

ASSEMBLY

**TWENTY-FIRST SESSION
15 – 26 November 1999**

RESOLUTIONS AND OTHER DECISIONS

(RESOLUTIONS 874 – 901)



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AGENDA OF THE TWENTY-FIRST SESSION OF THE ASSEMBLY

Opening of the session by the representative of the delegation of the Republic of Korea

- 1 Adoption of the agenda
- 2 Election of the President and Vice-Presidents of the Assembly
- 3 Application of Article 56 of the IMO Convention – Report of the Council to the Assembly on any requests by Members for waiver
- 4 Establishment of the committees of the Assembly:
 - (a) Establishment of the Credentials Committee
 - (b) Establishment of other committees, as necessary
- 5 Consideration of the reports of the committees of the Assembly:
 - (a) Report of the Credentials Committee
 - (b) Reports of other committees
- 6 Report on the status of the Convention and membership of the Organization
- 7 Report on the status of conventions and other multilateral instruments in respect of which the Organization performs functions
- 8 Report of the Council to the Assembly on the work of the Organization since the twentieth regular session of the Assembly
- 9 Consideration of the reports and recommendations of the Maritime Safety Committee
- 10 Consideration of the reports and recommendations of the Legal Committee
- 11 Consideration of the reports and recommendations of the Marine Environment Protection Committee
- 12 Consideration of the reports and recommendations of the Technical Co-operation Committee
- 13 Consideration of the reports and recommendations of the Facilitation Committee
- 14 Reports on diplomatic conferences:
 - (a) Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974
 - (b) UN/IMO Diplomatic Conference on Arrest of Ships
- 15 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972: report on the performance of Secretariat functions and other duties
- 16 Maritime training programmes:
 - (a) Report on the World Maritime University and amendments to the Charter
 - (b) Report on the IMO International Maritime Academy
 - (c) Report on the IMO International Maritime Law Institute

- (d) Development and implementation of model courses
- (e) Other training activities
- 17** Evaluation activities
- 18** Privileges and immunities
- 19** Arrears of contributions – Working Capital Fund
- 20** Presentation of accounts and audit reports
- 21** Work programme and budget for the twenty-first financial period 2000–2001
- 22** Long-term work plan of the Organization
- 23** Review of the Organization’s financial framework in accordance with Assembly resolution A.844(20)
- 24** Relations with the United Nations and the specialized agencies
- 25** Joint Inspection Unit
- 26** Relations with intergovernmental organizations
- 27** Relations with non-governmental organizations:
 - (a) Applications for consultative status
 - (b) Review of non-governmental organizations in consultative status
- 28** Election of Members of the Council, as provided in Articles 16 and 17 of the IMO Convention
- 29** Election of Members of the IMO Staff Pension Committee
- 30** Appointment of the External Auditor
- 31** Report on World Maritime Days, 1998 and 1999
- 32** International Maritime Prize
- 33** Memorial to Seafarers
- 34** Date and place of the twenty-second regular session of the Assembly
- 35** Supplementary agenda items, if any

Resolutions

Resolution A.874(21)

*Adopted on 25 November 1999
(Agenda item 27)*

RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

THE ASSEMBLY,

RECALLING Part XV of the Convention on the International Maritime Organization and in particular Article 62,

RECALLING that Rule 1 of the Rules Governing Relationship with Non-Governmental International Organizations requires that consultative status granted by the Council to such organizations be subject to approval by the Assembly,

RECALLING FURTHER that Rule 10 of the same Rules provides for periodic review by the Council of the list of non-governmental international organizations in consultative status with IMO and for a report to be submitted to the Assembly on the continuation of such status,

NOTING the Guidelines on the Grant of Consultative Status established by the Council at its fortieth session,

HAVING NOTED the decision of the Council at its eighty-second session to maintain consultative status with the organizations enjoying that status with IMO, and in respect of those organizations which did not attend or submit documents to IMO meetings during the past biennium, to maintain the consultative status of the International Council of Marine Industry Associations (ICOMIA) and to discontinue the consultative status of the International Marine Transit Association (IMTA),

FURTHER NOTING the decision of the Council to discontinue the consultative status of the International Law Association (ILA) and to invite the Association to re-apply for consultative status once it has taken effective measures to align its practice with the policy of IMO,

HAVING CONSIDERED the decisions of the Council to approve the grant of consultative status to the International Sailing Federation (ISAF), The International Marine Contractors Association (IMCA), the International Ocean Institute (IOI), and the World Nuclear Transport Institute (WNTI), the latter on a provisional basis,

NOTING the decision by the Council that the provisional consultative status of the Association of European Shipbuilders and Shiprepairers (AWES) be retained,

NOTING IN PARTICULAR that in accordance with previous decisions of the Council the attention of organizations in consultative status should be drawn to their obligations to take all appropriate steps to contribute to the work of IMO in their respective fields of work,

APPROVES the decision taken by the Council with regard to the grant of consultative status to the International Sailing Federation (ISAF), The International Marine Contractors Association (IMCA), the International Ocean Institute (IOI), and the World Nuclear Transport Institute (WNTI), the latter on a provisional basis, and

ENDORSES the decision of the Council regarding the enjoyment of consultative status by the following organizations:

	<i>Date consultative status granted</i>
1. International Chamber of Shipping (ICS)	1961
2. International Organization for Standardization (ISO)	1961
3. International Shipping Federation LTD (ISF)	1961
4. International Electrotechnical Commission (IEC)	1961
5. International Union of Marine Insurance (IUMI)	1961
6. International Chamber of Commerce (ICC)	1961
7. International Confederation of Free Trade Unions (ICFTU)	1961
8. International Association of Marine Aids and Lighthouse Authorities (IALA)	1961
9. International RADIO-MARITIME COMMITTEE (CIRM)	1961
10. International Navigation Association (PIANC)	1967
11. International Maritime Committee (CMI)	1967
12. International Association of Ports and Harbors (IAPH)	1967
13. The Baltic and International Maritime Council (BIMCO)	1969
14. International Association of Classification Societies (IACS)	1969
15. International Cargo Handling Co-ordination ASSOCIATION (ICHCA)	1969
16. European Chemical Industry Council (CEFIC)	1971
17. Latin American Shipowners' Association (LASA)	1971
18. Oil Companies International Marine Forum (OCIMF)	1971
19. International Maritime Pilots' Association (IMPA)	1973
20. Friends of the Earth International (FOEI)	1973
21. Institute of International Container Lessors (IICL)	1975
22. International Association of Drilling Contractors (IADC)	1975
23. International Association of Institutes of Navigation (IAIN)	1975
24. International Association of Producers of Insurance and Reinsurance (BIPAR)	1975
25. International Council of Marine Industry Associations (ICOMIA)	1975
26. International Federation of Shipmasters' Associations (IFSMA)	1975
27. International Life-saving Appliances Manufacturers' Association (ILAMA)	1975
28. International Salvage Union (ISU)	1975
29. International Association of Oil and Gas Producers (OGP) <i>(Previously known as Oil Industry International Exploration and Production Forum (E and P Forum))</i>	1975
30. Association of European Shipbuilders and Shiprepairers (AWES) <i>(on a provisional basis)</i>	1979
31. International Association of Independent Tanker Owners (INTERTANKO)	1979
32. International Group of P & I Associations (P & I)	1979
33. The International Tanker Owners Pollution Federation Ltd (ITOPF)	1981
34. International Union for Conservation of Nature and Natural Resources (IUCN)	1981

	<i>Date consultative status granted</i>
35. Advisory Committee on Protection of the Sea (ACOPS)	1983
36. Society of International Gas Tanker and Terminal Operators Limited (SIGTTO)	1983
37. International Lifeboat Federation (ILF)	1985
38. International Road Transport Union (IRU)	1987
39. International Ship Suppliers Association (ISSA) (on a provisional basis)	1989
40. Hazardous Materials Advisory Council (HMAC)	1989
41. International Bar Association (IBA)	1991
42. Greenpeace International	1991
43. International Council of Cruise Lines (ICCL)	1993
44. International Association of Dry Cargo Shipowners (INTERCARGO)	1993
45. International Maritime Lecturers Association (IMLA)	1993
46. World Wide Fund for Nature (WWF)	1993
47. Association of European Manufacturers of Internal Combustion Engines (EUROMOT)	1993
48. International Petroleum Industry Environmental Conservation Association (IPIECA)	1995
49. The Institute of Marine Engineers (IME)	1995
50. Iberoamerican Institute of Maritime Law (IIDM)	1995
51. International Ship Managers' Association (ISMA)	1995
52. International Parcel Tankers Association (IPTA)	1997

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Resolution A.875(21)

*Adopted on 25 November 1999
(Agenda item 19)*

ARREARS OF CONTRIBUTIONS – WORKING CAPITAL FUND

THE ASSEMBLY,

RECALLING Article 55(b) of the Convention on the International Maritime Organization, which provides that the Assembly shall apportion the expenses of the Organization in accordance with a scale to be fixed by it after consideration of the proposals of the Council thereon,

RECALLING ALSO Article 56 of the Convention, which states that any Member which fails to discharge its financial obligation to the Organization within one year from the date on which it is due shall have no vote in the Assembly, the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee or the Facilitation Committee unless the Assembly, at its discretion, waives this provision,

RECALLING ALSO the provision of rule 56*bis* of the Rules of Procedure of the Assembly, under which any Member wishing to request a waiver of the provision of Article 56 in respect of itself shall submit a written application to the Secretary-General giving reasons therefor, with a payment schedule indicating the timescale over which arrears will be paid,

RECALLING ALSO the provision of rule 56*ter* of the Rules of Procedure of the Assembly, which states that any Member seeking election to the Council shall have discharged its financial obligations to the Organization or shall have committed itself to a schedule submitted to the Secretary-General so to do,

RECALLING FURTHER regulation 5.4 of the Financial Regulations of the Organization, under which contributions are considered as due and payable in full within thirty days of receipt of the notice of assessment issued by the Secretary-General or as of the first day of the calendar year to which they relate, whichever is the later,

WELCOMING the Secretary-General's continuous efforts to secure timely payment from Member States,

NOTING that it is in the interests of all Member States to expedite payment of contributions in order that the Organization can focus on its primary aims of improving safety at sea and reducing marine pollution,

RECALLING WITH CONCERN that the level of arrears of contributions has caused serious difficulties in the past in the financial management of the Organization and in the execution of its work programme,

WELCOMING the efforts which a number of countries have made to pay off their arrears and to settle the current year's contribution,

NOTING WITH CONCERN that the improved contribution position between 1995 and 1997 has subsequently deteriorated,

CONSIDERING that the timely payment of contributions is essential to enable the Organization to maintain its work programme,

1. INVITES the attention of Member States to the provisions of resolution A.629(15)B under which a contributions incentive scheme is currently in operation to encourage early payment of contributions;
2. URGES Member States to make payment of any arrears at the earliest date;

3. ALSO URGES Member States to make payment of their contributions for the current year in accordance with regulation 5.4 of the Financial Regulations;
4. REQUESTS all Members of the Council to set an example in this regard by the prompt payment of the current year's contribution;
5. REQUESTS the Council to continue to treat the problem of arrears of contributions as a matter of high priority;
6. FURTHER REQUESTS the Secretary-General to bring this resolution to the attention of all Member States, and to continue to take all possible steps to ensure prompt payment of each current year's contributions and of arrears of contributions.

