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Circular Letter No.3772
4 September 2017

To: All IMO Member States

Subject: IMO Member State Audit Scheme – Consolidated Audit Summary Report (CASR)

1 The Secretary-General has the honour to transmit herewith the first consolidated audit summary report (CASR) prepared in accordance with paragraph 7.4.3 of the Procedures for the IMO Member State Audit (resolution A.1067(28)), containing lessons learned from eighteen mandatory audits that were completed in 2016.

2 The CASR, which is intended to facilitate the attainment of three of the objectives of the Scheme as contained in paragraphs 5.2.1, 5.2.3 and 5.2.4 of the Scheme's Framework, has been developed to reflect the findings and observations issued during audits, as well as corresponding summaries of root causes identified by the audited States and summaries of corrective actions taken or proposed by the Member State, which provide valuable lessons for Member States. The CASR also contains best practices revealed in audits, in order to share them with Member States, with a view to assisting them to enhance further their implementation and enforcement of mandatory IMO instruments.

3 In order to enable the Organization to further consider the effectiveness and appropriateness of its legislation and to facilitate provision of technical assistance to Member States in those areas identified in audits, future CASRs will continue to be issued as Circular Letters, as and when the reporting from a reasonable number of audits have been completed. A reference to each Circular Letter issued will be included in the document reporting to the Council and Assembly on progress made in the implementation of the Scheme.

ANNEX

CONSOLIDATED AUDIT SUMMARY REPORT (CASR)

INTRODUCTION

1 In fulfilling the objectives as stipulated in paragraph 5.2.3 of the Framework for the IMO Member State Audit and as required by paragraph 7.4.3 of the Procedures for the IMO Member State Audit (resolution A.1067(28)), this document is the first CASR of eighteen mandatory audits that have been completed.

2 The report reflects the five categories of General (findings and/or observations relating to strategy, organization and legal system, with the latter dealing mainly with the incorporation of mandatory IMO instruments into national law), flag State activities, coastal State activities, port State activities and best practices, respectively, from the previously issued eighteen audit final reports.

3 This report contains the findings and observations identified during the audits, which were conducted using the *IMO Instruments Implementation (III) Code* (resolution A.1070(28)) as the audit standard, with each finding and/or observation followed by the summary of root cause identified by the audited State and summary of the corrective action taken or proposed by the Member State.

4 The outcome from audits provide valuable lessons on the implementation and enforcement of the mandatory IMO instruments covered by the Scheme. They also identify areas where States, in exercising their rights, meeting their obligations and discharging their responsibilities attendant to the applicable mandatory IMO instruments, have either fallen short in some areas or have encountered some difficulties in doing so. Best practices reflect the strengths and, in some cases, novel ideas employed by States to effectively meet their obligations and responsibilities.

5 In an effort to disseminate the lessons learned from audits, with a view to assisting Member States to enhance further their implementation and enforcement of mandatory IMO instruments and to inform the associated work of the relevant IMO bodies, future CASRs will continue to be issued as Circular Letters.

GENERAL

Findings (FD)

6 There was the absence of appropriate national legislation and the necessary implementation and enforcement infrastructure to confirm that the State was in the position to implement and enforce the provisions of amendments to the mandatory instruments to which it is Party (SOLAS 1974, article I; MARPOL, article 1; III Code, paragraph 8).

Root cause

7 Lack of technical capacity, inadequate organization and financing for transposition of amendments to, and implementation and enforcement of, the mandatory IMO instruments.

Corrective action

- 8 The maritime administration will implement the following corrective actions:
- .1 Technical assistance has been requested from IMO for the assessment of current legal situation and to provide recommendations on enacting future amendments to the mandatory IMO instruments into national legislation.
 - .2 A road map and an action plan will be drafted for transposition, implementation and enforcement of appropriate amendments to the IMO conventions and establishment of mechanisms aiming at monitoring of new amendments adopted by IMO, in order to ensure continuous compliance.
 - .3 Amendments to all relevant IMO instruments will be incorporated into national legislation and the process of finalizing the drafting of proposals for amendments in national legislation stemming from the relevant IMO instruments will be expedited and simplified.

This corrective action will be completed by 25 October 2019.

FD

9 There was no objective evidence that the State complied with all the requirements for reporting as required by the mandatory IMO instruments to which the State is a Party (MARPOL, article 11; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

10 Lack of technical capacity, inadequate organization and insufficient personnel for reporting to IMO, including reporting through GISIS. Lack of coordination among responsible institutions for reporting to IMO.

Corrective action

- 11 The maritime administration will implement the following corrective actions:
- .1 The responsibilities for reporting through relevant modules in GISIS will be assigned and all mandatory reports sent to IMO.
 - .2 Periodic inter-institutional meetings will be organized for coordination of works on communicating all mandatory reports to IMO.
 - .3 Working instructions and procedures for mandatory reporting to IMO will be issued and a written procedure and a central recording system will be developed by the maritime administration to keep records on all communication to IMO of the text of national legislation.

This corrective action will be completed by 30 September 2019.

FD

12 The provisions of the relevant instruments, in general, were not transposed into national legislation after the publication of the decrees of ratification. Thus, the provisions of the tacit amendments and those provisions of the mandatory IMO instruments that were left to

the satisfaction of the Administration were not integrated in national legislation and therefore were not applicable (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; LL 1966, article 1; TONNAGE 1969, article 1; COLREG 1972, article I; III Code, paragraph 8).

Root cause

13 Lack of sufficient expertise to develop appropriate maritime legislation, absence of a regulatory monitoring process, administrative burdens and lack of collaboration between the concerned entities of the State.

Corrective action

14 The Ministerial Council will be informed of the need to develop and promulgate maritime laws and regulations in a timely manner. A Regulatory Directorate will be created to ensure monitoring and initiating regulatory action with respect to mandatory IMO instruments, and strengthening of available human resources with the view to drafting missing regulations will be undertaken. This corrective action will be completed by 30 September 2020.

FD

15 The State did not fulfil its obligations of communicating mandatory information to IMO, e.g. legislation and investigation reports. It was established that the State did not have a system that ensures communication of mandatory reports to IMO (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

16 The tasks of the authorized officials were not defined and there was a lack of supervision of the responsibilities of the related services.

Corrective action

17 The maritime administration will develop a regulation for identifying and establishing a procedure for communicating mandatory information to IMO, including the establishment of a dedicated department for this purpose, which will ensure the reporting of information to IMO and the use of GISIS. This corrective action will be completed by 31 March 2017.

FD

18 Apart from the port hydrographic and buoyage services, none of the other audited services used a documented procedure to manage its records (III Code, paragraph 10).

Root cause

19 Lack of internal procedure for the control of records and information to be recorded were not clearly defined.

Corrective action

20 The maritime administration will develop a documented procedure for the handling, storage and disposal of records, which will be made available to all departments. A monitoring mechanism will also be implemented. This corrective action will be completed by 31 March 2017.

FD

21 No action had been taken to identify and remove the cause of nonconformities (III Code, paragraph 13).

Root cause

22 Lack of a culture and means of analysis to identify and eliminate the causes of nonconformities.

Corrective action

23 The maritime administration will establish a procedure for analysing and monitoring nonconformities accompanied with a training of its personnel in quality management. This corrective action will be completed by 31 December 2018.

FD

24 There was no evidence that the independent evaluation report was sent to IMO pursuant to STCW 1978, regulation I/8 (STCW 1978, regulation I/8.3; III Code, paragraph 9).

Root cause

25 The independent evaluation report required by regulation I/8 of STCW 1978 was not done due to a lack of oversight of the implementation of regulations.

Corrective action

26 The Administration will update functions and duties of the Seafarers Directorate, develop the independent evaluation report required by STCW 1978 Convention and communicate it to IMO. This corrective action will be completed by 31 December 2017.

FD

27 There was no objective evidence to demonstrate that improvement measures had been applied by any of the audited entities (III Code, paragraph 11).

Root cause

28 Lack of a culture of continuous improvement and absence of performance measurement criteria.

Corrective action

29 The Administration will establish performance measurement criteria and will train its personnel in quality management. This corrective action will be completed by 31 December 2017.

FD

30 There was no objective evidence to demonstrate that the State had established a culture that would improve the results obtained in the field of maritime safety and marine environment protection. The maritime administration had not taken any measures to identify and to eliminate the cause of nonconformities in order to prevent a reoccurrence (III Code, paragraph 12).

Root cause

31 Lack of a culture to identify and analyse the cause of nonconformities.

Corrective action

32 The Administration will implement an analysis and monitoring procedure of nonconformities together with a training of its personnel in quality management system (QMS). This corrective action will be completed by 31 December 2018.

FD

33 There was no objective evidence to demonstrate that a process existed for monitoring amendments to the mandatory IMO instruments and their entry into force in order to keep the national legislation up to date (III Code, paragraph 8).

Root cause

34 A lack of documented procedures to ensure that regulatory developments are monitored and insufficient resources of the maritime administration delayed the establishment of a regulatory monitoring unit for the mandatory IMO instruments and their amendments.

Corrective action

35 The maritime administration will establish a regulatory monitoring unit with sufficient number of competent personnel and will develop a documented procedure to ensure monitoring of amendments to the mandatory IMO instruments that enter into force in order to keep the national legislation up-to-date. This corrective action will be completed by 31 December 2017.

FD

36 The State had no provisions in its national legislation to impose appropriate sanctions in order to discourage ships, flying the flag of the State, from infringing regulations related marine pollution (MARPOL, article 4(4); III Code, paragraph 8).

Root cause

37 Insufficient legal provisions and a lack of regulatory monitoring process.

Corrective action

38 The maritime administration will conduct an in-depth analysis of the mandatory IMO instruments in terms of penalties to be imposed to develop new provisions, within the Merchant Shipping and Environment Code, relating to penalties to be imposed. A new legal unit will be established to address regulatory issues. This corrective action will be completed by 31 December 2017.

FD

39 The provisions of the mandatory IMO instruments and amendments thereto were not systematically promulgated into national legislation after publication of the Decrees of ratification. In addition, the International Convention on Tonnage Measurement of Ships, 1969, ratified by the State, was not incorporated into its national legislation. As a consequence, they were not given full and complete effect (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; LL 1966, article 1; TONNAGE 1969, article 1; III Code, paragraph 8.1).

Root cause

40 Lack of a mechanism to ensure systematic incorporation of the amendments to the mandatory IMO instruments into national legislation and insufficient human resources.

Corrective action

41 The maritime administration will take into account the amendments to the IMO instruments during the revision of the Merchant Shipping and Environment Code and will provide a dedicated legal service in this respect with skilled and competent personnel to ensure that regulatory developments are monitored. This corrective action will be completed by 1 June 2017.

FD

42 It had not been demonstrated that the State entities in charge of maritime affairs had sufficient expertise in the maritime field to promulgate the necessary national laws and to discharge all the responsibilities of the State (III Code, paragraph 8.3).

Root cause

43 Lack of resources and managers specialized in maritime law and in maritime affairs.

Corrective action

44 The maritime administration will establish and execute a plan for the recruitment and training of personnel responsible for legal and maritime affairs. This corrective action will be completed by 31 December 2019.

FD

45 The State had not fulfilled its obligations regarding communication of information to IMO, with respect to legislation, investigation reports and annual reports required for pollution, which was evident by the absence of a system to document and monitor requirements for communicating mandatory reports to IMO (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; LL 1966, article 26; III Code, paragraph 9).

Root cause

46 Lack of a documented procedure to identify and address communication of information requirements and mandatory reports to IMO.

Corrective action

47 The maritime administration will develop a documented procedure for communication of information and mandatory reports to IMO. A staff member will be designated who will ensure that the required information and reports are communicated to IMO, including uploading and keeping it up to date in GISIS. This corrective action will be completed by 1 June 2017.

FD

48 There was no evidence to indicate that the independent evaluation required by STCW 1978 was sent to IMO (STCW 1978, regulation I/7; STCW 1978, regulation I/8.3; III Code, paragraph 9).

Root cause

49 Insufficient legal provisions relating to STCW 1978 and a lack of control of the procedures for preparing the independent evaluation report.

Corrective action

50 The maritime administration will undertake the development and implementation of STCW 1978 regulations and will establish a documented procedure for the preparation of independent evaluation report and the communication of the results to IMO. This corrective action will be completed by 30 April 2018.

FD

51 There was no objective evidence to establish that the maritime administration had a record-keeping system established and maintained to provide evidence of conformity to the requirements of the mandatory IMO instruments to which the State is a Party (III Code, paragraph 10).

Root cause

52 Lack of regulatory requirement and documented procedures for records management.

Corrective action

53 The maritime administration will launch a study to establish a document management system, which will include regulations and documented procedures for identifying records and defining storage and protection methods, as well as the period of retention. This corrective action will be completed by 31 January 2017.

FD

54 There was no objective evidence to demonstrate that the State had established a culture that would improve the results obtained in the field of maritime safety and marine environment protection. The maritime administration had not taken measures to identify and eliminate the causes of nonconformities in order to prevent their reoccurrence (III Code, paragraph 11; III Code, paragraph 12; III Code, paragraph 13).

Root cause

55 Lack of understanding of the obligations of the III Code and a lack of a culture for analysis to identify and eliminate the cause of nonconformities.

Corrective action

56 Through an inter-ministerial committee for monitoring and developing maritime safety and the prevention of pollution from marine activities, the maritime administration will

implement a policy of continuous improvement of measures taken within the framework of the mandatory IMO instruments to which the State is a Party and ensure the promotion of a maritime culture by conducting training activities, promotion of the profession, national and international exercises and reward mechanisms for seafarers. This corrective action will be completed by 31 March 2017.

FD

57 Transposition of mandatory IMO instruments and their amendments into national legislation, including those amendments entering into force under the tacit amendments procedure, was often not carried out prior to their entry into force. The maritime administration did not have sufficient personnel with maritime expertise to promulgate laws and by laws for effective implementation and enforcement of requirements of the mandatory IMO instruments. There was no system in place to monitor new amendments entering into force under the applicable IMO instruments (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; III Code, paragraph 8).

Root cause

58 The maritime administration did not have sufficient personnel and, given the limited capacity, it was focused on inland navigation and EU legislation as priorities.

Corrective action

59 The responsible unit of the Ministry in charge for maritime affairs has recruited a new staff member with the appropriate technical and legal background on maritime affairs. A documented procedure will be developed to enable the unit to monitor and implement the mandatory IMO instruments. The necessary documents for the promulgation of MARPOL are being prepared and the promulgation of SOLAS 1974 and other relevant mandatory IMO instruments will follow. This corrective action will be completed by 31 December 2019.

FD

60 Records were not always available to provide evidence of conformity to requirements of the mandatory IMO instruments and no documented procedure was in place to define control, identification, storage, protection, retrieval, retention and disposition of records (III Code, paragraph 10).

Root cause

61 The Ministry responsible for maritime affairs had a documentation control system in place. However, a record could not be found, although it was registered in the documentation control system. The maritime administration was not aware of the requirement for a documented procedure on record-keeping.

Corrective action

62 The responsible unit of the Ministry in charge for maritime affairs will improve the effectiveness of the record-keeping system and will develop a documented procedure for record-keeping within the scope of maritime navigation. This corrective action will be completed by 30 June 2017.

FD

63 There was no objective evidence that the State fulfilled all communication of information requirements emanating from the mandatory IMO instruments (III Code, paragraph 9).

Root cause

64 The Administration was focused on inland and European Union (EU) related issues and there was no capacity to organize reporting to IMO.

Corrective action

65 The Ministry responsible for maritime affairs will develop an effective reporting system with regard to communication of texts of national laws, as well as other relevant documents and information, to IMO. The Administration renewed the authorization of two recognized organizations (ROs) in December 2016 and, upon conclusion of the agreements, the Ministry will report relevant details to IMO. This corrective action will be completed by 31 December 2017.

FD

66 There was objective evidence to establish that the enactment of national laws for amendments to the mandatory IMO instruments, including tacit amendments, was subject to delays and there was a lack of established procedures to assist the process. In addition, there was no objective evidence to demonstrate that a process for monitoring new amendments to the relevant mandatory IMO instruments was implemented by the State (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; LL 1966, article 1; LL PROT 1988, article I; TONNAGE 1969, article 1; COLREG 1972, article I; III Code, paragraph 8).

