

Resolution A.1085(28)
(adopted on 4 December 2013)
AMENDMENTS TO THE CONVENTION ON THE
INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

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INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972**

THE ASSEMBLY,

RECALLING article VI of the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as "the Convention"), on amendments to the Regulations,

RECALLING ALSO that, by resolution A.1070(28), it adopted the IMO Instruments Implementation Code (III Code),

NOTING proposed amendments to the Convention to make the use of the III Code mandatory,

HAVING CONSIDERED the amendments to the Convention, adopted by the Maritime Safety Committee at its ninety-first session and communicated to all Contracting Parties in accordance with paragraph 2, article VI of the Convention; and also the recommendations of the Maritime Safety Committee concerning the entry into force of these amendments,

1. ADOPTS, in accordance with paragraph 3, article VI of the Convention, the amendments set out in the annex to the present resolution;
2. DECIDES, in accordance with paragraph 4, article VI of the Convention, that the amendments shall enter into force on 1 January 2016, unless by 1 July 2015 more than one third of Contracting Parties to the Convention have notified their objection to the amendments;
3. DETERMINES that, pursuant to new rule 40 of new part F, whenever the word "should" is used in the III Code (annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;
4. REQUESTS the Secretary-General, in conformity with paragraph 3, article VI of the Convention, to communicate these amendments to all Contracting Parties to the Convention for acceptance; and
5. INVITES Contracting Parties to the Convention to submit any objections they may have to the amendments not later than 1 July 2015, whereafter the amendments shall be deemed to have been accepted for entry into force as determined in the present resolution.

Annex

**AMENDMENTS TO THE INTERNATIONAL REGULATIONS
FOR PREVENTING COLLISIONS AT SEA, 1972, AS AMENDED**

After existing part E (Exemptions), a new part F is added to read as follows:

"PART F

Verification of compliance with the provisions of the Convention

Rule 39

Definitions

- (a) *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.
- (b) *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization*.
- (c) *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).
- (d) *Audit Standard* means the Code for Implementation.

Rule 40

Application

Contracting Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.

Rule 41

Verification of compliance

- (a) Every Contracting Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.
- (b) The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization .
- (c) Every Contracting Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization* .

- (d) Audit of all Contracting Parties shall be:
- (i) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
 - (ii) conducted at periodic intervals, taking into account the guidelines developed by the Organization.

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