Resolution A.876(21)

*Adopted on 25 November 1999
(Agenda item 20)*

PRESENTATION OF ACCOUNTS AND AUDIT REPORTS

THE ASSEMBLY,

RECALLING that regulation 12.10 of the Financial Regulations of the Organization provides for the transmission of the External Auditor's reports through the Council, together with the audited financial statements, to the Assembly,

NOTING the Secretary-General's presentation of the final accounts for the nineteenth period 1996–1997, and the accounts of IMO's transactions for 1997 as a participating and executing agency of UNDP, together with the External Auditor's report and opinions thereon,

NOTING FURTHER the Secretary-General's presentation of the interim accounts for the first year of the twentieth financial period 1998–1999, and the accounts of IMO's transactions for 1998 as a participating and executing agency of UNDP, together with the External Auditor's reports and opinions thereon,

BEARING IN MIND that the Council at its eightieth and eighty-second sessions approved the accounts and audit reports for transmission to the Assembly at its twenty-first regular session,

1. APPROVES the accounts and the audit reports thereon for the nineteenth financial period 1996–1997 and for IMO's participation in UNDP in 1997;
2. APPROVES the accounts and the audit reports thereon for the first year of the twentieth financial period 1998–1999 and for IMO's participation in UNDP in 1998.

Resolution A.877(21)

*Adopted on 25 November 1999
(Agenda item 21)*

WORK PROGRAMME AND BUDGET FOR THE TWENTY-FIRST FINANCIAL PERIOD 2000–2001

A. WORK PROGRAMME AND BUDGET FOR 2000–2001

THE ASSEMBLY,

RECALLING Article 15 of the Convention on the International Maritime Organization and in particular paragraphs (f) and (g) thereof with regard to the functions of the Assembly in relation to the work programme and budget,

RECALLING FURTHER resolution A.726(17) by which the revised assessment formula for apportioning the contributions of Member States to the Organization's budget, and amendments to the Rules of Procedure of the Assembly concerning enforcement of the payment of contributions, were approved,

NOTING the provision of article III of the Financial Regulations with regard to the preparation of the programme budget estimates,

1. APPROVES the work programme submitted by the Secretary-General comprising ten major programmes which are divided into programmes and sub-programmes;

2. DECIDES that:

(a) For the financial period 2000–2001 appropriations are here voted for the following purposes:

Programmes	2000–2001 appropriations £
1 – General policy and direction	1,303,500
2 – Maritime safety	3,296,100
3 – Marine environment protection	2,493,400
4 – Legal affairs	1,205,200
5 – Facilitation of maritime traffic	291,200
6 – Cross-sectoral activities	1,118,550
7 – TC and institutional development	3,101,000
8 – Conference services	8,718,900
9 – Administrative services	7,939,150
10 – External relations and information services	1,027,400
Total estimated direct costs of major programmes	30,494,400
General operating expenses and headquarters premises	7,067,200
Staff turnover level (120 work months)	(501,000)
Total appropriations	37,060,600
Reimbursement of Technical Co-operation support cost	(448,400)
Net appropriations	36,612,200

- (b) The appropriation voted in subparagraph (a) above shall be financed by contributions from Member States after reduction for miscellaneous income (estimated at £280,000 for the biennium), and for a transfer from the surplus in the Printing Fund of £400,000 during the biennium;
- (c) Transfers of uncommitted balances of appropriations to the same major programme of the budget in the second calendar year other than those authorized by article IV of the Financial Regulations, and transfer of appropriations between major programmes of the budget, shall only be carried out with the prior concurrence of the Council;
- (d) In respect of each of the calendar years 2000 and 2001 covered by the financial period, the approved meetings shall be as in appendix 1, the approved posts as in appendix 2, and the appropriations and assessments shall be those indicated under the relevant programme headings in appendix 3;

NOTING the provision in regulation 5.1 of the Financial Regulations and Rules concerning the use of the Working Capital Fund to finance the approved appropriation pending receipt of contributions,

RECOGNIZING ALSO that exceptional and unforeseen circumstances could arise pending receipt of contributions and when the funds in the Working Capital Fund are insufficient to finance the approved appropriations,

3. AUTHORIZES the Secretary-General to draw upon the Printing Fund, the Headquarters Capital Fund, the Technical Co-operation Fund and the Termination Benefit Fund, to finance the approved appropriations. Advances made from these Funds to finance budgetary appropriations during a financial period shall be reported to the Council immediately and reimbursed to each respective Fund as soon as and to the extent that income is available for that purpose,

RECOGNIZING further the provision in regulation 3.8 of the Organization's Financial Regulations and Rules concerning supplementary estimates and the past practice of the Assembly in authorizing the Council to approve any necessary recalculation of the appropriations for the second year of the biennium,

4. AUTHORIZES the Council at its eighty-fifth session to review the 2001 programme budget provisions and, if it decides it is necessary, to approve any appropriate recalculation of the 2001 appropriations and assessment figures in the light of the budgetary and exchange rate situation at that time;

5. INVITES the attention of the Council to the above-mentioned provisions;

6. REQUESTS the Secretary-General to ensure their application while endeavouring to effect the maximum economies in the budget;

7. REQUESTS the Council to keep under review the Organization's financial framework during the 2000–2001 biennium and to report on the outcome to the twenty-second session of the Assembly.

B. WORKING CAPITAL FUND

THE ASSEMBLY,

RECALLING resolution A.363(IX) by which the Working Capital Fund was established in the amount of \$250,000 as of 1 January 1976 by means of advances assessed on Member States,

RECALLING FURTHER resolution A.508(XII) authorizing the transfer to the Working Capital Fund of \$400,000 from the Printing Fund surplus, resolution A.552(13) authorizing the transfer to the Working Capital Fund of \$350,000 from the General Fund cash surplus, resolution A.633(15)B increasing the level of the Working Capital Fund to £1.25 million by a transfer from the Exchange Reserve Fund, and resolution A.837(19) increasing the level of the Working Capital Fund to £2 million in two stages by the transfer of £375,000 in each year of the 1996–1997 biennium from the surpluses of the Printing Fund which arose at the end of 1995 and 1996,

NOTING that, after taking into account payments by new Members, the level of the Working Capital Fund presently stands at £2,005,470,

1. DECIDES that new Members shall be assessed for their advances to the Working Capital Fund on the basis only of the part assessed on Members as at 1 January 1976;
2. AUTHORIZES the Secretary-General:
 - (a) To advance from the Working Capital Fund such sums as may be necessary to finance the appropriations for the years 2000 and 2001 pending receipt of contributions from Members; such amounts so advanced shall be reimbursed to the Working Capital Fund as soon as contributions are available;
 - (b) To advance from the Working Capital Fund such sums as may be necessary to finance additional expenditure arising from movements in the rate of exchange during 2000–2001 from the rate adopted for calculation of the appropriation; sums so advanced to be returned to the Working Capital Fund as soon as possible and in a manner decided on by the Council;
 - (c) With the prior concurrence of the Council, to advance such sums as may be necessary to meet unforeseen or extraordinary expenses arising during the financial period 2000–2001, provided that such expenses are of a clearly exceptional nature and shall relate specifically to the approved work programme of the Organization and that the Council is assured that the relevant expenditure cannot be met by appropriate transfer action within the total budget approved for a calendar year;
3. REQUESTS the Secretary-General to report to the Council and the Assembly all advances made under the present resolution, and the circumstances relating thereto, and to submit supplementary estimates for reimbursement to the Working Capital Fund of advances made therefrom to meet unforeseen or extraordinary expenses.

C. PRINTING FUND

THE ASSEMBLY,

RECALLING that, in accordance with resolution A.100(IV), the disposal of any amount standing to the credit of the Printing Fund at the end of the financial period shall be decided by the Assembly,

RECALLING ALSO resolution A.307(VIII) of 17 December 1973, concerning the charging of expenditure to the Printing Fund,

RECALLING ALSO resolution A.873(20) of 27 November 1997 by which the Assembly authorized the Secretary-General to transfer, at the beginning of each year from 1 January 2000, all surplus funds from the Printing Fund to the Technical Co-operation Fund, unless otherwise decided by the Assembly,

1. APPROVES that the amount standing to the credit of the Printing Fund at the end of the financial period 1998–1999 shall be carried forward to the Printing Fund for the financial period 2000–2001;
2. DECIDES that the interest earnings accruing in the Printing Fund shall continue to be credited to the Printing Fund;
3. DECIDES that the attributable indirect costs associated with the printing of the Organization's publications shall be charged, with effect from the twenty-second financial period, to the Printing Fund and displayed on the Printing Fund accounts;
4. AUTHORIZES the Secretary-General to make the transfer noted in paragraph 2(b) of part A of this resolution, and additionally:
 - (a) To transfer at 1 January 2000 £1,500,000 from the balance of the 1999 Printing Fund surplus to the Technical Co-operation Fund, as noted in paragraph 1(a) of part E of this resolution;
 - (b) To transfer at 1 January 2001 £1,500,000 from the balance of the 2000 Printing Fund surplus to the Technical Co-operation Fund, as noted in paragraph 1(b) of part E of this resolution;

D. HEADQUARTERS CAPITAL FUND

THE ASSEMBLY,

RECALLING that the Assembly decided at its eighteenth regular session, in resolution A.778(18), on the establishment of the Headquarters Capital Fund by transferring the balance held in the Headquarters Installation Fund and by transfers from the Printing Fund of £500,000 in 1994 and £250,000 in 1995,

RECALLING ALSO that the Assembly decided that the Fund shall be replenished from time to time by such transfers from other funds of the Organization as may be approved by the Assembly or by the transfer of funds from the Organization's regular budget as may be approved by the Assembly,

NOTING that the Fund has enabled the Secretary-General to plan for and implement major capital programmes over the years 1994 to 1999, notably in the field of office automation and communication, which improve the Organization's efficiency and effectiveness,

NOTING ALSO that the capital expenditure programme for the next biennium as presented in annex 3 to C 82/11/Add.1 indicates that fresh transfers of funds are required to rebuild the base of the Fund,

1. AUTHORIZES the Secretary-General:
 - (a) To transfer £400,000 from the surplus of the General Fund at 1 January 2000 to the Headquarters Capital Fund; and
 - (b) To transfer £400,000 from the surplus of the General Fund at 1 January 2001 to the Headquarters Capital Fund.
2. APPROVES that the income arising from investments of the Headquarters Capital Fund shall continue to be credited to the Headquarters Capital Fund.

