**

3.1 The audit standard shall be the *Code for the implementation of mandatory IMO instruments*.

**4 VISION STATEMENT**

4.1 To promote the consistent and effective implementation of IMO instruments and thus contribute to the enhancement of global and individual Member State performance in compliance with the requirements of the instruments to which they are 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 *Code for the implementation of mandatory IMO instruments*;
- .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 on 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 feed back 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 constructive in approach and carried out on a voluntary basis, at the request of the Member State to be audited, and in accordance with the established procedures. Nevertheless, the benefits of the scheme would be greater if all Member States of the Organization volunteered themselves to be audited. Audits should therefore be organized and conducted in such a way as to encourage Member States to submit to audit. All Member States will benefit from positive and constructively conducted audits.

### **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, therefore, 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 Audit interim and final reports should be confidential and available only to the audited Member State, the audit team and the Secretary-General. An audited Member State may make available to other parties details of the findings and of its own subsequent actions.

6.3.2 An audit summary report should be given to the Organization in a standardized format and, after consultation with the audited Member State, circulated for information to all Member States on a periodic basis.

6.3.3 The Secretariat should consolidate the summary reports and identify lessons learned in a standardized format. A consolidated report should, accordingly, be issued on a periodic basis.

#### **6.4 Co-operation**

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 provisions of the United Nations Convention on the Law of the Sea 1982 (UNCLOS) and of IMO conventions, Administrations 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 that, from the point of view of safety of life at sea and protection of the marine environment, a ship is fit for the service for which it is intended and is manned with competent maritime personnel.

7.1.2 In taking measures to prevent, reduce and control pollution of the marine environment, States shall 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. (UNCLOS, article 195).

#### **7.2 IMO mandatory instruments**

7.2.1 Recognizing the foregoing, including paragraph 4.1, the following IMO mandatory instruments 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, and with a view to further enhancing their performance:

- .1 the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974);
- .2 the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1978);
- .3 the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1988);
- .4 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);

- .5 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);
- .6 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 1978);
- .7 the International Convention on Load Lines, 1966 (LL 66);
- .8 the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 1988);
- .9 the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 1969); and
- .10 the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972).

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 not covered by audits in accordance with the applicable provision of that convention should fall fully within the scope of the audit scheme, and there should be verification only of the parts of that convention that have been previously evaluated (see appendix 1 of this Framework).

### **7.3 Obligations and responsibilities**

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

7.3.2 The obligations and responsibilities should be such that measures related to maritime safety and protection of the environment which are undertaken by the Member State can be audited, in accordance with the *Code for the implementation of mandatory IMO instruments*.

### **7.4 Areas to be covered by the scheme**

7.4.1 The scheme would cover the Member State's implementation and enforcement of applicable IMO mandatory instruments in its legislation; an effective 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 mandatory 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 mandatory 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 IMO; and
- .9 reporting to IMO, other Administrations, and organizations.

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 entity assigned those tasks.

## **8 RESPONSIBILITIES**

8.1 The Secretary-General is responsible for:

- .1 the implementation of 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 Co-operation with the Member State to be audited, prior to the audit;
- .7 ensuring that the audits are planned in accordance with the overall IMO audit timetable;
- .8 liaising with and assisting developing and least developed countries to gather resources from external sources such as the Integrated Technical Co-operation Programme (ITCP);



- .9 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 co-operation between the audit team and the Member State to be audited;
  - .10 communicating the agreed audit summary report to all Member States;
  - .11 consolidating audit summary reports and identifying lessons learned in a standardized format to be issued on a periodic basis in support of the work of the Organization;
  - .12 maintaining appropriate records of the findings of the actual audits of Member States; and
  - .13 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 Co-operation;
  - .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 an action plan; and
  - .4 implementing a programme of actions to address the findings.
- 8.3 The audit team leader is responsible for:
- .1 the detailed planning of the actual audit;
  - .2 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.;
  - .3 preparing and completing the audit reports (interim and final) and the mission report;
  - .4 reporting details of any finding to the audited Member State;
  - .5 preparing and agreeing with the Member State on the audit summary report to be submitted to the Secretary-General;
  - .6 assisting in the verification of corrective actions taken by the Member State; and
  - .7 conducting a follow-up audit, as appropriate.

## **9 TECHNICAL CO-OPERATION**

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.