Root cause

67 Lack of resources of the maritime administration delayed the updating of national legislation. Furthermore, the frequency in which updates and amendments were made to IMO instruments posed a heavy burden on the maritime administration as the process of ratifying a new convention or an amendment to an existing one takes long time due to the State's legal system. Although the actual QMS contained a procedure to follow up on IMO amendments through various web sites and sources of information and to disseminate these amendments to the national entities concerned, this was done without a clear policy aiming at fulfilling the State's obligations.

Corrective action

68 The maritime administration will develop and implement a comprehensive mechanism and incorporate it into the existing QMS. As a mechanism for compliance with this requirement in the future, a system will be put in place to ensure a systematic follow-up of the new mandatory IMO instruments and amendments to existing ones and to monitor the date of their entry into force, in order to ensure their transposition into national legislation in a timely manner. Such mechanism will enable the maritime administration to follow up and classify amendments to mandatory IMO instruments, including those amendments entering into force under tacit amendment procedures:

- .1 if the amendments need to be promulgated into national legislation, the same will be dispatched to the legislation unit of the responsible entity of the maritime administration; and
- .2 if the amendments need direct enforcement, they will be dispatched to the concerned entities.

69 Feedback from the above categories will be sent to the concerned division. The Maritime Authority has an exception from the cabinet, based on which it can recruit qualified personnel to initiate the necessary work for the elaboration and promulgation of missing national legislation. Participating in IMO Committees will gradually increase, as a mean to keep the maritime administration updated and aware of the amendments to the mandatory IMO instruments. This corrective action will be completed by 31 December 2018.

FD

70 The State had not fulfilled its obligations regarding communication of information to IMO with respect to legislation, model of certificates and annual reports required for pollution, which was evident by the absence of a system to document and monitor requirements for communicating mandatory reports to IMO. The maritime strategy had not been communicated to all concerned entities within the State (SOLAS 1974, article III; MARPOL, article 11; LL 1966, article 26; III Code, paragraph 9).

Root cause

71 Lack of a documented procedure for the controlled and systematic communication of information to IMO required by the mandatory IMO instruments, including legislation, model of certificates and mandatory reports, at a national entity level.

Corrective action

72 Missing reports will be sent to IMO and a documented procedure will be incorporated in QMS in order to ensure that all relevant information is submitted to IMO as required by IMO instruments including legislation, model of certificates and annual reports required for pollution. An officer will be designated to undertake this task. A monitoring mechanism and periodical assessment will be included in QMS to ensure continuous compliance with relevant requirements. In addition, reporting requirements in the area of responsibilities of other entities of the State involved in the implementation and enforcement of the mandatory IMO instruments will be reviewed and relevant reporting organized, as appropriate. This corrective action will be completed by 31 December 2017.

FD

73 The provisions of the relevant mandatory IMO instruments were not, in general, transposed into national legislation after publication of the Decrees of accession. As a consequence, they were not given full and complete effect (SOLAS 1974, article I; MARPOL, article 1; III Code, paragraph 8).

Root cause

74 The legal system of transposing international conventions in the State, following the adoption of decrees of accession, did not provide for the full publication of texts and amendments of the relevant conventions to which it is a Party.

Corrective action

75 The maritime administration will promulgate, through the revised Merchant Shipping Code, the legislative measures relating to the enforcement of the relevant instruments especially the introduction of flexible measures enabling the maritime administration to incorporate the amendments and adoption of national standards provided by the conventions. This corrective action will be completed by 31 December 2017.

FD

76 The State had not fulfilled its obligations regarding communication of information to IMO, for example the details of port reception facilities and casualty investigation reports. Despite the recent appointment of an officer-in-charge of communication of information to IMO, it was established that the State had no system in place to guarantee the communication of mandatory reports to IMO (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

77 Lack of understanding of the procedure of communicating to IMO, and insufficient qualified personnel.

Corrective action

78 The maritime administration will communicate mandatory information to IMO, will designate an officer in charge of communication and establish a documented procedure. This corrective action will be completed by 31 January 2017.

FD

79 There was no objective evidence to demonstrate that a process for monitoring new amendments to the mandatory IMO instruments entering into force was implemented by the State in order to keep its national legislation up to date (III Code, paragraph 8).

Root cause

80 Lack of regulatory monitoring process, difficulties in the follow-up of the work of IMO, insufficient personnel at the maritime administration and the present organization of the maritime administration did not take into account this task.

Corrective action

81 The maritime administration will create a legal department and establish a regulatory monitoring process to identify amendments to the mandatory IMO instruments and transpose them into national law. This corrective action will be completed by 31 January 2018.

FD

82 The personnel in the maritime administration was not commensurate with the responsibilities assigned to them for the promulgation of national legislation (III Code, paragraph 8.3).

Root cause

83 The attachment of the maritime administration to different departments, as well as the budgetary constraints of posts allocated to the maritime administration, have significantly reduced their personnel, initially insufficient, in order to fulfil all its tasks.

Corrective action

84 The Ministry responsible for maritime transport will launch a study on the reorganization of the Merchant Marine Directorate. From the tasks and duties of the Merchant Marine Directorate, the study will assess the number of personnel required to ensure the implementation and enforcement of the mandatory IMO instruments, and determine the number and profile of the personnel to recruit, their job descriptions as well as a training programme to improve the skills of existing personnel. This corrective action will be completed by 31 March 2017.

FD

85 There was no objective evidence to demonstrate that the State had established a culture for improving the adequacy of measures in maritime safety and environmental protection. The State had not taken measures to identify and eliminate causes of nonconformities to prevent their recurrence (III Code, paragraph 11; III Code, paragraph 12; III Code, paragraph 13).

Root cause

86 The present structure of the maritime administration, the lack of understanding of the obligations of the III Code, lack of culture and analysis tools to identify and eliminate the cause of nonconformities, as well as insufficient qualified personnel and lack of documented procedures in this area.

Corrective action

87 The maritime administration will implement a policy of continuous improvement of measures taken within the framework of the mandatory IMO instruments to which the State is a Party and will ensure the promotion of a maritime culture by conducting training activities, promotion of the profession, national and international exercises and reward mechanisms for seafarers. The future reorganization of the Merchant Marine Directorate will contribute to achieve these objectives. This corrective action will be completed by 30 April 2017.

FD

88 There was no objective evidence to establish that the maritime administration had a record-keeping system established and maintained to provide evidence of conformity to the requirements of the mandatory IMO instruments to which the State is a Party (III Code, paragraph 10).

Root cause

89 Absence of documented procedures for recording and the loss of paper records due to a fire on the premises and the lack of hard copies.

Corrective action

90 Based on the future study for the implementation of a documentary management system, the maritime administration will develop and implement regulatory provisions as well as a documented procedure identifying the mandatory records, defining the storage and protection methods as well as the period during which they should be retained. This corrective action will be completed by 30 June 2017.

FD

91 There was no evidence to indicate that the independent evaluation required by STCW 1978 was reported to IMO (STCW 1978, regulation I/8.3; III Code, paragraph 9).

Root cause

92 Absence of knowledge of the regulations and a lack of legal basis, documented procedures and personnel for effective implementation of the provisions of STCW 1978.

Corrective action

93 The maritime administration will strengthen its human resources, define the responsibilities, develop and implement a documented procedure for conducting periodical independent evaluations required by STCW 1978 and communicate the mandatory report to IMO. This corrective action will be completed by 31 January 2017.

FD

94 Transposition of the mandatory IMO instruments and their amendments into national legislation, including those amendments entering into force under the tacit amendments procedure, was not carried out by the State. There is a lack of personnel to promulgate laws and by-laws for effective implementation and enforcement of the requirements of the mandatory IMO instruments (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; III Code, paragraph 4; III Code, paragraph 8).

Root cause

95 The State did not have sufficient personnel (technical and legal) to prepare national laws effectively in time for implementation. The maritime administration did not have effective procedure in place for tracking changes to IMO instruments for incorporation into national legislation in time which would have ensured appropriate follow-up measures for the transposition and implementation, by the time of their entry into force.

Corrective action

96 The State will provide sufficient resources for transposing IMO instruments to which it is a Party into national legislation. The State will develop a procedure for tracking changes to various IMO instruments and to promulgate national legislation. The State will appoint a body which will develop a scheme for continuous monitoring of the amendments to the mandatory IMO instruments. The amendments will be prioritized according to their envisaged dates of entry into force, analysed and transposed into national legislation, which will ensure that they are enacted and enforceable at the time they enter into force. New Maritime Merchant Shipping Act, including its secondary legislation shall be promulgated. All mandatory IMO instruments shall be incorporated into the secondary legislation during the process. This corrective action will be completed by 1 January 2019.

FD

97 There was objective evidence that records were not readily retrievable and no documented procedures existed to control the identification, storage, protection and retrieval (III Code, paragraph 10).

Root cause

98 The maritime administration did not have an established procedure for record-keeping. Lack of adequate resources and technical know-how to ensure an efficient management of data.

Corrective action

99 The maritime administration will create a document management system, in accordance with the relevant archive laws and regulations of State, which will allow for the electronic storage and retrieval of documents or files. Rules and procedures will be established and enforced and the system will be evaluated and periodically updated. This corrective action will be completed by 31 July 2018.

FD

100 There was objective evidence that the maritime administration did not have an established procedure to continuously improve the measures taken to give full and complete effect to IMO conventions and protocols which the State had ratified, including monitoring of compliance (III Code, paragraph 11).

Root cause

101 The State did not have a policy or requirement including designation of an entity to coordinate and provide oversight for continuous improvement in implementation, enforcement, evaluation and monitoring the entities charged with implementation duties.

Corrective action

102 As part of implementation of a National Maritime Strategy, an entity will be designated to coordinate and provide oversight for continuous improvement in implementation, enforcement, evaluation and monitoring among the organizations charged with implementation duties. Policy and guidelines to monitor and evaluate the implementation and enforcement processes for the mandatory IMO instruments will be developed and appropriate legislation will be established to make the monitoring of these activities mandatory. This corrective action will be completed by 1 January 2019.

FD

103 There was no objective evidence that the State fulfilled its communication of information requirements emanating from the mandatory IMO instruments. There was no evidence to confirm that the format of statutory certificates and initial communication of information under STCW 1978, as amended, had been submitted to IMO (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, regulation I/7; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

104 There is lack of personnel with knowledge of relevant IMO instruments and the absence of procedures, guidance and a comprehensive system in place to meet its obligation to communicate and provide information as required by the mandatory IMO instruments.

Corrective action

105 The maritime administration will allocate a dedicated person and train the individual on all reporting requirements, including reporting to IMO. Guidance on reporting requirements and procedures will be prepared and adopted for reporting to all stake holders. As a mechanism to ensure continuous compliance with this requirement in the future, periodic evaluations will be conducted. This corrective action will be completed by 1 June 2018.

FD

106 Many of the mandatory IMO instruments and their amendments were not transposed into domestic legislation. Furthermore, there were no detailed implementation regulations for the majority of IMO instruments and the few available ones were not updated at least during last four years (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; III Code, paragraph 4; III Code, paragraph 8.1).

Root cause

107 The Merchant Shipping Act (MSA) 2007 has no mandatory provision to bring new international instruments into the Act. The State did not review the MSA 2007 with a view of amending it (every five years) to integrate future ratified IMO instruments. There is no entity in the State responsible for the promulgation of laws pertaining to IMO conventions and future amendments. There is poor access, communication and circulation of legal information within the populace.

Corrective action

108 The State will transpose the following ratified IMO instruments, SOLAS PROT 1988, LL 1966, LL PROT 1988, COLREG 1972 and TONNAGE 1969 into domestic legislation by reviewing and amending MSA 2007 and a related organizational Act, accordingly. The Merchant Shipping Regulations will be further revised/developed to incorporate current amendments to IMO instruments, including the revised mandatory codes. The MSA 2007 will be amended to provide responsibility with respect to amendments. The State will further develop national procedures to provide guidance on steps to be taken, assigning responsibilities to the Ministry in charge of transport and other agencies involved in the maritime administration to bring future IMO instruments and amendments into domestic laws within a given time frame. This corrective action will be completed by 29 December 2019.

FD

109 There were no overall or flag, coastal and port State continuous performance monitoring, as well as no system to formally and periodically evaluate and improve the effectiveness of State (III Code, paragraph 11; III Code, paragraph 13; III Code, paragraph 14).

Root cause

110 Whilst the State has delegated responsibility for implementation and enforcement of IMO instruments to the Maritime Safety Agency, the officiating Ministry did not set targets nor

verify by evaluation if the State was meeting its IMO obligations. Entities within the maritime administration were not aware of their responsibilities.

Corrective action

111 The State will establish a national maritime strategy with procedures to periodically review and evaluate its implementation and enforcement activities as a flag, port and coastal State, based on performance indicators defined and tailored to meet its obligations. The process will be reviewed at the national level for continuous improvement. The entities within the strategy will be mandated to incorporate the strategy into their working documents. This corrective action will be completed by 31 May 2019.

FD

112 The State did not consistently provide IMO with all the reports as required by the mandatory IMO instruments (SOLAS 1974, article III; MARPOL, article 11; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

113 There was a lack of reporting procedures and responsibility was too widely dispersed with no one actually assigned the overall responsibility for ensuring that reporting was completed comprehensively and timely.

Corrective action

114 The State will establish procedures for individual IMO instruments reporting requirements. The IMO reporting procedure will be made a standard procedure to be incorporated into the different entities' QMS by way of a Ministerial circular. This corrective action will be completed by 29 December 2017.

FD

115 There was objective evidence to establish that the enactment of national laws for various mandatory IMO instruments and their amendments (including tacit amendments) were subject to delays and there was a lack of established procedures and commitment from relevant authorities to assist the process (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; III Code, paragraph 4; III Code, paragraph 8; III Code, paragraph 11).

Root cause

116 The legislative process for the enactment of national laws for the various mandatory IMO instruments and their amendments and codes is a complex process within the State. This involves the inclusion of stakeholders' consultations, commentaries and decisions from external parties to the maritime authority. The delay in this enactment is mostly in relation to the numerous submissions that is handled by the Office of the Legislative Council that require a consistent follow-up to see that drafts meet relevant instructions. The State did not have sufficient personal (technical and legal) to prepare national laws effectively in time for implementation.

Corrective action

117 The State will allocate suitable person(s) to oversee the drafting and the reviews of national Bills to ensure that all interested parties concerned are involved and the legislative

process is fast tracked through the various departments and Parliament or the Cabinet, as appropriate, for the legislation to be enacted or gazetted, as necessary, in a timely manner. The Maritime Authority, in consultation with other State entities, will prepare work plans and processes for making national laws and regulations prior to the entry into force date of a new convention or amendments to an existing convention. This corrective action will be completed by 30 December 2018.

FD

118 There was no objective evidence that the State fulfilled its communication of information requirements emanating from the mandatory IMO instruments. Also, there was no evidence that reports, in accordance with MEPC/Circ.318, had been submitted to IMO. There was no evidence to confirm that the format of statutory certificates, as well as report on the evaluation as required by STCW 1978, had been submitted to IMO and to all concerned parties (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, regulation I/8.3; LL 1966, article 26; III Code, paragraph 9).

Root cause

119 The State did not have procedures and a dedicated person appointed for reporting to IMO under the various instruments.

Corrective action

120 The State shall establish a process for communicating information to IMO on the reporting requirements pertaining to the mandatory IMO instruments through the respective department of the maritime authority. The aforementioned existing department will be restructured, with a designated focal point, to be the conduit through which such information will be communicated to IMO. This corrective action will be completed by 30 December 2017.

FD

121 There was objective evidence that records were not readily retrievable and no documented procedures existed to control the identification, storage, protection, retrieval, retention and disposition (III Code, paragraph 10).

Root cause

122 The State did not have an established or formalized management system containing written procedures for the control of documents and the retrieval of records in accordance with the III Code, paragraph 10.

Corrective action

123 The State will establish and implement a management system aligned to international standards and best practices, which will include document management and control. For example, the Administration will endeavour to be certified to ISO standards. This corrective action will be completed by 30 June 2018.

FD

124 The maritime administration had identified nonconformities for improvement, but eliminating those nonconformities was delayed or not implemented (III Code, paragraph 13).