E. TECHNICAL CO-OPERATION FUND

THE ASSEMBLY,

RECALLING resolution A.593(14) of 20 November 1985 by which the Technical Co-operation Fund was established, and which resolved that the interest shall be used to assist the Technical Co-operation Programme of the Organization in accordance with the proposals approved by the Assembly,

RECALLING FURTHER resolution A.837(19) of 23 November 1995 by which the funds from the Technical Co-operation Fund were drawn down and converted into pounds sterling for application to technical co-operation activities, and which further enabled the level of the funds to be increased by donor contributions and by transfer from other funds of the Organization as may be approved by the Assembly,

RECALLING ALSO resolution A.873(20) of 27 November 1997 by which the Assembly authorized the Secretary-General to transfer, at the beginning of each year from 1 January 2000, all surplus funds from the Printing Fund to the Technical Co-operation Fund, unless otherwise decided by the Assembly,

NOTING that the Assembly decided upon transfers from the General Fund of £500,000 in 1996 and £500,000 in each year of 1998 and 1999, and from the Printing Fund of £2.3 million in 1996, £700,000 in 1997 and £500,000 in each year of 1998 and 1999, to the Technical Co-operation Fund to carry out its technical co-operation activities,

NOTING with concern the continued decline of the extra-budgetary funds donated to the Organization for technical assistance and the very low level of funds available to finance the Integrated Technical Co-operation Programme of the Organization,

RECOGNIZING the need to finance a core programme of technical co-operation, which will assist developing countries in the implementation of the Organization's conventions and instruments,

1. AUTHORIZES the Secretary-General:
 - (a) To transfer £1,500,000 from the surplus of the Printing Fund at 1 January 2000 to the Technical Co-operation Fund; and
 - (b) To transfer £1,500,000 from the surplus of the Printing Fund at 1 January 2001 to the Technical Co-operation Fund.
2. APPROVES that the income arising from investments of the Technical Co-operation Fund shall continue to be credited to the Technical Co-operation Fund;
3. REQUESTS the Secretary-General to submit programmes of technical co-operation activities indicating outputs and end results from the use of the Fund's resources during the 2000–2001 biennium.

F. TERMINATION BENEFIT FUND

THE ASSEMBLY,

NOTING the Organization's liability for termination indemnity and repatriation grants of approximately £5.0 million as at 31 December 1999,

RECALLING resolution A.837(19) by which the Termination Benefit Fund was established by an initial transfer of £900,000 from the cash surplus of the General Fund as at 1 January 1996 to meet the costs associated with payment of termination benefit to the staff of the Organization,

RECALLING ALSO that the Assembly decided that the Fund shall be replenished from time to time by such transfers from other funds of the Organization as may be approved by the Assembly and by the transfer of funds from the Organization's regular budget as may be approved by the Assembly and that the Fund shall be administered in accordance with the Financial Regulations and Rules of the Organization,

NOTING that the Assembly decided upon the transfer from the General Fund of £250,000 in each year of 1998 and 1999 to meet the costs associated with termination benefit payments to the staff of the Organization,

APPROVES that income arising from investments of the Termination Benefit Fund shall be credited to the Termination Benefit Fund.

Appendix 1

List of meetings approved for 2000 and 2001

Meeting	2000	2001
	Number of meeting weeks	Number of meeting weeks
Assembly, twenty-second session		2.0
Council and Technical Co-operation Committee	*2.0	†1.2
MSC & MEPC	5.0	2.5
Sub-committees	9.0	8.0
Legal Committee	2.0	1.0
Facilitation Committee	1.0	–
London Convention	1.0	1.0
Diplomatic Conferences		
OPRC Conference	1.0	–
TBT Conference	–	1.0
Pollution from Ships' Bunkers	–	1.0
Protocol to Amend Article 43:1 of the 1971 Fund Convention	‡–	
Total	21.0	17.7

* Includes 1.5 days each for the June and November sessions of TCC.

† One week for June regular session and one day for extraordinary session prior to Assembly, which includes one day for June session of TCC.

‡ The cost of a two day Conference is to be borne by the International Oil Pollution Compensation Fund.

Appendix 2

List of posts approved for 2000 and 2001

	Professional and higher categories		General Service category		Total
	Regular budget	Printing Fund	Regular budget	Printing Fund	
Office of the Secretary-General	5	–	5	–	10
Maritime Safety Division	20	1	14	–	35
Marine Environment Division	12	–	5	–	17
Legal Affairs and External Relations Division	11	–	7	–	18
Administrative Division*	24	2	66	18	110
Conference Division	40	2	50	1	93
Technical Co-operation Division	8	–	11	–	19
Total	120	5	158	19	302

* Printing and publication programmes transferred from Conference Division to Administrative Division during 1999.

Appendix 3

Work programme and programme budgets for the twenty-first financial period 2000–2001 biennium

Programmes	2000	2001	Sub-total	Total
			£	
1 General Policy and Direction				
.1 Governance (Council, Assembly)	76,500	203,600	280,100	
.2 Office of the Secretary-General	364,500	367,000	731,500	
.3 Internal oversight	145,300	146,600	291,900	1,303,500
2 Maritime Safety				
.1 Direction and management	271,150	207,800	478,950	
.2 Training and Human Element Matters	346,800	356,000	702,800	
.3 Stability, Load Lines and Fishing Vessels Safety	110,850	112,500	223,350	
.4 Ship Design and Equipment	143,250	147,800	291,050	
.5 Fire Protection	155,050	159,100	314,150	
.6 Radio Communications and Search and Rescue	223,450	195,500	418,950	
.7 Navigational Operations and Equipment	224,250	235,200	459,450	
.8 Bulk Liquid and Gases	59,450	60,300	119,750	
.9 Dry Cargoes and Containers	142,350	145,300	287,650	
.10 TC and Inst. Develop. –Implement of Safety Prog. (shown in Prog. 7.5.1)				3,296,100
3 Marine Environment Protection				
.1 Direction and management	242,350	205,950	448,300	
.2 Amendments to and implementation of MARPOL	310,700	369,700	680,400	
.3 Marine Pollution Conference	77,750	79,950	157,700	
.4 Pollution Preparedness and Response (OPRC)	308,150	270,750	578,900	
.5 Management of Waste Disposal at Sea (London Convention)	154,050	156,150	310,200	
.6 Follow-up to UNCED	39,700	41,900	81,600	
.7 GESAMP and GIPME	117,400	118,900	236,300	
.8 TC and Inst. Develop. – Implement. of Environ. Prog. (shown in Prog. 7.5.2)				2,493,400
4 Legal Affairs				
.1 Direction and management	171,550	170,650	342,200	
.2 Legal Affairs	428,350	434,650	863,000	
.3 TC and Inst. Develop. – Implement. of Maritime Legisl. Prog. (shown in Prog. 7.5.3)				1,205,200
5 Facilitation of Maritime Traffic				
.1 Direction and management	17,000	17,000	34,000	
.2 Amendments to and implementation of FAL	145,600	111,600	257,200	
.3 TC and Inst. Develop. – Implement. of FAL Prog. (shown in Prog. 7.5.4)				291,200
6 Cross-Sectoral Activities				
.1 Direction and management	63,800	64,400	128,200	
.2 Flag State Implementation	144,350	148,000	292,350	
.3 Port State Control	73,600	76,200	149,800	
.4 Ship Casualties	59,700	62,100	121,800	
.5 Survey and Certification	38,000	39,300	77,300	
.6 Dry Cargoes	63,800	64,300	128,100	
.7 New Approach to Safety	32,300	33,300	65,600	
.8 Co-operation with the UN and other Int'l bodies	76,200	79,200	155,400	1,118,550

Programmes	2000	2001	Sub-total	Total
			£	
7 TC and Institutional Development				
.1 Direction and management	234,000	226,100	460,100	
.2 ITCP: Strategy and Programme Development	349,800	362,000	711,800	
.3 Resource Mobilization within a Tripartite relationship	146,500	151,200	297,700	
.4 Management of ITCP execution	167,700	173,300	341,000	
.5 Programme Implementation				
.1 Maritime safety	206,700	214,850	421,550	
.2 Marine environment	114,400	118,000	232,400	
.3 Maritime legislation	81,400	82,100	163,500	
.4 Facilitation of international maritime traffic	31,150	32,800	63,950	
.6 ITCP Monitoring and Impact-assessment	164,400	170,000	334,400	
.7 Training and Institution Support	34,900	39,700	74,600	3,101,000
8 Conference Services				
.1 Direction and management	146,200	149,300	295,500	
.2 Conference Management and Support Services	4,132,100	4,291,300	8,423,400	8,718,900
9 Administrative Services				
.1 Direction and management	166,000	173,300	339,300	
.2 Financial Services	781,300	804,100	1,585,400	
.3 Personnel Services	603,100	621,950	1,225,050	
.4 Office Services	1,176,100	1,215,100	2,391,200	
.5 IT and Office Automation	342,400	359,100	701,500	
.6 Publishing	841,100	855,600	1,696,700	7,939,150
10 External Relations and Information Services				
.1 Direction and management	56,300	55,700	112,000	
.2 External Relations	281,300	281,700	563,000	
.3 Information Services	172,000	180,400	352,400	1,027,400
Total estimated direct costs	15,056,100	15,438,300		30,494,400
General Operating Expenses and Headquarters Premises	3,523,300	3,543,900		7,067,200
Estimated staff turnover	(250,500)	(250,500)		(501,000)
Total proposed appropriations	18,328,900	18,731,700		37,060,600
Reimbursement of Technical Co-operation support costs	(224,200)	(224,200)		(448,400)
Net proposed appropriations	18,104,700	18,507,500		36,612,200
Less:				
Miscellaneous Income	(140,000)	(140,000)		(280,000)
Transfer from the Printing Fund	(200,000)	(200,000)		(400,000)
Net to be Assessed	17,764,700	18,167,500		35,932,200

Resolution A.878(21)

*Adopted on 25 November 1999
(Agenda item 30)*

APPOINTMENT OF THE EXTERNAL AUDITOR

THE ASSEMBLY,

RECALLING Articles 12.1. and 12.2 of the Financial Regulations of the Organization,

TAKING NOTE that the Financial Regulations provide that the External Auditor shall be the Auditor General (or officer holding the equivalent title) of a Member State,

DECIDES to appoint the person at any time performing the duties of the Comptroller and Auditor General of India as External Auditor for a period of four years, commencing 1 July 2000.

Resolution A.879(21)

*Adopted on 25 November 1999
(Agenda item 22)*

LONG-TERM WORK PLAN OF THE ORGANIZATION (UP TO 2006)

THE ASSEMBLY

RECALLING resolution A.846(20) by which it approved the subjects for consideration in the long-term work plan of the Organization in the period up to 2004,

RECALLING ALSO that it requested the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and the Facilitation Committee to keep the respective lists of subjects under review in the light of developments in the work of the Organization while continuing to bear in mind the directives contained in resolution A.500(XII) on the objectives of the Organization and resolution A.777(18) on the Work methods and organization of work in Committees and their subsidiary bodies,

HAVING CONSIDERED the proposal of the Council for the long-term work plan which has been prepared in the light of the views of the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and the Facilitation Committee, as well as resolution A.900(21) on the Objectives of the Organization in the 2000s,

1. APPROVES the long-term work plan comprising an indicative list of subjects for consideration by the Organization for the period up to 2006 as set out in the annex to the present resolution;
2. REQUESTS the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and the Facilitation Committee to keep the respective lists of subjects under review in the light of developments in the work of the Organization, while continuing to bear in mind the directives contained in resolution A.500(XII), resolution A.777(18) and resolution A.900(21) and to report or recommend, as necessary, to the Assembly at its twenty-second regular session;
3. FURTHER REQUESTS all Committees, when considering proposals for future work, to ensure that the subjects proposed are those on which significant work could reasonably be envisaged in the foreseeable future;
4. EMPHASIZES that all proposed items, and especially those involving amendments to existing conventions, particularly those which have been in force for a short period, should be evaluated by reference to the directives in resolution A.500(XII), and that due attention should be given to the requirement that a well-documented “compelling need” must be demonstrated for new or revised standards;
5. REITERATES ITS REQUEST to the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and the Facilitation Committee, when reviewing the long-term work plan and in making recommendations for the work programme for subsequent periods, to bear in mind the desirability of scheduling not more than one conference in each year, save in exceptional circumstances.