## **10 THE AUDIT PROCESS**

10.1 The audit process is illustrated in the diagram given in appendix 2 of this Framework.

APPENDIX 1

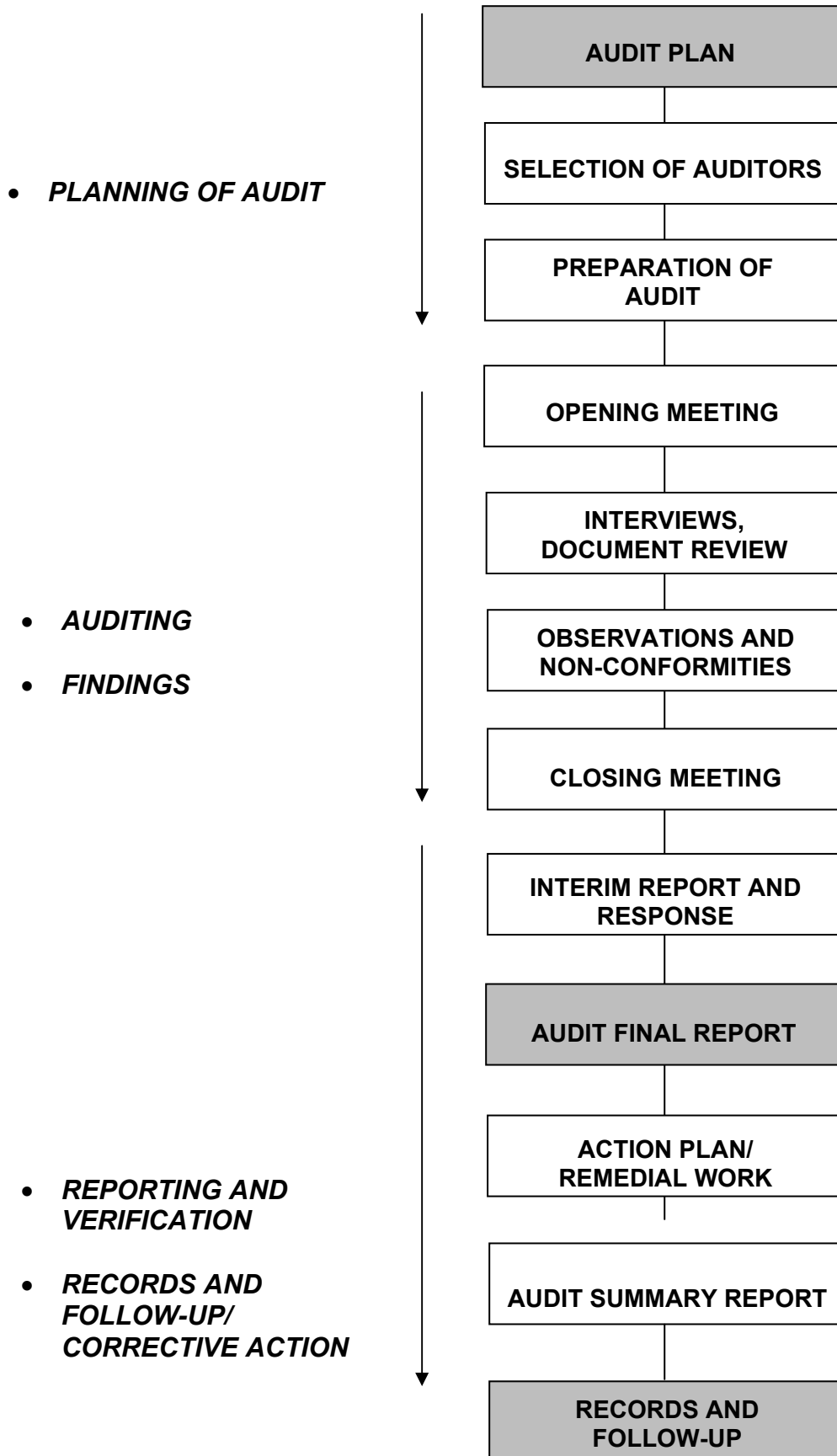
**AREAS UNDER THE STCW CONVENTION TO BE COVERED BY  
THE VOLUNTARY IMO MEMBER STATE AUDIT**

