

SUB-COMMITTEE ON IMPLEMENTATION  
OF IMO INSTRUMENTS  
5th session  
Agenda item 7

III 5/INF.3  
20 July 2018  
ENGLISH ONLY

## **ANALYSIS OF CONSOLIDATED AUDIT SUMMARY REPORTS**

### **Analysis of the first consolidated audit summary report under the IMO Member State Audit Scheme (IMSAS)**

#### **Note by Secretariat**

#### **SUMMARY**

*Executive summary:* This document contains, in the annex, the analysis of the first consolidated audit summary report (CASR) from 18 mandatory audits conducted in 2016 under the IMO Member State Audit Scheme (IMSAS)

*Strategic direction, if applicable:* 1

*Output:* 1.4

*Action to be taken:* Paragraph 2

*Related documents:* III 5/7, III 3/7; III 3/INF.29; III 3/14; MSC 97/22; MEPC 70/18 and Circular Letter No.3772

1 Attached is the annex referred to in document III 5/7.

#### **Action requested of the Sub-Committee**

2 The Sub-Committee is invited to note the information provided in the attached annex, in the context of its consideration of document III 5/7.

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## ANNEX

### ANALYSIS OF THE FIRST CONSOLIDATED AUDIT SUMMARY REPORT FROM AUDITS CONDUCTED UNDER THE IMO MEMBER STATE AUDIT SCHEME

#### GENERAL

1 This analysis is based on Circular Letter No.3772, which contains in its annex, the first consolidated audit summary report (CASR) of 18 audits conducted in 2016. The CASR has 267 findings, 21 observations and 748 root causes, including references to requirements of the mandatory IMO instruments, where available, and references to the III Code, as the audit standard.

2 In accordance with the established methodology for the analysis of CASRs (III 3/14, paragraph 7.29), the information presented in this analysis is based on the audit outcomes reflecting the findings and observations issued during the audits, as well as corresponding root causes as identified by the audited States.

3 The first CASR also includes best practices revealed in audits in order to share them among Member States, with a view to assisting them to enhance further their implementation and enforcement of the mandatory IMO instruments.

#### ANALYSIS OF CASR

4 This analysis refers to 18 audits under IMSAS conducted in 2016 according to the Framework and Procedures for the IMO Member State Audit Scheme (resolution A.1067(28)) and using the IMO Instruments Implementation (III) Code (resolution A.1070 (28)) as the audit standard.

5 With regard to the scope of the audits, it should be noted that the scope of the audits under STCW 1978 was limited following the general stipulation in the Framework for the IMO Member State Audit (resolution A.1067(28), annex, part I, paragraph 7.2.2) and the areas set out in the STCW Code, section A-I/16. In addition, the scope of the audit of four Member States was limited to general obligations of the State and flag State activities only, due to their geographical location.

6 The methodology used for this analysis followed the decision of the Sub-Committee at its third session to continue applying the methodology used in the analysis of CASRs from audits under the voluntary phase of the Scheme, as presented in document III 3/INF.29, for the analysis of the outcome of mandatory audits, with the addition of the elements as stipulated in paragraph 7.29 of document III 3/14.

7 In addition, it should be noted that the terms "finding" and "observation" have been used in this document in accordance with their respective definitions in the Procedures for the IMO Member State Audit (resolution A.1067(28), annex, part II), as follows:

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

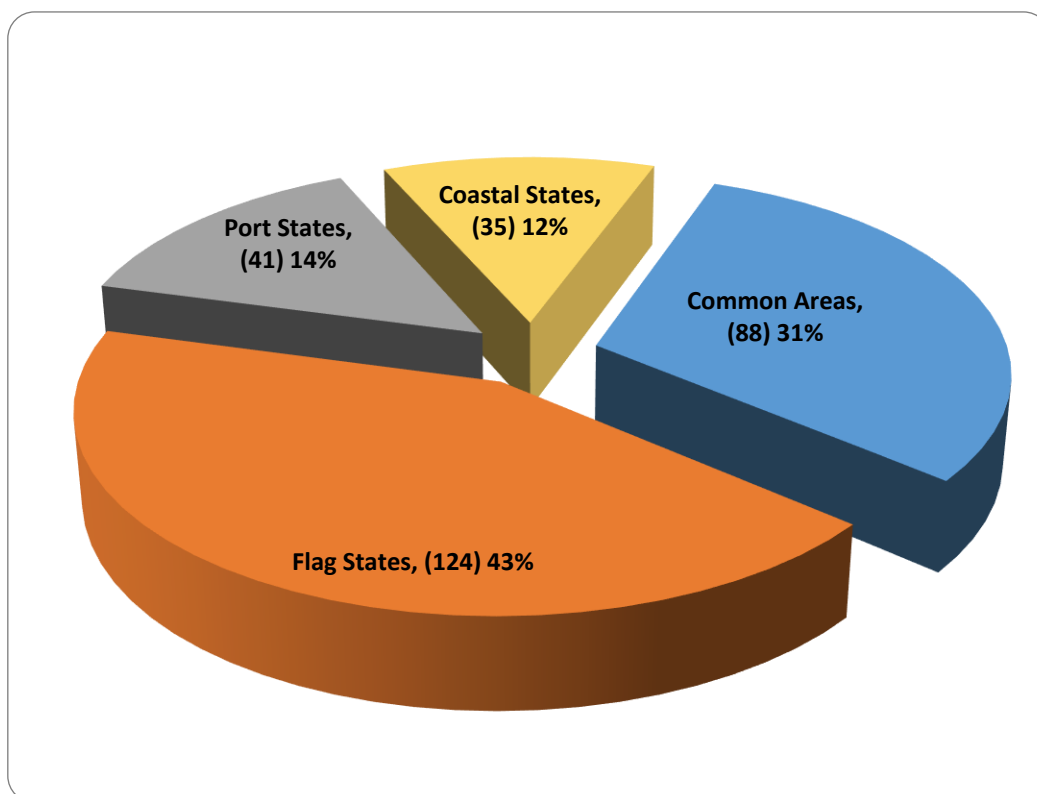
**"Observation"** A statement of fact substantiated by objective evidence, relating to a non-mandatory provision of the audit standard.

## I - Analysis of findings by parts of the III Code

8 The III Code contains four parts - Common Areas, Flag States, Coastal States and Port States. Figures in this part of the analysis provide an overview of the findings and observations classified under these four parts of the III Code.

### General

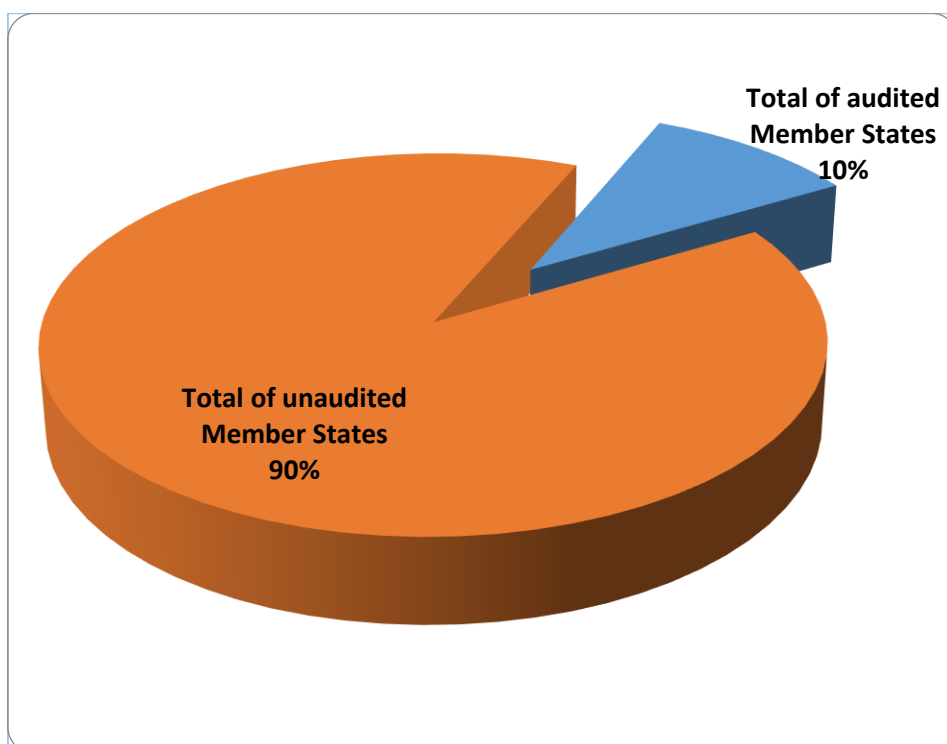
**Figure 1: Total number and percentages of findings and observations by parts of the III Code**



9 The analysis of the findings from 18 audits shows that 43% of the findings are in the area of flag State responsibilities and obligations, followed by the Common Areas -31%, Port States -14% and Coastal States -12%.

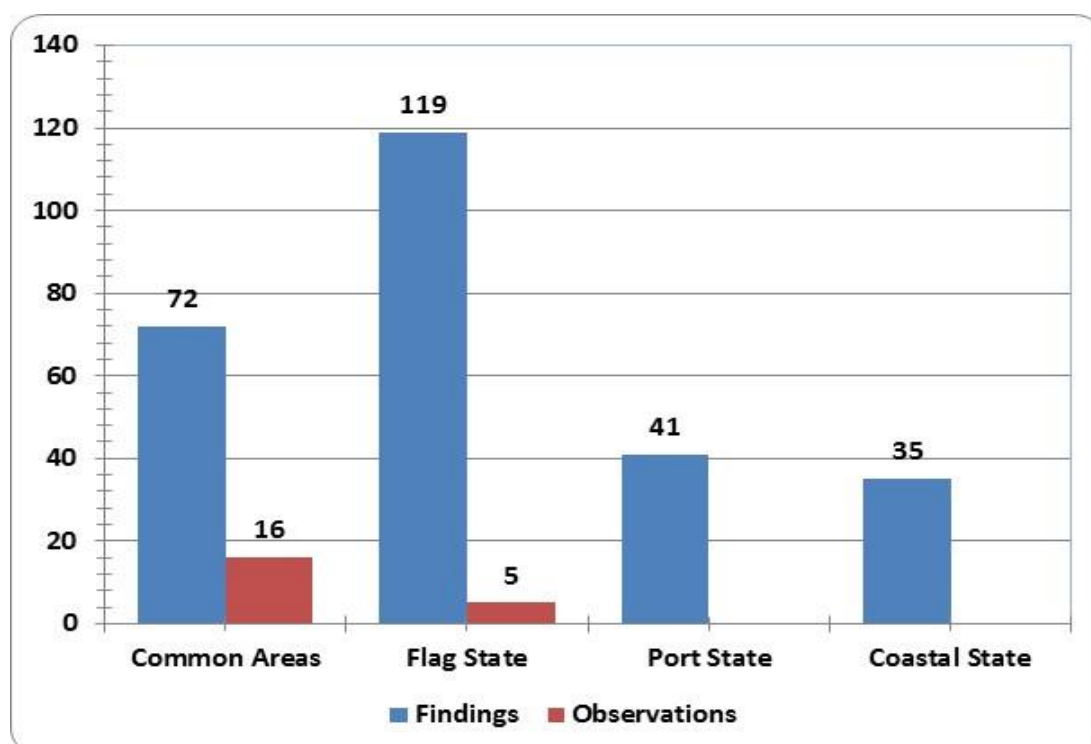
10 Each Member State views the III Code according to its own circumstances. By virtue of geography and circumstances, some States may have a greater role as a flag State than as a port State or as a coastal State and vice versa. The analysis of the findings from 18 Member States, equating to about 10% of the Membership of the Organization reported in the first CASR, confirms that flag State responsibilities and obligations are substantial in terms of the conventions' requirements and not necessarily a percentage term measure of implementation between the four areas covered by the III Code.

**Figure 2: Percentage of audited and unaudited Member States**



11 The 18 audits included in this analysis represent approximately 10% of the Member States and Associate Members that have been scheduled to be audited.

**Figure 3: Number of findings and observations according to parts of the III Code**

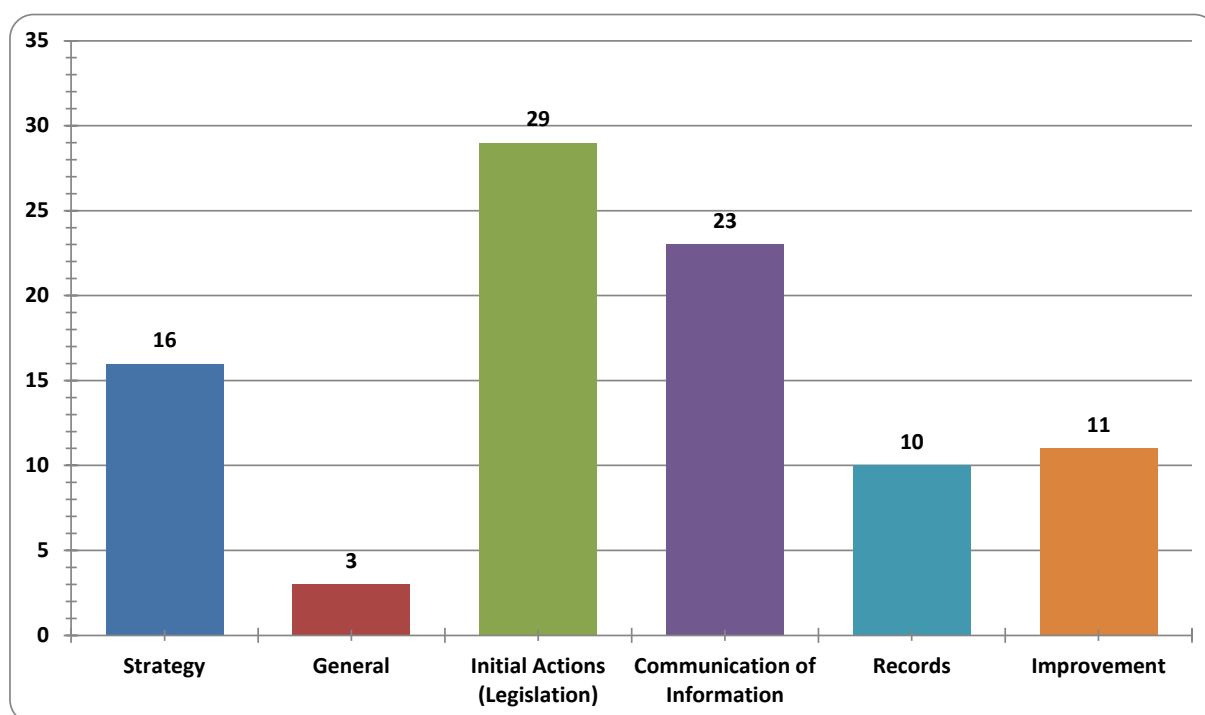


12 Figure 3 shows the distribution of the number of findings and observations amongst the four parts of the III Code.

### Common Areas

13 According to the sections of the III Code, findings under the Common Areas are classified in six groups, namely - strategy, general, initial actions (legislation), communication of information, records and improvement.