Annex

The following is an indicative list of subjects for consideration by the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and the Facilitation Committee for the period up to 2006. This list is not exhaustive and the subjects are not listed in order of priority:

MARITIME SAFETY COMMITTEE

- 1 The following is an indicative list of subjects approved by the Maritime Safety Committee for the period up to 2006. This list is not exhaustive and the subjects are not listed in order of priority.
- 2 The items listed below marked with an asterisk are considered to be high priority items. The remainder should be considered as such, and work on them initiated accordingly, only after proposals substantiating their importance and urgency have been submitted and endorsed by the Committee or a compelling need to do so has been clearly established and the Committee has agreed that urgent action should be taken on them.

I Objectives

- 1 Pursuant to the provisions of Articles 1 and 28 of the Convention on the International Maritime Organization, to encourage the general adoption of the highest practicable standards in respect of matters concerning maritime safety and efficiency of navigation, including any matter within the scope of the Organization, concerned with the construction and equipment of ships (and other marine vehicles), training and qualification of seafarers and fishing vessel personnel, manning of ships from a safety standpoint, aids to navigation, rules for the prevention of collisions, search and rescue, handling of cargoes, maritime safety procedures and requirements, hydrographic information, log-books and navigational records, marine casualty investigations, salvage and any other matter directly affecting maritime safety (e.g. fire safety, maritime communications and the safe transport of cargoes generally), and with due regard to the contents of resolutions A.500(XII), A.777(18) and A.900(21).
- 2 To provide the necessary machinery for performing any duties assigned to it and to maintain such close relationship with other bodies as may further the purposes of the Organization.

II General subjects*

- *1 Implementation, enforcement, monitoring, technical interpretation and improvement of conventions, codes, recommendations and guidelines.
- *2 Role of the human element in the prevention of maritime casualties and accidents.
- *3 Promotion and maintenance of a safety culture.
- *4 Shipboard and shore-based management for the safe operation of ships.
- *5 Formal safety assessment.
- 6 Procedures for the control of ships, including deficiency reports.
- *7 Casualty statistics and investigations into serious casualties.
- 8 Harmonization of survey and certification requirements.
- 9 Prevention of piracy and unlawful acts against ships.

* The subjects marked with an asterisk are considered as high-priority subjects.

- 10 Co-operation with the United Nations and other international bodies on matters of mutual interest.
- 11 Technical input in technical co-operation projects.

III Specific subjects

Items related to ship's construction, equipment, machinery and electrical installations

- 1 Safety aspects of the design, construction, machinery, electrical installations, equipment and operation of specific types of ships.
- 2 Intact stability, subdivision, damage stability and load lines of ships.
- 3 Manoeuvrability of ships.
- 4 Matters pertaining to fire protection, detection and extinction, fire-test procedures and other matters related to fire safety on board ships.
- 5 Safe evacuation, survival and recovery following maritime casualties or in case of distress.
- 6 Tonnage measurement of ships.
- 7 Safety-related aspects of fishing vessels.

Items related to navigation and radiocommunications

- 8 Measures to improve navigational safety, including ships' routing, requirements and standards for navigational aids (including the development of functional requirements of shipborne navigational systems and requirements), ship-reporting systems and vessel traffic services.
- 9 Monitoring the operation of the global maritime distress and safety system and other maritime radiocommunication matters (including maritime safety information, shipborne radio equipment and operational procedures) and the provision of maritime search and rescue services.

Items related to training, certification and watchkeeping

- 10 Training, watchkeeping and operational procedures for maritime personnel, including seafarers, fishing vessel personnel, maritime pilots, VTS operators, those responsible for maritime safety on mobile offshore units and shore-based port personnel.
- 11 Seafarers' certificates of competency.

Items related to cargo handling

- 12 Safe handling and carriage by sea of solid and liquid bulk cargoes.
- 13 Safe handling and carriage of dangerous goods in packaged form, including portable tanks, unit loads, other cargo transport units, shipborne barges and intermediate bulk containers (IBCs).
- 14 Emergency procedures and safety measures for ships carrying dangerous goods, medical first aid in case of accidents involving dangerous goods, and the safe use of pesticides in ships.
- 15 Safe cargo stowage and securing and container safety matters.
- 16 Safety at the ship/port interface.
- 17 Transboundary movement of hazardous waste.

LEGAL COMMITTEE

Subjects

- 1 Consideration of the legal status of novel types of craft, such as air-cushion vehicles, operating in the marine environment.
- 2 A possible convention on the regime of vessels in foreign ports.
- 3 Possible revision of maritime law conventions in the light of proven need and subject to the directives in resolutions A.500(XII), A.777(18) and A.900(21).

MARINE ENVIRONMENT PROTECTION COMMITTEE

I Objectives

- 1 Pursuant to the provisions of Articles 1 and 38 of the Convention on the International Maritime Organization, to encourage adoption of the highest practicable standards in matters concerning the prevention and control of marine pollution from ships with due regard to the contents of resolutions A.500(XII), A.777(18) and A.900(21). More immediately to promote world-wide acceptance, implementation and uniform interpretation of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) as well as the International Convention for Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 1990).
- 2 To adhere to the principles and declaration adopted by UNCED in the field of marine environment protection and response to pollution incidents, including the principle of precautionary approach.
- 3 To provide the necessary machinery for performing any duties assigned to it and to maintain such close relationship with other bodies as may further the purposes of the Organization.
- 4 To promote, in co-operation with UNDP, UNEP, the World Bank, in particular the Global Environment Facility (GEF) and national development agencies, IMO's programmes of technical co-operation in the field of marine environmental protection, including the management and execution of large-scale projects.

II Specific subjects

- 1 Implementation, enforcement, amendment and uniform interpretation of the provisions of MARPOL 73/78 and related Codes, recommendations and guidelines, and monitoring of the effectiveness with which the Convention is implemented, including:
 - .1 enforcement mechanism and procedures for the control of ships and discharges under MARPOL 73/78;
 - .2 examination of the role of the human element in all measures aimed at the elimination of intentional pollution and minimization of accidental discharge of harmful substances;
 - .3 penalties for infringement of provisions of MARPOL 73/78;
 - .4 review of Annexes I and II;
 - .5 review of Annex III;
 - .6 measures to promote the entry into force and implementation of Annex IV;
 - .7 clarification of application of MARPOL requirements to FPSOs and FSUs;
 - .8 identification of oil pollution sources; and
 - .9 development of guidelines including amendments to "MARPOL: How to do it".
- 2 Reports regarding casualty investigations by Member States in relation to marine pollution incidents.

- 3 Reports by Parties regarding implementation of MARPOL 73/78, which is mandatory under the Convention (MEPC/Circ.318).
- 4 Follow-up action to UNCED, in particular with respect to the implementation of Agenda 21 regarding the prevention of degradation of the oceans from sea-based sources, including:
 - .1 prevention of marine pollution from offshore oil and gas activities; and
 - .2 issues arising from chapters 17 and 19 of Agenda 21.
- 5 Review of the standards for the design, construction and operation of oil and chemical tankers, including those for pollution prevention equipment.
- 6 Measures to promote the entry into force and implementation of MARPOL Annex VI on prevention of air pollution from ships, including:
 - .1 development of guidelines;
 - .2 IMO Study on greenhouse gases; and
 - .3 measures for monitoring the sulphur content of residual fuels.
- 7 Evaluation of chemicals under the provisions of Annex II to MARPOL 73/78 and the IBC Code, including:
 - .1 application of new GESAMP Hazard Profile;
 - .2 review of the list of products in the IBC Code;
 - .3 assessment of hazards of new products; and
 - .4 development of database for bulk chemicals.
- 8 Implementation of the Harmonized System of Survey and Certification under MARPOL 73/78.
- 9 Identification and protection of special areas and particularly sensitive sea areas (PSSAs), including a review of resolution A.720(17).
- 10 Implementation of the ISM Code with regard to effective management for the prevention and control of marine pollution
- 11 Implementation of the INF Code and related matters, including environmental impact assessment.
- 12 Consideration of measures to minimize the risks of introducing harmful aquatic organisms and pathogens through discharges from ships' ballast water and associated sediments, with a view to preparing a legally binding instrument on ballast water management, together with implementation guidelines thereto, for adoption by a diplomatic conference.
- 13 Consideration of measures to minimize the harmful effects of the use of anti-fouling systems for ships with a view to preparing a legally binding instrument on harmful anti-fouling systems, together with implementation guidelines thereto, for adoption by a diplomatic conference.
- 14 Promotion of the provision of adequate reception facilities in ports and use thereof by ships, including the application of environmentally sound techniques for the treatment and ultimate disposal of ships' wastes and the development of a practicable scheme for the establishment and operation of reception facilities.
- 15 Development of Formal Safety Assessment (FSA) procedures as well as addressing environmental indexing of ships.
- 16 Development of measures to prevent and control marine pollution from small craft.
- 17 Development of measures for the prevention of marine pollution by noxious solid substances carried in bulk.

- 18 Implementation, enforcement, amendment and uniform interpretation of the provisions of the OPRC Convention, and implementation of the OPOR Conference resolutions, including:
 - .1 national capacity-building for marine pollution preparedness and response;
 - .2 promotion of bilateral and regional arrangements for marine pollution preparedness and response;
 - .3 promotion of training and transfer of technology;
 - .4 development of guidelines and training materials for response measures, including the development and updating of anti-pollution manuals; and
 - .5 extension of the OPRC Convention to include harmful substances other than oil with a view to adopting the OPRC-HNS Protocol at a diplomatic conference in 2000.
- 19 Matters related to the 1973 Intervention Protocol, including revision of the list of substances and list of experts and the development of a directory for relevant centres of expertise.
- 20 Co-operation with the United Nations, including matters referred to it and other international bodies on matters of mutual interest.

III Priorities

In considering the specific subjects of the long-term work plan, the Committee agreed to give high priority to the following subjects:

- .1 extension of the OPRC Convention to cover hazardous and noxious substances;
- .2 harmful aquatic organisms in ships' ballast water;
- .3 promotion of the provision of adequate reception facilities in ports and use thereof by ships;
- .4 harmful effects of ships' anti-fouling systems;
- .5 measures to promote the entry into force and implementation of Annexes IV and VI of MARPOL 73/78;
- .6 evaluation of chemicals under the provisions of Annex II of MARPOL 73/78 and the IBC Code; and
- .7 Review of Annexes I and II of MARPOL 73/78.

TECHNICAL CO-OPERATION COMMITTEE

I Objectives

- 1 Pursuant to the provisions of the IMO Convention, the Technical Co-operation Committee:
 - (a) establishes guidelines for the development and implementation of the IMO Integrated Technical Co-operation Programme (ITCP); (b) considers and prioritizes technical co-operation programmes and projects for the implementation of activities for which IMO acts as the executing or co-operating agency; and (c) considers any other matters relating to IMO's functions in the technical co-operation field, including the mobilization of resources and the allocation of such funds of the Organization as may be approved by the Assembly for technical co-operation purposes.
- 2 IMO's technical co-operation mission is to assist developing countries by contributing to the enhancement of their capacity to comply with international rules and standards relating to maritime safety and the prevention and control of marine pollution, giving priority to technical assistance programmes which focus on human resources development and institutional capacity-building.
- 3 In this regard, the ITCP establishes priority areas of assistance in four main areas of concentration, taking into account also the relevant issues concerning the ship/port interface, namely:
 - .1 maritime safety and related aspects of shipping and ports;

- .2 marine environment protection;
- .3 maritime legislation; and
- .4 facilitation of international maritime traffic.