<b>Dispensations (Article VIII)</b>	Are reports related to dispensations issued during the year to seagoing ships sent to the Secretary-General?
<b>Equivalentents (Article IX)</b>	Has the Party retained/adopted any equivalent educational and training arrangements since communicating information pursuant to regulation I/7? If yes, have the details of such arrangements been reported to the Secretary-General for circulation to all STCW Parties?
<b>Control (Article X)</b>	Has the Party enacted legislation permitting port State control on foreign ships visiting their ports?
<b>Communication of information (Article IV and regulation I/7)</b>	<p>Has the Party communicated information pursuant to Article IV and regulation I/7?</p> <p>If yes, is the Party confirmed by the Maritime Safety Committee as found to be giving ‘full and complete effect’ to the provisions of the STCW Convention?</p> <p>Has the Party made any changes to the legal and administrative measures after communicating information pursuant to Article IV and regulation I/7 to ensure compliance with the requirements of the Convention, in particular regulations I/6, I/9 and I/10?</p> <p>If yes, has this information been communicated to the Secretary-General?</p>

<b>Quality standards – Independent evaluation (Regulation I/8)</b>	Has the Party communicated its report of independent evaluation pursuant to regulation I/8?  If yes, and the Maritime Safety Committee has confirmed that the Party continues to give ‘full and complete effect’ to the provisions of the STCW Convention, the objective evidence would be the report itself.
<b>Watchkeeping (Regulations VIII/1 and VIII/2)</b>	Has the Party enacted legislation to establish and enforce rest periods for watchkeeping personnel and to direct the attention of companies, masters, chief engineer officers and all watchkeeping personnel to the requirements, principles and guidance set out in the STCW Code to ensure that safe continuous watches appropriate to prevailing circumstances and conditions are maintained in all seagoing ships at all times?

APPENDIX 2

AUDIT PROCESS



**PART II**

**PROCEDURES FOR THE VOLUNTARY IMO MEMBER STATE AUDIT**

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## **PROCEDURES FOR THE VOLUNTARY IMO MEMBER STATE AUDIT**

### **1 PURPOSE**

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

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

### **2 APPLICATION**

2.1 The present Procedures apply to all those involved in 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 **“Conformity”** Fulfilment of a requirement.

3.5 **“Corrective action”** Action to eliminate the cause of a detected non-conformity or other undesirable situation.

3.6 **“Document”** Information and its supporting medium.

3.7 **“Finding”** An observation or a non-conformity.

3.8 **“Information”** Meaningful data.

3.9 **“Non-conformity”** An observed situation where objective evidence indicates the non-fulfilment of a specified requirement.

3.10 **“Observation”** Statements of fact made during an audit and substantiated by objective evidence.

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

3.12 **“Preventive action”** Action to eliminate the cause of a potential non-conformity or other undesirable potential situation.

3.13 **“Procedure”** Specified way to carry out an activity or a process.

- 3.14 **“Process”** Set of interrelated or interacting activities that transform inputs into outputs.
- 3.15 **“Records”** Documents stating results achieved or providing evidence of activities performed.
- 3.16 **“Requirements”** Need or expectation that is stated, generally implied or obligatory.
- 3.17 **“Verification”** Confirmation, through the provision of objective evidence, that specified requirements have been fulfilled.

## **4 PLANNING**

### **4.1 Scope of the audit**

- 4.1.1 Audit of a Member State should be planned in accordance with an agreed timetable.
- 4.1.2 Upon receiving the request of a Member State to be audited, the Secretary-General will appoint an audit team leader.
- 4.1.3 The audit team leader will discuss and agree the scope of the audit, within the context of the Framework, with the Member State.
- 4.1.4 A Memorandum of Co-operation, reflecting the above, will be signed by the Secretary-General and subsequently by the Member State prior to commencement (see appendix 1).
- 4.1.5 An audit will not proceed until a Memorandum of Co-operation has been signed by and exchanged between both parties.
- 4.1.6 The Memorandum of Co-operation will confirm, *inter alia*, that the audit is to be conducted in accordance with the procedures contained therein.

### **4.2 Nomination of auditors**

- 4.2.1 When nominating an auditor, who shall be suitably qualified, e.g. in accordance with ISO 19011 or any subsequent ISO standard, the following personal qualities and qualifications should be taken into account:
- .1 initiative, judgment, 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 mandatory instruments; and
  - .7 computer literacy.



### 4.3 Selection of auditors

4.3.1 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' qualifications, e.g. in accordance with ISO 19011 or any subsequent ISO standard;
- .2 language capabilities (IMO official languages and others); and
- .3 geographical mix and range of nationalities, including developing countries.

### 4.4 Selection of an audit team

4.4.1 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 *Code for the implementation of mandatory IMO instruments*;
- .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 must 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 agreement with the Member State as to the suitability of the team members being proposed;
- .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 Member State to be audited should be advised of the names of the audit team members and other relevant personal information prior to commencement of the audit.