**Figure 4: Number of findings and observations under part 1 of the III Code – Common Areas**



14 Figure 4 provides a more detailed view on findings classified under the Common Areas part of the III Code. It shows that out of 92 findings and observations, 29 findings (31.5%) are related to initial actions (legislation), followed by 23 findings (25%) related to communication of information, 16 observations (17.3%) related to strategy, 11 findings (12%) related to improvement, 10 findings (10.8%) related to records and three findings (3.3%) related to general aspects.

15 In the area of initial actions (legislation), the main difficulties relate to the transposition of amendments to international instruments into national legislation and, in particular, late promulgation of amendments, which takes effect by the tacit acceptance procedure, lengthy time or capacity to promulgate new/amended mandatory IMO instruments and publishing of national laws in official journals. Apparent unavailability of qualified personnel to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions, also accounts for a measurable number of findings.

16 In the field of communication of information, the findings are related to the communication of the texts of the majority of laws, decrees, orders and regulations and providing IMO with all the reports as required by the various mandatory IMO instruments. It should be noted that in this analysis, only those findings that are clearly related to the lack of

communication of information were associated with this area of findings, whilst those findings where the lack of resources for reporting (with reference to paragraph 8.3 of the III Code) was the main issue were accounted for under initial actions (legislation).

17 With respect to strategy, the main finding relates to developing an overall strategy, which is evidenced by the lack of documentation setting out the strategy, lack of coordination among the responsible entities and gaps in the assignment of responsibilities. In addition, absence of continuous review of the strategy in order to achieve, maintain and improve the overall organizational performance and capability was observed, as well as lack of verification of the effectiveness in meeting the State's international maritime obligations, lack of assessment of the overall organizational performance and capability and absence of an entity/dedicated unit, acting as a focal point among the different entities responsible for the coordination and monitoring of the mentioned activities.

18 In the field of improvement, the main findings are related to the lack of continual improvement of the measures taken to give effect to those IMO instruments to which the States are parties through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance. The area of improvement is closely related to initial actions (legislation) issues, due to the fact that in cases of the absence of national legal instruments, the implementation and enforcement of the requirements stemming from the mandatory IMO instruments cannot be effective. In addition, findings in this area are related to the lack of culture which provides opportunities for improvement of performance, as well as to taking actions to identify and eliminate causes of any identified non-conformities in order to prevent recurrence.

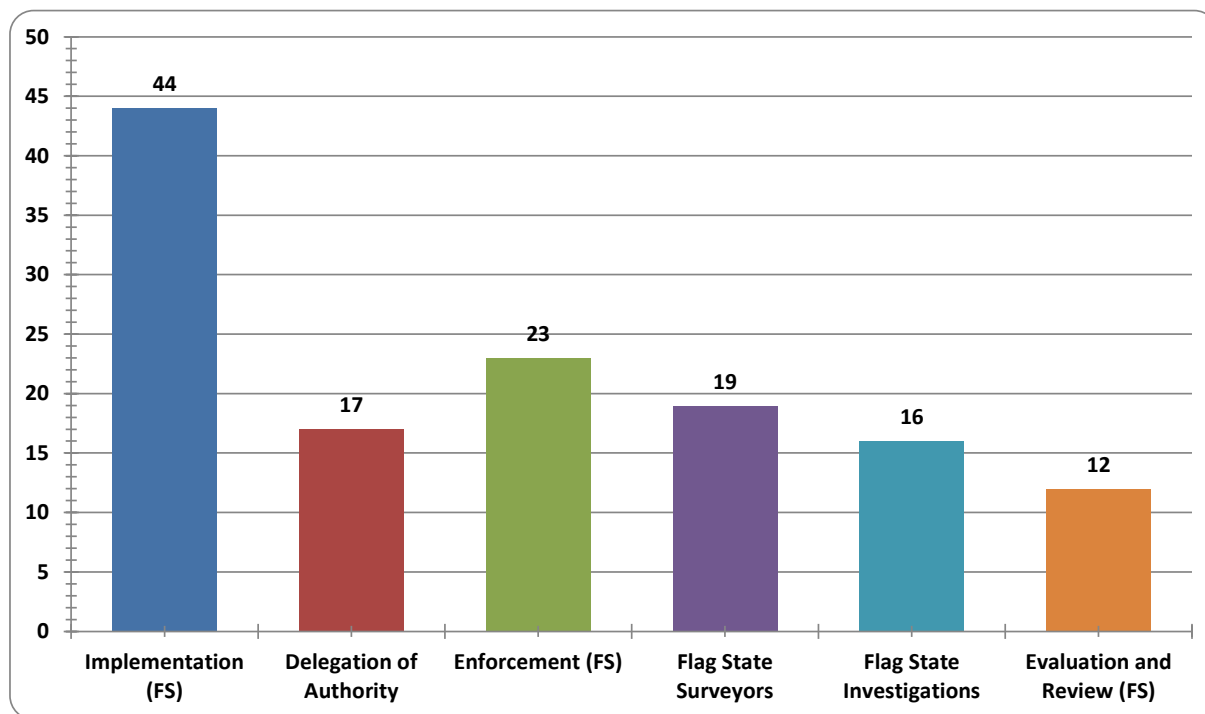
19 Findings related to records refer to a lack of an effective system of record keeping to provide evidence of a conformity to requirements and of the effective operation of the maritime functions of the State, including documented procedure to define controls needed for the identification, storage, protection, retrieval, retention time and disposal of records.

20 Under general, issues, the main findings are related to the responsibility of the States for promulgating laws and regulations and for taking all the steps to give the international instruments full and complete effect to ensure their effective implementation and enforcement.

## **Flag States**

21 According to the III Code, flag States' responsibilities are classified in six groups, namely - implementation, delegation of authority, enforcement, flag State surveyors, flag State investigations and evaluation and review.

**Figure 5: Number of findings and observations under part 2 of the III Code – Flag States**



22 Figure 5 depicts 131 findings classified in the six groups under the flag State part of the III Code. The number of findings reveals that most recurrent findings correspond to implementation (44 findings, 33.6%), followed by enforcement (23 findings, 17.6%), flag State surveyors (19 findings, 14.5%), delegation of authority (17 findings, 13%), flag State investigations (16 findings, 12.2%) and evaluation and review (12 findings, 9.2%).

23 In the area of implementation, the main findings are related to the issuance of guidance to assist in the implementation and enforcement of the requirements, and of administrative instructions to implement applicable international rules and regulations. Moreover, documentation and provision of guidance concerning those mandatory requirements that are left to the satisfaction of the Administration and type approval processes are elements that need to be addressed by flag States. In addition, there are some findings related to resources to ensure compliance with the requirements of the mandatory IMO instruments.

24 In the area of enforcement, the main findings are related to the absence of appropriate national legal provisions, internal directives and human resources to ensure effective enforcement and compliance with international obligations. In addition, the lack of penalties of adequate severity to discourage violation of international rules and standards in the national laws and regulations was observed in many findings.

25 Concerning flag State surveyors, recurrent findings refer to training programmes, qualification, authority and interrelation among surveyors, as well as documented system for the qualification of personnel and continuous updating of their knowledge.

26 With respect to the delegation of authority, most recurrent findings are related to the Administration's oversight programme of recognized organizations (ROs), agreement between

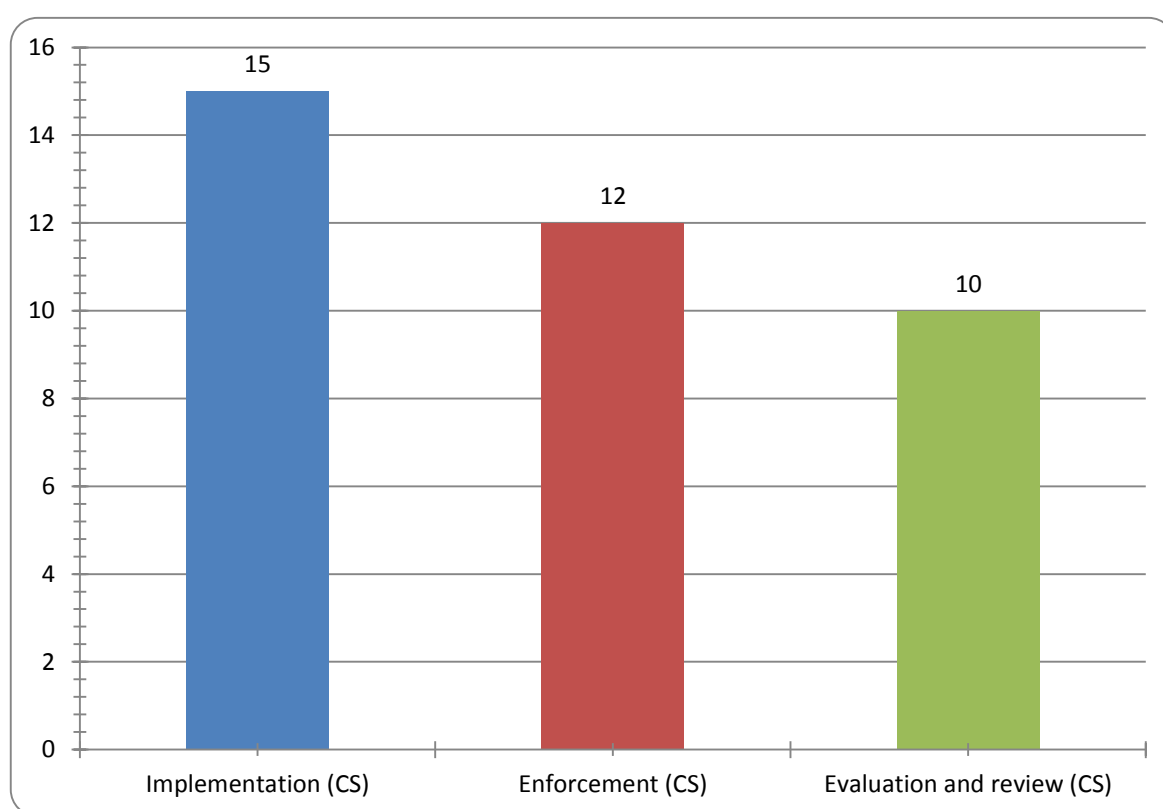
the Administration and the RO, as well as compliance with other relevant provisions of both the RO Code and the III Code.

27 With respect to flag State investigations, most recurrent findings are related to independence and impartiality of the investigations, decision to open an investigation, powers of the investigators, including to board a ship to initiate an investigation, reporting to IMO, release of reports to the public, and other requirements of the Casualty Investigation Code.

### Coastal States

28 According to the III Code, coastal States' responsibilities are classified in three main groups, namely – implementation, enforcement and evaluation and review.

**Figure 6: Number of findings under part 3 of the III Code – Coastal States**



29 Figure 6 provides an overview of the findings classified under the part of coastal States. The number of findings reveals that most of the recurrent findings (15 findings, 40.5%) correspond to implementation, followed by 12 findings (32.4%) relating to enforcement and 10 findings (27 %) relating to evaluation and review.

30 The most common finding under implementation is the lack of implementation of policies through issuing national legislation and guidelines and the assignment of responsibilities to update and revise any relevant policy adopted.

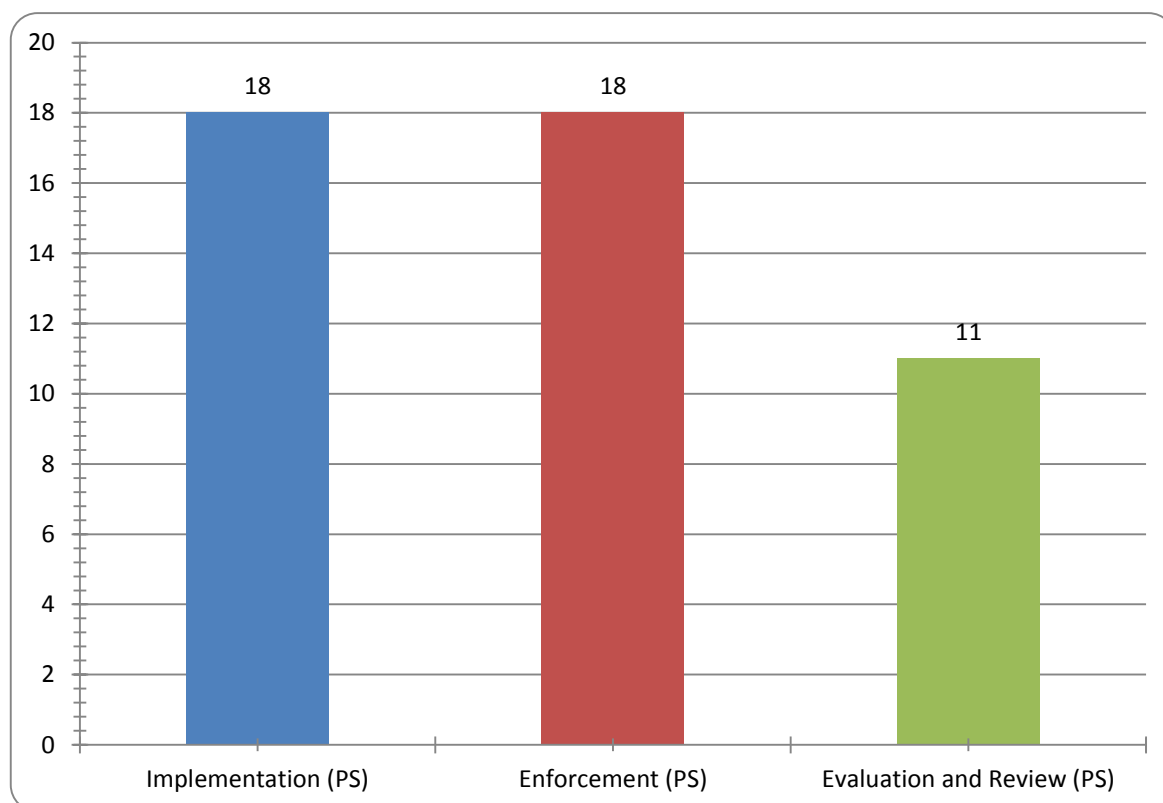
31 With respect to enforcement, the findings are related to the State taking all necessary measures to ensure the observance of international rules when exercising its rights and fulfilling obligations and to developing and implementing a control and monitoring programme.