Root cause

125 The commitment placed in addressing the nonconformities had not been met with a sense of urgency. Communication of nonconformities had not been disseminated efficiently to the relevant authorities. The non-availability of national legislations, with provisions to require such action and the absence of trained professionals contributed to this finding.

Corrective action

126 The maritime authority will develop a process and procedures for providing information on nonconformities as and when identified to the relevant authorities and stressing the need to have them rectified. The State will undertake to review the progress on the implementation of the procedures and its effectiveness on a periodical basis. The maritime authority will ensure that the required national regulation will be developed; besides, will recruit suitably qualified professionals and train them to conduct relevant tasks to avoid nonconformities. This corrective action will be completed by 30 July 2018.

FD

127 No independent evaluation had been reported to IMO in accordance with the 1978 STCW Convention (STCW 1978, regulation I/8.3; STCW Code, section A-I/7, paragraph 4; III Code, paragraph 9).

Root cause

128 The legislation incorporating the 2010 Manila Amendments to STCW 1978, which also includes the requirement for independent evaluation, had not been incorporated in the national legislation in time, due to the lack of resource to draft and process the legislation.

Corrective action

129 Following the gazetting of the Merchant Shipping STCW Regulation 2016, an independent evaluation as required by the 1978 STCW Convention, as amended, will be conducted and the report will be communicated to the IMO. This corrective action will be completed by 30 December 2017.

FD

130 The State did not communicate mandatory information to IMO that is derived from the relevant international instruments to which it is a Party, including text of laws, decrees and regulations. Besides, there was no mechanism to ensure the communication of such information (SOLAS 1974, article III; III Code, paragraph 9).

Root cause

131 Lack of awareness of the scope and level of the State's responsibilities regarding the communication requirements to IMO, in particular laws, decrees, and other regulations enacted by the State for the implementation of SOLAS 1974.

Corrective action

132 A formal mechanism and supporting procedures will be developed in order to fulfil the requirements on communication of information to IMO. In addition, the legal department of the

maritime administration will be assigned responsibility for the implementation of the mechanism and procedures. This corrective action will be completed by 31 March 2017.

FD

133 The amendments to the international instruments to which the State is Party and which came into force internationally had not been incorporated into national legislation (SOLAS 1974, article I; SOLAS PROT 1988, article I; III Code, paragraph 8).

Root cause

134 Responsibility for the follow-up and incorporation of SOLAS 1974 amendments, including those that entered into force following the tacit amendment procedure, was not assigned.

Corrective action

135 A department within the maritime administration was appointed to follow-up and incorporate amendments to SOLAS 1974 into national legislation through resolutions of the maritime authority. Besides, procedures will be developed for the implementation of the corrective action. This corrective action will be completed by 31 December 2017.

FD

136 It was confirmed by the Member State that not all the requirements of the applicable mandatory IMO instruments had been enacted into national legislation (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; TONNAGE 1969, article 1; COLREG 1972, article I; III Code, paragraph 8).

Root cause

137 Lack of personnel with maritime expertise in the maritime administration caused the delays in the promulgation of national legislation for the purpose of the effective implementation of the international instruments to which the State is a Party and amendments thereto. The mechanism for transposition of amendments to the mandatory IMO instruments into national law is too demanding in terms of human resources involved.

Corrective action

138 The number of specialized personnel in the maritime administration will be increased in order to ensure that the missing national legislation is elaborated and promulgated. The mechanism for transposing into national law of amendments to IMO instruments will be reviewed and improved with a view to making it more effective. This corrective action will be completed by 31 March 2020.

FD

139 The Member State has not communicated information regarding its national legislation including samples of Certificates to the IMO (III Code, paragraph 9).

Root cause

140 Lack of a documented procedure for the systematic communication of the national legislation to IMO. Clear responsibilities were not assigned among the different State entities.

Corrective action

141 As an immediate action, all national legislation will be communicated to IMO. The Administration will develop a procedure for communication of information, which will be included in its QMS, in order to ensure that all communication requirements stemming from the international instruments are covered. This corrective action will be completed by 31 December 2016.

FD

142 It was confirmed that the availability of personnel with maritime expertise 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 was not sufficient (III Code, paragraph 8.3).

Root cause

143 The State's policy regarding recruitment of qualified personnel, together with the limitations of the State's budget, caused the lack of competent staff within the different governmental agencies involved.

Corrective action

144 The State will increase its workforce of specialized personnel within the different governmental agencies involved in order to fulfil its obligations and responsibilities under the mandatory IMO instruments, including drafting of national legislation and communication of information to IMO according to the respective conventions to which the State is Party. This corrective action will be completed by 31 December 2016.

FD

145 There was no complete system in place to ensure reporting and not all relevant reports were provided to IMO (III Code, paragraph 9).

Root cause

146 Lack of awareness on the extent and level of reporting requirements stemming from the mandatory IMO instruments. The responsibility for submitting mandatory reports to IMO was not clearly defined.

Corrective action

147 Formal written procedures have been developed to ensure that all mandatory reports are submitted to IMO. Responsibilities for reporting to IMO have been assigned and arrangements have been made for ongoing monitoring and review of the communication of information to IMO, with personnel designated to follow up. This corrective action will be completed by 31 January 2017.

FD

148 No independent evaluation has been reported or been carried out since 2009 in accordance with the STCW Convention (STCW 1978, regulation I/8.2; STCW 1978, regulation I/8.3; STCW Code, section A-I/7, paragraph 4; III Code, paragraph 9).

Root cause

149 The responsibility for carrying out independent evaluation was not clearly defined. The Maritime Authority was certified in accordance to ISO 9001 in the past under the previous Ministry, which was cancelled due to frequent change in the organizational structure of the maritime transport department.

Corrective action

150 The maritime administration took decision to officially certify the Authority and STCW Department in accordance to ISO 9001 by the end of 2017. Other corrective actions which are planned by the Authority to monitor quality standards in place include close cooperation between the Quality and STCW Departments to establish and complete all required (missed) procedures to be implemented as per IMO regulations on a priority basis. One internal audit will be organized before the end of 2016 and every 6 months thereafter; one quarterly management review to be organized; and ISO certification will be forwarded to IMO in due time. This corrective action will be completed by 31 December 2017.

FD

151 There was no objective evidence to demonstrate that a process existed for a systematic monitoring of amendments to the mandatory IMO instruments and their entry into force in order to keep the national legislation up to date (III Code, paragraph 8).

Root cause

152 Lack of personnel assigned to this mission and absence of documented procedures for regulatory monitoring.

Corrective action

153 The maritime administration will create and institutionalize a regulatory monitoring unit and establish a documented procedure for monitoring, identifying and using sources of information (e.g. IMODOCS, classification societies, ROs), identify recipients (internal and external), define the regularity of official communication, draw up distribution monitoring forms and will hold periodic meetings. This corrective action will be completed by 31 December 2019.

FD

154 The sanctions established in the national legislation of the State were not severe enough to discourage violation of international rules and standards (MARPOL, article 4(4); III Code, paragraph 8.2).

Root cause

155 The obsolete national legislative and regulatory framework which formed the basis for enforcement of pollution offenses and a lack of regulatory monitoring contributed to this finding.

Corrective action

156 The State will revise the sanctions relating to Merchant Shipping and Environment Codes by adopting provisions that are sufficiently stringent to deal with offenses relating to marine pollution. This corrective action will be completed by 31 December 2019.

FD

157 The provisions of the mandatory IMO instruments to which the State is Party were not systematically promulgated into national legislation. As a consequence, they were not given full and complete effect in terms of general, flag, coastal and port State obligations and responsibilities (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; LL 1966, article 1; TONNAGE 1969, article 1; COLREG 1972, article I; III Code, paragraph 8.1).

Root cause

158 Lack of formal procedures in national legislation for the promulgation of international treaties to which the State is Party.

Corrective action

159 The Ministry responsible for merchant shipping will ensure that a procedure is put in place by the Ministry of Foreign Affairs to provide it with all documentation relating to the Parliamentary laws of ratification and to the decrees of promulgation by the State of the international maritime conventions. The Ministry will also ensure that the IMO conventions that have been duly ratified and their amendments are transposed into national legislation and the ratification and promulgation text will be archived and kept by the Maritime Administration. This corrective action will be completed by 31 December 2018.

FD

160 The State had not fulfilled its obligations regarding communication of information to IMO. It was established that the Administration did not put in place a system to guarantee the communication of mandatory reports to IMO. In particular, information required by STCW 1978, including the independent evaluation, was not communicated to IMO (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulation I/7; STCW 1978, regulation I/8.3; LL 1966, article 26; III Code, paragraph 9).

Root cause

161 Lack of documented procedures for identifying and communicating the required information and mandatory reports to IMO, lack of training in the use of GISIS modules and lack of systematization, collection and monitoring of relevant information.

Corrective action

162 The Maritime Administration will develop a documented procedure for identifying the information and mandatory reports to be transmitted to IMO and will determine the method and periodicity of this communication. The IMO Web Accounts Administrator, designated by the State for the management of the GISIS accounts, will follow-up and regularly monitor the status of the GISIS modules and assess the compliance with the procedure. In-house training for the use of GISIS modules will be conducted. This corrective action will be completed by 30 June 2018.

FD

163 There was no objective evidence to demonstrate that the maritime administration had established and maintained a record-keeping system to provide evidence of conformity to requirements of the mandatory IMO instruments to which the State is Party (III Code, paragraph 10).

Root cause

164 Lack of regulatory requirements and documented procedures to systematize records management.

Corrective action

165 The Maritime Administration will develop and implement a document management system that includes documented procedures for identifying records and defining storage and protection methods and their conservation. A responsible official will be appointed to monitor the system and compliance with the procedures. This corrective action will be completed by 30 June 2018.

FD

166 Transposition of the mandatory IMO instruments and their amendments into national legislation, including those amendments entering into force under the tacit amendments procedure, was often not carried out prior to their entry into force. There was a lack of personnel to promulgate laws and by-laws for effective implementation and enforcement of requirements of the mandatory IMO instruments (SOLAS 1974, article I; MARPOL, article 1; III Code, paragraph 8.1; III Code, paragraph 8.3).

Root cause

167 The lack of proper procedure and insufficient staff to make all laws and by-laws for the effective implementation and enforcement of the mandatory IMO instruments. Also, in accordance with the measures on rationalization of staff in the maritime administration, the number of employees was reduced.

Corrective action

168 The Ministry responsible for maritime affairs will adopt a new Rulebook on internal organization and job classification. Within the department responsible for safety of navigation, a special organizational unit will be established, which will be responsible for preparing and implementing a procedure for drafting laws when there is a new IMO instrument or an amendment to a convention to be transposed into national legislation, including those amendments entering into force under the tacit amendments procedure. The number of employees that will work on these tasks will be gradually increased. This group will be responsible for tracking of amendments to the mandatory IMO instruments and for preparing the rulebook for statutory certification of seagoing ships, which will incorporate applicable parts of the requirements. This corrective action will be completed by 30 June 2017.

FD

169 There was no objective evidence that the State fulfilled all communication of information requirements emanating from the mandatory IMO instruments (SOLAS 1974, article III; MARPOL, article 11; LL 1966, article 26; STCW 1978, regulation I/7.4; STCW 1978, regulation I/8.3; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

170 Absence of a procedure and insufficient number of employees in the Ministry responsible for maritime transport.

Corrective action

171 The Ministry will develop a procedure and determine the organizational unit that will be responsible for the identification of all reporting requirements to IMO and preparation of the reports. That organizational unit will update relevant modules in GISIS and prepare other reports required under relevant mandatory IMO instruments for submission to IMO through the Ministry. This corrective action will be completed by 1 January 2018.

FD

172 There was evidence that records were not available and readily retrievable and no documented procedure was in place for control identification, storage, protection, retrieval, retention and disposition of records (III Code, paragraph 10).

Root cause

173 Due to the fact that QMS covered only processes related to the implementation and enforcement of STCW 1978, there was a lack of specific policy for control identification, storage, protection, retrieval, retention and disposition of records.

Corrective action

174 The Ministry responsible for maritime transport will adopt and implement a documented procedure for control, identification, storage, protection, retrieval, retention and disposition of records. This corrective action will be completed by 1 January 2018.

FD

175 Transposition of applicable mandatory IMO instruments and their amendments into national legislation, including those amendments entering into force under the tacit amendments procedure, was not carried out prior to their entry into force. A legal basis for the enforcement of the national legislation, including the associated investigative and penal processes was not adequate. There was no system in place for reviewing new amendments adopted by IMO, including those entering into force under the tacit amendment procedure, in order to ensure their timely transposition into national legislation. The maritime administration did not have sufficient personnel with maritime expertise 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 (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; LL 1966, article 1; III Code, paragraph 8).

Root cause

176 A comprehensive mechanism for the transposition, implementation and updating of national legislation, including enacting those amendments entering into force under the tacit amendments procedure, was not given institutional priority. The competing priorities at the government drafting office impacted the development and promulgation of maritime related legislation. Lack of awareness and knowledge of the requirements of the relevant IMO instruments, including the non-availability of qualified and competent personnel have contributed gravely to this finding.

Corrective action

177 Transposition of mandatory IMO instruments into the national legislation will be prioritized, which will also ensure appropriate provisions are provided for enforcement

measures and penalties. The existing mechanism in the State for ratification of IMO conventions and for the adoption of new amendments will be validated, with a view to enable the State to introduce appropriate national legislation in a timely manner. Procedures within the administrative system of the responsible government entities will be modified to clarify roles and responsibilities for reporting to IMO. National capacity building and outreach programmes between enforcement agencies and key associated agencies will be facilitated to harmonize implementation of national legislation, including its efficient functioning. Reorganization of the Maritime Safety Administration is being considered to facilitate optimal governance of maritime administration. A supervisory mechanism will be established to oversee and monitor the administration of the mandatory IMO instruments. This corrective action will be completed by 31 December 2018.

FD

178 With the exception of Maritime Authority, other government entities involved in the implementation and enforcement of IMO instruments did not have in place a record-keeping system based on a documented procedure which defines the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records. There was evidence that the system of Maritime Authority was not effectively implemented, as several survey and inspection records were not readily retrievable (III Code, paragraph 10).

Root cause

179 The State's record-keeping systems appear to be insufficient. The record-keeping system, including the conditional record retention period, is not uniform across all departments. With the exception of the Maritime Safety Administration, which had recently established a QMS, there was a lack of understanding of record-keeping process, as required by the III Code. The unavailability of competent human resource in the Maritime Safety Administration, lack of training and untraceable past records, had a hindering effect on the current QMS.

Corrective action

180 The Maritime Safety Administration has a QMS, which includes a procedure for record-keeping, which will be established within the associated agencies. Training programmes, internal audits, capacity building programmes and table top exercises will be undertaken within the maritime administration and associated stakeholders, with the primary aim of setting up an efficient documents management system, covering all areas of operation relating to the mandatory IMO instruments. This corrective action will be completed by 31 December 2017.

FD

181 The State was not able to fulfil its obligations regarding communication of information to IMO under the applicable mandatory IMO instruments (e.g. information on text of laws, orders, decrees and regulations; details of ROs; specimen of certificates; port reception facilities; exemptions). It was established that the maritime administration did not have in place a mechanism, including policies, assigned responsibilities and instructions, as necessary, to ensure collection of relevant information and communication of mandatory reports to IMO (SOLAS 1974, article III; MARPOL, article 8; MARPOL, article 11; STCW 1978, article IV; LL 1966, article 26; III Code, paragraph 9).

Root cause

182 Responsibilities related to the requirements for mandatory reporting to IMO have not been clearly defined under national legislation and/or internal procedures. Lack of awareness, inadequate understanding of IMO instruments, including lack of coordination between associated agencies and insufficient competent human resource, are other notable contributory reasons.

Corrective action

183 The relevant government entities will work collectively to formulate a clear procedure to ensure that mandatory reports are sent to IMO. Procedures within the administrative system of the responsible government entities will be amended to clarify the roles and responsibilities of reporting to IMO, which would include the full text of laws and national legislation that shall be promulgated on the various matters, within the scope of the mandatory IMO instruments. Each entity will be tasked to designate personnel responsible for entering information into GISIS system or to provide it in another applicable format. Procedures within QMS will be established for communicating to IMO all information as required under the relevant IMO conventions. This corrective action will be completed by 31 December 2018.