5.2 The audit team leader should, in consultation with the Secretary-General, obtain the necessary background information about the Member State to be audited. This should include the Memorandum of Co-operation and the pre-audit questionnaire (see appendix 2), as well as the latest self-assessment form from the Member State, if available.

5.3 If the Member State to be audited has requested an information meeting in accordance with paragraph 8.1.9 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.

5.4 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.

5.5 The audit team should review the reply to the pre-audit questionnaire as well as any additional information provided by the Member State.

5.6 If the audit team leader finds it necessary, he/she may, after consultations with the other members of the audit team, include additional questions in the pre-audit questionnaire which may be sent to the Member State on an *ad hoc* basis.

5.7 The audit team leader should reflect in the scope of the audit and in the audit reports any statements from the Member State regarding specific areas or responsibilities that, for pragmatic reasons (e.g. the State not being party to a specific IMO instrument), it wishes to be excluded from the audit.

5.8 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, should finalize the detailed plan for the audit.

5.9 The audit plan should include:

- .1 the location(s) where the audit is to take place;
- .2 the purpose, scope and objectives of the audit as defined in the Framework;
- .3 the starting and ending dates of the audit, including the opening and closing meetings;
- .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 central 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;
- .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;
- .10 assignments and responsibilities of the audit team members; and
- .11 scope of the audit team leader's mission report.

5.10 Checklists and/or *aides-memoires* are most 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, *inter alia*, if the information or lack of information in the pre-audit questionnaire necessitates changes.

5.11 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 the audit plan 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.

5.12 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 plan, including allocations of responsibility among the team members for conducting the different parts of the audit. The briefing should at least include:

- .1 the purpose, 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 on checklists and/or *aides-memoires* in specific fields.

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

5.13 The contact person designated in accordance with paragraph 5.9.4 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 by mutual consent between the Secretary-General, the audit team leader and the Member State.

### **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 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, 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 mandatory 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 plan.

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 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 purpose of the audit;
- .3 review and confirmation of the provisional audit programme, including the purpose, 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, providing response to such findings and agreeing them (see appendix 4);
- .10 confidentiality of findings, i.e. the auditors are to agree with the auditees on any controls on evidence obtained during the audit and on disposal of report findings and report copies; and
- .11 agreement that, if practicable, a draft interim audit 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 An audit should be conducted using checklists and/or *aides-memoires* based on the *Code for the implementation of mandatory IMO instruments* and developed for the specific audit.

6.4.2 A Member State official from the area being audited should accompany the auditor.

6.4.3 Evidence should be collected by interviewing staff, reviewing documents and observing selected activities of the Administration of the Member State.

6.4.4 When an auditor observes a non-conformity, he/she should discuss it with the responsible Member State official and record the following details as appropriate (see appendix 4):

- .1 details of the observed non-conformity (including the title, number and issue of any document involved, where appropriate); and
- .2 the location where the non-conformity was observed.

6.4.5 To assist the Member State in devising early solutions to any non-conformities identified, the audit team may provide information on findings 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 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 opinions regarding the effectiveness of the Member State in conforming to the *Code for the implementation of mandatory IMO instruments*.

6.5.2 The audit closing meeting should also include a short briefing on all findings to be included in the audit interim report. Where practicable, the 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 summary reports.

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

- .1 review of the purpose, scope and objectives of the audit;
- .2 summary of audit procedures;
- .3 presentation of observations and non-conformities included in the audit interim report;
- .4 information on visits to regional offices and other involved organizational elements, as applicable;
- .5 actions taken by the audited Member State following the audit; and
- .6 time frame for response, corrective action plan, final and summary reports.

6.5.5 Specialist meetings of the audit team members and their Member State counterparts 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 in the briefing to the audit closing meeting, the audit interim report and the audit final report must be consistent;
- .2 findings must be supported by objective evidence;
- .3 findings must be stated clearly and concisely and be summarized at the end of the reports;
- .4 generalities and vague expressions must be avoided;
- .5 audit findings 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 With the exception of the audit summary report, 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 publish its audit final report and/or its corrective action plan or to request the Secretary-General to do so on its behalf.