32 In the area of evaluation and review, recurrent findings are related to the lack of evaluation of performance in relation to various coastal State activities, such as radio-communications, safety of navigation (i.e. provision of aids to navigation), response to pollution incidents and SAR (i.e. periodic exercise that is required by SOLAS regulation V/7.3 with regard to ship plans for cooperation with appropriate search and rescue services in the event of an emergency).

### Port States

33 According to the III Code, port States' responsibilities are classified in three groups - namely implementation, enforcement and evaluation and review.

**Figure 7: Number of findings under part 4 of the III Code – Port States**

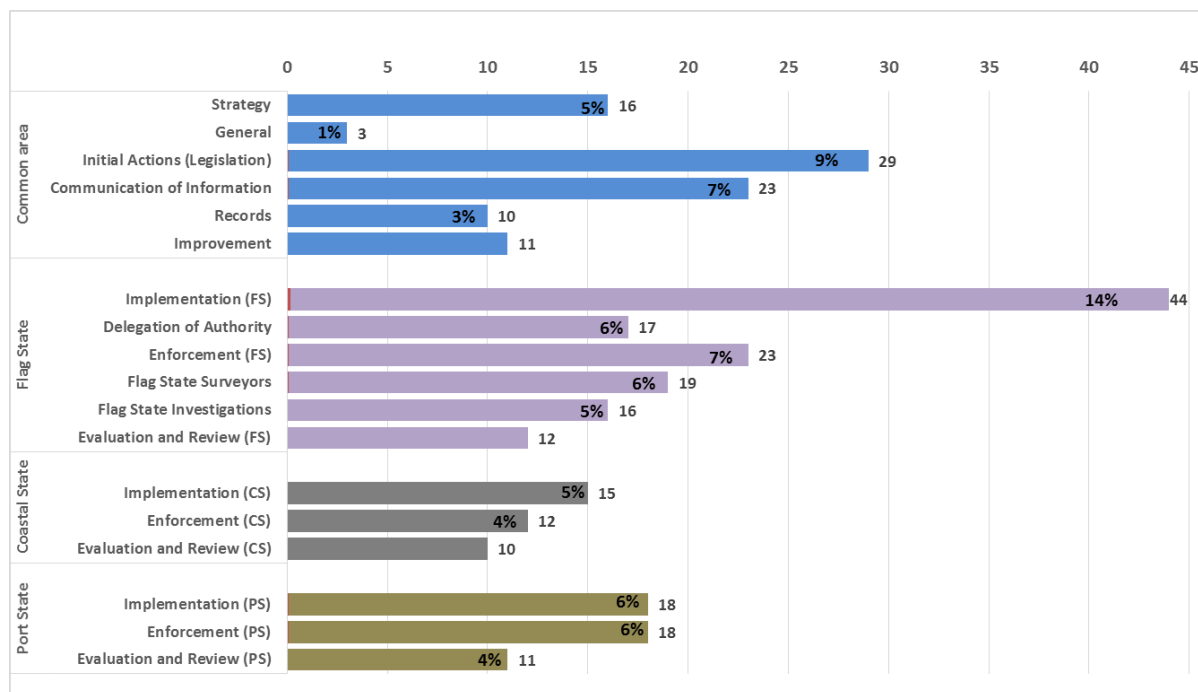


34 Figure 7 depicts a more detailed view of the recurrent findings classified under the port States part of the III Code. The number of findings reveals that most of the recurrent findings (18 findings, 38.3%) correspond to implementation and the equal number of findings (18 findings, 38.3%) corresponds to enforcement, followed by 11 findings (23.4%) relating to evaluation and review.

35 Most of the findings relate to the provision of reception facilities and operational procedures, training of port State control officers, provisions of the IMDG Code, IMSBC Code and register of fuel oil suppliers.

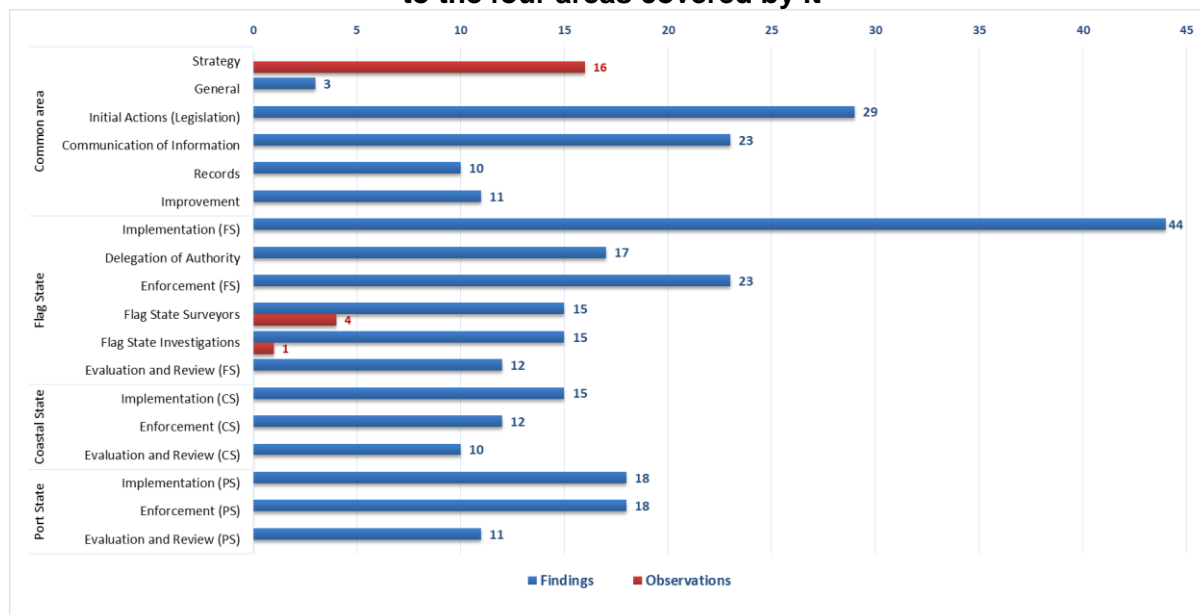
## General overview

**Figure 8: Number and percentage of findings and observations by sections of the III Code with respect to the four areas covered by it**



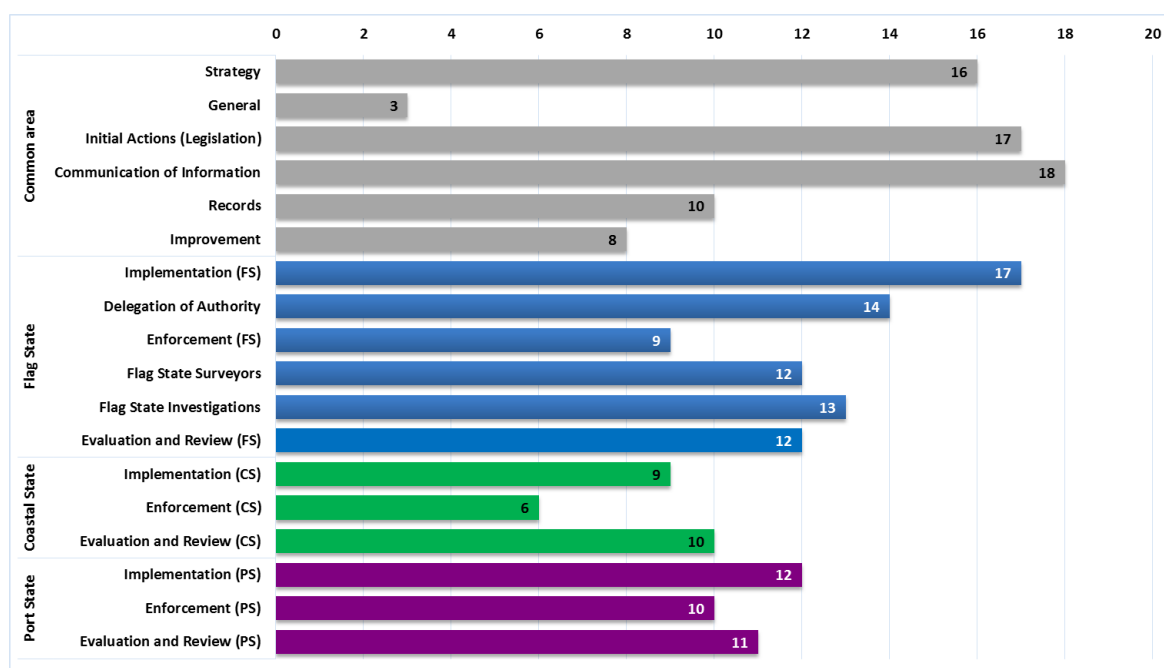
36 Figure 8 provides an overview of the findings and observations classified under the III Code and shows the findings and observations from all areas of the III Code. It also provides a general overview of the percentage of the findings and observations per subgroup under each section of the Code. The number of findings and observations per subgroup varies between the different parts and is overall highest for implementation in the flag State part, followed by initial actions, communication of information and enforcement in the flag State part, flag State surveyors, implementation and enforcement in the port State part, delegation of authority, strategy and flag State investigations.

**Figure 9: Number of findings and observations by sections of the III Code with respect to the four areas covered by it**



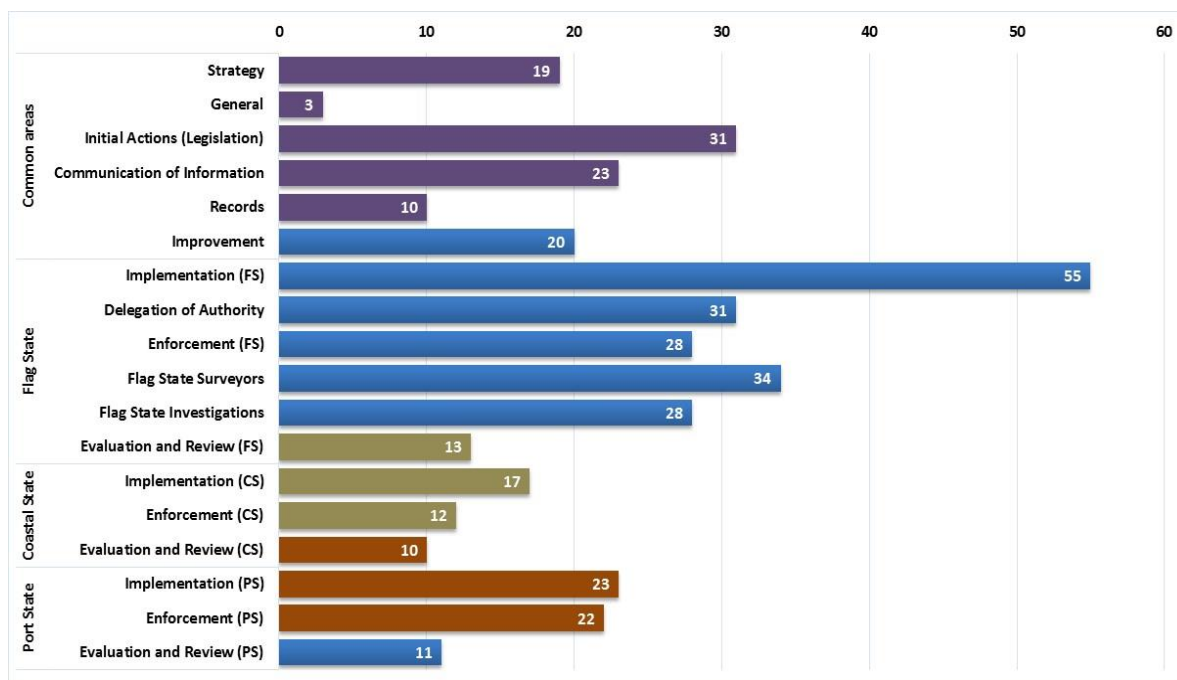
37 Figure 9 shows the division of findings and observations under the sections of the III Code.

**Figure 10: Number of audits with findings and observations by parts of the III Code**



38 Figure 10 provides a general overview of the number of audits with findings and observations by different sections of the III Code. It should be noted that some audits produced more than one finding/observation in each of the above subgroups. Communication of information, implementation (flag State), initial actions, strategy, delegation of authority and flag State investigations are the most common areas in which the 18 audited States are reported to have had some difficulties.

**Figure 11: Number of references by sections of the III Code**



39 Figure 11 provides a general overview of the number of references made to the III Code and classifies them according to the parts of the III Code. The figures show that shortcomings in implementation (flag State) of IMO instruments were the highest according to the references made to the III Code in the audit reports. The most common sections are initial actions (legislation), communication of information and strategy under the part on Common Areas; and implementation, flag State surveyors, delegation of authority, enforcement and flag State investigations under the part on Flag States.