FD

184 It was established that no mechanism or procedures were in place for monitoring, reviewing and improving the measures taken to give effect to the applicable mandatory IMO instruments and enforcement of national legislation (III Code, paragraph 11; III Code, paragraph 13).

Root cause

185 Due to the absence of national legislation, there is currently no oversight or compliance mechanism in place to monitor improvements. There is a stark absence of a legal basis for harmonization of the various legal mandates of several government agencies involved in the adoption, implementation and enforcement of IMO instruments. Inadequacy of competent staff has exacerbated this deliverable.

Corrective action

186 The State is in the process of reviewing national legislation to incorporate all mandatory IMO instruments and their amendments to which the State is a Party, including a monitoring mechanism to identify future amendments, their implementation and enforcement needs. The establishment of systems to align the maritime administration to the ministries concerned with the monitoring, reviewing and improving the measures for implementation and enforcement of the mandatory IMO instruments is being discussed on priority basis, including the designation of a focal point in each entity for the relevant IMO instrument. Representatives assigned to attend IMO missions from the department of transport or from any other associated agency will provide mission reports to the Department responsible for transport. This corrective action will be completed by 31 December 2018.

FD

187 The State had insufficient personnel with legal expertise on maritime matters to assist in the promulgation of national legislation in order to discharge its responsibilities, including reporting, as required by the respective conventions (III Code, paragraph 8.3).

Root cause

188 Lack of maritime-related expertise on legal matters within the maritime administration has caused delays in promulgating national legislation necessary for giving effect to the international instruments to which the State is Party. Lack of awareness among entities within the maritime administration of their respective areas of responsibilities in giving effect to the international instruments to which the State is Party.

Corrective action

189 The related legislation will be amended to give effect to international obligations of the State, to demarcate the responsibilities of respective government entities and will outsource the preparation of national legislation to give effect to the provisions of the IMO Conventions to which the State is a Party before its enactment into national legislation. The State has also sought technical assistance for the development of national legislation from IMO. A Merchant Shipping Notices will be issued to all stakeholders informing them of the need to comply with all statutory requirements stemming from the mandatory IMO instruments until relevant national legislation have been promulgated. This corrective action will be completed by 19 December 2018.

FD

190 It was established that mandatory reporting to IMO, as required by several IMO instruments, had not been carried out (SOLAS 1974, article III; SOLAS 74, regulation I/4b; MARPOL, article 11; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

191 Roles and responsibilities within the entities responsible for the promulgation of laws pertaining to the implementation of IMO conventions, as well as for reporting to IMO, were not clearly defined.

Corrective action

192 The roles and responsibilities of the government's entities have been clearly defined and will be kept under review through a special Committee. All mandatory reports will be communicated to IMO on a periodic basis, including required updates in GISIS. Procedures in QMS of relevant State entities will be amended to clarify the roles and responsibilities for reporting to IMO within the scope of the mandatory IMO instruments to which the State is Party. This corrective action will be completed by 30 June 2017.

FD

193 There was no objective evidence that regulation had been developed and promulgated or amendments incorporated into national law for the implementation and enforcement of the requirements of the mandatory IMO instruments (SOLAS 1974, article I; MARPOL article 1; LL 1966, article 1; III Code, paragraph 8.1; III Code, paragraph 8.2).

Root cause

194 Insufficient resources within the maritime administration caused delays in promulgation of national legislation. Moreover, a lengthy procedure in the legal system, which requires legislation to be enacted in three languages, imposes heavy burden on the State.

Corrective action

195 The related legislation will be amended to incorporate provisions of the mandatory IMO instruments. The national legislation to give effect to the provisions of the IMO Conventions to which the State is a Party will be enacted. The State will speed up the transposition of amendments to IMO instruments into national legislation by assigning dedicated staff to follow IMO amendments and by establishing a procedure within all involved entities, in consultation with the Attorney General's department, in order to streamline lengthy legislative procedures and avoid delays. The maritime administration will recruit qualified individuals who will assist in the drafting of relevant national legislation. It will also seek professional assistance where necessary, including IMO technical assistance, for the development of national legislation. This corrective action will be completed by 19 December 2018.

FD

196 No documented procedure existed to define the controls needed for the identification, storage, protection, retrieval, retention and disposition of records (III Code, paragraph 10).

Root cause

197 Lack of a QMS to ensure achievement of defined objectives, including controls needed for identification, storage, protection, retrieval, retention and disposition of records.

Corrective action

198 A QMS, with documented procedures to define the controls needed for the identification, storage, protection, retrieval, retention time, and disposition of records will be implemented in the relevant government entity. This corrective action will be completed by 1 July 2018.

FD

199 The State was not able to fulfil its obligations regarding communication of mandatory information to IMO, e.g. legislation and investigation reports. It was established that the maritime administration did not have a mechanism that ensured communication of mandatory reports to IMO (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

200 Lack of documented procedure for the communication of mandatory information to IMO and insufficient human resources to complete this task.

Corrective action

201 The maritime administration will communicate mandatory information to IMO and will develop a documented procedure for communication of this information. A staff member will be designated who will ensure that the required information is communicated, including uploading and keeping it up to date in GISIS, where appropriate. This corrective action will be completed by 30 June 2017.

FD

202 The provisions of the relevant instruments were not, in general, transposed into national legislation after publication of the decrees of ratification. Thus, the provisions of amendments entering into force under the tacit amendment procedure and those provisions of the mandatory IMO instruments that were left to the satisfaction of the Administration were not integrated into the national legislation and therefore were not given full and complete effect (SOLAS 1974, article I; MARPOL, article 1; III Code, paragraph 8).

Root cause

203 Lack of legal basis for the tacit acceptance of the mandatory IMO instruments and absence of a regulatory monitoring process and dissemination of information to the concerned governmental entities.

Corrective action

204 The State will:

- .1 promulgate the new Merchant Shipping Code, which will transpose the provisions of the mandatory IMO instruments and their amendments;
- .2 establish a regulatory monitoring process to identify amendments to mandatory IMO instruments and transpose them into national law; and
- .3 develop and implement the missing regulations and interpretations of the provisions of the mandatory IMO instruments, which are left "to the satisfaction of the Administration".

This corrective action will be completed by 31 January 2017.

FD

205 There was no objective evidence to demonstrate that a process for monitoring new amendments to the relevant mandatory IMO instruments adopted at IMO was implemented by the State, as a basis for keeping the national legislation up to date (III Code, paragraph 8).

Root cause

206 Lack of an administrative structure, personnel and documented procedures to ensure monitoring of newly adopted mandatory IMO instruments and their amendments.

Corrective action

207 The responsible entity of the State will establish a regulatory monitoring unit, with sufficient number of competent personnel and will develop and implement a documented procedure to ensure monitoring of the amendments to the mandatory IMO instruments entering into force, in order to keep the national legislation updated. This corrective action will be completed by 30 June 2017.

FD

208 The number of personnel in the maritime administration was not commensurate to the responsibilities assigned to them for the promulgation of national legislation (III Code, paragraph 8.3).

Root cause

209 Lack of human resources and absence of a recruitment plan.

Corrective action

210 The State will develop a recruitment plan and strengthen the human resources of the maritime administration by recruiting specialist personnel to assist in the promulgation of the national maritime legislation. In addition, a training programme for the new personnel will be established. This corrective action will be completed by 31 December 2017.

FD

211 The State had no provisions in its national legislation to impose appropriate sanctions in order to discourage ships, flying the flag of the State, from infringing regulations and international standards and to discourage seafarers to whom the certificates or endorsements were issued under its authority from violating regulations (STCW 1978, regulation I/5; III Code, paragraph 8).

Root cause

212 Lack of sufficient knowledge of the legislation and a lack of regulatory monitoring.

Corrective action

213 The maritime administration will conduct a thorough analysis of the mandatory IMO instruments in terms of penalties to be imposed. The new legal entity will ensure regulatory monitoring and the new Merchant Shipping Code will provide provisions on sanctions to be imposed. This corrective action will be completed by 31 December 2017.

FD

214 There was no objective evidence to demonstrate that the maritime administration established a culture providing opportunities for improvement of performances in maritime safety and environment protection activities. The maritime administration has not taken measures to identify and to eliminate the cause of nonconformities to prevent their recurrence (III Code, paragraph 11; III Code, paragraph 12; III Code, paragraph 13).

Root cause

215 Lack of understanding of the obligations of the III Code and a lack of culture and analysis tools to identify and eliminate the cause of nonconformities.

Corrective action

216 The maritime administration will implement a policy of analysis and continuous improvement of measures taken within the framework of the mandatory IMO instruments to which the State is a Party and ensure the promotion of maritime culture by conducting training

activities, promotion of the profession, national and international exercises and reward mechanisms for seafarers. This corrective action will be completed by 31 December 2017.

FD

217 The amendments to mandatory IMO instruments adopted by the tacit amendment procedure had been implemented and enforced on a practical basis and were not incorporated into national legislation, nor were there related policies or guidance available to surveyors. The current practice had resulted in ROs being mandated to ensure compliance with the amendments by ships flying the flag of the State, as of the date of entry into force globally of the amendments concerned. This lack of national law/regulation to implement and enforce the amendments hindered the imposition of penalties for non-compliance with the related international instruments (SOLAS 1974, article I; MARPOL, article 1; MARPOL, article 6(3); LL 1966, article 1; TONNAGE 1969, article 1; COLREG 1972, article I; III Code, paragraph 8).

Root cause

218 Due to the absence of specialized personnel, a proper policy, procedures and legal basis, the maritime administration could not deal with the various amendments to the IMO instruments, including the tacit amendments, in a systematic way. This situation led to delays in the enactment of the amendments to IMO instruments into the national legislation.

Corrective action

219 The maritime administration will develop a new policy in its quality system in order to address the implementation and enforcement of the amendments, including the tacit amendments, to the various IMO Regulations and Codes to which the State is a Party. This will include enforcement provisions regarding penalties for non-compliance. Furthermore, this policy will establish a mechanism to issue appropriate executives orders/circulars and will contain provisions to ensure its effectiveness, follow-up and evaluation. This corrective action will be completed by 1 April 2018.

Observations (OB)

220 The existing Maritime Strategy 2008-2013 had not been continuously reviewed and updated with a view to improving the State's overall organizational performance and capability as a flag, port and coastal State. There was no established methodology to monitor and assess that the strategy ensures effective implementation and enforcement of the relevant international mandatory IMO instruments (III Code, paragraph 3).

Root cause

221 Lack of an overall strategy including all elements as per III Code and lack of awareness of the requirements related to the overall maritime strategy.

Corrective action

222 The maritime administration will implement the following corrective actions:

- .1 The new Transport Strategy and Action Plan, which includes the Maritime Transport Strategy of the State, has been approved by the Council of Ministers. In addition, technical assistance for drafting an overall strategy including all elements as per III Code will be requested.

- .2 An inter-ministerial working group from all the ministries involved in maritime issues will be established for monitoring, reviewing, updating and implementing the strategy in accordance with the established methodology.

This corrective action will be completed by 15 June 2019.

OB

223 None of the documents relating to the maritime strategy, which were in effect, took into account the mandatory IMO instruments and neither determined the purpose and methods for improving the implementation of all provisions of relevant mandatory IMO instruments ratified by the State (III Code, paragraph 3).

Root cause

224 Lack of knowledge of the provisions of the III Code and the State of Action at Sea strategy was based on security matters omitting the international obligations of the State in fields of maritime safety and marine pollution prevention.

Corrective action

225 A maritime strategy, taking into account the requirements of the mandatory IMO instruments in accordance with paragraph 3 of the III Code will be developed together with all national maritime stakeholders. This corrective action will be completed by 31 December 2018.

OB

226 The State had not developed an overall strategy to ensure that its international obligations and responsibilities as flag, port and coastal State were met (III Code, paragraph 3).

Root cause

227 Lack of understanding of the scope and of the level of requirements of paragraph 3 of the III Code.

Corrective action

228 The overall maritime strategy of the State will be developed, taking into account the requirements of the mandatory IMO instruments in accordance with paragraph 3 of the III Code. Its gradual implementation will be assigned to the different entities concerned and performance indicators and an annual performance evaluation will be integrated as part of the strategy. This corrective action will be completed by 1 July 2017.

OB

229 An overall strategy was not developed to ensure that the State's international obligations and responsibilities as a flag State are met. Although a monitoring mechanism was in place for various activities of the Ministry responsible for maritime affairs, it was not used to monitor and assess the effectiveness in implementation and enforcement of the relevant IMO instruments. In addition, there was no system in place for review of the effectiveness of the State and for continuous improvement of its performance and capability as a flag State (III Code, paragraph 3).

Root cause

230 Given the fact that the State is a landlocked country with no seagoing ship on its registry since 2001, it was not considered a priority to develop an overall maritime strategy.

Corrective action

231 The Ministry responsible for maritime affairs will develop a working policy, which will contain a strategy for maritime issues, to ensure that the obligations and responsibilities as a flag State are met. The Maritime and Inland Navigation Unit of the Ministry will prepare the input to include an overall strategy on maritime transport into the next amendment of the National Transport Strategy. This corrective action will be completed by 31 December 2019.

OB

232 The maritime authority strategy that was derived from the overall transport strategy for the period 2015 to 2018 did not cover all the mandatory provisions incumbent upon the State, particularly activities related to port State (e.g. dangerous goods and reception facilities), and those of coastal State (e.g. aids to navigation and hydrographic services) (III Code, paragraph 3).

Root cause

233 Lack of understanding of the full scope and level of requirements of paragraph 3 of the III Code relating to overall strategy.

Corrective action

234 The existing maritime authority strategy will be revised and amended in order to achieve its compliance with all relevant provisions of the III Code, in particular to highlight the mechanism for implementation and enforcement of the requirements of the relevant mandatory IMO instruments, including the areas of port State (e.g. dangerous goods and reception facilities) and coastal State activities (e.g. aids to navigation and hydrographic services). The new overall maritime strategy will establish an effective mechanism for the State to evaluate its effectiveness in meeting its international obligations under the mandatory IMO instruments to which the State is Party. The State will adopt this amended strategy and communicate it to all concerned national entities to ensure its effective implementation. This corrective action will be completed by 31 December 2018.

OB

235 It was established that the State had developed an overall strategy for the period 2015-2019. However, no performance evaluation measures were envisaged and implemented. Furthermore, the actions deriving from the strategy did not cover all the mandatory provisions incumbent upon the State, particularly activities related to port State (e.g. dangerous goods), and those of coastal State, (e.g. radiocommunication services and danger messages) (III Code, paragraph 3).

Root cause

236 Lack of understanding of the scope and of the level of requirements of paragraph 3 of the III Code and lack of consultation and agreement with all stakeholders.

Corrective action

237 The overall maritime strategy will be updated and completed with a policy statement and will take into account the requirements of the mandatory IMO instruments in accordance with paragraph 3 of the III Code, including port State activities. Its gradual implementation, will be assigned to the different concerned entities of the State and the performance indicators and an annual performance evaluation will be integrated as part of the strategy. This corrective action will be completed by 31 December 2016.

OB

238 It was established that the strategy developed by the State did not cover all of its obligations and responsibilities under the mandatory IMO instruments to which it is a Party. There was no objective evidence that the strategy had been evaluated (III Code, paragraph 3).

Root cause

239 The strategy regarding maritime transportation is contained in the Government's Action Plan under the Road and Transport Sector. However, the maritime administration did not brief the Ministry of Road and Transport Development on the requirement under IMO mandatory instruments and the State's Strategy did not fully reflect the requirement of III Code. No evaluation and reviews were carried out in the absence of the requirement of III Code on the Strategy, although other strategies of the State were reviewed and evaluated.

Corrective action

240 The maritime administration will appraise the Ministry responsible for transport on the requirement of the strategy under the III Code and the Ministry will incorporate the requirement of the III Code in the "Development Policy and Planning" document giving effect to the implementation of IMO instruments to which the State has become a Party. The State will communicate the strategy to relevant authorities in its efforts to promote maritime safety and protection of the marine environment. The State will develop a procedure to evaluate and review its strategy on the implementation of the mandatory IMO instruments on an annual basis. The updated strategy shall be incorporated as a plan in the performance agreement, which will be concluded with the Minister. Performance agreement shall be evaluated on a quarterly and semi-annual basis. This corrective action will be completed by 31 December 2017.

OB

241 The State did not have or implement an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met (III Code, paragraph 3).