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 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 submitted to the Member State. The Member State's corrective action plan should be based on 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 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 *Executive Summary*
- .2 *Introduction*
  - .2.1 background;
  - .2.2 members of the audit team;

- .2.3 involved officials from the Member State; and
- .2.4 acknowledgement.
- .3 *Scope, objectives and activities of the audit*
- .4 *Maritime activities of the Member State (general description)*
  - .1 flag State
  - .2 coastal State
  - .3 port State
- .5 *Audit findings*
  - .5.1 areas of positive development;
  - .5.2 areas for further development;
  - .5.3 observations; and
  - .5.4 non-conformities.
- .6 *Possible recommendations for follow-up action*
- .7 *Appendices*
- .8 *Attachments*

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 shall be made by both the Member State and the audit team to avoid disagreement over the audit findings. 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. Diverging opinions regarding the audit findings 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 Audit final report**

7.3.1 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 an analysis of the Member State corrective action plan submitted 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.

7.3.2 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.



#### **7.4 Audit summary report**

7.4.1 An audit summary report, which will as far as practicable not identify the audited Member State and will provide an overview of that audited Member State's adherence to the *Code for the implementation of mandatory IMO instruments*, should be prepared by the audit team and forwarded to the audited State for comments and final acceptance before the report is made available to the Secretariat.

7.4.2 The audit team leader, assisted by the other members of the audit team, is responsible for preparing the audit summary report. The report should contain at least the following items:

- .1 background;
- .2 maritime activities in the Member State;
- .3 summary of findings; and
- .4 comments.

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

#### **7.5 Audit team leader's mission report**

7.5.1 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.

7.5.2 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.

### **8 MEMBER STATE CORRECTIVE ACTION PLAN**

8.1 The Member State corrective action plan responds to the audit findings by proposing action to bring the Member State in conformity or adherence with the *Code for the implementation of mandatory IMO instruments*.

8.2 Corrective actions, with timelines as necessary, should be established for each of the audit findings. Together, the corrective actions form the Member State corrective action plan.

8.3 The Member State corrective action plan should contain information relevant to the audit conducted and respond to each recommendation resulting from an audit finding. The Member State 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 must be signed by the Member State.

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

8.5 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 or has not submitted one within the period agreed upon, the final audit report will be prepared and submitted without any corrective action plan.

## **9 RECORDS AND FOLLOW-UP**

9.1 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 Member State audit summary reports; and
- .3 audit team leaders' mission reports.

9.2 An audit follow-up should, if applicable, be conducted between one and two years following a Member State audit, in order to determine the status of implementation of the corrective action plan.

9.3 The standard auditing procedures applied to the audit follow-up are the same as for the regular Member State audit described in this document. 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.

Appendix 1

**MODEL MEMORANDUM OF CO-OPERATION**

**Model Memorandum of Co-operation  
between [Member State] and the International Maritime Organization  
concerning participation in the Voluntary IMO Member State Audit Scheme**

**Preamble**

1 *Whereas* the Assembly of the International Maritime Organization (IMO) has adopted resolution A.946(23) establishing the Voluntary IMO Member State Audit Scheme; resolution A.973(24) on the *Code for the implementation of mandatory IMO instruments*; and resolution A.974(24) on the Framework and Procedures for the Voluntary 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], having volunteered for the audit, 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.974(24).

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

**Section 2 – Confidentiality**

6 The parties agree that, with the exception of the audit summary report, 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 audit summary report will not be treated in confidence and will be circulated to all Member States of IMO both as an individual report and as a consolidated periodic summary.

**Section 3 – Member State responsibilities**

8 [Member State] agrees to provide the audit team with any co-operation 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 disseminating the audit summary report of findings to all Member States; 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<sup>1</sup>**

<b>I GENERAL INFORMATION</b>		
1 Name of State		
2 Full contact details for the designated single point of contact for audit purposes		
<b>Name and Title</b>		
<b>Address</b>		<b>Telephone No.:</b>  <b>Fax No.:</b>  <b>E-mail address:</b>
3 Full contact details of government body(ies) covering the following areas of responsibility:		
	<b>Area of responsibility</b>	
	<b>Safety</b>	<b>Environmental Protection</b>
<b>Name of government body</b>		
<b>Address</b>		
<b>Telephone No.</b>		
<b>Fax No.</b>		
<b>E-mail address</b>		
4 Please provide an organigram and/or a diagram depicting the area of responsibility of each of the above-mentioned government bodies.		

<sup>1</sup> The format of this questionnaire is only presentational and does not restrict the extent or form of responses to questions.