40 The following Figures 12 and 13 provide more detailed analysis of the findings and observations based on the references made to the paragraphs and sub-paragraphs of the III Code.

Figure 12: Number of references by paragraphs of the III Code

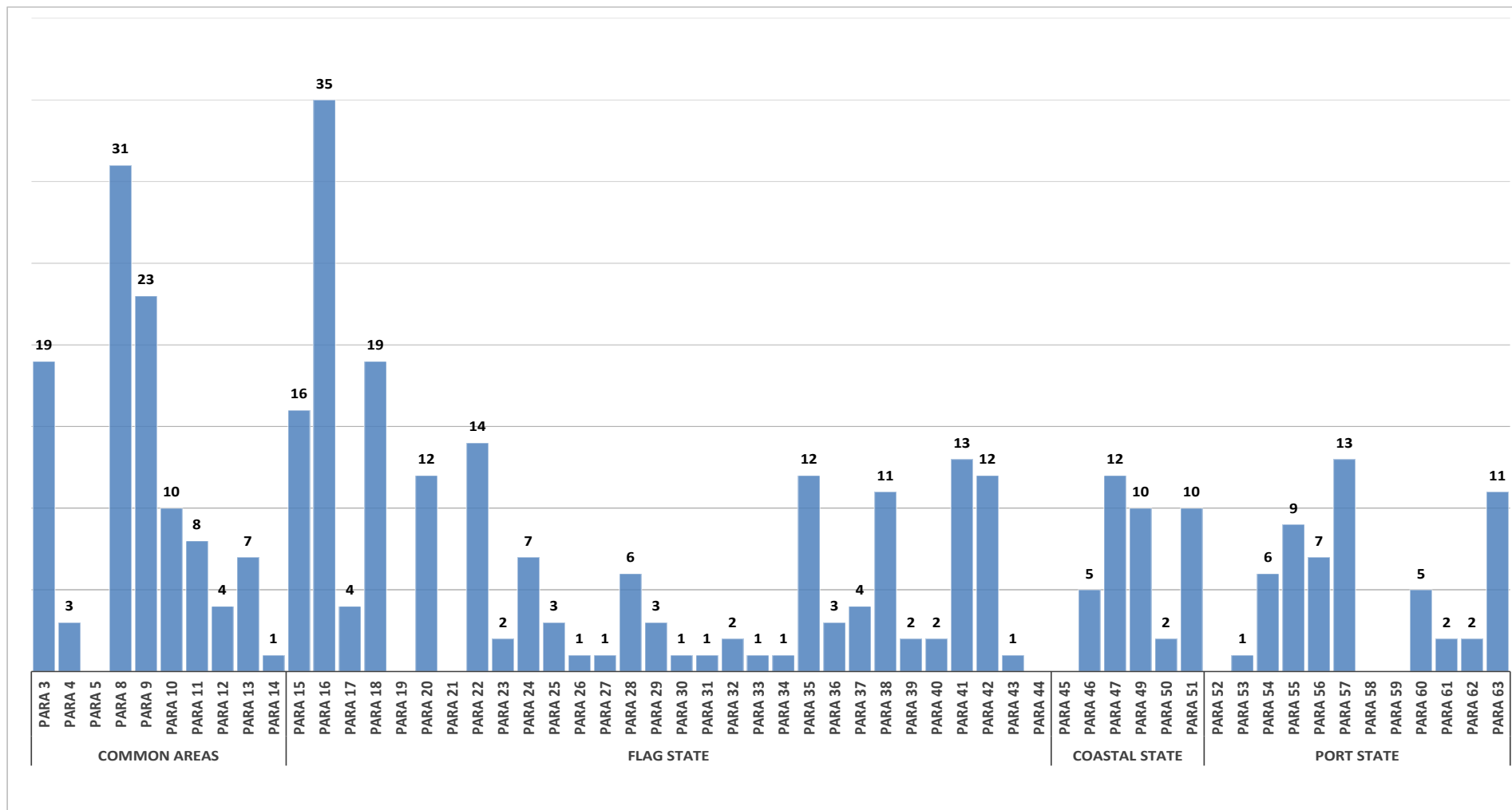
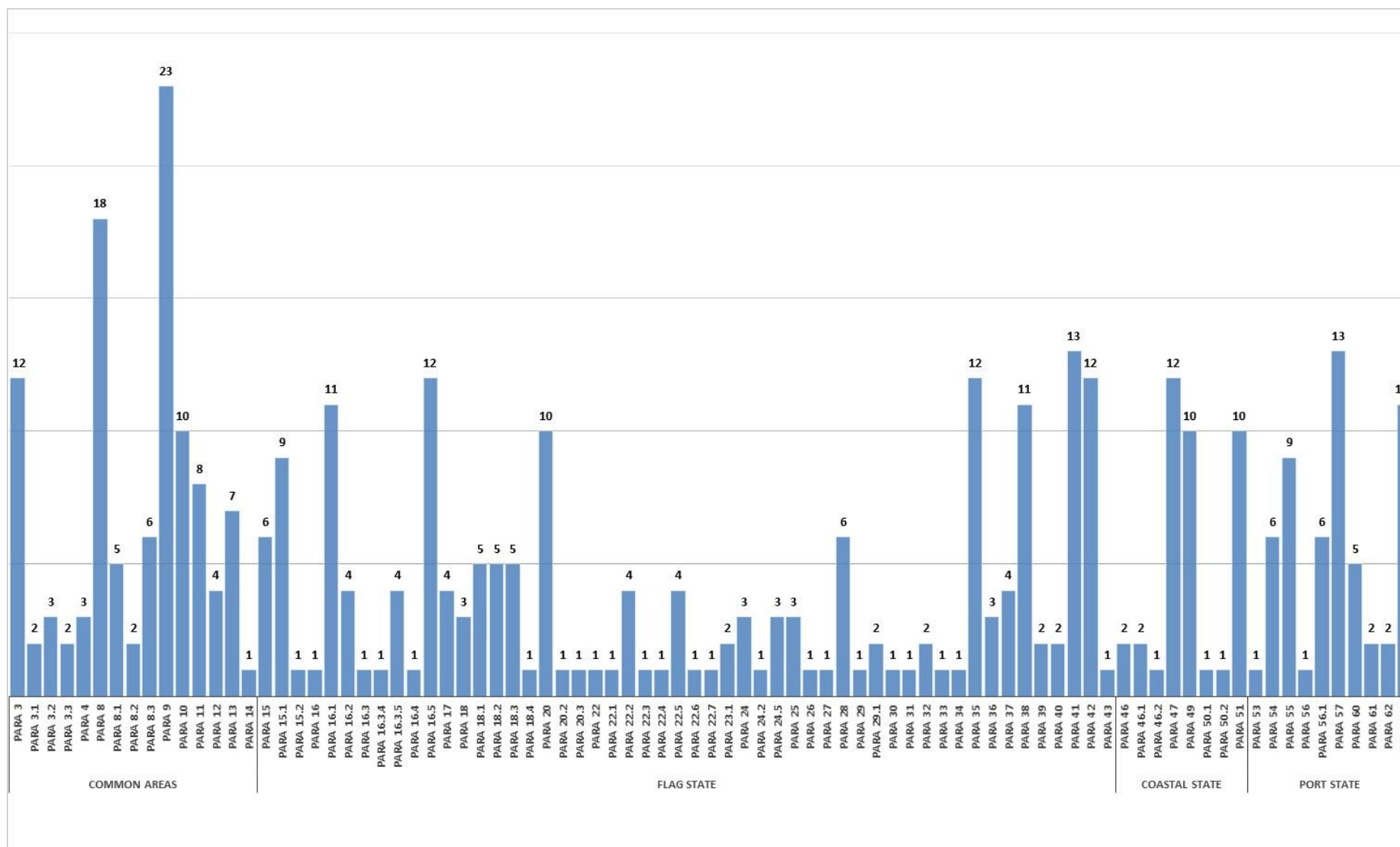


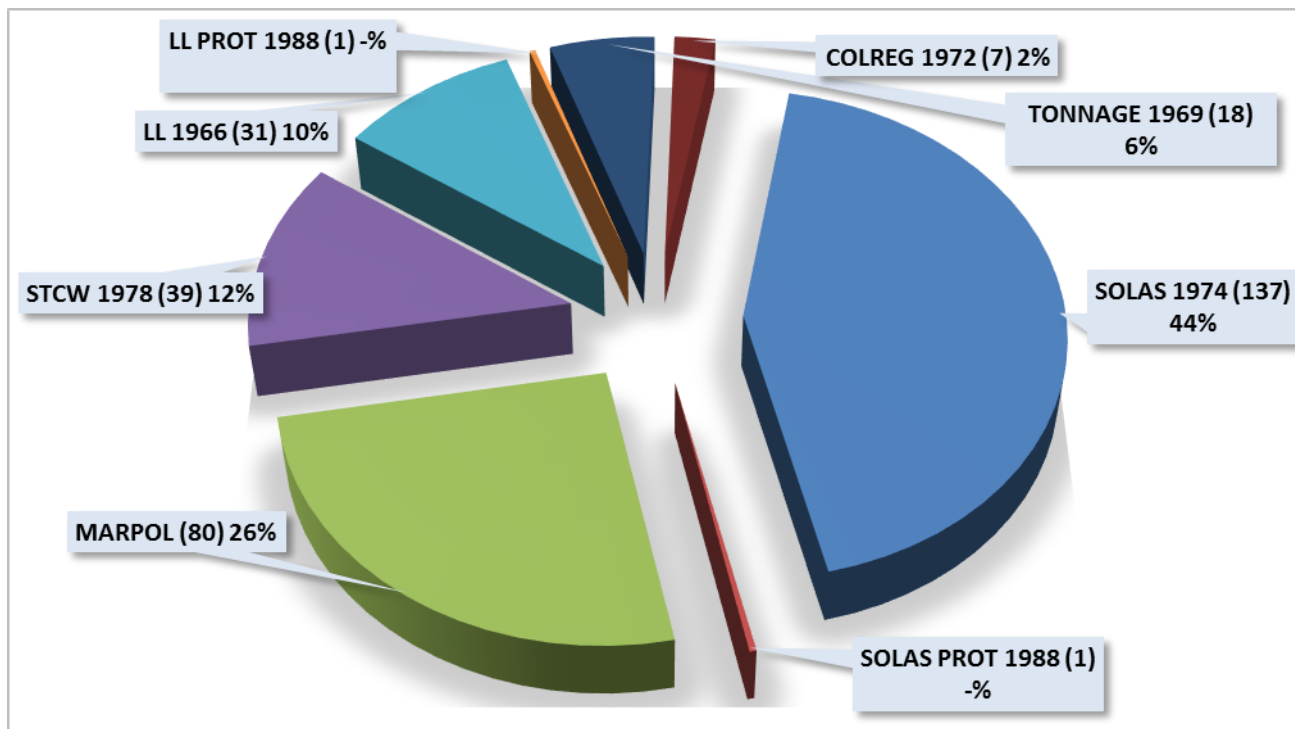
Figure 13: Number of references by sub-paragraphs of the III Code



## II - Analysis of findings by mandatory IMO instruments

41 The following Figure 14 provides an overview of the references made to conventions in findings.

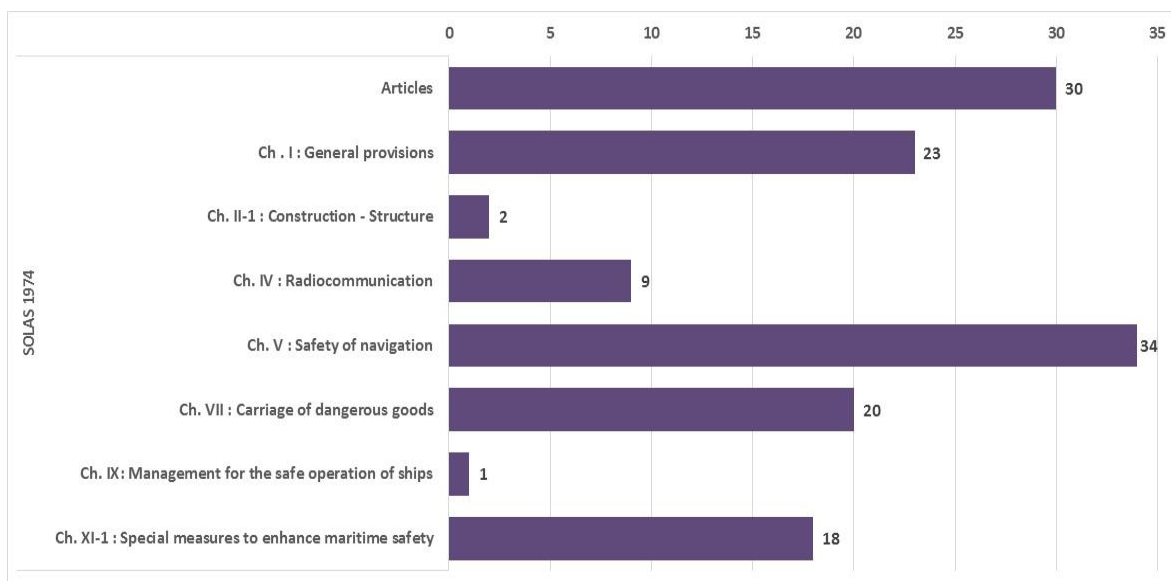
**Figure 14: Findings by mandatory IMO instruments**



42 Most of the findings are related to the lack of implementation of the requirements of SOLAS 1974 (44%) and MARPOL (26%).