Root cause

242 A draft overall strategy document exists, however, follow-up public and upper management presentation as required by public legal protocol was yet to be completed, thus causing delay to the establishment of the National Policy.

Corrective action

243 A National Maritime Transport Policy will be developed to include a strategy for the implementation and enforcement of IMO instruments to which the State is a Party.

A Presidential approval mandating the State's maritime administrative entities (Ministries, Departments and Agencies) to adopt the Policy as a working document shall be obtained after having met the necessary requirements. This corrective action will be completed by 29 December 2017.

OB

244 The State had not developed a proper overall strategy to ensure that its international obligations and responsibilities as a flag, coastal and port State were met (III Code, paragraph 3).

Root cause

245 The National Strategy and the Transport Strategy, which came into effect in July 2014, did not fully reflect the requirement of III Code which came into effect on 1 January 2016.

Corrective action

246 The strategy, as required by the III Code, will be reflected in an update to the National Strategic Document giving effect to the implementation of IMO instruments that the State has ratified. The State will communicate this Strategy to relevant authorities in its efforts to promote maritime safety and protection of the marine environment. The State will evaluate and review its Strategy on the implementation of the mandatory IMO instruments on an annual basis. This corrective action will be completed by 30 December 2018.

OB

247 The State had not implemented an overall strategy in order to ensure that its international obligations and responsibilities as a flag, State are met. In addition, a methodology to monitor and assess that the strategy ensured effective implementation and enforcement of relevant mandatory IMO instruments was not established (III Code, paragraph 3.1; III Code, paragraph 3.2).

Root cause

248 The strategy was recently developed and was pending approval. A methodology for its implementation, monitoring and evaluation was still under consideration.

Corrective action

249 Once the strategy is approved by the highest decision-making body, its implementation and subsequent elaboration of a methodology for evaluation and review will be carried out. This corrective action will be completed by 31 December 2017.

OB

250 The Member State has not developed an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met (III Code, paragraph 3.1).

Root cause

251 Due to diversification of institutional priorities, there was delays in establishing a national maritime strategy for implementation and enforcement of applicable mandatory IMO instruments.

Corrective action

252 The State will, through the six government entities responsible for the effective implementation and enforcement of IMO instruments in the areas of flag, coastal and port State activities, develop a maritime strategy according to the provisions of the III Code in order to ensure full compliance with its international responsibilities. This corrective action will be completed by 31 July 2017.

OB

253 It was established that the State had not developed an overall strategy to ensure that all its obligations and responsibilities under the mandatory IMO instruments to which it is a Party are met. The Strategy established by the State did not cover all obligations under the mandatory IMO instruments to which the State is a Party. There were no objective evidence of evaluation of the Strategy developed by the State for the period from 2015 to 2025 (III Code, paragraph 3).

Root cause

254 The State's Strategy on Development of Waterborne Transport from 2015 to 2025 was developed not fully recognizing the importance of including a mechanism for the fulfilment of all obligations and responsibilities under mandatory IMO instruments.

Corrective action

255 The Ministry responsible for maritime transport will propose amendments to the State's Strategy on Development of Waterborne Transport from 2015 to 2025. The amendments will include all the relevant provisions of the III Code to reflect respective obligations and responsibilities under the mandatory IMO instruments. The overall strategy will be a mechanism for the State to evaluate its effectiveness in meeting its international obligations under the relevant IMO conventions, including:

- .1 methods for establishing competence and areas of responsibility for entities involved in the State's maritime activities;
- .2 clear lines of authority of each entity leading to an overall coordinating body, with a mandate for all maritime activities;
- .3 process and procedures for determining each entity's performance against its areas of responsibility and the overall organizational performance of those entities involved in implementation and enforcement of the mandatory IMO instruments;
- .4 a derived system therefrom to monitor, evaluate and improve the performance of the maritime administration as a flag State coastal and port State; and
- .5 policies and related implementing vehicles, including action plans, road maps, management systems and quality standards, as well as related resource requirements.

This corrective action will be completed by 1 June 2017.

OB

256 It was established that the State had not developed an overall strategy covering all its obligations and responsibilities under the applicable mandatory IMO instruments and including a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of applicable mandatory instruments, as well as a mechanism for continuous review of the strategy to ensure improvement of the overall organizational performance and its capability as a flag, port and coastal State (III Code, paragraph 3).

Root cause

257 The State was focused on developing its national domestic trade and regulations pertaining to home trade. There was inadequate emphasis and direction towards the international maritime sector. There was insufficient awareness of the need for a strategic document to give guidance and direction to all relevant sectors and concerned partners with regard to fulfilling the obligations and responsibilities under the applicable mandatory IMO instruments.

Corrective action

258 The State is in the process of developing a maritime policy, which will ultimately include an overall maritime strategy, as required by the III Code, to give full and complete effect to the mandatory IMO instruments to which the State is Party. This corrective action will be completed by 31 December 2017.

OB

259 The State could not provide evidence of monitoring and assessing that the strategy ensures effective implementation and enforcement of relevant international mandatory IMO instruments and that it was continuously reviewed to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State (III Code, paragraph 3.2; III Code, paragraph 3.3).

Root cause

260 There was no Maritime Strategic Plan established before April 2016.

Corrective action

261 The Maritime Strategic Plan will be reviewed annually by the Maritime Affairs Integration Committee in accordance with its evaluation and review procedure. This corrective action will be completed by 31 October 2017.

OB

262 It was established that the State had developed a five-year overall strategy for the period 2016-2020 with related performance indicators. However, no regular assessment of performance using these indicators was established. Moreover, the strategy did not contain activities of the State in its capacity as flag and port State (III Code, paragraph 3).

Root cause

263 Lack of understanding of the scope and level of the requirements of paragraph 3 of the III Code.

Corrective action

264 The maritime strategy of the State will be updated, taking into account the requirements of the mandatory IMO instruments in accordance with paragraph 3 of the III Code. Its gradual implementation will be assigned to the different concerned entities of the State and performance indicators and an annual performance evaluation will be integrated as part of the strategy. This corrective action will be completed by 30 June 2017.

OB

265 The State had developed an overall strategy to ensure that its international obligations and responsibilities as flag, coast and port State are met. Nevertheless, the documentation submitted was not sufficiently robust to ensure that new or amended provisions that needed to be transposed into national legislation were to be identified and addressed (III Code, paragraph 3.2; III Code, paragraph 3.3).

Root cause

266 The overall strategy had been recently adopted by the State to ensure fulfilment of its obligations and responsibilities as flag, coastal and port State as set out in IMO conventions. Therefore, the key performance criteria, as well as assessments and analyses of necessary follow-up actions in order to ensure effective implementation and/or enforcement of national legislation could not be fully verified at the time of the audit.

Corrective action

267 The maritime administration will improve the implementation process by increasing the cooperation among the governmental agencies involved and by including the overall strategy in their quality system. Besides, they will develop an annual internal audits programme and a systematic review process and documentation system in order to ensure the implementation and enforcement of its international obligations and responsibilities as flag, coastal and port State. This corrective action will be completed by 1 October 2017.

FLAG STATE ACTIVITIES

Findings (FD)

268 No objective evidence could be submitted that the State had issued national legislation and guidance to assist in the implementation and enforcement of the requirements of the MARPOL Convention, or that certificates issued were only for those annexes to which the State is a Party (III Code, paragraph 15.1).

Root cause

269 Lack of technical capacity, inadequate organization and insufficient financing for amendments to, and implementation and enforcement of, the MARPOL Convention. Lack of monitoring of RO by the Administration.

Corrective action

270 A road map and action plan will be developed by the Administration for the transposition of the latest amendments to MARPOL and new legislation, including secondary legislation, will be drafted for effective implementation of MARPOL. The Administration will authorize the RO to issue certificates according to the latest amendments of MARPOL and the

Administration will strengthen its monitoring of RO in that respect. This corrective action will be completed by 31 October 2019.

FD

271 There was no objective evidence that the Administration had administrative instructions in place to implement applicable international rules and regulations as well as developing and disseminating any interpretative national regulations that was needed, including the issuance of certificates issued by a classification society (III Code, paragraph 16.1).

Root cause

272 There were no policies in place on issuing written procedures and administrative instructions within the Administration and responsibilities were not assigned.

Corrective action

273 Administrative instructions and guidance for flag State inspectors and RO surveyors on the implementation of international rules will be drafted by the Administration. An in-house training programme will be developed to improve competence of flag State inspectors and RO surveyors, including the completion of checklists and reports, for implementation of the new legislation. This corrective action will be completed by 30 September 2019.

FD

274 It was observed that the Administration did not handle in a timely and effective manner the cases where ships were detained by port State control (PSC) in foreign ports. Furthermore, it could not be demonstrated that the Administration took appropriate corrective measures in order to bring the ship in question into immediate compliance with the applicable international instruments (III Code, paragraph 25).

Root cause

275 Lack of a programme and administrative instructions.

Corrective action

276 An order will be issued by the Administration, setting the appropriate programme of measures to be taken by the Administration to prevent the detention of ships flying the flag of the State in foreign ports, including a plan of corrective actions for rectification of deficiencies in case of a detention, as well as a mechanism to ensure continuous compliance. Administrative instructions will be provided for guidance of the flag State inspectors in performing their job. This corrective action will be completed by 30 September 2018.

FD

277 The Administration was unable to demonstrate that it evaluates on a periodical basis its performance with regard to the implementation of administrative processes, procedures and recourses necessary to meet its obligations as required by the instruments to which the State is a Party (III Code, paragraph 42).

Root cause

278 Lack of a structured monitoring programme for the evaluation of performance of flag State activities by the Administration.

Corrective action

279 The Administration will carry out a yearly evaluation of the performance of administrative processes taking into account the measures and areas for review stated in paragraphs 43 and 44 of the III Code, respectively, in order to determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations. An annual plan for further development will be drafted and approved by the Administration every February. This corrective action will be completed by 28 February 2017.

FD

280 It could not be demonstrated that the Administration had arranged for the development, documentation and provision of guidance concerning those requirements found in the relevant international instruments that are left "to the satisfaction of the Administration" (SOLAS 1974, regulation II-1/3-6.2.3; COLREG 1972, annex I, paragraph 14; COLREG 1972, annex III, paragraph 3; III Code, paragraph 16.5).

Root cause

281 The Administration did not have an adequate number of personnel with maritime expertise to assist in the development of necessary administrative instructions and technical guidance for those items that are left "to the satisfaction of the Administration" in IMO instruments.

Corrective action

282 The Administration will request technical assistance from relevant institutions for drafting interpretative national rules related to those requirements that are left "to the satisfaction of the Administration" in relevant IMO instruments. The Administration has hired additional personnel with maritime expertise for drafting legal acts for implementation of IMO instruments and for assisting in the development of administrative instructions and guidelines covering the items left "to the satisfaction of the Administration" in IMO conventions. An in-house training programme for improving competence in the implementation of those guidelines will be developed. This corrective action will be completed by 30 September 2019.

FD

283 A statutory certificate issued in accordance with the LL 1966 made reference to the LL Protocol 1988, whilst the State was not a Party to the latter instrument. Furthermore, it was observed that the requirements for the issuance or endorsement of the certificate concerned were not complied with (III Code, paragraph 26).

Root cause

284 The Administration had not issued any administrative instructions to the RO with regard to surveys under instruments to which the State is not Party.

Corrective action

285 The Administration will start the procedures to accede to the 1988 SOLAS Protocol, and the 1988 Load Lines Protocol and will incorporate related requirements into national legislation. Guidance on surveys under the both Protocols will be issued. This corrective action will be completed by 30 September 2019.

FD

286 There was no evidence that the Administration had:

- .1 determined that the RO had adequate resources in term of technical, managerial and research capabilities;
- .2 a formal written agreement with the RO containing the minimum requirements; and
- .3 established or participated in an oversight programme

(SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; III Code, paragraph 18.1; III Code, paragraph 18.2; III Code, paragraph 20).

Root cause

287 Lack of legal basis for the delegation of authority to RO and for carrying out monitoring of the RO.

Corrective action

288 The Administration will implement the following corrective actions:

- .1 plan of actions will be developed and legislative initiatives drafted on the establishment of a current government entity as an RO for ships flying the flag of the State; material will be prepared for enacting the Code for recognized organizations (RO Code) into national law; and a regulation on authorization of RO will be issued;
- .2 a formal written agreement will be concluded between the Administration and RO, including all elements as stated in the RO Code; and
- .3 an oversight programme with adequate resources for monitoring of, and communication with the RO will be established, including auditing of the RO by the Administration.

This corrective action will be completed by 30 September 2019.

FD

289 No information was available to confirm the implementation of the provisions of MARPOL Convention regarding the control of offshore drilling rigs (MARPOL, Annex I, regulation 39.2.2; III Code, paragraph 16.2).

Root cause

290 The following factors contributed to this finding:

- .1 the offshore drilling rigs were not registered under the flag of the State;
- .2 there was a lack of collaboration and coordination between the Ministry of Transport and the Ministries in charge of environment and hydrocarbons; and

- .3 the national legislation and the contracts with oil companies are not covering maritime safety and pollution prevention aspects applicable to offshore drilling rigs.

Corrective action

291 The maritime administration will implement the following actions:

- .1 the Ministerial Council will be informed of the State's responsibilities under the mandatory IMO instruments dealing with offshore drilling rigs and strengthening the collaboration among the State entities responsible for marine pollution prevention;
- .2 national legislation will be updated to impose the registration of offshore drilling rigs and their compliance with laws, rules, national and international regulations related to maritime safety and pollution prevention; and
- .3 a national seminar on safety, inspection and pollution prevention and control of offshore drilling rigs will be organized with assistance from IMO.

This corrective action will be completed by 31 December 2019.

FD

292 The Administration was not in a position to apply the requirements of the 1978 STCW Convention and STCW Code to prevent fatigue or the use of drugs or alcohol (STCW 1978, regulation VIII/1.1; III Code, paragraph 16.3.5).

Root cause

293 Absence of knowledge of the regulations due to the lack of monitoring of regulatory development.

Corrective action

294 The Administration will develop administrative instructions taking into account the requirements of STCW 1978 on the prevention of fatigue and the use of drugs and alcohol on board ships registered under the flag of the State. This corrective action will be completed by 31 December 2017.

FD

295 The Administration did not ensure that certificates and endorsements that were issued could be withdrawn, suspended or cancelled when necessary (III Code, paragraph 16.3.4).

Root cause

296 Absence of knowledge of the regulations due to the lack of monitoring of regulatory development and the absence of legislation of the mandatory IMO instruments to which the State is Party.

Corrective action

297 The following actions will be implemented:

- .1 the Administration will provide a regulatory monitoring framework, develop and implement national legislation and guidelines on the withdrawal, suspension and cancellation of certificates and visas. A procedure for monitoring national seafarers and foreign holders of certificates and visas will be established; and
- .2 the future Directorate of regulation will ensure continuous regulatory monitoring.

This corrective action will be completed by 31 December 2019.

FD

298 The Administration did not give any particular instructions to the RO on actions to be followed in the event that a ship was unfit to proceed to sea without danger to the ship or persons on board or present any danger to the marine environment (III Code, paragraph 18.3; III Code, paragraph 20).

Root cause

299 Lack of legal provisions regarding the authorization of ROs and lack of knowledge of the mandatory IMO provisions applicable in the case of the delegation of authority.

Corrective action

300 The Administration will review the current agreement with one RO, develop and implement a national legislation to comply with the relevant IMO provisions governing the authorization of the ROs to act on behalf of the Administration. This corrective action will be completed by 31 March 2018.

FD

301 It was noted that the responsibilities and functions of all personnel involved in ship safety, especially in ship inspection, as well as relations between the different entities were not clearly defined and documented (III Code, paragraph 28).

Root cause

302 The responsibilities and authority of the personnel involved were not defined and the current legislation remained incomplete.

Corrective action

303 The Administration will reinforce and implement a national legislation for the inspection of ships and formalize the procedures of ship safety and environmental protection, especially by defining:

- .1 responsibilities and authority of personnel involved in ships safety;
- .2 ships inspection procedures and record of inspections results; and
- .3 relations between the different entities.

This corrective action will be completed by 31 December 2017.

FD

304 There was no evidence to indicate that a system existed for updating qualifications and training programmes for ship surveyors (III Code, paragraph 35).

