

INTERNATIONAL MARITIME ORGANIZATION



E

ASSEMBLY
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Agenda item 9

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**Adopted on 25 November 2009
(Agenda item 9)**

**FURTHER DEVELOPMENT OF THE VOLUNTARY IMO MEMBER STATE
AUDIT SCHEME**

THE ASSEMBLY,

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

RECALLING ALSO that one of the goals of the International Maritime Organization (“the Organization”) is to ensure the consistent and effective implementation of IMO instruments globally and compliance with their requirements and that, through resolutions A.777(18) and A.900(21), 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,

RECALLING FURTHER that, through resolution A.946(23), it approved the establishment and further development of the Voluntary IMO Member State Audit Scheme (hereinafter referred to as the “Audit Scheme”) and, through resolution A.974(24), established the Framework and Procedures for the Voluntary IMO Member State Audit Scheme,

RECOGNIZING that the Parties to international conventions such as the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974) and its 1988 Protocol; the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and as further amended by the Protocol of 1997 (MARPOL); 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 its 1988 Protocol; the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW); and the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969) have accepted, as part of the ratification process, the obligation under applicable international law to fully meet their responsibilities and to discharge their obligations, as prescribed by the conventions and other instruments to which they are party,

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RECOGNIZING ALSO that, since the Audit Scheme commenced operation in 2006, several Member States have volunteered to be audited and the experience gained by such States and the audit reports issued in relation to them have confirmed the positive influence of the Scheme in enhancing effective implementation of the provisions of the mandatory IMO instruments concerned by the Parties thereto,

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

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

NOTING that the ultimate effectiveness of IMO instruments such as those specified above depends, *inter alia*, upon all States:

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

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

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

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

MINDFUL of the need for any such difficulties to be eliminated to the extent possible; and recalling that the Organization has established an Integrated Technical Co-operation Programme for that reason and purpose,

DESIRING to ensure that all Member States participate in the Audit Scheme as a means of improving their capabilities and overall performance in complying with the provisions of the mandatory IMO instruments to which they are party,

HAVING CONSIDERED the recommendations made by the Council at its 102nd regular session and twenty-fifth extraordinary session,

1. ENDORSES the decision of the Council for a phased-in introduction of the Organization's Audit Scheme as an institutionalized process through the inclusion of appropriate requirements in the IMO instruments specified in the fourth preambular paragraph above and in any other IMO instrument which may be included in the future;

2. APPROVES the time frame and schedule of activities for the consideration and introduction of an institutionalized IMO Member State Audit Scheme, as set out in the annex to the present resolution;
3. REQUESTS the Maritime Safety Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and the Facilitation Committee, as necessary, under the coordination of the Council, to take appropriate action to develop and establish the IMO Member State Audit Scheme in its institutionalized form within the established time frame; and the Council to report developments to the twenty-seventh regular session of the Assembly;
4. REQUESTS ALSO the Secretary-General to take any appropriate action required to assist in the attainment of the objectives set out in operative paragraph 3 and, in particular, to take action within the framework of the Organization's Integrated Technical Co-operation Programme to enable Members that may need such assistance to respond to their duties under the Scheme and to build capacity to address related needs;
5. INVITES AND ENCOURAGES Member Governments to contribute to the process leading towards an institutionalized IMO Member State Audit Scheme;
6. AGREES that any future mechanism related to an institutionalized Scheme should aim at enhancing shipping within the context of the mandatory IMO instruments;
7. URGES Member Governments to continue to volunteer to be audited in accordance with the current scheme and its principles, so that lessons learned can continue to inform the process leading to the institutionalized IMO Member State Audit Scheme.

ANNEX

**TIME FRAME AND SCHEDULE OF ACTIVITIES
 TO INSTITUTIONALIZE THE IMO MEMBER STATE AUDIT SCHEME**

IMO Body	Timing	Action
MSC and MEPC	First half of 2010	Consider how to make the Code for the implementation of mandatory IMO instruments mandatory, including provisions for auditing
MSC and MEPC	Second half of 2010	Identify mandatory IMO instruments through which the Code and auditing should be made mandatory
Council	End 2010	Establish Joint Working Group (JWG) of MSC, MEPC, FAL and TCC to review the Framework and Procedures for the Scheme
MSC and MEPC	2011 and 2012	Develop provisions to make the Code mandatory through the identified mandatory IMO instruments
Council	Second half of 2011	Approve a progress report for submission to A 27
Assembly 27	November 2011	Receive a progress report and decide as appropriate
JWG	2011 and 2012	Review the Framework and Procedures for the Scheme
JWG	2013	Finalize the Framework and Procedures, taking into account the finished product of the Code and the related amendments to mandatory IMO instruments
Council	First half of 2013	Approve the Framework and Procedures for the Scheme, for submission to A 28 for adoption
Committees	2013	Adopt amendments to the mandatory IMO instruments concerned for entry into force on 1 January 2015
Assembly 28	November 2013	Adopt resolution on the Framework and Procedures for the Scheme and amendments to those mandatory instruments under the purview of the Assembly
Council, Committees and Secretariat	2014	Preparatory work for the commencement of an institutionalized audit scheme