43 Figures 15 to 22 provide a breakdown of references used in the findings per instrument.

**Figure 15: Number of references to SOLAS 1974 articles and chapters**

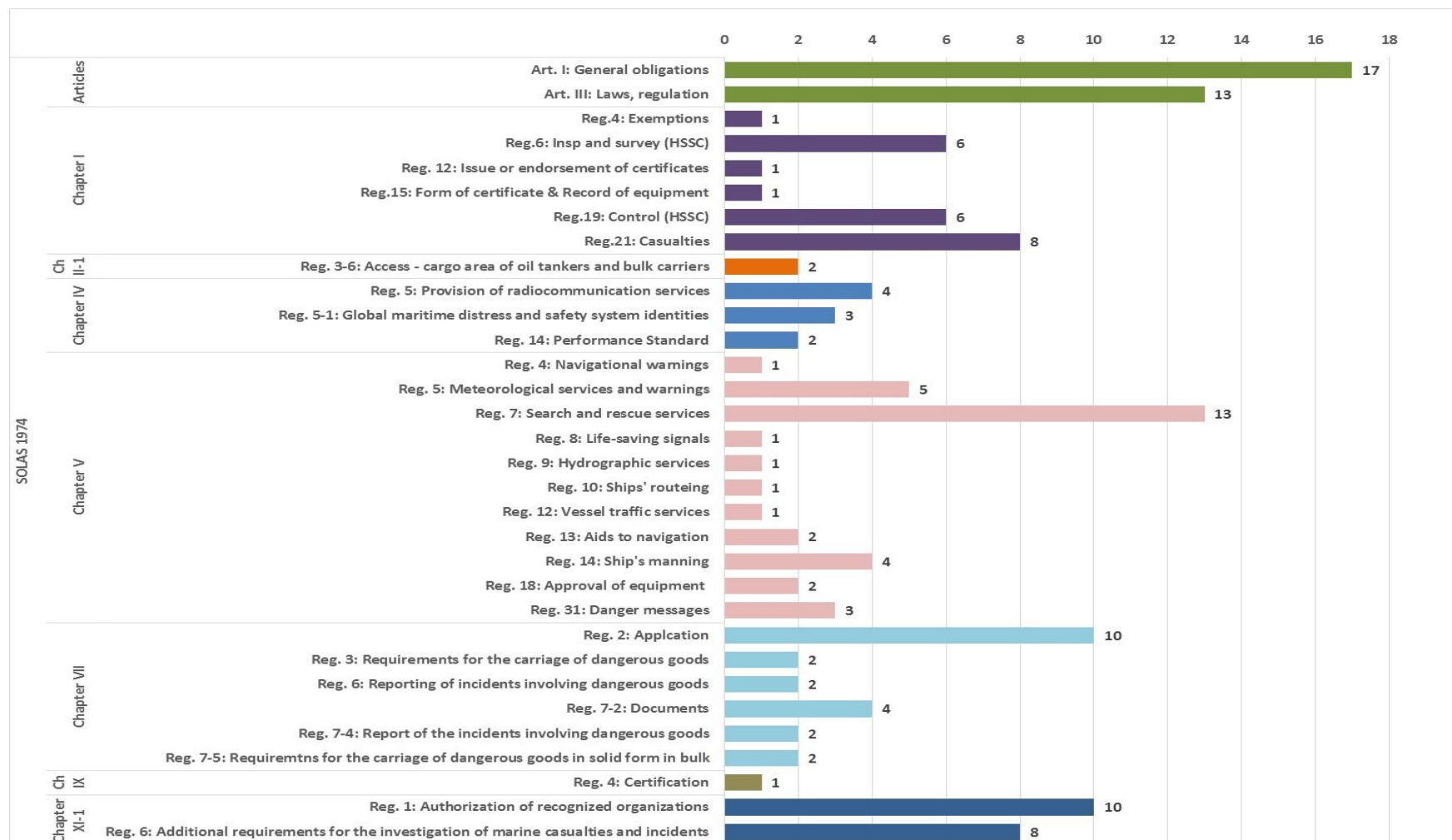


44 With respect to SOLAS 1974, the major areas identified were related to Chapter V (Safety of navigation), the articles of the Convention, as well as, Chapter I (General provisions), and Chapter VII (Carriage of dangerous goods), which were analyzed in more detail in Figure 16.

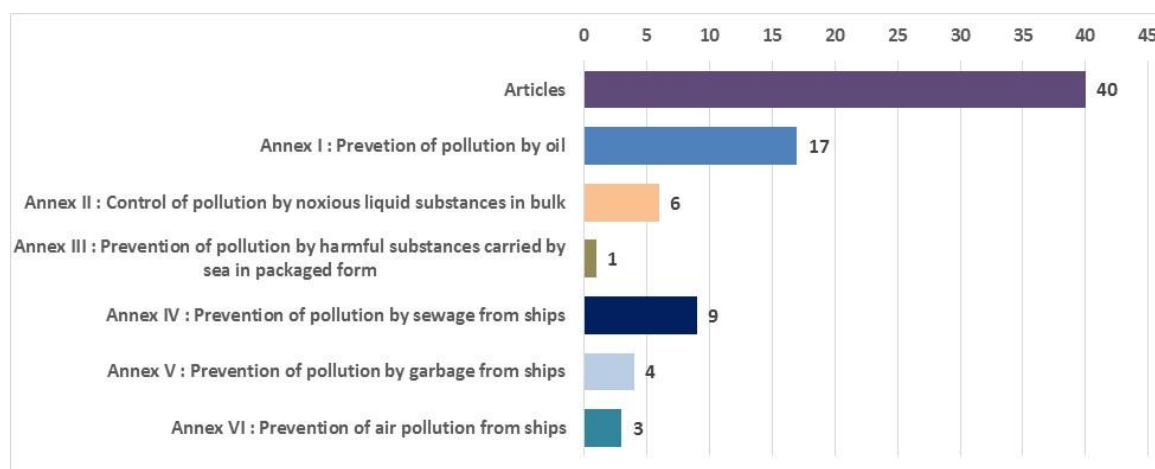
**Figure 16: Number of references to SOLAS 1974 by articles and regulations in chapters with the most recurrent references**

45 The major areas identified under SOLAS 1974 were general obligations in accordance with article I which requires the Contracting Governments to give full and complete effect to the Convention by implementing national provisions; communication of information in accordance with article III (Laws and regulations) and search and rescue services in accordance with regulation V/7, followed by carriage of dangerous goods in accordance with regulation VII/2 and authorization of ROs under regulation XI-1/1. The area of Chapter V has the most recurrent references in total.

**Figure 16: Number of references to SOLAS 1974 by articles and regulations in chapters with the most recurrent references**

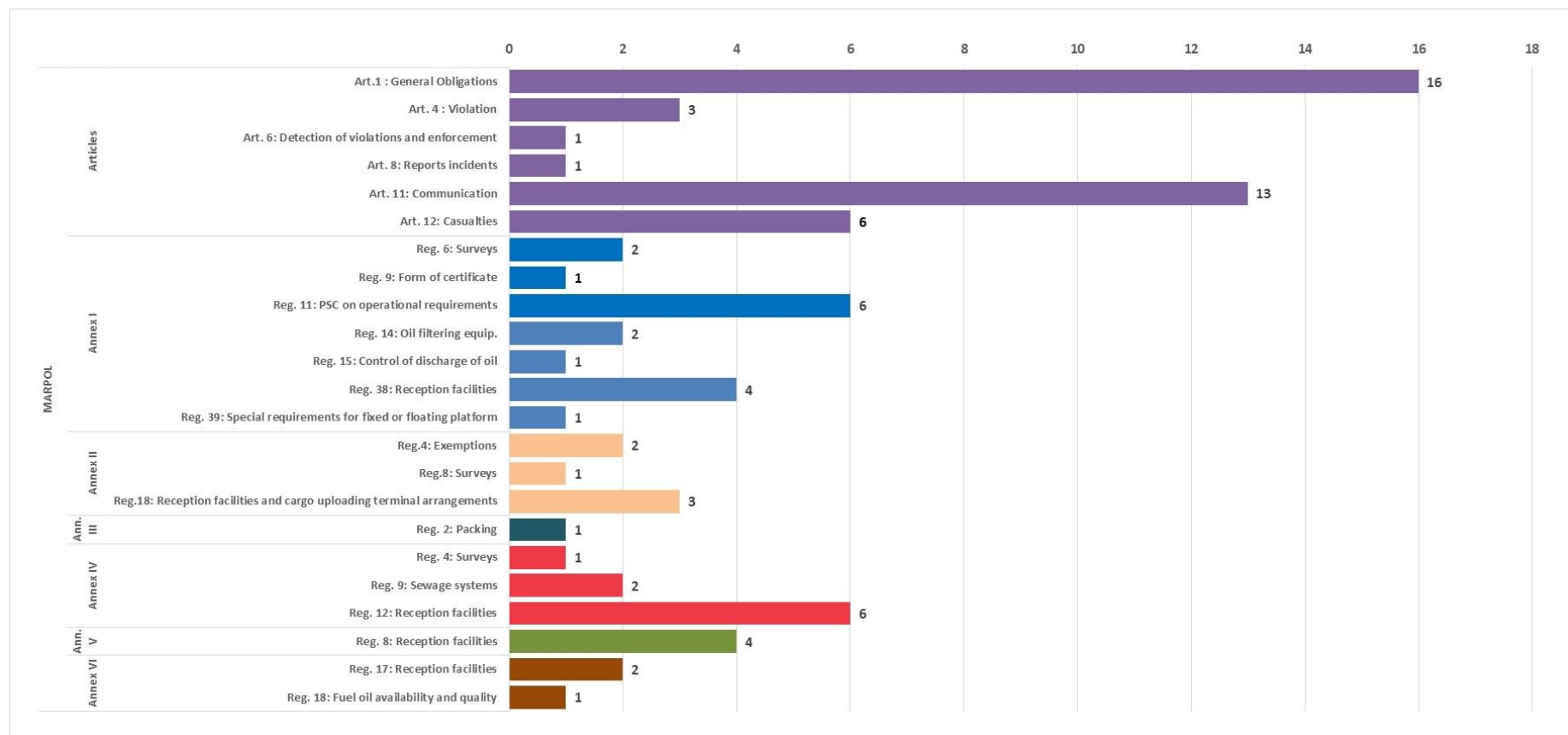


**Figure 17: Number of references to MARPOL**



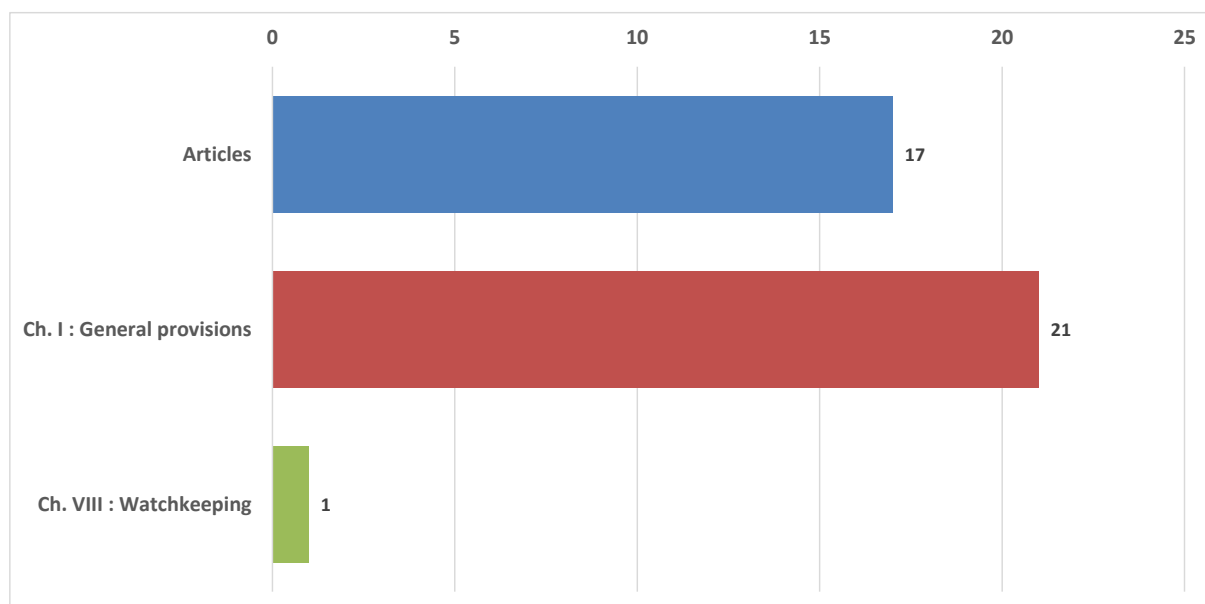
46 With respect to MARPOL, the major areas identified were under the articles of the Convention, as well as provisions of Annexes I, II, IV, V and VI, which were analyzed in more detail in Figure 18.