<p>5 Please indicate the number of employees of each relevant government body* by category:</p> <p>* Please provide the information requested below for each relevant government body</p>		
<b>Category</b>	<b>No. of employees</b>	<b>Location</b>
Management		
Technical		
Surveyors		
Legal		
Educational		
Support Staff		
Other		
<p>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.</p>		
	<b>Number</b>	<b>Nature of Trade</b>
<b>Passenger</b>		
<b>Cargo</b>		
<b>Fishing</b>		
<b>Other</b>		
<p>7 Please provide information on any relevant State territorial body(ies) and its (their) relationship to the Administration.</p>		
<p>8 Please specify the scale and extent of your State's involvement in the following activities:</p> <p>.1 port State activities; and</p> <p>.2 coastal State activities.</p>		

<b>II Information on international instruments</b>		
1 Please indicate to which of the following mandatory IMO instruments listed in the <i>Code for the implementation of mandatory IMO instruments</i> your State is a Party.		
<b>Instruments</b>	<b>Party</b>	<b>Has the instrument been incorporated into your State's national legislation?</b>
SOLAS 74	Yes/No	Yes/No
SOLAS Protocol 78	Yes/No	Yes/No
SOLAS Protocol 88	Yes/No	Yes/No
MARPOL 73/78	Yes/No	Yes/No
Annex III	Yes/No	Yes/No
Annex IV	Yes/No	Yes/No
Annex V	Yes/No	Yes/No
Annex VI	Yes/No	Yes/No
1978 STCW as amended	Yes/No	Yes/No
LL 66	Yes/No	Yes/No
LL Protocol 88	Yes/No	Yes/No
TONNAGE 69	Yes/No	Yes/No
COLREG 72	Yes/No	Yes/No
2 Please attach a flow chart illustrating the processes by which international instruments are formally adopted and transposed into your State's national legislation.		
3 Please provide the following information <b>INDIVIDUALLY FOR EACH OF THE ABOVE INSTRUMENTS</b> to which your State is a party:		
.1 the government body* responsible for the implementation and enforcement of the instrument;		
.2 the equivalents/exemptions issued under this instrument and reported, as appropriate, to the IMO;		
.3 whether other Contracting Governments or Parties have been requested to act on behalf of your State; and		
.4 whether information on national laws, etc., has been communicated to IMO.		
Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>*Note: The responsible body should be clearly indicated in the relevant places in the flow chart provided under question 2 above.</b>		
4 What is your State's policy in respect of the following:		
.1 the term "to the satisfaction of the Administration"; and		
.2 convention requirements that equipment must be of a type approved by the Administration?		
5 If applicable, how are the above-mentioned provisions implemented?		



<b>III Information on enforcement</b>	
1	Please give details on how your State implements the enforcement provisions of the <i>Code for the implementation of mandatory IMO instruments</i> .
2	Please provide examples of enforcement action taken by your State against ships entitled to fly its flag, companies and/or seafarers during the preceding twelve months.
3	Please provide details on how statistical information is obtained and how trend analyses are conducted to indicate problem areas within your State's fleet.
4	Please describe briefly your State's procedures for dealing with ships entitled to fly its flag that have been detained by port State control.
<b>IV Recruitment and training of surveyors</b>	
1	Please describe or specify your State's recruitment criteria, qualifications and processes for surveyors and other staff engaged in flag and port State duties.
2	Please describe or specify your State's initial training requirements for new entrant surveyors as well as in-service training requirements for experienced surveyors.
3	Please describe or specify your State's management arrangements defining the responsibilities, authority and interrelationship of surveyors and other staff engaged in flag and port State duties.
4	Please describe or specify your State's criteria, e.g. qualification, experience and training, for the appointment of line managers of surveyors.
<b>V Information on recognized organizations (ROs)</b>	
1	Please list the ROs/nominated surveyors authorized to act on your State's behalf.
2	Please specify whether there is a written agreement with each RO, in accordance with MSC/Circ.788-MEPC/Circ.325, and if so, please attach a copy.
3	In the absence of a written agreement in accordance with MSC/Circ.788-MEPC/Circ.325, please specify scope of the authorization(s). A matrix indicating which functions (plan approvals, surveys, certification, exemption and equivalent arrangements) have been delegated to the RO should be provided.