4 In addition to the above, the ITCP addresses the need for technical assistance in the following matters which are generic to the four main areas of concentration and which also concern the effective implementation of related IMO instruments, guidelines and recommendations:

- .1 women in development;
- .2 suppression of unlawful acts;
- .3 drug use and alcohol abuse; and
- .4 piracy.

II Structure of the ITCP

5 The substantive Committees of the Organization develop technical co-operation subprogrammes in their respective areas of responsibility. These are subsequently integrated within the framework of the ITCP, on the basis of thematic priorities established by the substantive Committees, and the policies and strategies adopted by the Technical Co-operation Committee. Accordingly, the ITCP defines IMO's technical co-operation objectives, policies, priorities and guiding principles, as well as the modalities for developing, delivering and co-ordinating a truly integrated programme of technical assistance.

6 In accordance with the principles previously endorsed by the IMO Assembly and contained in UN General Assembly resolutions 44/211, 47/199 and 50/120, the ITCP is articulated and is to be implemented, wherever possible, on the basis of the decentralized management of IMO's technical co-operation activities. Accordingly, the ITCP reflects a regional programme approach, to encourage the development of co-ordinated and integrated perspectives on maritime matters in each developing region.

III Specific subjects

7 To ensure the continuous and successful development of the ITCP, the Technical Co-operation Committee will monitor and, as appropriate, develop directives and guidance for:

- .1 the Organization's technical co-operation policies and strategies, in the light of:
 - developments in the regulatory framework of the Organization;
 - impact assessments of activities carried out previously;
 - general socio-economic development trends;
 - guidelines established through the UN General Assembly, the Economic and Social Council, the triennial reviews of the UN system's operational activities for development and the Agenda for Development; and
 - relevant global or sectoral conferences;
- .2 the development of appropriate technical assistance programmes relating especially to flag State implementation, port State control and other priority subjects identified by the IMO organs;
- .3 the Organization's structural requirements for the effective delivery of the ITCP, including arrangements at Headquarters and in the developing regions;
- .4 the mobilization and allocation of financial or in-kind resources for the ITCP, including the promotion of technical and economic co-operation among developing countries (TCDC and ECDC) and the successor arrangements to the support costs formulae of the United Nations Development Programme;

- .5 the follow-up to UNCED, Agenda 21 and other UN plans of action that have an impact on IMO's work, giving special regard to sustainable maritime development and its required financing, including the development of relevant programmes, extra-budgetary activities and financial mechanisms based on the internalization of costs;
- .6 the further integration of women in the maritime and port sectors, including modalities for the effective implementation of resolutions TC 1(39), TC 2(40) and TC 3(45) and any necessary follow-up to the Beijing Conference of 1995;
- .7 continued and expanded support to global, regional and national maritime training institutions, including the development of financial mechanisms to ensure their sustainability, the relationship between the World Maritime University and its Branches and the effective implementation of the STCW and STCW-F Conventions; and
- .8 the Committee's methods and organization of work, taking into account the directives contained in resolutions A.500(XII), A.777(18) and A.900(21).

FACILITATION COMMITTEE

Subjects*

- *1 Implementation, interpretation and improvement of the Convention on Facilitation of International Maritime Traffic (FAL), 1965, and its annex.
- *2 Facilitation activities within the remit of the Organization, including:
 - .1 promotional activities carried out in co-operation with Member Governments, FAL Contracting Governments and organizations concerned; and
 - .2 facilitation aspects of forms and certificates emanating from other activities of the Organization.
- *3 Development of uniform electronic message systems for the arrival, stay and clearance of ships, persons and cargoes.
- 4 Examination of elements of conventions, codes and recommendations of a facilitation nature elaborated by other organizations.
- 5 Consideration and formulation of proposals for the general review of the FAL Convention or its annex, including harmonization with other relevant United Nations conventions.
- 6 Formalities connected with the arrival, stay and departure of ships, persons and cargo.
- 7 Methods of handling cases involving inadequately documented passengers.
- *8 Adoption of measures to facilitate the entry and departure of ships, persons and cargo not covered by the FAL Convention.
- 9 Facilitation aspects of IMO's work on prevention and suppression of unlawful acts at sea and in ports.
- 10 Facilitation aspects of measures to prevent and suppress illicit drug trafficking.
- 11 Facilities for elderly and disabled passengers.
- *12 Ship/port interface matters.
- *13 Prevention and resolution of stowaway cases.

* The subjects marked with an asterisk are considered as high priority subjects.

Resolution A.880(21)

*Adopted on 25 November 1999
(Agenda item 9)*

IMPLEMENTATION OF THE INTERNATIONAL SAFETY MANAGEMENT (ISM) CODE BY 1 JULY 2002

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention of 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 resolution A.741(18), by which it adopted safety and pollution prevention management requirements through the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code) and resolution A.788(19) on Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations,

RECALLING FURTHER that the 1994 Conference of Contracting Governments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, adopted a new chapter IX on Management for the Safe Operation of Ships by virtue of which the ISM Code became mandatory for certain ships as from 1 July 1998,

FURTHER RECALLING that, in response to concerns about progress with ISM Code certification by shipping companies and ships to which chapter IX would apply as from 1 July 1998, the Maritime Safety Committee, at its sixty-sixth session, and the Marine Environment Protection Committee, at its thirty-eighth session, approved MSC/Circ.761/MEPC/Circ.311 on Timely and effective implementation of the ISM Code,

ALSO RECALLING resolution A.848(20) on Implementation of the International Safety Management (ISM) Code, in operative paragraph 7 of which it invited Member Governments and Contracting Governments to the SOLAS Convention to:

- (a) be aware that there was a significant amount of work required to ensure application of the ISM Code to other general cargo ships and mobile offshore drilling units of 500 gross tonnage and upwards by 1 July 2002; and
- (b) expedite the process of application of the ISM Code to those ships well in advance of the enforcement date,

NOTING the importance of Governments being mindful of the considerable time needed for effectively implementing the ISM Code on cargo ships other than oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high-speed craft of 500 gross tonnage and upwards, as well as on mobile offshore drilling units of 500 gross tonnage and upwards, and thus of the need for well-planned time schedules for the implementation process, which should be put in place in good time before the Code's second implementation date of 1 July 2002,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its seventieth session,

1. URGES Member Governments, Contracting Governments to SOLAS and the industry to take urgent appropriate action to ensure that ships and shipping companies liable to ISM certification as from 1 July 2002 are so certificated and prepared in all respects to comply with the requirements of the Code thereafter;

2. DRAWS the attention of Member Governments, Contracting Governments to SOLAS and the industry to the fact that SOLAS regulation IX/2 does not provide for any extension of implementation dates for the introduction of the ISM Code;
3. INVITES Member Governments, Contracting Governments to SOLAS and the industry to bring this resolution to the attention of all concerned, particularly shipowners, ship operators and managers, shipping companies and classification societies.

Resolution A.881(21)

*Adopted on 25 November 1999
(Agenda item 5)*

SELF-ASSESSMENT OF FLAG STATE PERFORMANCE

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,

RECALLING FURTHER that amongst the objectives of the Organization is the assessment of the current level of implementation and the identification of those areas where flag States have difficulties in fully implementing IMO instruments to which they are Party, paying special attention to difficulties encountered by Governments,

FURTHER RECALLING that, through resolutions A.777(18) and A.900(21), it reaffirmed the contents of resolution A.500(XII) and thus the assignment of the highest priority to promoting the implementation of relevant international instruments for the improvement of maritime safety and pollution prevention,

RECOGNIZING that Governments are required to meet and fulfil the obligations and the responsibilities which are set forth in international regulations, procedures and practices contained in IMO instruments and other mandatory instruments which they adopt, and to take any steps which may be necessary to secure their observance,

RECOGNIZING ALSO that Parties to international conventions such as the United Nations Convention on the Law of the Sea, 1982 (UNCLOS); the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974); 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); and the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969) have, as part of the ratification process, accepted the obligation under applicable international law fully to meet their responsibilities and to discharge their obligations as prescribed by the conventions and other instruments to which they are Party,

REAFFIRMING its desire that ships comply at all times with maritime safety and pollution prevention standards laid down in relevant international instruments,

REAFFIRMING ALSO that flag 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 relevant international rules and regulations,

HAVING ADOPTED resolution A.847(20) on Guidelines to assist flag States in the implementation of IMO instruments; resolution A.739(18) on Guidelines for the authorization of organizations acting on behalf of the Administration; and resolution A.789(19) on Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration,

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

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

- (a) becoming Party to the instruments mentioned above;
- (b) implementing them fully and effectively;
- (c) enforcing them rigorously; and
- (d) reporting to the Organization, as required,

CONSCIOUS of the difficulties a number of Governments may face in giving full and complete effect to all the provisions of the various IMO instruments to which they are Party,

RECOGNIZING that any such difficulties need to be minimized, and that for that reason the Organization has established and maintains an Integrated Technical Co-operation Programme,

WELCOMING the decision of the Maritime Safety Committee, at its seventieth session, to draw up clear criteria against which the success of the performance of the flag States might be assessed,

UNDERSTANDING that the development, acceptance and adoption of such internal and external criteria to be used for the self-assessment of the ability, capacity and performance of States to carry out and fulfill the obligations and responsibilities they undertake to perform by becoming Parties to various instruments is still in progress,

BEING DESIROUS to further assist Governments in improving their capabilities and performance as flag States and in giving full and complete effect to the instruments to which they are Party,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee at its seventy-first session and by the Marine Environment Protection Committee at its forty-third session,

1. ADOPTS the Guidance to assist flag States in the self-assessment of their performance, as set out in the annex to the present resolution;
2. URGES Governments, in their efforts to improve safety of life at sea and to protect the marine environment, to carry out, at regular intervals at their discretion, a self-assessment of their capabilities and performance in giving full and complete effect to the various instruments to which they are Party;
3. URGES ALSO Governments to use the Guidance, in conjunction with resolution A.847(20), and to bear in mind the relevant provisions of the various IMO instruments to which they are Party, when assessing their performance as a flag State in the context of these instruments;
4. ENCOURAGES Governments, when seeking technical assistance from or through the Organization, to provide the Secretary-General with the results of their most recent self-assessment, so as to enable and assist the Secretary-General to identify, qualify and quantify, in consultation with the State concerned, the needs and the priorities of the State in question. For this purpose, any submission of the results is not a prerequisite for seeking or obtaining technical assistance. In this respect, the contents of any such submission are to be treated with the utmost and strictest confidence and the name of the submitting Government will only be released with the expressed consent of the Government concerned;
5. INVITES Governments to submit, on a voluntary basis, to the Organization a copy of their self-assessment report in order to enable the establishment of a database which would assist the Organization in its efforts to achieve consistent and effective implementation of IMO instruments;
6. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to consider other measures necessary to ensure the effective and consistent global implementation of IMO instruments and, in so doing, to pay particular attention to any special difficulties faced by Governments;
7. REQUESTS ALSO the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Guidance under continuous review and to update it in the light of their work on the matter.