**Figure 18: Number of references to MARPOL by articles and regulations in annexes with the most recurrent references**



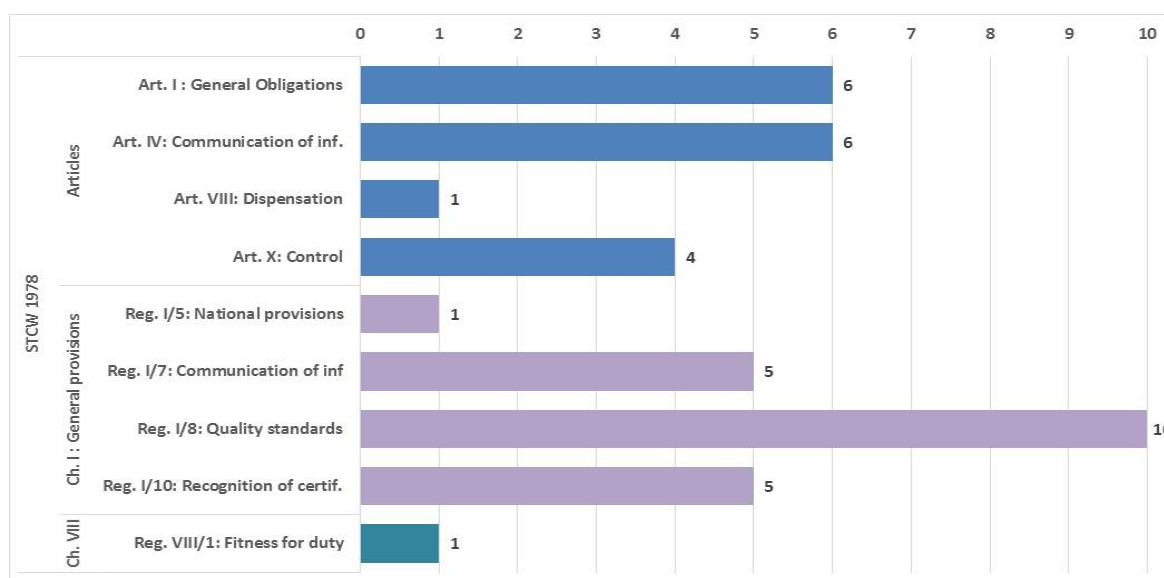
47 The major areas identified under MARPOL are general obligations in accordance to article I, which requires the Parties to give full and complete effect to the Convention and the annexes thereto by implementing national provisions; communication of information in accordance with article 11; port State control operational requirements in accordance with regulation 11 of Annex I; casualties to ships under article 12 (obligation of investigating casualties affecting the marine environment) and lack of provision of reception facilities, in particular under Annexes I, IV and V.

**Figure 19: Number of references to STCW 1978**



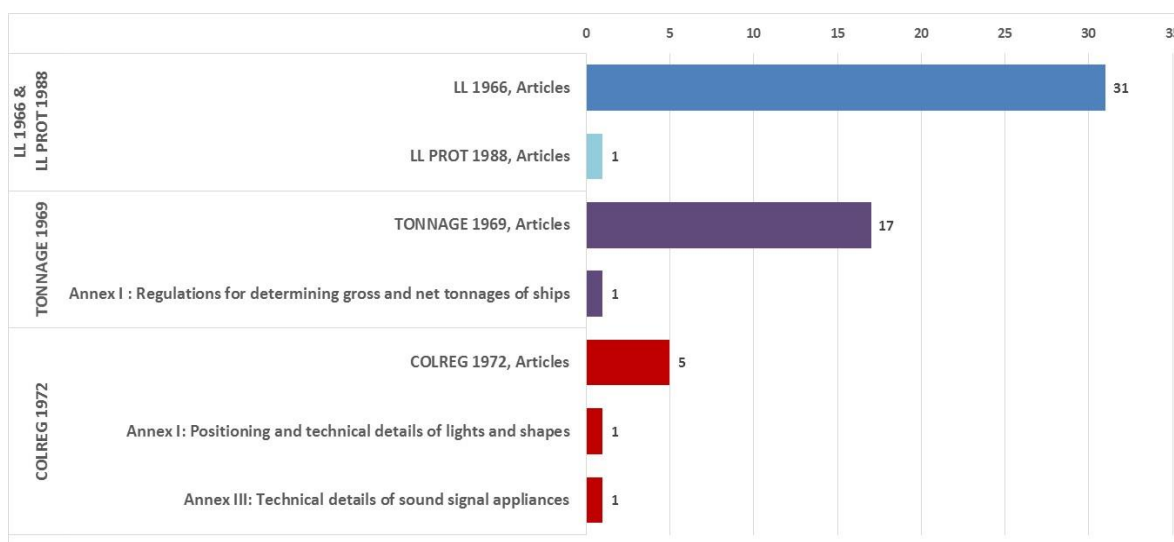
48 With respect to STCW 1978, noticeable areas were found under Chapter I, General provisions, and the articles of the Convention which have been elaborated further in Figure 20.

**Figure 20: Number of references to STCW 1978 by articles and regulations with the most recurrent references**



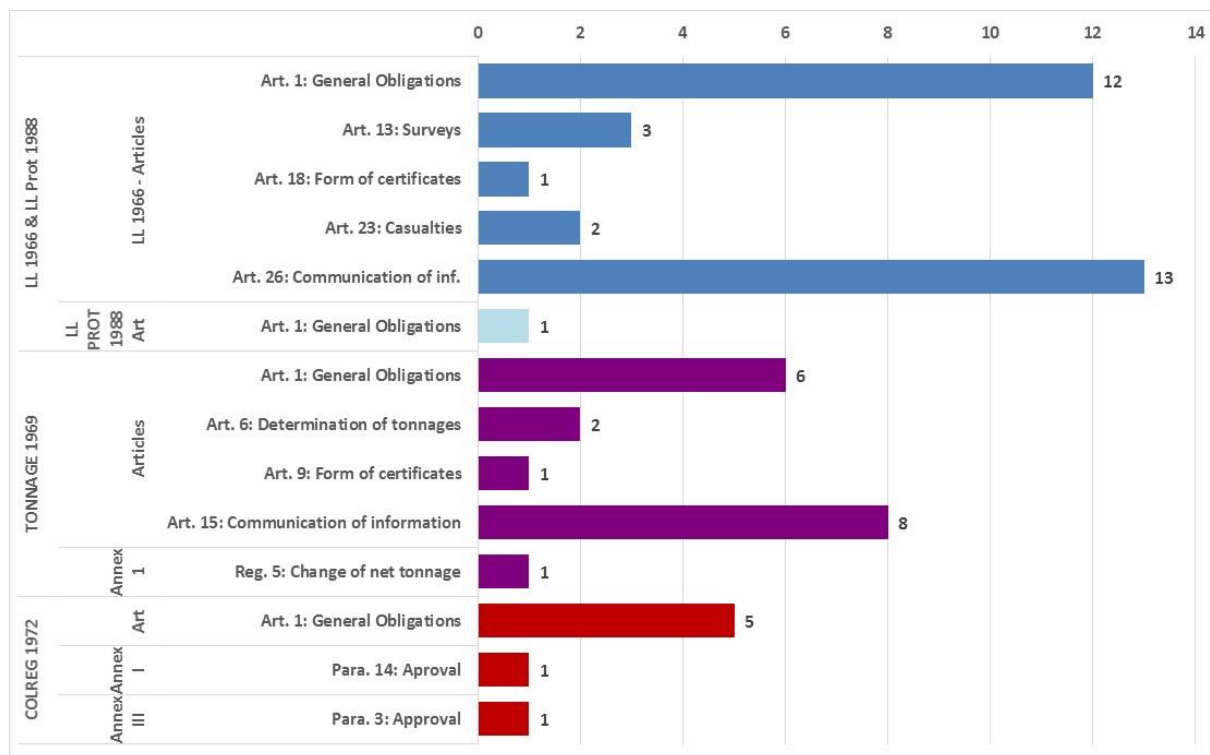
49 The major areas identified under STCW 1978 were under Chapter I, General provisions, and related to quality standards in accordance with regulation I/8; followed by general obligations in accordance with article I and communication of information in accordance with article IV and regulation I/7 of the Convention, as well as recognition of certificates issued by or under the authority of another Party.

**Figure 21: Number of references to LL 1966, PROT LL 1988, COLREG 1972 and Tonnage 1969**



50 With respect to LL 1966, PROT LL 1988, COLREG 1972 and TONNAGE 1969, noticeable areas were found under the articles of LL 1966 and the articles of TONNAGE 1969, which have been elaborated further in Figure 22.

**Figure 22: Number of references to LL 1966, PROT LL 1988, COLREG 1972 and Tonnage 1969 in articles and chapters/annexes with the most recurrent references**



51 The major areas identified under LL 1966, PROT LL 1988 and TONNAGE 1969 were related to communication of information under both Conventions and the LL PROT 1988, as well as to the general obligations under article 1 of LL 1966 and article 15 of TONNAGE 1969, in relation to giving full and complete effect to the provisions of the Convention. Regarding COLREG 1972, the major area identified were also related to the general obligations under article 1.

### III - Analysis of major areas identified in the audits

52 The five most specific areas identified in 18 audits were implementation (124 references), initial actions/legislation (67 references), enforcement (65 references) and strategy and delegation of authority (both with 43 references).

53 In relation to implementation and enforcement, findings and observations in all three parts of the III Code (flag, coastal and port State) have been included under those areas in order to capture all implementation and enforcement issues, which have later on been associated with the related root causes.

54 In addition, it has to be taken into account that many findings and observations were issued with references to whole paragraphs of the III Code, which in many cases contained multiple issues stipulated in the sub-paragraphs (for example, a finding related to initial actions with reference to paragraph 8 of the III Code may contain issues related to promulgation – subparagraph 8.1, enforcement – subparagraph 8.2, and personnel – subparagraph 8.3). In order to capture the actual meaning of the issues reported in audits in the most precise way, such references to whole paragraphs have been analyzed at the level of sub-paragraphs of the III Code and classified as "categories of findings and observations". The categories of findings/observations in the wider areas of findings/observations and number of shortcomings reported for each category is shown in Table 1.

55 Using the methodology described above, a more detailed analysis of most recurrent shortcomings reported in audits under the five identified major areas has been presented in Figure 23.

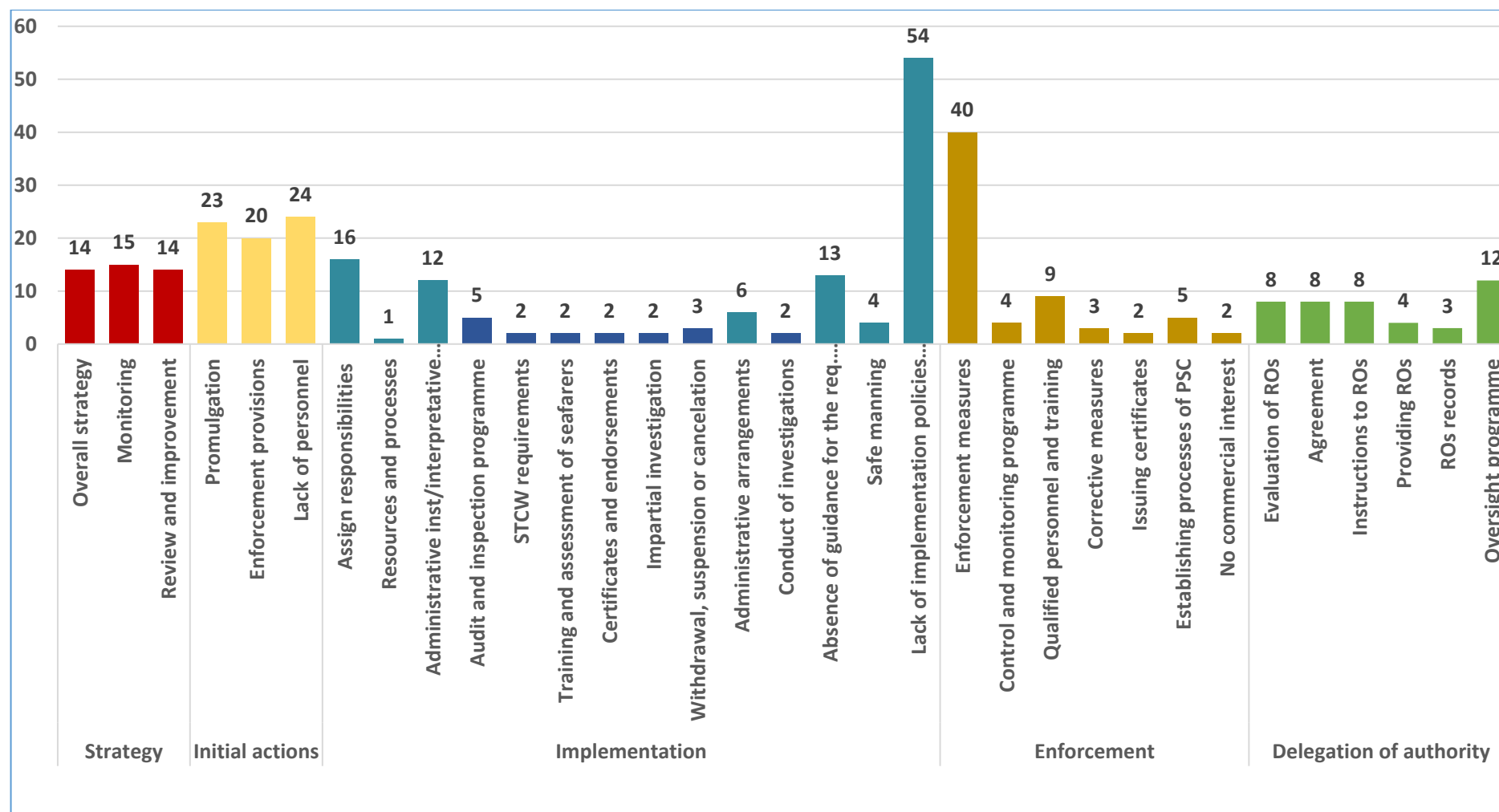
**Table 1: Number of shortcomings per areas and categories of findings**

Areas of findings/observations	Categories of findings/observations (paragraphs or sub-paragraphs of the III Code)	Number of shortcomings
<b>Strategy</b>	Overall strategy (3.1)	14
	Monitoring (3.2)	15
	Review and improvement(3.3)	14
Total		<b>43</b>
<b>General</b>	Promulgation of laws and regulations (4)	<b>3</b>
<b>Initial actions</b>	Promulgation (8.1)	23
	Enforcement provisions (8.2)	20
	Lack of personnel (8.3)	24
Total		<b>67</b>
<b>Communication of information</b>	Communication (9)	<b>23</b>
<b>Records</b>	Records (10)	<b>10</b>
<b>Improvement</b>	Continuous improvement (11)	8
	Training programmes (12.1)	4
	Regional and national drills (12.2)	4
	Reward and incentive mechanisms (12.3)	4
	Review and analysis of non-conformities (13.1)	7
	Implementation of corrective actions (13.2)	7
	Review of the corrective actions taken (13.3)	7
	Actions to prevent non-conformities (14)	1
Total		<b>42</b>
<b>Implementation (FS, CS, PS)</b>	Assignment of responsibilities (15.2, 46.2, 54.2 )	16
	Resources and processes (16)	1
	Administrative instructions/interpretative national regulations (16.1)	12
	Audit and inspection programme (16.2)	5
	STCW requirements (16.3)	2