4	<p>How does your State verify and monitor the performance of its authorized ROs?</p> <p>Details of audits carried out by your State to monitor its ROs within the preceding two years should be provided, as well as any planned audits and other oversight and guidance procedures applied by your State to ROs.</p>
5	<p>Please indicate the resources allocated to verification and monitoring of RO performance.</p>
<b>VI Information on investigation and analysis of marine casualties and pollution incidents</b>	
1	<p>Please describe or provide your State's relevant national legislation relating to investigation and analysis of marine casualties and pollution incidents, as appropriate.</p>
2	<p>Please describe your State's organizational structure for casualty investigation and provide an organigram illustrating the national set-up. This should also include a description of how the impartiality and independence of investigators are ensured, against both internal and external influences.</p>
3	<p>Please describe how your State analyses human element contributions to accidents and how the analyses are used in order to improve safety and pollution prevention. Please provide examples of established databases, if appropriate.</p>
4	<p>Please describe how your State carries out the required reporting to IMO.</p>
<b>VII Information on port State control (PSC) activities</b>	
1	<p>Does your State carry out port State control?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>
2	<p>Please provide a brief description of the relevant sections of your national legislation permitting port State control to be undertaken on foreign ships visiting your ports.</p>
3	<p>Does your State belong to one or more regional port State control regimes?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, specify which regional regime(s) and provide further information on the nature of its participation in that or those particular PSC regimes.</p> <p>If no, briefly describe your State's procedures for carrying out port State control.</p>

4	Please describe the arrangements which your State has put in place to enable port State control interventions to be transmitted “forthwith” to all parties concerned.
5	<p>How many PSC inspections have been carried out by your State over the last two years and how many have resulted in detentions?</p> <p>Number of PSC inspections: _____ Number of detentions: _____</p>
6	<p>Does your State have reception facilities for ship-generated wastes under MARPOL 73/78?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please list and describe them and state whether they are adequate in the context of the requirements of the Convention.</p>
<b>VIII Information on coastal State activities</b>	
1	Please describe your State’s national legislation implementing the “force majeure” provisions of SOLAS article IV.
2	Please describe your State’s arrangements for promulgating navigational warnings and dangers to navigation.
3	Please describe your State’s arrangements for the establishment and maintenance of any navigational aids within waters for which it has responsibility and how information relating to these is promulgated.
4	Please describe any measures your State has put in place which encourage the collection of meteorological data and what use is made of this data.
5	Please describe your State’s arrangements for coast watching and for the rescue of persons in distress.
6	Please describe your State’s arrangements for investigating reported incidents of pollution.
7	Please describe your State’s shipping and pollution prevention legislation as applicable to its EEZ.

8	<p>Are there any Particularly Sensitive Sea Areas (PSSAs) established within your State's jurisdiction?</p> <p>Yes <input type="checkbox"/>                      No <input type="checkbox"/></p> <p>If yes, what are the associated protective measures?</p>
9	<p>Please describe any maritime traffic routeing schemes or restricted areas enforced within waters for which your State has responsibility, and which have not been adopted by the IMO.</p>
10	<p>What IMO maritime traffic routeing system or restricted area does your State enforce within waters under its jurisdiction and how is it managed?</p>
11	<p>What ship reporting systems or VTS systems adopted by IMO, if any, are in force in your State?</p>
12	<p>Under what national legislation does your State establish sanctions for violations of mandatory IMO instruments within its jurisdiction?</p>
13	<p>What methodology does your State employ to enforce its maritime legislation on ships of any flag within its territorial waters?</p>
14	<p>Please describe your State's arrangements for:</p> <p>.1            hydrographic services; and</p> <p>.2            ship reporting systems.</p>
15	<p>Please describe any measures undertaken by your State to evaluate its effectiveness in implementing IMO mandatory instruments which are applicable to it as a coastal State (e.g. exercises to test counter-pollution measures, rescue of distressed persons, etc).</p>
<p><b>IX      Information on reporting requirements</b></p>	
1	<p>Please describe your State's system for developing (including information gathering) and submitting mandatory reports to IMO.</p>

**X Evaluation and review**

1 Please describe how you measure the performance of your maritime administration (i.e. benchmarking the port State control detention rates of ships in your registered fleet; consolidating the results of your inspections of your registered ships; evaluating casualty statistics on your registered fleet; evaluating the effectiveness of the communications and information processes supporting your managerial structure; evaluating annual loss statistics; and using performance indicators and their effectiveness in determining whether staffing, resources and administrative arrangements (including financial and technical) are adequate to meet obligations under mandatory IMO instruments).

2 Please describe the methods by which the results obtained from evaluation and review influence your future policies to promote continuous improvement.

**XI Information about management systems**

1 Does your State use a recognized quality management system, e.g. ISO 9001:2000, for part or all of its activities?

Yes  No

If yes, relevant documentation should be copied and submitted together with this questionnaire.