Root cause

305 Lack of ongoing specialized training programme for ship surveyors.

Corrective action

306 The Administration will implement a documented system for the training of surveyors and the continuous updating of their qualifications to strengthen their capabilities and will recruit personnel with a maritime background. This corrective action will be completed by 31 December 2019.

FD

307 The Administration did not apply all the Casualty Investigation Code requirements, in particular:

- .1 there was no text to regulate the practice or which gave the necessary powers to investigators;
- .2 investigations were not conducted with the required impartiality as they were triggered by the Administration and carried out by ship surveyors; and
- .3 investigation reports were not published.

(Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 38; III Code, paragraph 41).

Root cause

308 Lack of knowledge of the regulations and non-transposition into national legislation of the mandatory IMO instruments, including impartiality in the conduct of accident investigations.

Corrective action

309 The following actions will be implemented:

- .1 the Administration will create and establish an independent body to ensure the conduct of maritime casualty investigations and sensitize relevant competent national authorities, during the Ministerial Council, on the State responsibilities and obligations with regard to marine casualty or marine incident; and
- .2 the Administration will develop and implement legislation transposing the requirements of the Casualty Investigation Code.

This corrective action will be completed by 30 September 2020.

FD

310 The Administration had not implemented any guidance to facilitate the implementation and compliance with the requirements of all conventions and protocols relating to safety and pollution prevention to which the State is a Party. In addition, the division of responsibilities among government entities in charge of implementing and monitoring compliance of mandatory IMO instruments had not been clearly defined and documented (III Code, paragraph 15).

Root cause

311 The absence of a legal basis by the non-transposition into national legislation of the mandatory instruments to which the State is a Party, and the lack of appropriate and qualified technical and legal experts have contributed significantly to this finding.

Corrective action

312 The maritime administration will update the Merchant Shipping and Environment Code and its implementing legislation and apply directives that facilitate the implementation and monitoring of the requirements of all the conventions and protocols relating to safety and pollution prevention to which the State is a Party. In addition, the maritime administration will assign and document responsibilities of the governmental entities responsible for the implementation and monitoring of compliance with the mandatory IMO instruments and of personnel assigned to these tasks. This corrective action will be completed by 31 December 2017.

FD

313 The Administration had not established any procedures to set up a monitoring programme comprising of administrative instructions for the application of rules and an audit and inspection programme. In addition, the requirements of the international instruments which were left to the satisfaction of the Administration had not been documented with appropriate guidance or approved interpretations (III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.5).

Root cause

314 Lack of understanding of the mandatory provisions of the III Code and a lack of regulation and administrative instructions for implementing an independent audit and inspection programme.

Corrective action

315 The national legislation will be amended in order to establish resources and procedures capable of administering a safety and environmental protection programme. The Administration will develop and implement administrative instructions and will put in place an independent system for audit and inspections in order to ensure an effective implementation of the rules and standards made mandatory by the relevant IMO instruments, including the interpretations left to the satisfaction of the Administration. This corrective action will be completed by 1 March 2017.

FD

316 The Administration had not implemented a documented system for qualification of personnel and continuous updating of their knowledge for the tasks they were authorized to carry out (III Code, paragraph 35).

Root cause

317 The Administration had not developed any national qualification standards nor any programme for specialized training and for updating the knowledge of personnel.

Corrective action

318 The Administration will develop qualification standards for flag State surveyors and other personnel assisting in the performance of such work and implement a documented system for training of surveyors and continuous updating of their skills to strengthen their capacity and will recruit personnel with maritime background. This corrective action will be completed by 31 December 2017.

FD

319 There was no evidence that the State systematically conducted an investigation following a marine casualty or pollution incident that occurred on board ships flying the flag of the State, as well as:

- .1 there was no evidence that the accident investigations were conducted by investigators with appropriate qualifications and knowledge of issues related to casualties;
- .2 under the current national legal framework, the inspector conducting the statutory surveys was also responsible for investigations, which does not fully guarantee the impartiality of the accident investigations; and
- .3 no accident investigation report was submitted to IMO by the Administration

(SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); Casualty Investigation Code, paragraph 1.3; Casualty Investigation Code, paragraph 4.1; Casualty Investigation Code, paragraph 6.2; Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.1; III Code, paragraph 23.1; III Code, paragraph 24.5; III Code, paragraph 38; III Code, paragraph 41).

Root cause

320 Lack of knowledge of the regulations and absence of documented procedures for conducting accident investigations. The Administration has no administrative structure to ensure impartiality of investigations and no trained personnel responsible for conducting accident investigations.

Corrective action

321 The following actions will be implemented:

- .1 the Administration will develop and implement regulations and procedures for conducting safety and pollution accident investigations. The regulations will ensure impartiality in the conduct of the investigations and will be

developed in accordance with the requirement of the casualty Investigation Code (resolution MSC.255 (84)); and

- .2 the Administration will develop a recruitment plan and put in place a training programme for its personnel to build appropriate expertise and knowledge on issues related to accidents investigation.

This corrective action will be completed by 31 March 2017.

FD

322 The Administration had not conducted any periodic performance assessment or review to meet its obligations under the mandatory IMO instruments as a flag State (III Code, paragraph 42).

Root cause

323 Lack of a culture to periodically evaluate or review the performance and a lack of human resources.

Corrective action

324 The Administration will develop and implement a regular framework to institutionalize, on a periodic basis, a documented assessment and review programme of its performance in flag State activities. A database covering flag State activities and a monitoring committee will be established. This corrective action will be completed by 30 September 2017.

FD

325 The RO agreement with Russian Maritime Register of Shipping (RMRS) did not include all the minimum elements as required by the RO Code (RO Code, section 2, paragraph 1.2 and appendix 3; III Code, paragraph 18.2; III Code, paragraph 18.3).

Root cause

326 The RO agreement was from 2003 and was not renewed since then because of the limited capacity of the Administration. It was not considered as a priority.

Corrective action

327 The RO agreement with the RMRS is under revision and the new agreement is awaiting the approval and signature of RMRS. The provisions of the new agreement will include the minimum elements required by the RO Code. This corrective action will be completed by 30 June 2017.

FD

328 It was established that the Administration did not have a policy for developing, documenting and providing interpretations and guidance concerning those requirements that are left "to the satisfaction of the Administration" in relevant mandatory IMO instruments (III Code, paragraph 16.5).

Root cause

329 As the priority of the Administration was inland navigation and EU legislation, a policy relating to the implementation of IMO instruments was not developed.

Corrective action

330 The Administration will develop a documented procedure as a basis for monitoring and implementing the mandatory IMO instruments and, in particular, for addressing those requirements that are left to "the satisfaction of the Administration" in the mandatory IMO instruments. The Administration will issue guidelines to fulfil the respective requirements as a flag State. This corrective action will be completed by 31 December 2019.

FD

331 There was no objective evidence to demonstrate that the State had comprehensive policy to assist in the implementation and enforcement of national legislation, rules and regulations to give full and complete effect to the provisions of applicable mandatory instruments to which the State is a Party (III Code, paragraph 15.1).

Root cause

332 The Administration has no comprehensive policy in place to assist the State in the implementation and enforcement of national legislation, rules and regulations to give full and complete effect to the provisions of applicable mandatory instruments to which the State is a Party.

Corrective action

333 The Administration will develop and implement a comprehensive policy where processes, procedures, guidelines, standard checklists and performance indicators will be established and incorporated into the Administration's QMS, in order to define and assign responsibilities, set evaluation standards, methodologies, and give full and complete effect to the applicable mandatory instruments to which the State is a Party. This corrective action will be completed by 31 December 2018.

FD

334 The Administration did not establish an oversight programme nor provide adequate resources for monitoring the survey and certification activities delegated to ROs and persons acting on its behalf and there was no objective evidence indicating that ROs had been duly assessed in accordance with the required standards of the RO Code. In addition, the established agreements were not in accordance with the provisions of the RO Code such as specific instructions detailing action to be followed in the event that a ship is found unfit to proceed to sea without danger to the ship or persons on board (SOLAS 1974, regulation I/6; SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; III Code, paragraph 18.1; III Code, paragraph 20).

Root cause

335 Lack of resources and absence of comprehensive ROs oversight process in the Administration's QMS contributed to a lack of systematic approach in the oversight of ROs.

Corrective action

336 The new law will enact the RO Code and related circulars to the Code will be issued. Policies, guidelines and documented procedures will be developed and implemented to cover the entire RO Code requirements, including ROs' assessment, evaluation, recognition and oversight programme. The existing agreements will be reviewed and brought in line with the RO Code provisions and the Administration will provide the necessary resources to fulfil its obligations. This corrective action will be completed by 31 December 2018.

FD

337 The Administration had no legal provisions to impose sanctions to dissuade ships entitled to fly the flag of the State from infringements of the regulations and international standards of the mandatory IMO instruments (III Code, paragraph 22.7).

Root cause

338 The Decree of 2002 establishing the Administration and the Law No.46 of 2006 are establishing very limited sanctions and penalties to discourage violations of international rules and standards of the mandatory IMO instruments.

Corrective action

339 The new law will transpose all mandatory IMO instruments into national legislation and will include adequate penal provisions to discourage violations of international rules and standards. This corrective action will be completed by 31 December 2019.

FD

340 The Administration did not establish a documented training programme for its flag State surveyors, for continuous updating of their knowledge to the tasks they are authorized to undertake (III Code, paragraph 35).

Root cause

341 Although the Administration nominated surveyors to participate in a number of training courses, workshops and drills at both national and international level, the Administration did not put in place a documented and comprehensive policy to assist in the systematic recruitment and qualification of the flag State surveyors, including continuous updating of their knowledge.

Corrective action

342 A documented system will be developed and included in QMS in order to formally adopt an integrated comprehensive policy guiding the Administration in the recruitment processes, nomination, employment and continuous training and updating of knowledge of flag State surveyors. A formal surveyor's continuous training matrix will be developed and implemented based, in particular, on evaluation of surveyors' knowledge and the need to continuously upgrade their knowledge in all relevant areas of the mandatory IMO instruments. Completing at least one IMO instrument training course, available online courses and/or participating in other training courses and workshops annually will be included in the systematic training programme for all surveyors. This corrective action will be completed by 31 December 2019.

FD

343 The measures that are implemented in casualty investigations did not comply with the Casualty Investigation Code, especially regarding the independence and impartiality of investigators, including the decision to open an investigation, reporting to IMO and release of reports to the public (SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.2; III Code, paragraph 38; III Code, paragraph 41).

Root cause

344 The Casualty Investigation Code was not transposed into national legislation and the Administration was unaware of the requirement to make casualty investigation available to the public.

Corrective action

345 The Administration will transpose and implement relevant provisions of resolutions MSC.255(84) and A.1075(28) on the Casualty Investigation Code and related guidelines, respectively, and will establish and implement policies and procedures to address relevant issues. The impartiality of casualty investigations will be ensured by using exclusive accident investigators duly trained and supported by adequate resources and logistics, as well as by ensuring there is no interference in their line of reporting on the results of the investigation, in accordance with the provisions of the Casualty Investigation Code. Recommendations from the final investigation report will be duly disseminated to the public and communicated to IMO through GISIS and periodic evaluation and review will be performed as required by the III Code. This corrective action will be completed by 1 July 2017.

FD

346 There was no system in place for the Administration to periodically evaluate its performance in respect of administrative processes, procedures and resources necessary to meet its obligation and responsibilities under the mandatory IMO instruments as a flag State (III Code, paragraph 42).

Root cause

347 Lack of procedure in place for periodic evaluation and review of performance in flag State activities.

Corrective action

348 A procedure and guidelines for annual evaluation and review of performance in flag State activities will be developed and implemented in the actual QMS of the Administration. This corrective action will be completed by 31 December 2017.

FD

349 There were no interpretations available for the provisions of the mandatory IMO instruments which were left to the satisfaction of the Administration (SOLAS 1974, regulation II-1/3-6.2.3; TONNAGE 1969, annex 1, regulation 5(3)(b); III Code, paragraph 16.5).

Root cause

350 Lack of regulatory monitoring process and absence of legal basis defining the interpretations left to the satisfaction of the Administration.

Corrective action

351 The Administration will amend the existing Merchant Shipping Code and the implementing legislation defining the interpretations left to the satisfaction of the Administration, will be developed and applied. A regulatory monitoring process will be implemented and interpretations required by the mandatory IMO instruments will be published. This corrective action will be completed by 31 December 2017.

FD

352 The Administration had not taken any measures to recognize certificates issued under the authority of another Party to STCW 1978, even though there were seafarers holding Certificates of Competence issued by another Party serving on board seagoing ships as defined by the 1978 STCW Convention and operating under the jurisdiction of the State (STCW 1978, regulation I/10; III Code, paragraph 16.3.5).

Root cause

353 Absence of understanding of the regulations and a lack of legal basis, documented procedures and personnel training for effective implementation of the provisions of STCW 1978.

Corrective action

354 The Administration will develop and implement necessary legislation and a documented procedure setting the conditions for issuing certificates of recognition in order to ensure that the mandatory provisions of STCW 1978 have been observed. A training programme for personnel dealing with seafarers will be developed and implemented. This corrective action will be completed by 31 March 2018.

FD

355 Apart from the general duties contained in the Decree related to the organization of the Ministry, the Administration had not recorded in writing the responsibilities and obligations for all its personnel that managed, performed and verified the activities related to safety and pollution prevention (III Code, paragraph 15.2; III Code, paragraph 28).

Root cause

356 The institutional and regulatory organization does not expect the responsibilities and authority of personnel to be documented in an administrative act of any kind.

Corrective action

357 The decree establishing provisions for the Ministry and the organization of its administration will be amended in order to record in an administrative act the responsibilities and authority of personnel of the Merchant Marine Directorate. This corrective action will be completed by 31 March 2017.

FD

358 The Administration did not ensure that its surveyors were adequately trained and had not implemented a documented system for qualification of personnel and continuous updating of their knowledge based on a training programme (III Code, paragraph 24.5; III Code, paragraph 35).

Root cause

359 Insufficient personnel with qualifications required by the mandatory instruments, lack of documented procedures to monitor the qualifications and the updating of the knowledge of surveyors, as well as the delegation of authority to commissioned companies.

Corrective action

360 The Administration will develop and implement regulations, documented procedures for ship inspections, and put in place a training programme for its personnel to build appropriate expertise and competent knowledge on issues related to ship surveys. This corrective action will be completed by 31 January 2018.

FD

361 There was no objective evidence demonstrating that there were administrative instructions to implement international rules and standards by means of an independent audit or inspection programme (III Code, paragraph 16.1; III Code, paragraph 16.2).

Root cause

362 Lack of regulation and lack of administrative instructions for implementing an independent audit or inspection programme.

Corrective action

363 The Merchant Shipping Code will be amended in order to establish resources and procedures capable of administering a safety and environmental protection programme. The Administration will develop and implement administrative instructions and will put in place an independent system for audit and inspections in order to ensure an effective implementation of the rules and standards made mandatory by the relevant IMO instruments. This corrective action will be completed by 31 December 2017.

FD

364 By concessional agreement, the State delegated authority to a company to carry out statutory work on its behalf. This agreement was not in accordance with the provisions of the RO Code (SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; III Code, paragraph 18.2).

Root cause

365 Lack of legislation and understanding of the mandatory provisions of the RO Code and a lack of human resources and technical capacity to carry out an oversight programme of ROs. The concession agreement between the Ministry responsible for fisheries and a public entity was concluded before the entry into force of SOLAS 1974 amendments.

Corrective action

366 The Administration will develop and implement a legislation governing the delegation of authority of the State and authorization of ROs, strengthen its human resources with qualified personnel, develop and implement documented procedures for monitoring of ROs and communicating with them, as well as exercise its authority to conduct additional surveys in order to ensure that ships authorized to fly the flag of the State comply with the international mandatory requirements. The existing agreements between the Administration and ROs will all be revised to ensure compliance with the mandatory provisions applicable to the delegation of authority and authorization of ROs. This corrective action will be completed by 31 December 2017.

FD

367 There was no evidence that the State systematically conducted an investigation following a marine casualty or pollution incident that occurred on board ships flying the flag of the State:

- .1 there was no evidence that the accident investigations were conducted by investigators with appropriate qualification and knowledge of issues related to casualties; and
- .2 no accident investigation report was submitted to IMO by the Administration

(SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); III Code, paragraph 38; Casualty Investigation Code, paragraph 1.3; Casualty Investigation Code, paragraph 14.1; III Code, paragraph 41).