Areas of findings/observations	Categories of findings/observations (paragraphs or sub-paragraphs of the III Code)	Number of shortcomings
	Training and assessment of seafarers (16.3.1)	2
	Certificates and endorsements (16.3.2)	2
	Impartial investigation (16.3.3)	2
	Withdrawal, suspension or cancelation (16.3.4)	3
	Administrative arrangements (16.3.5)	6
	Conduct of investigations (16.4)	2
	Absence of guidance for the requirements that are to the satisfaction of the Administration (16.5)	13
	Safe manning (17)	4
	Lack of implementation policies through national legislation and guidance (15.1, 46.1, 54.1)	54
	Total	<b>124</b>
<b>Enforcement (FS, CS, PS)</b>	Enforcement measures (22, 24.1, 49, 57)	40
	Control and monitoring programme (23, 23.1, 23.2, 23.3, 50, 50.1, 50.2, 50.3)	4
	Qualified personnel and training (24.2, 24.3, 24.4, 24.5, 61)	9
	Corrective measures (25)	3
	Issuing certificates (26,27)	2
	Establishing processes of PSC (59, 60)	5
	No commercial interest for PSCOs (62)	2
	Total	<b>65</b>
<b>Delegation of authority</b>	Evaluation of ROs (18.1)	8
	Agreement (18.2)	8
	Instructions to ROs (18.3)	8
	Providing ROs with national legislation (18.4)	4
	ROs records (18.5)	3
	Oversight programme (20, 20.1, 20.2, 20.3)	12
	Total	<b>43</b>
<b>Flag State surveyors</b>	Responsibilities, authority and interrelation (28)	6
	Qualification (29, 30, 31, 32, 33, 36)	8
	Training programmes for FSS (34)	4
	Documented system for qualification and updating of knowledge (35)	12
	Identification document (37)	4
	Total	<b>34</b>

Areas of findings/observations	Categories of findings/observations (paragraphs or sub-paragraphs of the III Code)	Number of shortcomings
<b>Flag State investigations</b>	Impartiality and objectivity (38)	11
	Knowledge and experience (39)	2
	Investigation of accidents involving personal injuries (40)	2
	Investigation of accidents and reporting (41)	13
Total		<b>28</b>
<b>Evaluation and review (FS, CS, PS)</b>	Evaluation and Review (42, 43, 44, 51, 63)	<b>34</b>

Figure 23: Number of shortcomings reported in audits by major areas identified in the audits



56 The shortcomings identified under the area of implementation mostly comprise the following: lack of implementation of policies through the issuance of national legislation and guidance (54 instances); assignment of responsibilities (16 instances); absence of guidance for the requirements that are left to the satisfaction of the Administration (13 instances); administrative instructions/interpretative national regulations (12 instances); as well as administrative arrangements for implementation of STCW 1978, including those carried out by another State (six instances).

57 For the area of initial actions/legislation, the reported shortcomings indicate that in many cases States lacked the availability of sufficient personnel to assist in the promulgation of laws and to discharge all the responsibilities of the State, including reporting to IMO (24 instances); they were not in a position to implement and enforce the provisions of the mandatory IMO instruments due to the non-promulgation of laws (23 instances) and there was also a lack of a legal basis for the enforcement of their national legislation (20 instances). From the findings/observations and related corrective actions, it would imply that States, which have encountered difficulty in this area, may not have established a system for analysing and integrating newly adopted amendments into their national legislation and may not have tackled the discrepancies that may exist between their domestic legislation and relevant IMO provisions.

58 The shortcomings identified under the area of enforcement mostly comprise the following: absence of enforcement measures to secure observance of international rules and standard to ensure compliance with international obligations (40 instances); qualified personnel and training (nine instances) and establishing processes for PSC (five instances).

59 For the area of strategy, the reported shortcomings indicate that in many cases States lacked a methodology to monitor and assess that their developed strategy ensures effective implementation and enforcement of the relevant international instruments (15 instances); there was an absence of a strategy (14 instances) and also, there was a lack of mechanism for continuous review of the strategy in order to achieve, maintain and improve the overall organizational performance and capability of the State as a flag, port and coastal State (14 instances).

60 With regard to delegation of authority, the audits revealed that the most common issue faced by the States was the lack of an oversight programme in accordance with the provisions of the III Code (12 instances). Absence of evaluation of ROs as a basis for granting the authority; issues regarding formal agreement between the Administration and ROs, as well as a lack of instructions issued to ROs and not providing ROs with national laws and interpretations thereof have also been identified in many audits (24 instances collectively).

61 Whilst the non-effectiveness in the communication of information to IMO was, for the most part, identified in all audited areas, in this particular part of the analysis the number of findings in relation to any specific clause of the III Code was not high enough to justify inserting this area in this part of the analysis. It should be kept in mind that, on the one hand, the III Code does not contain any explicit reference that could be used for the lack of reporting, and, on the other hand, most of the audit findings referring to the communication of information were identified with respect to related articles and other provisions of the mandatory IMO instruments and have been shown and discussed in the analysis in that context. Related communication issues include communication to IMO of text of laws, decrees, orders and regulations; communication under MARPOL using MEPC.1/Circ.318; communication under STCW 1978, including independent evaluation; casualties; dispensations; exemptions and equivalents; ROs and details of port reception facilities, to mention only the most frequent.

#### **IV - Analysis of root causes**

62 This section is based on the data stemming from 748 root causes associated with 267 findings and 21 observations, and presents the analysis of the root causes, as reported by the audited Member States, in relation to the most recurrent areas of findings/observations and references to the mandatory IMO instruments.

##### **Root causes related to major areas identified in the audits**

63 In order to identify specific difficulties reported by the audited Member States in relation to major areas identified in the audits, all root causes have been reviewed and categorized taking into account the nature of the difficulties causing non-effective implementation of a particular provision. Based on the determined categories of root causes, they have been grouped in four broad areas – legislation, policy and procedures, management and implementation. The result of such an approach is shown in Figure 24.

64 The results in Figure 24 reveal that the most frequent categories of root causes contributing to lack of effective implementation in the major areas identified in audits were related to lack of national provisions; lack of policies; lack of awareness, understanding or interpretation of the requirements; lack of established written procedures; lack of management system; insufficient resources (both human and financial); lack of technical capability (trained personnel, hardware/equipment); and insufficient capacity to promulgate national legislation and to keep it updated.

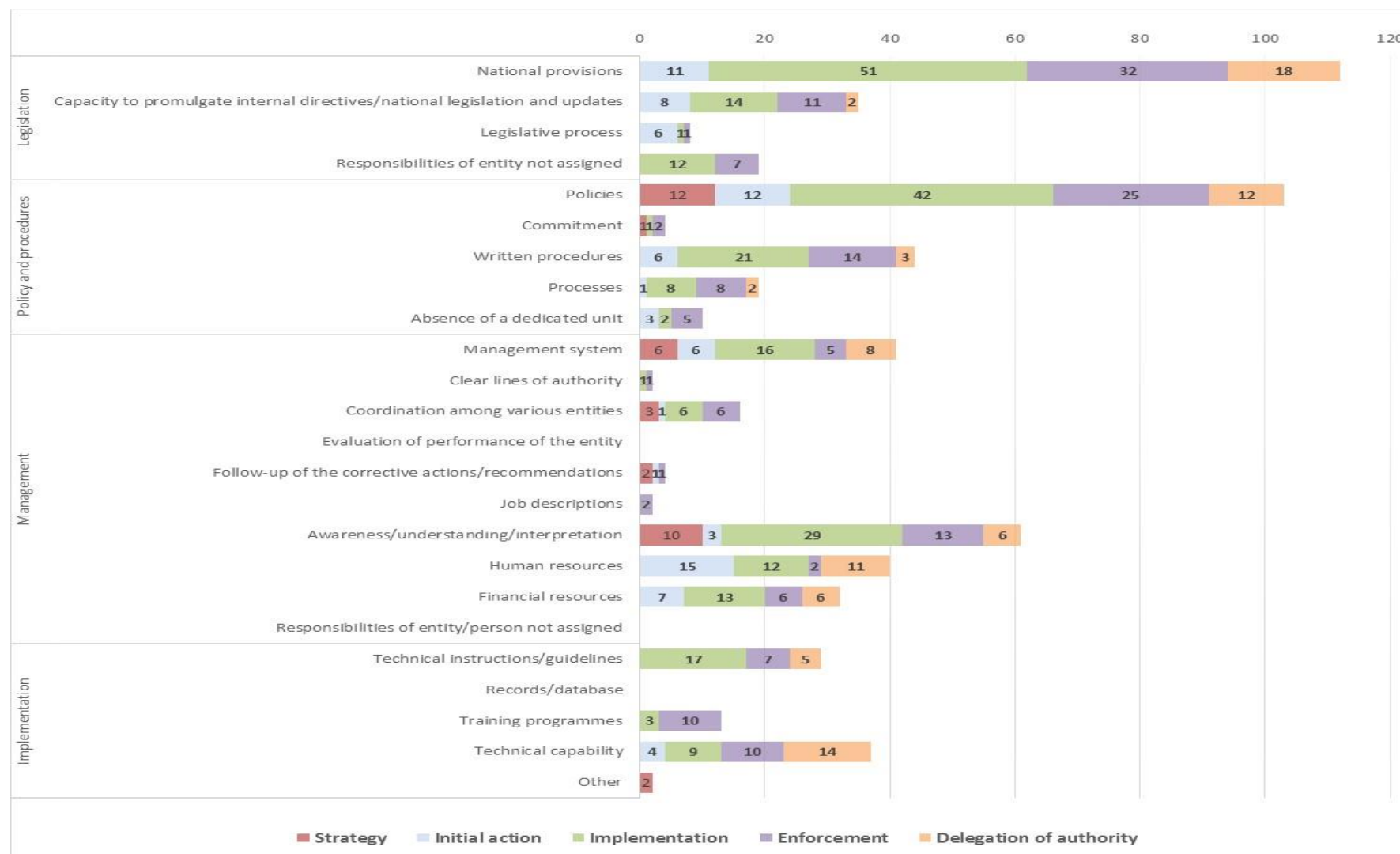
65 In relation to areas of root causes, the predominant difficulty for the audited Member States in the area of legislation was lack of national provisions and capacity to promulgate and to keep updated national legislation and internal directives, as well as a lack of assigned responsibility to entities of the State. These three categories of root causes were the most hindering factors for non-effectiveness in the implementation of requirements in the areas of implementation (flag, coastal and port State) and enforcement (flag, coastal and port State).

66 The most frequently reported category of root causes in the area of policy and procedures were lack of policies, lack of established written procedures and a lack of processes through which the State would effectively implement various requirements. The lack of policies, procedures and processes contributed the most to non-effective implementation in the areas of implementation (flag, coastal and port State) and enforcement (flag, coastal and port State).

67 In the area of management, the most frequent category of root causes were related to a lack of awareness, understanding and interpretation of the requirements; lack of management systems; lack of resources - both human and financial; and lack of coordination among various State entities. Awareness/understanding/interpretation and management system-related difficulties were the major hindering factor for non-effective implementation and enforcement of the relevant international instruments (flag, coastal and port State); as well as requirements related to delegation of authority. In addition, human and financial resources, if taken together, present the single most frequent root cause for non-effective implementation of requirements in the area of management and the adverse effect of non-availability of sufficient resources is significant in almost all major areas of findings/observations.

68 Under the category of implementation, the most frequent category of root cause was lack of technical capability and poor technical instructions/guidelines, as well as lack of training programmes, which significantly contributed to non-effectiveness in the areas of implementation, enforcement and delegation of authority.

**Figure 24: Areas and categories of root causes in relation to major recurrent areas of findings/observations**



### **Root causes related to most recurrent references to the mandatory IMO instruments**

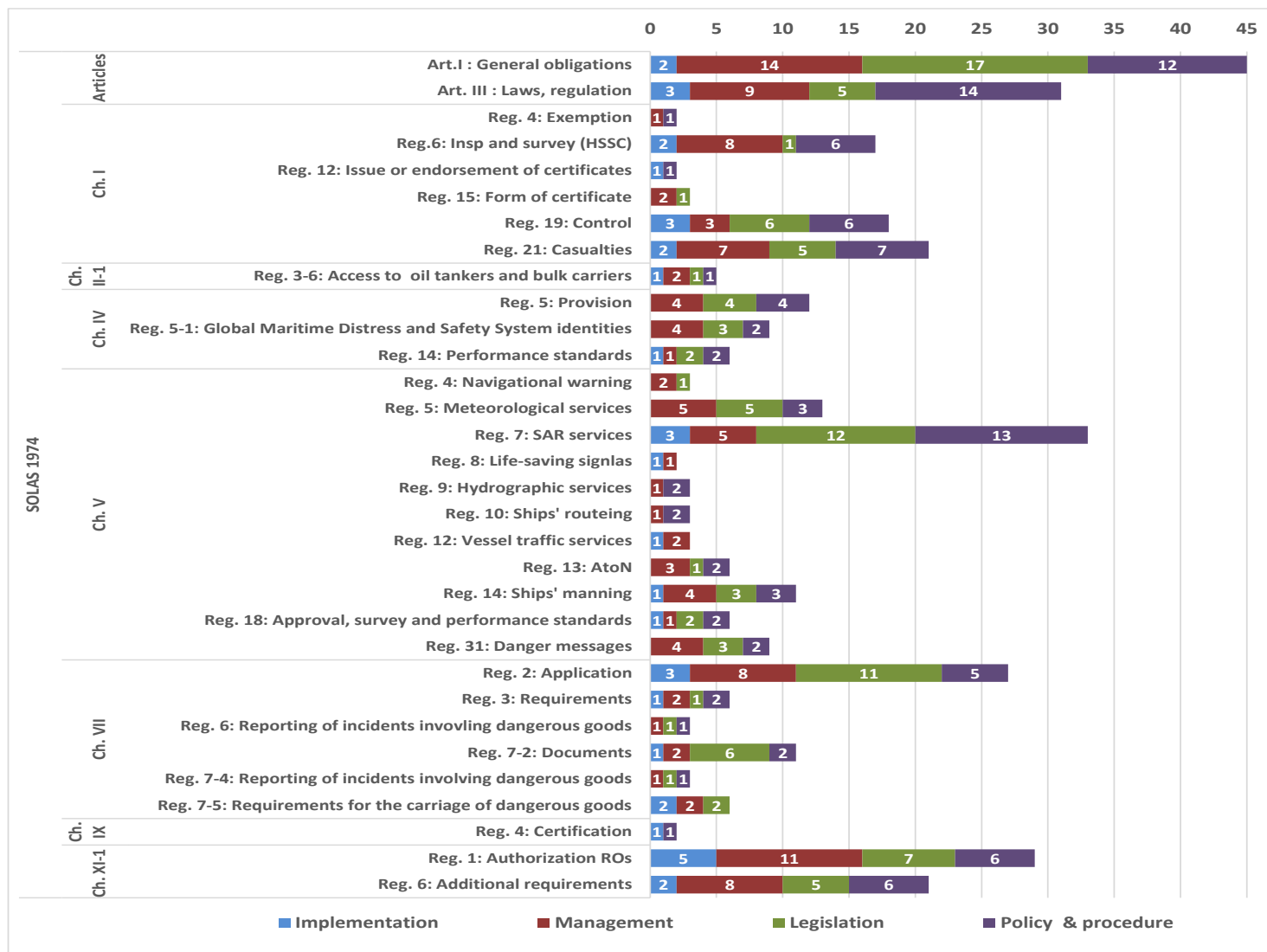
69 For most recurrent references to respective mandatory IMO instruments, the areas of root causes, which contributed to the lack of effective implementation of a particular requirement, have been shown in Figures 25 to 28.