GUIDANCE TO ASSIST FLAG STATES IN THE SELF-ASSESSMENT OF THEIR PERFORMANCE

General obligations of flag States

1 It is the responsibility of flag States to ensure that they establish and maintain measures for the effective application and enforcement of the IMO instruments to which they are a Party. From the point of view of flag State implementation the most significant IMO instruments are:

- .1 the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74), as amended;
- .2 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), as amended;
- .3 the International Convention on Load Lines, 1966 (LL 66);
- .4 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78), as amended;
- .5 the Convention on the International Regulations for Preventing Collisions at Sea, 1972, (COLREG 72), as amended; and
- .6 the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 69).

Regard should also be given to the United Nations Convention on the Law of the Sea (UNCLOS).

2 Having accepted an instrument, a Government is bound by the provisions of the instrument to promulgate laws in relation to the implementation of its provisions through appropriate national legislation (e.g. SOLAS 74 article 1(b)). The undertaking to give effect to the provisions of the relevant instrument (e.g. SOLAS 74 article 1 (a)) means that the Government must have a functioning legislative body to enact laws for ships flying its flag and to provide for their subsequent implementation and enforcement.

Internal criteria for the assessment of flag State performance

3 *Internal* criteria are those which are directly relevant to the operation of the flag State as an Administration and are designed to give a clear indication of the effectiveness of a flag State Administration in fulfilling its obligations under the instruments. Guidance on flag State responsibilities is contained in Assembly resolution A.847(20) on Guidelines to assist flag States in the implementation of IMO instruments. Article 94 of UNCLOS also sets out the duties of the State Parties (Article 1.2(1)). Article 217 of UNCLOS is also relevant in detailing the enforcement responsibilities of flag States. Based on international instruments, a flag State has responsibilities relating, in particular, to setting legal requirements to give national effect to the instruments to which it is a Party; enforcement of those requirements; authorization of organizations acting on its behalf and casualty investigation. These are considered in more detail below.

Legal framework

4 A flag State should:

- .1 take measures to ensure safety at sea and pollution prevention for ships entitled to fly its flag with regard to:
 - .1 the construction, equipment and management of ships;
 - .2 the principles and rules with respect to the limits to which ships may be loaded;
 - .3 the prevention, reduction and control of pollution of the marine environment and the minimization of the impact of accidental discharges of pollutants;
 - .4 the manning of ships and the training of crews; and

- .5 the safety of navigation (including taking part in mandatory reporting and routeing systems), maintenance of communications and prevention of collisions;
- .2 promulgate laws which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag and, in particular, relating to the inspection of ships, safety and pollution prevention laws applying to such ships and the making of associated regulations; and
- .3 promulgate laws providing the legal basis for the establishment of a registry and maintain a register of ships flying its flag.

Enforcement

5 A flag State should:

- .1 provide for the enforcement of its national laws, including the associated investigative and penalty processes;
- .2 take appropriate action against ships flying its flag that fail to comply with applicable requirements;
- .3 ensure the availability of sufficient personnel with maritime and technical expertise to carry out its flag State responsibilities, including:
 - .1 the development and enforcement of necessary national laws;
 - .2 the establishment and maintenance of minimum safe manning levels on board ships flying its flag and the provision of effective certification of seafarers;
 - .3 the inspection of ships flying its flag to ensure compliance with the requirements of international instruments to which the flag State is a Party;
 - .4 the reporting of casualties and incidents as required by the respective instruments; and
 - .5 the investigation of circumstances following any detention of ships flying its flag.

Responsibility of recognized organizations acting on behalf of the Administration

6 In the case where a flag State authorizes third party organizations to act on its behalf, i.e. recognized organizations, any delegation of authority to these recognized organizations must be clearly recorded and should follow as a minimum the Guidelines for the authorization of organizations acting on behalf of the Administration (resolution A.739(18)) and the Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration (resolution A.789(19)). The requirements in SOLAS 74, chapter I, regulation 6(c), and the analogous requirements of MARPOL 73/78 should be included in any delegation of authority. The flag State must also take full responsibility for all safety and pollution prevention certificates issued under the relevant instruments by it or on its behalf.

Casualty and incident investigation

7 A flag State should undertake prompt and thorough casualty and incident investigations and submit relevant reports to IMO, as appropriate.

External criteria for the assessment of flag State performance

8 *External* criteria refer to information, in particular port State control data and casualty accident data, which may also be taken to be indicators of the way in which a flag State is performing. The following are indicators of the way in which the flag State is performing but do not relate directly to the organization of

the flag State's Administration. When used as indicators, the criteria listed in 8.1 to 8.5 must be considered in proportion to the overall number of ships flying its flag, subject to international instruments to which the State is a Party.

- .1 Number of accidents, casualties and incidents reportable to IMO in terms of the requirements of the international casualty database.
- .2 Number of accidents involving personal injuries leading to absence from duty of 3 days or more on board ships flying the flag of the State concerned.
- .3 Number of lives lost on its ships resulting from the operation of ships flying its flag.
- .4 Number of ships lost.
- .5 Number of incidents of loss of pollutants into the sea according to MARPOL 73/78 reporting standards, including a measure of the seriousness of the incidents.
- .6 Number of ships detained by other States under port State control procedures.
- .7 Communication to IMO of information required in mandatory instruments.

Self-assessment form

9 Based on the internal and external criteria outlined above, a self-assessment form is attached. The primary objective of the form is to assist flag States in assessing their performance against these criteria. Questions relating to the STCW Convention have not been included because that instrument has its own assessment procedures.

Appendix

FLAG STATE PERFORMANCE SELF-ASSESSMENT FORM

All questions relate to merchant ships flying the flag of the State concerned

GENERAL	
1. Name of State/Associate Member <i>List the Administrations which you represent at IMO (a separate assessment form should be completed for each. Include all flag States, including those which are not Member States of IMO but are Parties to IMO instruments).</i> 2. Name of contact person responsible for the completion of this form Name of Administration Address Telephone number Fax number E-mail address	

3	Indicate to which of the following international instruments your State is a Party and which (optional) MARPOL 73/78 Annexes have been ratified.	
	SOLAS 74 SOLAS Protocol 78 SOLAS Protocol 88 MARPOL 73/78 Annex III Annex IV Annex V Annex VI LL 66 LL Protocol 88 TONNAGE 69 COLREG 72 UNCLOS	Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No
4.1	How many merchant ships of 100 gross tonnage and upwards, subject to the relevant instruments you indicated in question 3, are currently flying the flag of your State?	MS:
4.2	What is the total gross tonnage of merchant ships flying the flag of your State?	
INTERNAL CRITERIA		
Legal framework		
5.	Does your Administration have the necessary laws in force to implement international maritime safety and pollution prevention instruments with regard to:	
.1	the construction, equipment and management of ships;	Yes/No
.2	the prevention, reduction and control of pollution of the marine environment;	Yes/No
.3	the safe loading of ships;	Yes/No
.4	the manning of ships;	Yes/No
.5	the safety of navigation (including taking part in mandatory reporting and routing systems), maintenance of communications and prevention of collisions?	Yes/No
6.	Does your Administration have the necessary laws in force to ensure the provision of penalties of adequate severity to discourage violation of international instruments to which your State is a Party?	Yes/No
7.	Does your Administration have the necessary laws in force to provide for ship inspections to ensure compliance with international maritime safety and pollution prevention standards, to which your State is a Party?	Yes/No
8.	Does your Administration have the necessary laws in force to take legal action against ships which have been identified as not being in compliance with the international instruments to which your State is a Party?	Yes/No
9.	Does your Administration have the necessary laws in force to carry out the required casualty investigations?	Yes/No

Enforcement	
10. Does your Administration have an infrastructure, including personnel with appropriate technical expertise and experience, to:	
.1 identify ships flying the flag of your State which are not in compliance with international maritime safety and pollution prevention requirements?	Yes/No
.2 take action against ships flying the flag of your State which have been identified as not being in compliance with international maritime safety and pollution prevention requirements?	Yes/No
- If yes, against how many such ships was action taken for each of the previous 5 years*?	....
11. Did your Administration investigate detentions by port States of ships flying the flag of your State for each of the previous 5 years*? (see also question 28)	Yes/No
- If yes, indicate how many such detentions were investigated.	....
Recognized organizations acting on behalf of the Administration	
12. Which organizations has your Administration recognized for the purpose of delegation of authority under the relevant instruments you indicate under question 3?	
13. When your Administration delegates authority to recognized organizations, does it follow resolutions A.739(18) and A.789(19) as minimum requirements, the requirements in SOLAS 74, regulation XI/1, and the analogous requirements in MARPOL 73/78 in any delegation of authority?	Yes/No
14. Has your Administration provided IMO with a copy of the formal agreement or equivalent legal arrangements with the recognized organizations listed in question 12?	Yes/No
15. Indicate which survey and/or certification functions your Administration has delegated to the recognized organizations referred to in question 12.	
16. Indicate, for the instruments you listed under question 3, which survey and/or certification functions are carried out by your Administration.	
17. Does your Administration carry out the verification and monitoring functions specified in resolution A.739(18)?	Yes/No
18. How does your Administration carry out the verification and monitoring functions specified in resolution A.739(18)?	
19. How often does your Administration verify and monitor the work of recognized organizations acting on its behalf?	Every..... months
20. How does your Administration take specific responsibility for international certificates issued on its behalf by dependent territories/second registers?	
Casualty and incident investigation	
21. Does your Administration have the means (financial and administrative) to ensure that thorough and prompt casualty and incident investigations into all cases of serious and very serious casualties, as defined in paragraphs 4.2 and 4.3 of the annex to resolution A.849(20), are carried out?	Yes/No

* or from the date your Government became a Party to the relevant instrument, if that is later.

Casualty and incident investigation (<i>continued</i>)	
22. For each of the previous 5 years*, for ships flying the flag of your State: .1 How many serious and very serious casualties and incidents were investigated? .2 How many such casualties and incidents were reported to IMO?	
23. Can your Administration provide to IMO, on request, evidence which shows that casualties and incidents on ships flying the flag of your State have been investigated?	Yes/No
24. For each of the previous 5 years*, has your Administration provided IMO with the mandatory annual reporting required by article 11.1(f) of MARPOL 73/78?	Yes/No
25. How many allegations of violations, according to article 4 of MARPOL 73/78, have been made against ships flying the flag of your State in each of the previous 5 years*? .1 How many investigations or legal proceedings has your Administration carried out in the previous 5 years* in accordance with articles 4 and 6 of MARPOL? .2 In how many cases did your Administration report back to the reporting State or to IMO in each of the previous 5 years*?	
EXTERNAL CRITERIA	
26. For each of the previous 5 years*, how many ships flying the flag of your State: .1 have been involved in serious or very serious casualties? .2 have become total losses or constructive total losses? .3 have caused severe pollution[†]? .4 What casualty rate per 1000 ships does this represent? .5 What is the total tonnage involved as a percentage of the total fleet?	
27. In each of the previous 5 years*, how many lives have been lost: .1 in casualties involving ships flying the flag of your State? .2 due to occupational accidents (i.e. other than from casualties to ships) on ships flying the flag of your State? <i>NB – Includes: falls; boarding or disembarking; accidents on deck and in machinery spaces; deaths in enclosed spaces; but does not include: accidents ashore; homicide; suicide; or deaths from disease or natural causes.</i>	
28. .1 For each of the previous 5 years*, how many ships flying the flag of your State were detained, within the scope of SOLAS 74, MARPOL 73/78, LL 66 or COLREG 72, by port States? .2 What detention rate per 1000 ship inspections does this represent? (see also question 11).	