2 Does your State use other management systems, e.g. internal contracts between management and subdivisions, external contracts between the organization to be audited and its superiors of either a political and/or administrative nature or any other proprietary management system?

Yes  No

If yes, copies of contracts or other relevant documentation (in an appropriate language) should be submitted together with this questionnaire.

**XII Scope of the audit**

1 Does your State wish some of the areas included in the *Code for the implementation of mandatory IMO instruments* to be excluded from the audit (reasons for this could be that it is not a contracting party to some international instruments or has acceded only recently to a particular instrument)?

## Appendix 3

**AUDIT SCHEME SEQUENCE OF ACTIVITIES**

<b>Ref.</b>	<b>Activity</b>	<b>Responsible</b>	<b>Procedures Ref.</b>
1	A Member State volunteers to be audited	MS	4.1.2
2	Pre-audit questionnaire sent to the Member State	SG	5.2
3	Completed pre-audit questionnaire to IMO	MS	5.4
4	Selection of auditors by IMO	SG	4.3
5	Notification of auditors to Member State	SG	5.1
6	Final selection of audit team	SG + MS	4.4.1.5; 5.1
7	Developing and negotiating the Memorandum of Co-operation	SG + MS	4.1.4
8	Memorandum of Co-operation finalized and signed	MS + SG	4.1.4; 4.1.5
9	Preparation for the audit by the audit team	ATL	Section 5 (various references)
10	Agreeing the audit plan	ATL + MS	4.1.1; 5.11
11	Opening meeting between the audit team and the Member State	ATL + MS	6.3.1
12	Audit closing meeting	ATL + MS	6.5
13	Audit interim report sent to the Member State and IMO	ATL	7.1.3; 7.2.2
14	Comments sent by the Member State	MS	7.2.3; 7.2.4
15	Member State's corrective action plan, as appropriate, sent to IMO	MS	7.2.1; 7.3.2; 8.4
16	Audit final report sent to Member State and IMO	ATL	7.3.2
17	Audit summary report sent to the Member State and IMO	ATL	7.4.1
18	Audit team leader's mission report to IMO	ATL	7.5.1
19	Agreement with the summary report and permission to circulate	MS + ATL	7.4.1
20	Summary report sent to all IMO Member States	SG	(Framework 8.1.10; 6.3.2)
21	Follow-up, as appropriate	SG	9.2
22	Consolidated summary reports prepared and circulated to all IMO Member States	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)**

<b>FINDINGS</b>	
<b>Member State:</b>	<b>Audit period:</b>
<b>Department:</b>	<b>File No.:</b>
<b>Non-conformity No.:</b>	<b>Observation No.:</b>
<b>FINDINGS:</b>	
<b>APPLICABLE PROVISION OF THE AUDIT STANDARD:</b>	
<b>Auditor:</b>	<b>Date:</b>
<b>Team leader:</b>	<b>Date:</b>
<b>Member State:</b>	<b>Date received:</b>

**(Form B)**

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>			
<b>Member State</b>		<b>Audit Period:</b>	
<b>Department:</b>		<b>Auditor:</b>	
<b>Findings Type:</b>		<b>No.</b>	<b>File No:</b>
<b>Proposed Corrective Action:</b>			

<b>For Action:</b>			
Member State:			
	Name	Date	
Copies to:	<input type="checkbox"/>	<input type="checkbox"/>	
	Name	Name	
(Date Received):	Date	Date	

<b>Root Cause:</b>
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**Proposed Preventive Action:**

Empty box for Proposed Preventive Action.

**Action Plan Submitted:**

By \_\_\_\_\_ On \_\_\_\_\_

To: Audit Team Leader: \_\_\_\_\_ Name \_\_\_\_\_ IMO Secretariat: \_\_\_\_\_ Name \_\_\_\_\_

For Review: \_\_\_\_\_  For Information: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Copies to:

**Action Implemented:**

By \_\_\_\_\_ On \_\_\_\_\_

**Verification of Effective Implementation:**

Sign-off, as appropriate:

Member State Representative \_\_\_\_\_ Date \_\_\_\_\_ Audit Team Leader \_\_\_\_\_ Date \_\_\_\_\_

Relevant Department Head \_\_\_\_\_ Date \_\_\_\_\_ IMO Secretariat \_\_\_\_\_ Date \_\_\_\_\_

**Comments (if any):**

\_\_\_\_\_

**Audit Team Leader**

\_\_\_\_\_

**Date**