70 Figure 25 shows that from 371 root causes associated with reported findings under SOLAS 1974, 119 difficulties were related to the area of management and 109 to the area of policies and procedures for various processes of a maritime administration and these were the main contributing factor for non-effective implementation of the most recurrent references to SOLAS 1974. These two areas of root causes were reported as underlying factors with the rate of 61.5 %.

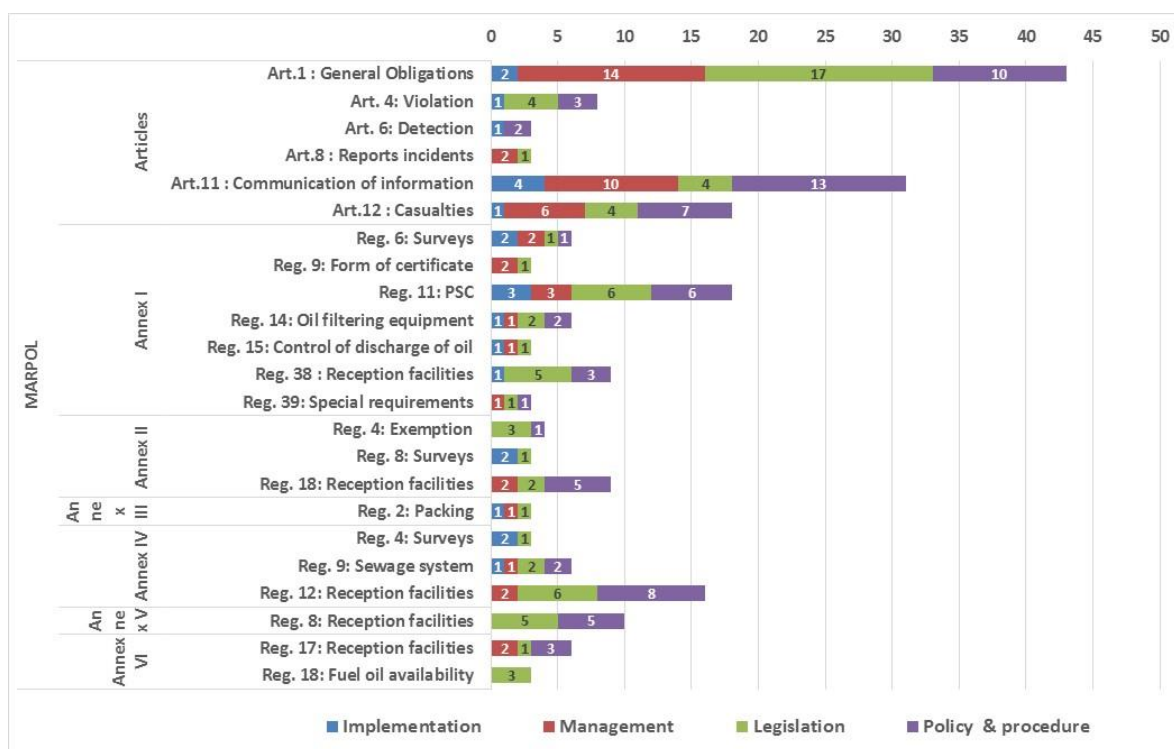
71 In the case of implementation of SOLAS 1974, article I, in addition to the above stated two areas of root causes, the area of legislation, which includes national provisions, capacity to promulgate internal directives/updates, legislative processes and a lack of assignment of responsibilities to State entities, was a hindrance to effective implementation.

72 In the case of SOLAS 1974, article III and regulation V/7, which are both related to reporting to IMO, the absence of effective policies and procedures were the main contributing factor that hampered the implementation. Regarding SOLAS 1974, regulation XI-1/1, out of 29 reported difficulties, 11 were related to the area of management.

Figure 25: Areas of root causes for references to SOLAS 1974



**Figure 26: Areas of root causes for references to MARPOL**



73 Figure 26 shows that from 217 root causes associated with reported findings under MARPOL, 72 difficulties were related to the area of legislation and 72 to the area of policies and procedures for various processes of a maritime administration and these were the main contributing factors for non-effective implementation of the most recurrent references to MARPOL. These two areas of root causes were reported as underlying factors with the rate of 66.4 %.

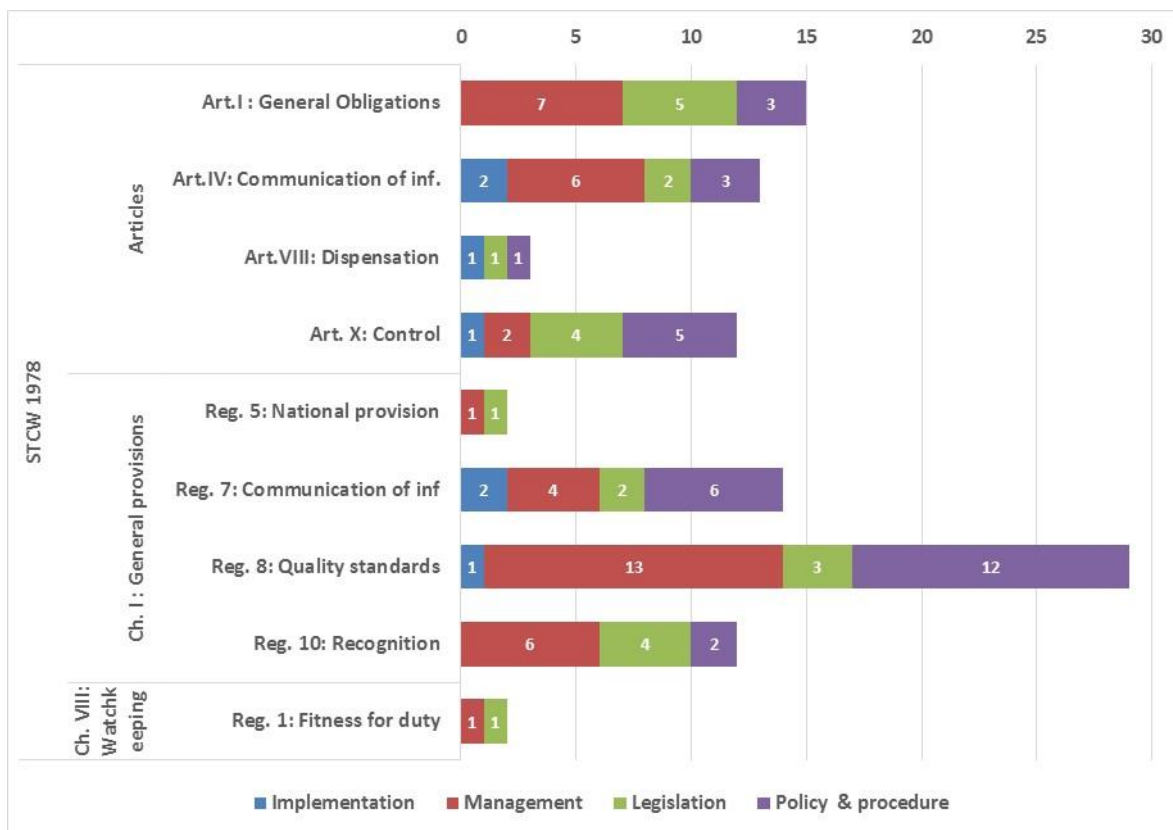
74 In the case of MARPOL, article I (general obligations), the area of legislation, which includes national provisions, capacity to promulgate internal directives/updates, legislative processes and a lack of assignment of responsibilities to State entities, as well as the area of management, were the main hindrance to effective implementation.

75 In relation to MARPOL, article 11 (communication of information), the area of policy and procedures, which includes lack of policies, processes, written procedures and absence of a dedicated unit with assigned responsibilities, along with the area of management, were the main contributing areas of difficulties for non-effective implementation and enforcement.

76 In the case of MARPOL Annex I, regulation 11 (PSC on operational requirements), the lack of provision in the area of legislation, as well as the absence of policies and procedures to assist in the effective implementation, were the main contributing factors to the reported findings with reference to the mentioned regulation.

77 It can be noted that the lack of policies and procedures, but also causes related to legislation, played a noticeable part in the lack of implementation of the requirements in the area of port reception facilities, e.g. those related to MARPOL Annex I, regulation 38; MARPOL Annex II, regulation 18; MARPOL Annex IV, regulation 12; and MARPOL Annex V, regulation 8.

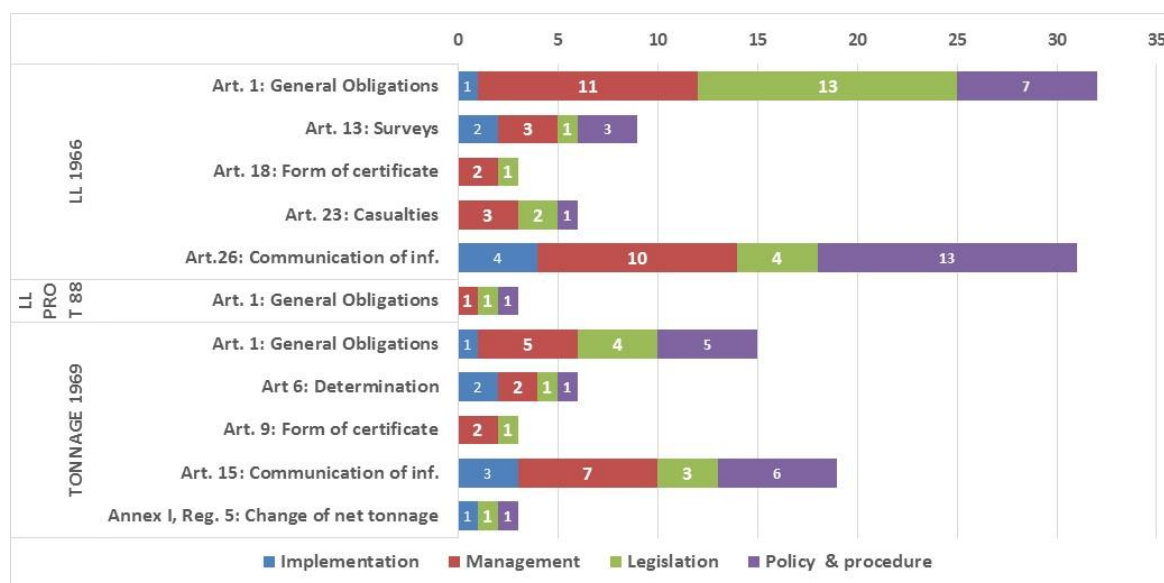
**Figure 27: Areas of root causes for references to STCW 1978**



78 Figure 27 shows that from 95 root causes associated with reported findings under STCW 1978, 40 difficulties were related to the area of management and 32 to the area of policies and procedures for various processes of a maritime administration and these were the main contributing factors for non-effective implementation of the most recurrent references to STCW 1978. These two areas of root causes were reported as underlying factors with the rate of 75.8 %.

79 Difficulties related to the areas of management and policies and procedures also contributed mostly to non-effectiveness in complying with the requirements related to the communication of information under article IV, and regulations I/7 and I/8 of STCW 1978, mostly due to reported lack of a management system, lack of written procedures, absence of clear lines of authority and insufficient resources (both human and financial).

**Figure 28: Areas of root causes for references to LL 1966 and Tonnage 1969**



80 Figure 28 shows that most of the difficulties related to non-effective implementation of the references to LL 1966, PROT LL 1988 and TONNAGE 1969, lie in the areas of management (40) and policies and procedures (32). For communication of information-related shortcomings (article 26 of LL 1966 and article 15 of TONNAGE 1969), detailed breakdown shows that the lack of policies, lack of written procedures, lack of management system and lack of awareness of the requirements, their understanding or interpretation, were the most frequently reported root causes by the audited Member States.

81 In addition to the two areas stated above, difficulties related to the area of legislation contributed to non-effectiveness in complying with LL 1966, article I (general obligations), which includes a lack of national provisions, lack of capacity to promulgate internal directives/updates, issues associated with legislative processes and absence of assigned responsibilities to State entities.