* or from the date your Government became a Party to the relevant instrument, if that is later.

[†] *Severe pollution* is a case of pollution which, as evaluated by the coastal State(s) affected or the flag State, as appropriate, produces a major deleterious effect upon the environment, or which would have produced such an effect without preventive action.

Resolution A.882(21)

*Adopted on 25 November 1999
(Agenda item 5)*

AMENDMENTS TO THE PROCEDURES FOR PORT STATE CONTROL (RESOLUTION A.787(19))

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 resolution A.787(19) by which it adopted Procedures for port State control,

RECALLING FURTHER that, at its nineteenth session, when adopting resolution A.787(19), it requested the Maritime Safety Committee and the Marine Environment Protection Committee to continue their work on this subject with a view to improving further the said procedures, as may be necessary,

NOTING resolution A.741(18) by which it adopted the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code),

NOTING ALSO that the ISM Code has been made mandatory for certain ships, under the provisions of chapter IX of the International Convention for the Safety of Life at Sea, 1974, since 1 July 1998,

RECOGNIZING the need to develop guidelines for port State control related to the ISM Code and to incorporate them in the procedures,

RECOGNIZING ALSO the need to amend the reporting formats contained in the procedures on the basis of experience gained,

RECOGNIZING FURTHER the need to keep the procedures as a whole updated in the light of experience gained in their implementation,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee at its seventy-first session and by the Marine Environment Protection Committee at its forty-third session,

1. ADOPTS amendments to the Procedures for port State control (resolution A.787(19)), as set out in the annex to the present resolution;
2. INVITES Governments, when exercising port State control, to implement resolution A.787(19) and the amendments annexed to this resolution;
3. INVITES ALSO Governments, when exercising port State control related to the ISM Code, to note that port State control related to the ISM Code should be an inspection and not an audit and that their port State control officers should have the requisite training in, and appropriate knowledge of, the provisions of the ISM Code;
4. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the revised Procedures under review and to amend them as necessary in the light of experience gained from their implementation;

5. AUTHORIZES the Maritime Safety Committee and the Marine Environment Protection Committee to amend the reporting formats contained in appendices 5, 6 and 7 of the Procedures on the basis of experience gained.

Annex

AMENDMENTS TO THE PROCEDURES FOR PORT STATE CONTROL (RESOLUTION A.787(19))

1 *The existing paragraph 1.2.1 is replaced by the following:*

“1.2.1 The procedures apply to ships which come under the provisions of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 74), the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS Protocol 1988), the International Convention on Load Lines, 1966 (Load Lines 66), the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (Load Line Protocol 88), 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 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 78), and the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 69), hereafter referred to as the applicable conventions.”

2 *The existing paragraph 1.4 is replaced by the following and the footnotes are deleted:*

“1.4 Provision for port State control

Regulation 19 of chapter I, regulation 6.2 of chapter IX and regulation 4 of chapter XI of SOLAS 74, as modified by SOLAS Protocol 88; article 21 of Load Lines 66, as modified by Load Line Protocol 88; articles 5 and 6, regulation 8A of Annex I, regulation 15 of Annex II, regulation 8 of Annex III and regulation 8 of Annex V of MARPOL 73/78; article X of STCW 78; and article 12 of Tonnage 69 provide for control procedures to be followed by a Party to a relevant convention with regard to foreign ships visiting their ports. The authorities of port States should make effective use of these provisions for the purposes of identifying deficiencies, if any, in such ship which may render them substandard (see 4.1), and ensuring that remedial measures are taken.”

3 *The existing paragraph 1.6.3 is replaced by the following:*

“1.6.3 *Detention:* Intervention action taken by the port State when the condition of the ship or its crew does not correspond substantially with the applicable conventions to ensure that the ship will not sail until it can proceed to sea without presenting a danger to the ship or persons on board, or without presenting an unreasonable threat of harm to the marine environment, whether or not such action will affect the normal schedule of the departure of the ship.”

4 *The following new sentence is added at the end of existing paragraph 2.2.3:*

“When examining 1969 International Tonnage Certificates, the PSCO should be guided by appendix 4A.”

5 *The following new paragraph 2.2.6 is added after existing paragraph 2.2.5:*

“2.2.6 In pursuance of control procedures under chapter IX of SOLAS 74 on the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), the PSCO should utilize the guidelines in paragraph 3.7.”

6 *The existing subparagraph 2.3.3 is replaced by the following:*

“2.3.3 evidence that documentation required by the Conventions and listed in appendix 4 is not on board, incomplete, not maintained or falsely maintained;”

7 The existing subparagraph 2.3.8 is deleted and the existing subparagraphs 2.3.9 and 2.3.10 are renumbered as subparagraphs 2.3.8 and 2.3.9.

8 The existing paragraph 2.6.7 is replaced by the following:

“2.6.7 Where the grounds for detention are the result of accidental damage suffered on the ship’s voyage to a port, no detention order should be issued, provided that:

- .1 due account has been given to the Convention requirements regarding notification to the flag State Administration, the nominated surveyor or the recognized organization responsible for issuing the relevant certificate;
- .2 prior to entering a port, the master or company has submitted to the port State authority details on the circumstances of the accident and the damage suffered and information about the required notification of the flag State Administration;
- .3 appropriate remedial action, to the satisfaction of the port State authority, is being taken by the ship; and
- .4 the port State authority has ensured, having been notified of the completion of the remedial action, that deficiencies which were clearly hazardous to safety, health or environment have been rectified.”

9 The following new paragraph 2.6.11 is added after existing paragraph 2.6.10 and the existing paragraph 2.6.11 is renumbered as paragraph 2.6.12:

“2.6.11 The company or its representative have a right of appeal against a detention taken by the Authority of a port State. The appeal should not cause the detention to be suspended. The PSCO should properly inform the master of the right of appeal.”

10 The existing paragraph 3.3.3 is replaced by the following:

“3.3.3 The PSCO should pay particular attention to the structural integrity and seaworthiness of bulk carriers and oil tankers and note that these ships must undergo the enhanced programme of inspection during surveys under the provision of regulation XI/2 of SOLAS 74.”

11 The existing paragraph 3.3.4 is replaced by the following:

“3.3.4 The PSCO’s assessment of the safety of the structure of those ships should be based on the Survey Report File carried on board. This file should contain reports of structural surveys, condition evaluation reports (translated into English and endorsed by or on behalf of the Administration), thickness measurement reports and a survey planning document. The PSCO should note that there may be a short delay in the update of the Survey Report File following survey. Where there is doubt that the required survey has taken place, the PSCO should seek confirmation from the recognized organization.”

12 In paragraph 3.4.12, “appendix 6” is replaced by “appendix 8”.

13 The following new section 3.7 is added after existing paragraph 3.6.8:

“3.7 Guidelines for port State control related to the ISM Code

3.7.1 To the extent applicable, the PSCO should examine the copy of the Document of Compliance (DOC), issued to the Company, and the Safety Management Certificate (SMC), issued to the ship. An SMC is not valid unless the Company holds a valid DOC for that ship type. The PSCO should in particular verify that the type of ship is included in the DOC and that the Company’s particulars are the same on both the DOC and the SMC.

3.7.2 During the examination of on board documents and certificates, PSCOs should recognize:

- .1 that differences may exist between the classification societies’ designation of *bulk carrier* that appear on the class certificate as defined in their individual Rules, versus the interpretation of *bulk carrier* contained in SOLAS/CONF.4/25, annex, resolution 6 and that the latter definition should be used to determine if the ship should have been certified by 1 July 1998;

- .2 the common practice of issuing, after successfully completing an audit, SMCs and DOCs valid for a period not exceeding 5 months, to cover the period between completion of the audit and issuance of the full term certificate by either the Administration or the recognized organization; and
- .3 that the current valid DOC with proper annual endorsements is normally only available in the Company to which it has been issued and that the copy on board may not reflect the annual endorsements that exist on the valid DOC held by the Company.

3.7.3 If a ship has been issued with Interim Certificates (DOC and/or SMC), the PSCO should check whether they have been issued in accordance with the provisions of paragraphs 3.3.2 and 3.3.4 of resolution A.788(19).

3.7.4 A more detailed inspection of the Safety Management System (SMS) should be carried out if clear grounds are established. Clear grounds may include absent or inaccurate ISM Code certification or detainable (or many non-detainable) deficiencies in other areas.

3.7.5 When carrying out a more detailed inspection, the PSCO may utilize, but not be limited to, the following questions to ascertain the extent of compliance with the ISM Code (references to the relevant paragraphs of the ISM Code are given in *italic print in brackets*).

- .1 Is there a Company safety and environmental protection policy and is the appropriate ship's personnel familiar with it? (2.2)
- .2 Is safety management documentation (e.g. manual) readily available on board? (11.3)
- .3 Is relevant documentation on the SMS in a working language or language understood by the ship's personnel? (6.6)
- .4 Can senior ship officers identify the Company responsible for the operation of the ship and does this correspond with the entity specified on the ISM Code certificates? (3)
- .5 Can senior ship officers identify the "designated person"? (4)
- .6 Are procedures in place for establishing and maintaining contact with shore management in an emergency? (8.3)
- .7 Are programmes for drills and exercises to prepare for emergency actions available on board? (8.2)
- .8 How have new crew members been made familiar with their duties if they have recently joined the ship and are instructions which are essential prior to sailing available? (6.3)
- .9 Can the master provide documented proof of his responsibilities and authority, which must include his overriding authority? (5)
- .10 Have non-conformities been reported to the Company and has corrective action been taken by the Company? PSCOs should not normally scrutinise the contents of any Non Conformity Note (NCN) resulting from internal audits. (9.1, 9.2)
- .11 Does the ship have a maintenance routine and are records available? (10.2)

3.7.6 Deficiencies in the Safety Management System should be recorded in the PSCO's inspection report. The port State authority should, if necessary, inform the flag State of deficiencies found in the SMS. Those deficiencies identified in the SMS, which are defined as major non-conformities in resolution A.788(19), have to be rectified before sailing. The procedures set out in chapter 4 are applicable."

14 *The existing paragraph 4.1.3 is deleted.*

15 *The following new sections 4.6 and 4.7 are added after existing section 4.5:*

"4.6 Suspension of inspection

4.6.1 In exceptional circumstances where, as a result of a more detailed inspection, the overall condition of a ship and its equipment, also taking into account the crew conditions, are found to be obviously substandard, the PSCO may suspend an inspection.

4.6.2 Prior to suspending an inspection, the PSCO should have recorded detainable deficiencies in the areas set out in appendix 1, as appropriate.

4.6.3 The suspension of the inspection may continue until the responsible parties have taken the steps necessary to ensure that the ship complies with the requirements of the relevant instruments.