Root cause

368 Lack of knowledge of the regulations and absence of documented procedures for conducting accident investigations. The Administration has insufficient qualified personnel and no financial resources helping to fulfil its responsibilities for conducting accident investigations.

Corrective action

369 The Administration will develop and implement regulations and procedures for conducting accident investigations, will restructure the "Accident-Investigation" unit, strengthen its human resources and put in place a training programme for its personnel to build up appropriate expertise and competent knowledge on issues related to accident investigations. This corrective action will be completed by 31 May 2017.

FD

370 The Administration had not carried out any periodic evaluation or review of its performance to fulfil its obligations under the applicable mandatory IMO instruments as a flag State (III Code, paragraph 42).

Root cause

371 Lack of a culture to periodically evaluate or review the performance and delegation of authority in terms of flag State surveys to a private company.

Corrective action

372 The Administration will develop and implement a regular framework to increase the number of its personnel and institutionalize, on a periodic basis, a documented assessment and review programme of its performance in flag State activities. A database covering flag State activities and an audit programme will be implemented. This corrective action will be completed by 31 March 2018.

FD

373 The Administration did not establish processes and procedures, including administrative instructions, for those maritime activities within its purview (III Code, paragraph 16.1).

Root cause

374 There was a considerable delay in incorporating the mandatory IMO instruments, including amendments due to insufficient resources and late acceptance of IMO instruments, as well as the lack of awareness to monitor amendments adopted through the tacit amendment procedure. There was an unclearly defined instruction and procedure, the complexity of the national legal process, and, in some cases, legal analysis of the obligations was insufficient or inappropriately timed and the obligation to translate the relevant resolutions and all the national legislative acts into national language were the source of the delay.

Corrective action

375 The Administration will issue the necessary policy and guidelines for the implementation of those mandatory IMO instruments that have not been incorporated into the national legislation, pending the incorporation of those IMO instruments and their amendments into national legislation. A legal procedure will be developed and implemented for enactment of national laws for various mandatory IMO instruments, codes and amendments adopted through the tacit amendment procedure to existing and future mandatory IMO Instruments. Sufficient resources will be provided for making legislations, rules, implementation and translations. Working instructions and procedures, including training programme to improve personnel competence, to implement guidance for monitoring amendments adopted through the tacit amendment procedure to existing mandatory IMO instruments will be established between the maritime administration and the ship registry. This corrective action will be completed by 1 January 2019.

FD

376 The Administration had not developed legislation, policies and guidelines to ensure that ships entitled to fly the flag of the State are sufficiently and efficiently manned under SOLAS 1974, taking into account resolution A.1047(27) (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

377 Due to the lack of understanding and resources, the legal framework for the implementation of the 1978 STCW Convention, as amended' and resolution A.1047(27) had not been incorporated into national legislation and therefore personnel were unable to implement and enforce the provisions on ships entitled to fly the flag of the State.

Corrective action

378 The State will take immediate steps to incorporate the 1978 STCW Convention, as amended, and resolution A.1047(27) into the new Merchant Shipping Act. In the interim, a ministerial directive shall make them mandatory for ships entitled to fly the flag of the State. In addition, the duties and responsibilities of personnel will be clarified and the accountability system will be improved. A training programme will be conducted for all involved with the ship registry on these requirements. A designated official responsible for monitoring the implementation of STCW 1978 shall be appointed. This corrective action will be completed by 1 June 2018.

FD

379 The Administration did not have a policy and procedure for developing, documenting and providing guidance on interpretation concerning those requirements that are left "to the satisfaction of the Administration". There was no specific requirement for fitting of type-approved equipment on ships entitled to fly the flag of the State and no procedure for granting exemptions (SOLAS 1974, regulation IV/14.1; SOLAS 1974, regulation V/18.1; MARPOL, Annex I, regulation 14.6; MARPOL, Annex IV, regulation 9.1; III Code, paragraph 15.1; III Code, paragraph 16.5).

Root cause

380 There was a lack of experienced personnel within the Administration to identify those requirements on which interpretive national provisions had to be developed, and to develop and promulgate the required laws, by-laws, policies and procedures for effective implementation and enforcement of the requirements of the mandatory IMO Instruments.

Corrective action

381 Upon the implementation of the new Merchant Shipping Law of the State, full implementation and enforcement of IMO Instruments will be adopted. A dedicated regulatory unit will be created, with functions and procedures to maintain a scheme for monitoring, analysing and generating standards for those provisions of the mandatory IMO instruments that are left "to the satisfaction of the Administration", and to prepare directorial decisions dealing with such provisions, including any existing IMO performance standards. Training will be provided to personnel to undertake the duties of implementing this requirement. In addition, a policy and procedures, including regularity framework, will be developed for evaluating the requirements of Type Approval of equipment required by IMO instruments and the granting of exemption. This corrective action will be completed by 1 January 2019.

FD

382 There was objective evidence indicating that ROs had not been duly assessed in accordance with the required standards for ROs acting on behalf of the Administration before signing the formal authorization agreements. In addition, the Administration had not provided specific instructions to ROs on actions to be taken in the event that a ship was found unfit to proceed to sea without danger to the ship or persons on board, or is found to present a threat of harm to the marine environment (SOLAS 1974, regulation XI-1/1; SOLAS 1974, regulation I/6; MARPOL, Annex I, regulation 6; MARPOL, Annex II, regulation 8; MARPOL, Annex IV, regulation 4; LL 1966, article 13; TONNAGE 1969, article 6; RO Code, part 3, section 7.1.1; III Code, paragraph 18.1; III Code, paragraph 18.2; III Code, paragraph 18.3).

Root cause

383 The Administration did not have sufficiently qualified and trained technical staff to evaluate ROs in accordance with the RO Code (resolution MSC.349 (92) prior to concluding the agreement on delegation of authority with the ROs. Resolution MSC.349 (92) was not made mandatory under the law of the State.

Corrective action

384 The regulation concerning the delegation of authority to ROs shall be prepared in line with the RO Code for further enforcement. The duties and rights of ROs shall be clarified in the new regulation. The Administration will provide sufficiently qualified and trained personnel for evaluating and monitoring of ROs. A procedure will be adopted for regular monitoring of the operations of the ROs acting on behalf of the Administration. This corrective action will be completed by 1 January 2019.

FD

385 The State did not have any legal basis, guidelines and procedures for conducting investigations of accidents and incidents involving personal injuries and death occurring on board ships entitled to fly the flag of the State and some of the investigations carried out were not made public, nor were they reported to IMO. No independent qualified and trained investigators were retained by the State (SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); LL 1966, article 23; Casualty Investigation Code, paragraph 1.3; Casualty Investigation Code, paragraph 6.2; III Code, paragraph 38; III Code, paragraph 41).

Root cause

386 Due to lack of resources, procedures and the legal framework for conducting casualty investigations and making the Casualty Investigation Code mandatory for ships entitled to fly the flag of the State had not been established. There was lack of personnel trained in casualty investigations and no procedures had been established.

Corrective action

387 Sufficient resources will be provided for establishing the legal basis and procedure for conducting casualty investigations, including making the Casualty Investigation Code mandatory and enforceable. Special attention shall be given to preparing and training casualty investigation officers. The report of casualty investigations conducted will be uploaded onto GISIS and made public, while implementing the recommendations contained therein. This corrective action will be completed by 1 January 2019.

FD

388 There was no evidence to indicate that the Administration had established or participated in an oversight programme with adequate resources to carry out supplementary surveys and inspections of ships entitled to fly the flag of the State in order to secure observance of international rules and standards by such ships (III Code, paragraph 20.2; III Code, paragraph 20.3).

Root cause

389 There were no regulations within the existing Ship Registration Regulation and Sea Exploitation Law of the State concerning the periodic inspections of ships flying the flag of the

State, and no regulations relating to the delegation of authority to ROs. Since the Administration lacks trained flag State inspectors, few inspections had been carried out periodically on high risk ships.

Corrective action

390 The regulation concerning the delegation of authority to ROs will be prepared in line with the RO Code for further enforcement. The duties and rights of ROs shall be clarified in the new regulation. A policy and procedure will be established for regular monitoring of the operations of ROs acting on behalf of the Administration. The Administration will appoint sufficiently qualified and trained independent surveyors with good knowledge of the relevant laws and familiar with the national and international regulations to carry out supplementary surveys of ships entitled to fly the flag of the State. This corrective action will be completed by 1 January 2019.

FD

391 It was established that the Administration did not have guidance or mechanism in place to ensure appropriate corrective measures were taken to bring a ship entitled to fly the flag of the State into compliance with applicable international instruments when the ship had been detained by port State control (III Code, paragraph 25).

Root cause

392 Lack of regulations, procedures and sufficient resources within the Administration to ensure that ships entitled to fly the flag of the State is brought into immediate compliance with the applicable IMO instruments if they are detained by PSC overseas.

Corrective action

393 The Administration shall develop the legal framework procedures regarding monitoring and enforcement of approved regulations in terms of taking corrective measures to bring ships entitled to fly the flag of the State that are detained by port States into compliance with the relevant IMO instruments. Procedures will be developed and mandatory requirements put in place for ship Masters and ship managers of ships entitled to fly the flag of the State to report directly to the Administration immediately when a ship is detained by PSC for corrective measures to be taken. A system will be developed to closely cooperate with the classification society of the detained ship. The Administration will appoint sufficiently qualified and trained independent surveyors with good knowledge of the relevant laws and familiarity with the national and international regulations to carry out follow up inspection after a detention of a ship by PSC. This corrective action will be completed by 1 January 2019.

FD

394 It was established that penalties were not specified under the maritime law of the State or any other document in order to enforce the requirements and discourage violations of international laws, rules and standards by ships entitled to fly the flag of the State and there was a lack of the ability to institute proceedings against those ships found to have violated international rules (III Code, paragraph 22.5; III Code, paragraph 22.6).

Root cause

395 The penalty clauses were not included in the relevant laws as current laws are outdated.

Corrective action

396 The penalty clauses will be included in the new Merchant Shipping Act and its secondary legislations. The enforcement of penalty clauses to the newly approved law will be monitored by an entity to be appointed by the Administration. This corrective action will be completed by 1 January 2019.

FD

397 There was evidence to confirm that flag State inspections were not always carried out by authorized inspectors. The Administration did not have a documented system for the qualification for its surveyors/inspectors, nor a programme for training of newly recruited surveyors/inspectors and continuous updating their knowledge, as appropriate, to the tasks they were authorized to undertake. There was evidence to confirm that no identification was provided to surveyors/inspectors to determine the authorization granted to perform their task (III Code, paragraph 35; III Code, paragraph 37).

Root cause

398 There were no established training systems and retraining procedures for technical staff within the Administration. The guidelines on the recruitment of flag State surveyors, their training and retraining did not fully comply with the requirements of the III Code. Requirement of issuing of identity documents for flag State surveyors was not a national requirement.

Corrective action

399 The regulations governing the training programme for flag State surveyors will be updated and kept under review in order to include the programme for initial training and continuous updating of knowledge for officers who perform functions as flag State surveys. The programme will include a system of targeted annual refresher training for surveyors. A documented procedure and structured training programme will be developed for training of new surveyors and refresher training for existing surveyors. Surveyors with proper qualification and adequate training will be provided with identification document to conduct flag State inspections. This corrective action will be completed by 31 December 2018.

FD

400 The Administration had not ensured that appropriate number of qualified personnel was available with the necessary maritime expertise needed to implement and enforce the provisions of the relevant mandatory IMO instruments as a flag State (III Code, paragraph 24).

Root cause

401 The Administration had not carried out an evaluation on the number of ships in the fleet to establish the required number of flag State surveyors necessary to conduct surveys.

Corrective action

402 The Administration will conduct an evaluation and review to establish the number of flag State surveyors required for carrying out regular flag State inspection. Flag State surveyors with proper qualification and adequately trained shall be appointed to conduct flag State inspection. This corrective action will be completed by 31 December 2018.

FD

403 There was no system in place for the Administration to periodically evaluate its performance in respect of the implementation of administrative processes, procedures and resources necessary to meet its obligations and responsibilities under the mandatory IMO instruments as a flag State (III Code, paragraph 42).

Root cause

404 The Administration was unaware of the requirement of evaluation and review of its activities previously and therefore no procedure or mechanism was in place for evaluation and review.

Corrective action

405 In the maritime strategy to be formulated, procedures will be included for periodical review and evaluation of functions in the area of flag State activities, based on performance indicators defined to measure the effectiveness in implementation and enforcement of the IMO instruments and recommendations, in order to identify and implement measures for continual improvement. The result of the periodic review will be reported twice a year to the Ministry of Transport, which will evaluate the performance in the area of flag State activities regarding compliance with the conventions to which the State is a Party. This corrective action will be completed by 30 November 2018.

FD

406 There was no objective evidence to demonstrate that the Administration had ensured that ships of less than 400 gross tonnage are equipped, as far as practicable, to retain oil or oily mixtures on board or discharge them in accordance with the requirements of MARPOL (MARPOL, Annex I, regulation 15.6.2; III Code, paragraph 15).

Root cause

407 There was lack of knowledge and capacity to promulgate laws and by-laws for effective implementation and enforcement of the requirements of MARPOL on board all ships, irrespective of their size.

Corrective action

408 Regulation, guidance and procedure to require that ships of less than 400 gross tonnage are designed and equipped to retain on board oil or oily mixtures or discharge them ashore will be prepared in line with relevant provision of MARPOL 73/78. The designated official responsible for monitoring the implementation of MARPOL Convention shall be appointed for implementation and enforcement. This corrective action will be completed by 1 January 2019.

FD

409 The Administration did not fully ensure that ships entitled to fly the flag of the State were in compliance with the mandatory IMO instruments due to the absence of an inspection programme and that the ship's complement could effectively coordinate activities in an emergency situation (III Code, paragraph 22.4; III Code, paragraph 22.3; III Code, paragraph 22.2).

Root cause

410 There is a lack of properly qualified and trained flag State surveyors

Corrective action

411 The Administration will recruit properly qualified flag State surveyors and update their knowledge through training and retraining programmes. The inspection procedures, guidelines including checklists for flag State surveyors will be prepared and approved, which will include the requirements of detail inspection of a ship depending on the type and the conduct of safety drills on board during the inspection. This corrective action will be completed by 20 May 2018.

FD

412 There was objective evidence to confirm that ships entitled to fly the flag of the State had not complied with the safety of navigation provisions as per SOLAS Chapter V (SOLAS 1974, regulation V/1.4; SOLAS 1974, regulation V/19-1.2.1; III Code, paragraph 15.1).

Root cause

413 There was a lack of awareness of LRIT requirement and lack of personnel to promulgate laws and by-laws for effective implementation and enforcement of the requirements of the mandatory IMO instruments.

Corrective action

414 Awareness programme on LRIT requirement will be conducted within the Administration. National legislation, policy and guidance to implement LRIT requirement shall be prepared and implemented on board all applicable ships entitled to fly the flag of the State. This corrective action will be completed by 31 October 2018.

FD

415 The State did not fully guarantee the completeness and efficiency of the inspections and surveys due to the absence of or updated national laws, policies, procedures and administrative instructions. It also did not ensure the necessary arrangements to satisfy this obligation, including clear assignment of responsibilities within the departments responsible for inspections and surveys (SOLAS 1974, regulation I/6; MARPOL, Annex I, regulation 6; LL 1966, article 13; TONNAGE 1969, article 6; III Code, paragraph 15; III Code, paragraph 16).

Root cause

416 The State established the Maritime Safety Agency in 2007, but failed to conduct resource audit to determine its obligational needs. Error of perception at the formative stage of the Agency prioritized support resource above technical resourcefulness. The need for a centralized QMS was not seen as a priority tool for efficient, cost effective corporate governance to be accorded attention.

Corrective action

417 In addition to the corrective action plan on updating the Merchant Shipping Act 2007, the direct reference approach will be adopted in transposing mandatory IMO Codes and technical amendments into national legislation. A QMS will be established within the Maritime Safety Agency to include all relevant policy frameworks that will strengthen the State in

exercising its flag, port and coastal State maritime obligations. Relevant legislations and guidelines will be updated to empower the surveyors to detain ships for non-compliance. This corrective action will be completed by 29 November 2019.