4.6.4 In cases where the ship is detained and an inspection is suspended, the port State Authority should notify the responsible parties without delay. The notification should include information about the detention, and state that the inspection is suspended until that authority has been informed that the ship complies with all relevant requirements.

4.7 Procedures for rectification of deficiencies and release

4.7.1 The PSCO should endeavour to secure the rectification of all deficiencies detected.

4.7.2 In the case of deficiencies which are clearly hazardous to safety or the environment, the PSCO should, except as provided in 4.7.3, ensure that the hazard is removed before the ship is allowed to proceed to sea. For this purpose, appropriate action should be taken, which may include detention or a formal prohibition of a ship to continue an operation due to established deficiencies which, individually or together, would render the continued operation hazardous.

4.7.3 Where deficiencies which caused a detention as referred to in paragraph 4.7.2 cannot be remedied in the port of inspection, the port State authority may allow the ship concerned to proceed to the nearest appropriate repair yard available, as chosen by the master and agreed to by that authority, provided that the conditions agreed between the port State authority and the flag State are complied with. Such conditions will ensure that the ship shall not sail until it can proceed without risk to the safety of the passengers or crew, or risk to other ships, or without presenting an unreasonable threat of harm to the marine environment. Such conditions may include confirmation from the flag State that remedial action has been taken on the ship in question. In such circumstances the port State authority will notify the authority of the ship's next port of call, the parties mentioned in paragraph 5.1.4 and any other authority as appropriate. Notification to authorities should be made in the form shown in appendix 6. The authority receiving such notification should inform the notifying authority of action taken and may use the form shown in appendix 7.

4.7.4 On the condition that all possible efforts have been made to rectify all other deficiencies, except those referred to in 4.7.2 and 4.7.3, the ship may be allowed to proceed to a port where any such deficiencies can be rectified.

4.7.5 If a ship referred to in paragraph 4.7.3 proceeds to sea without complying with the conditions agreed to by the Authority of the port of inspection that port State Authority should immediately alert the next port, if known, the flag State and all other authorities it considers appropriate.

4.7.6 If a ship referred to in paragraph 4.7.3 does not call at the nominated repair port, the port State Authority of the repair port should immediately alert the flag State and detaining port State, which may take appropriate action, and notify any other authority it considers appropriate."

16 *In paragraph 5.1.1, the words "master, owner or operator" are replaced by the words "master and/or company".*

17 *In the last sentence of paragraph 5.1.5, the words "appendix 5 or 6" are replaced by the words "appendix 5 or 8".*

18 *The existing footnote to paragraph 5.1.7 is replaced by the following:*

*" * Such addresses are available in MSC/Circ.838/MEPC.6/Circ.3, as amended, and the IMO Internet Home Page."*

19 *In the last sentence of paragraph 5.2.1, "appendix 7" is replaced by "appendix 9".*

20 *In the second sentence of paragraph 5.3.1, "appendix 5 or 6" is replaced by "appendix 5 or 8".*

- 21** The existing paragraph 1.3 of appendix 1 is replaced by the following:
- “1.3** If the result of any of these assessments is negative, taking into account all deficiencies found, the ship should be strongly considered for detention. A combination of deficiencies of a less serious nature may also warrant the detention of the ship. Ships which are unsafe to proceed to sea should be detained upon the first inspection irrespective of the time the ship will stay in port.”
- 22** In “Areas under the SOLAS Convention” of paragraph 3 of appendix 1, the following new subparagraph 15 is added after existing subparagraph 14:
- “15** Non-implementation of the enhanced programme of inspection under resolution A.744(18).”
- 23** In “Areas under the MARPOL Convention, Annex I” of paragraph 3 of appendix 1, the following new subparagraph 5 is added after existing subparagraph 4:
- “5** Failure to meet the requirements of 13G(4) or alternative requirements specified in regulation 13G(7). ”
- 24** The existing appendix 4 is replaced by the following:

“Appendix 4

List of certificates and documents

List of certificates and documents which to the extent applicable should be checked during the inspection referred to in 2.2.3 of the annex:

- 1 International Tonnage Certificate (1969);
- 2 Passenger Ship Safety Certificate;
- 3 Cargo Ship Safety Construction Certificate;
- 4 Cargo Ship Safety Equipment Certificate;
- 5 Cargo Ship Safety Radio Certificate;
- 6 Exemption Certificate;
- 7 Cargo Ship Safety Certificate;
- 8 Document of Compliance (SOLAS 74, regulation II-2/54);
- 9 Dangerous Goods Special List or Manifest, or Detailed Stowage Plan;
- 10 International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, or the Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, whichever is appropriate;
- 11 International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, or the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, whichever is appropriate;
- 12 International Oil Pollution Prevention Certificate;
- 13 International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;
- 14 International Load Line Certificate (1966);
- 15 International Load Line Exemption Certificate;
- 16 Oil Record Book, parts I and II;
- 17 Shipboard Oil Pollution Emergency Plan;
- 18 Cargo Record Book;
- 19 Minimum Safe Manning Document;
- 20 Certificates of Competency;

- 21 Medical certificates (see ILO Convention No. 73);
- 22 Stability information;
- 23 Safety Management Certificate and copy of Document of Compliance (SOLAS chapter IX);
- 24 Certificates as to the ship's hull strength and machinery installations issued by the classification society in question (only to be required if the ship maintains its class with a classification society);
- 25 Survey Report Files (in case of bulk carriers or oil tankers in accordance with resolution A.744(18));
- 26 For ro-ro passenger ships, information on the A/A max ratio;
- 27 Document of authorization for the carriage of grain;
- 28 Special Purpose Ship Safety Certificate;
- 29 High-Speed Craft Safety Certificate and Permit to Operate High-Speed Craft;
- 30 Mobile Offshore Drilling Unit Safety Certificate;
- 31 For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage;
- 32 The muster list, fire control plan and damage control plan;
- 33 Ship's log-book with respect to the records of tests and drills and the log for records of inspection and maintenance of life-saving appliances and arrangements;
- 34 Procedures and Arrangements Manual (chemical tankers);
- 35 Cargo Securing Manual;
- 36 Certificate of Registry or other document of nationality;
- 37 Garbage Management Plan;
- 38 Garbage Record Book;
- 39 Bulk carrier booklet (SOLAS chapter VI regulation 7); and
- 40 Reports of previous port State control inspections."

25 The following new appendix 4A is added after revised appendix 4:

"Appendix 4A

Guidelines for port State control under the 1969 Tonnage Convention

1 The International Convention on Tonnage Measurement of Ships, 1969, which came into force on 18 July 1982, applies to:

- .1 new ships, i.e. ships the keels of which were laid on or after 18 July 1982; and
- .2 existing ships, i.e. ships the keels of which were laid before 18 July 1982, as from 18 July 1994,

except that for the purpose of application of SOLAS, MARPOL and STCW Conventions, the following interim schemes indicated in paragraph 2 may apply.

2 In accordance with the interim schemes adopted by IMO*, the Administration may, at the request of the shipowner, use the gross tonnage determined in accordance with national rules prior to the coming into force of the 1969 Tonnage Convention, for the following ships:

* Resolutions A.494(XII) in respect to SOLAS 74, A.540(13) in respect to STCW 78, and A.541(13) in respect to MARPOL 73/78.

- 2.1** for the purpose of SOLAS 74:
- .1** ships the keels of which were laid before 1 January 1986;
 - .2** in respect of regulation IV/3 of SOLAS 74, ships the keels of which were laid on or after 1 January 1986 but before 18 July 1994; and
 - .3** cargo ships of less than 1,600 tons gross tonnage (as determined under the national tonnage rules) the keels of which were laid on or after 1 January 1986 but before 18 July 1994;
- 2.2** for the purpose of STCW 78, ships falling under the categories of .1.1 and .1.3 above, except that for the purpose of 1995 amendments to STCW 78 the interim scheme does not apply (see regulation I/15.3 of the 1995 STCW amendments); and
- 2.3** for the purpose of MARPOL 73/78 ships of less than 400 tons gross tonnage (as determined under the national tonnage rules) the keel of which were laid before 18 July 1994.
- 3** For ships to which the above interim schemes apply, the statement to the effect that gross tonnage has been measured in accordance with the national tonnage rules should be included in the REMARKS column of the International Tonnage Certificate (1969) and in the footnote to the figure of the gross tonnage in the relevant SOLAS, MARPOL and STCW certificates.
- 4** The PSCO should take the following actions as appropriate when deficiencies are found in relation to the 1969 Tonnage Convention:
- .1** if a ship does not hold a valid 1969 Tonnage Certificate, a letter of warning should be issued to the master or shipowner;
 - .2** if the required remarks and footnote are not included in the relevant certificates on ships to which the interim schemes apply, this deficiency should be notified to the master;
 - .3** if the main characteristics of the ship differ from those entered on the 1969 International Tonnage Certificate, so as to lead to an increase in the gross tonnage or net tonnage, the flag State should be informed without delay.
- 5** The control provisions of article 12 of the 1969 Tonnage Convention do not include the provision for detention of ships."

"Appendix 5

**Report of inspection in accordance with IMO port State control procedures
(resolution A.787(19), as amended by resolution A.882(21))*****FORM A**

(Reporting authority)
(address)
(telephone)
(telefax)

Copy to: Master
Head Office
PSCO
If ship is detained copy to: Flag State
IMO
Recognized Organization (if applicable)

- | | |
|--|--|
| 1 Name of reporting authority | 3 Flag of ship |
| 2 Name of ship | 6 IMO number |
| 4 Type of ship | 8 Deadweight (where applicable) |
| 5 Call sign | 10 Date of inspection |
| 7 Gross tonnage | 12 Classification society |
| 9 Year of build | 14 Particulars of company [†] |
| 11 Place of inspection | |
| 13 Date of release from detention [†] | |
| 15 Relevant certificate(s) [†] | |

*a) Title**b) Issuing authority**c) Dates of issue and expiry*

- | | | |
|---------|-------|-------|
| 1 ..... | ..... | ..... |
| 2 ..... | ..... | ..... |
| 3 ..... | ..... | ..... |
| 4 ..... | ..... | ..... |
| 5 ..... | ..... | ..... |
| 6 ..... | ..... | ..... |

*d) Information on last intermediate or annual survey[†]**Date**Surveying authority**place*

- | | | |
|---------|-------|-------|
| 1 ..... | ..... | ..... |
| 2 ..... | ..... | ..... |
| 3 ..... | ..... | ..... |
| 4 ..... | ..... | ..... |
| 5 ..... | ..... | ..... |
| 6 ..... | ..... | ..... |

- | | | |
|-----------------------------|-----------------------------|--|
| 16 Deficiencies | ☐ no | ☐ yes (see attached FORM B) |
| 17 Ship detained | ☐ no | ☐ yes [‡] |
| 18 Supporting documentation | ☐ no | ☐ yes (see annex) |

Issuing office Name
(duly authorized PSCO of reporting authority)

Telephone

Telefax Signature

This report must be retained on board for a period of two years and must be available for consultation by Port State Control Officers at all times.

* This inspection report has been issued solely for the purposes of informing the master and other port States that an inspection by the port State, mentioned in the heading, has taken place. This inspection report cannot be construed as a seaworthiness certificate in excess of the certificate the ship is required to carry.

[†] To be completed in the event of a detention.

[‡] Masters, shipowners and/or operators are advised that detailed information on a detention may be subject to future publication.