FD

418 The State did not comply with the criteria for the selection, qualification and training of its surveyors (III Code, paragraph 28; III Code, paragraph 34; III Code, paragraph 35; III Code, paragraph 36).

Root cause

419 The State's existing programme, procedures and processes for selection, nomination, employment, qualification and training of surveyors were based on initial stage of engagement only. These processes and procedures were applied in practice to a large extent but were not formally documented and brought into force.

Corrective action

420 The Merchant Shipping Regulation on surveyors and ROs will be developed and gazetted using the RO Code and related circulars. Guidelines and procedures incorporating criteria for the recruitment and nomination of nominated surveyors will be developed. The Administration will formally adopt and periodically implement initial and refresher training programmes for surveyors. This corrective action will be completed by 29 December 2017.

FD

421 The State did not grant authorization through the required agreements to its ROs in accordance with the applicable requirements of the international mandatory instruments (SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 4.2; RO Code, part 2, section 8; III Code, paragraph 18; III Code, paragraph 20).

Root cause

422 There was a lack of adequate in-house capacity to undertake this function. The requirements for the selection, assessment, evaluation, recognition, oversight and supervision of ROs were applied without systematic approach. Previous draft agreements did not incorporate the RO Code and authorizations were not documented and no instructions or performance standard requirements were established for ROs.

Corrective action

423 The Merchant Shipping Regulations on recognized organizations will be developed using the RO Code and related circulars. Guidelines directing policies, procedures or processes will be developed and promulgated for the selection, assessment, evaluation, recognition, oversight and supervision of ROs. The Administration will enter into legal agreements with its ROs based on the outcome of internal and independent audits. Performance evaluation indices will be made as broad based as practicable to allow for effective monitoring and systematic follow-up of the ROs. This corrective action will be completed by 31 December 2018.

FD

424 Casualty investigations were conducted, but they were not in compliance with the mandatory requirements to ensure impartiality, objectivity and independence of investigators (SOLAS 1974, regulation I/21; MARPOL, article 12(1); Casualty Investigation Code, paragraph 1.3; Casualty Investigation Code, paragraph 11.1; III Code, paragraph 38; III Code, paragraph 39; III Code, paragraph 40; III Code, paragraph 41).

Root cause

425 The existing legislative provision of the State that established the framework for Marine Casualty Investigations was focused on criminal negligence and prosecution, downplaying safety and classified reports. The State did not previously consider establishing an independent casualty investigation unit. Accident investigations were criminalized and investigation reports were classified without releasing lessons learnt to the public.

Corrective action

426 The State will adopt resolutions MSC.255(84) and A.1075(28)) when promulgating the Merchant Shipping Regulations on Marine Safety Investigations and Marine Casualties and Incidents. The State will further establish a Marine Accident Investigation Bureau, with well trained and dedicated accident investigators and also develop procedures and policies to address the impartiality, objectivity and independence of casualty investigations. Recommendations after a safety investigation report will be duly disseminated, implemented or followed. This corrective action will be completed by 31 December 2018.

FD

427 It was established that there was no specific requirement for fitting of type-approved equipment on ships entitled to fly the flag of State consistent with the provisions of the mandatory IMO instruments. Also there was no mechanism for confirming or verifying that oil filtering equipment and sewage treatment plants meet the requirements of MARPOL, including performance and test specification (SOLAS 1974, regulation IV/14.1; SOLAS 1974, regulation V/18.1; MARPOL, Annex I, regulation 14.6; MARPOL, Annex IV, regulation 9.1; III Code, paragraph 15.1).

Root cause

428 The Administration had not identified the specific requirements for fitting type-approved equipment on its ships under the applicable IMO instruments, and as such did not have the related national legislation. The Administration had not specifically indicated a mechanism, including the required competencies and qualified personnel, to verify and confirm that the oil filtering equipment and sewage treatment plants installed on ships entitled to fly the flag of the State met the requirements of MARPOL.

Corrective action

429 The Administration will retain the required expertise to review and identify specific requirements for fitting of type-approved equipment on ships under the various mandatory IMO instruments and will communicate this information to the industry, as required. Where identified, the Administration shall strive to indicate any amendments to the national legislation pertaining to these specific requirements and establish a mechanism to verify type approved equipment. Information on inspection conducted by the Ship Surveys and Inspection team on

MARPOL defects will be communicated and shared with the Marine Environment Protection Department. This corrective action will be completed by 30 December 2018.

FD

430 The Administration did not have guidance or procedures for providing interpretation or interpretation concerning those requirements found in several mandatory IMO instruments that are left to the satisfaction of the Administration (III Code, paragraph 16.5).

Root cause

431 Due to resource constraint, the Administration had not formalized or documented its management system and operational manuals to implement the applicable international rules and regulations; provide interpretation on the mandatory IMO instruments that are left "to the satisfaction of the Administration"; evaluate and approve submissions for granting exemption from any requirement of the IMO instruments to which the State is a Party.

Corrective action

432 The Administration will establish and formalize a management system aligned to the ISO 9001 Quality Management System Standards by January 2018, which will incorporate procedures for addressing those requirements that are left "to the satisfaction of the Administration" and for the provision of interpretations as may be required. The Administration will establish and conduct a continuous improvement programme thereafter to ensure all systems and procedures are up-to-date and the respective departments affected are kept informed. The Administration will retain sufficient qualified and trained personnel for the implementation of IMO instruments. This corrective action will be completed by 30 December 2017.

FD

433 The Administration had not developed policies, guidelines or procedures for issuing of Safe Manning Certificates to ensure that ships entitled to fly the flag of the State are sufficiently and efficiently manned, taking into account resolution A.1047(27) (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

434 There was no requirement for determining minimum safe manning levels and for Safe Manning Certificates to be issued in line with resolution A.1047 (27). The Merchant Shipping STCW Regulation 2016, which includes such requirement, had not been gazetted to give effect to the amended policy and procedure.

Corrective action

435 The State will gazette the Merchant Shipping STCW Regulation 2016 and implement all policies and procedures in meeting the requirement as stated therein. The State will issue Safe Manning Certificates to ships based on the IMO document and the Guidelines on the Principles of Safe Manning. The State will conduct inspections of ships with coastal minimum safe manning certificates and issue them with appropriate Safe Manning Certificates, based on the new policy and regulations. This corrective action will be completed by 31 December 2018.

FD

436 There was no evidence to confirm that the State had issued specific instructions to all its ROs detailing the procedures to be followed in carrying out statutory certification and services, and actions to be followed in the event that a ship is found not fit to proceed to sea without danger to the ship or persons on board, or presenting unreasonable threat of harm to the marine environment (SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; III Code, paragraph 18.3).

Root cause

437 Lack of understanding on specific requirements. Non availability of national legislation and procedures to issue specific instructions to ROs.

Corrective action

438 The State will conclude agreements with the six ROs authorized to act on its behalf, to include specific requirements to be followed if a ship is found not fit to proceed to sea without danger to the ship or persons on board, or presenting unreasonable threat of harm to the marine environment. The State will review the performance of its ROs on a regular basis to ensure compliance of the ROs with instructions of the Administration. Flag State Inspectors will be trained on these specific flag State implementation requirements. This corrective action will be completed by 30 December 2017.

FD

439 The State did not grant authorization to its ROs in accordance with the applicable requirements of the international mandatory instruments (SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; RO Code, part 1, section 4.2; III Code, paragraph 18; III Code, paragraph 20).

Root cause

440 The State did not have any procedure and process in place for the authorization of ROs, and there was insufficient qualified and trained personnel to verify the capabilities of ROs in line with the RO Code.

Corrective action

441 The State will develop procedures and processes for the delegation of authority to ROs, which will include assessment criteria to identify suitable RO to act on its behalf. The State will conclude agreements with those RO's to whom it intends to delegate its survey and certificate functions, consistent with the provisions of the RO Code, and will include stipulations to address national laws and interpretations, as well as action to be taken in case a ship is not in compliance with requirements. The State will retain the services of qualified and trained personnel to undertake periodic review and monitoring of the ROs acting on its behalf. This corrective action will be completed by 30 December 2018.

FD

442 There was no evidence to indicate that the Administration had established measures to carry out periodic inspections of its flag ships in order to secure observance of international rules and standards by ships entitled to fly the flag of the State (III Code, paragraph 22.2).

Root cause

443 There was a limited number of qualified flag State inspectors available to conduct periodic inspections and to establish a full inspection programme for ships entitled to fly the flag of the State.

Corrective action

444 The maritime authority will formalize a training programme to cater for all new inspectors and a refresher training programme for existing inspectors. The Administration will recruit more suitably qualified flag State inspectors, who will be required to undergo the training programme and periodic inspection programme for ships entitled to fly the flag of the State. This corrective action will be completed by 30 December 2018.

FD

445 It was established that the penalties under the current Merchant Shipping Act are insufficient and not adequate to discourage violations of international laws, rules and standards by ships entitled to fly of the State (III Code, paragraph 22.5).

Root cause

446 The Merchant Shipping Act 1975 is outdated. A new Merchant Shipping Bill had been completed with increased penalties; but had not been enacted as yet due to lengthy legislative process.

Corrective action

447 The State will adopt the updated new Merchant Shipping Act within the next two years to give effect to the increased penalties to discourage violation of international and national rules and regulations. This corrective action will be completed by 30 December 2018.

FD

448 The Administration had not ensured that appropriate number of qualified personnel was available with the necessary maritime expertise needed to implement and enforce the provisions of the relevant mandatory IMO instruments as a flag State (III Code, paragraph 24).

Root cause

449 The State did not have a suitable structure in place and a trained marine accident investigator to carry out impartial investigations. This was due to limited resources available to the Administration and the laws were not up-to-date. Additionally the lack of sufficiently qualified personnel with maritime expertise was a hindrance to fully implementing and enforcing the applicable provisions of the mandatory instruments.

Corrective action

450 The State's existing Accident Investigation Board currently conducts aviation investigations under ICAO requirements. The Act establishing the Accident Investigation Board will be revised to include marine casualty investigations in line with the provisions of the IMO Casualty Investigation Code. The staff of the Accident Investigation Board will undergo formalize training programme specific for the conduct of marine casualty investigations. The

State will undertake to retain the services of additional personnel with the requisite maritime expertise. This corrective action will be completed by 30 December 2018.

FD

451 It was established that the Administration did not have guidance or mechanism in place to ensure appropriate corrective measures are taken to bring a ship entitled to fly the flag of the State into immediate compliance with applicable international instruments when the ship had been detained by a port State (III Code, paragraph 25).

Root cause

452 In most cases the State did not receive the obligatory report from the PSC authorities, as required by SOLAS chapter 1, regulation 19(d). Insufficient cooperation of the shipping companies in their obligation to advise the Administration as required by the national legislation, as well as SOLAS chapter 1, regulation 11(c) resulting in a situation where no actions were taken against ships entitled to fly the flag of the State, which failed to report detentions.

Corrective action

453 The maritime authority will provide specific instructions by way of a circular to ship owners and Masters for them to report PSC detention to the maritime authority. A documented procedure will be developed for the maritime authority to oversee corrective measures taken when a ship that is entitled to fly the flag of the State is detained by a port State. This will include a flag State inspector's visit on board the detained ship or attendance by the RO, where required. This corrective action will be completed by 30 December 2017.

FD

454 There was evidence to confirm that flag State inspection was not always carried out by authorized flag State inspectors. There was no evidence to confirm that the Administration had a documented system for qualification for its surveyors/inspectors, a programme for training of new ones and continuous updating the knowledge as appropriate to the tasks they are authorized to undertake. There was evidence to confirm that no identification was provided to determine the authorization granted to perform the task (III Code, paragraph 35; III Code, paragraph 37).

Root cause

455 Some of the new inspectors had not been trained and duly authorized to conduct flag State inspection.

Corrective action

456 The Administration will grant appropriate authorization to all new inspectors who have completed a training programme to conduct flag State inspections and shall provide all inspectors with Identification document, indicating the authorization to carry out inspections. This corrective action will be completed by 30 December 2017.

FD

457 Casualty investigation reports are not provided to IMO, and results from investigation of incidents involving personal injuries and death occurring on board ships entitled to fly the

flag of the State are not made public (SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); LL 1966, article 23; Casualty Investigation Code, paragraph 1.3; Casualty Investigation Code, paragraph 6.2; III Code, paragraph 41).

Root cause

458 The requirements of the Casualty Investigating Code had not been incorporated into national law. Therefore, procedures for the conduct of casualty investigations and the reporting to IMO thereof had not been adopted nor had they been documented in the management system. There was no suitably qualified person to assist in the development/drafting of a procedure and to address the requirements of the Code, including reporting to IMO.

Corrective action

459 The Casualty Investigation Code will be incorporated into national legislation through the amendment to the Accident Investigation Board Act. The maritime authority will endeavour to have in place a documented management system inclusive of the casualty investigations and reporting to IMO. The maritime authority will identify suitable personnel to undergo training in casualty investigation for the purpose of conducting investigations within the Accident Investigation Board. The maritime authority will provide IMO with reports of investigations conducted on marine casualty. This corrective action will be completed by 30 December 2017.

FD

460 There was no system in place for the Administration to periodically evaluate its performance in respect of implementation of administrative processes, procedures and resources necessary to meet its obligation and responsibilities under the mandatory IMO instruments as a flag State (III Code, paragraph 42).

Root cause

461 The Administration had not developed and formalized a management system that is aligned to an international standard and had not identified suitably qualified personnel to conduct periodic evaluation of its flag State activities.

Corrective action

462 The State, through the maritime authority will develop a formal management system in 2017 that will be aligned to an international standard and will carry out periodic evaluation of the performance of the Administration in meeting all the requirements as of the mandatory IMO instruments as a flag State. The State will conduct a review of the management system annually, beginning in 2017, to ensure that the findings of the IMSAS Audit and other findings identified in previous audit are addressed effectively. This corrective action will be completed by 30 December 2018.

FD

463 The Administration was not able to demonstrate that its performance had been evaluated on a periodical basis with regard to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the instruments to which the State is Party (III Code, paragraph 42).

Root cause

464 Lack of implementation of a management system within the maritime administration which allows the evaluation of its performance regarding the State's obligations under the ratified international instruments.

Corrective action

465 A monitoring and control committee comprising representatives of government entities dealing with maritime affairs will be established and will be led by the maritime administration. Procedures for continuous monitoring and periodical administrative and operational evaluation will be established as a basis for periodic assessment of performance with respect to the implementation of activities, programmes, processes and institutional policies focused on compliance with the mandatory IMO instruments. This corrective action will be completed by 31 March 2017.

FD

466 The Administration did not developed appropriate policies for the issuance of national legislation technical guidelines or procedures, which would assist in the implementation and enforcement of the requirements of SOLAS 1974 (III Code, paragraph 15; III Code, paragraph 16.1).

Root cause

467 Lack of a dedicated unit in charge of monitoring and incorporating SOLAS 1974 amendments into national legislation.

Corrective action

468 A department of the maritime administration had been appointed to developed policies and appropriate procedures in order to ensure the implementation and compliance with the SOLAS 1974 provisions. Besides, a procedure for the follow-up and monitoring of amendments to SOLAS 1974 will be established and implemented. This corrective action will be completed by 31 May 2017.

FD

469 The Administration did not guarantee that ships entitled to fly the flag of the State are sufficiently and efficiently manned, taking into account relevant and existing measures such as the Principles of Safe Manning adopted by IMO (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

470 Applicable national regulations were not kept updated and there was a lack of coordination among State entities involved in the process of implementation of the minimum safety manning requirements, taking into account the principles adopted by IMO.

Corrective action

471 Resolutions of the maritime administration will be developed and implemented in order to ensure compliance with regulation V/14 of SOLAS 1974 and related guidelines. This corrective action will be completed by 31 December 2017.

FD

472 No evidence could be found on the measures taken by the Administration to provide guidance concerning those requirements of the applicable IMO instruments that are left to the "the satisfaction of Administration" (III Code, paragraph 16.5).

Root cause

473 The responsibility for ensuring the adequacy of national regulations transposing the provisions of the international instruments was not assigned.

Corrective action

474 Technical Departments of the maritime administration has been appointed as responsible for the formulation of guidelines on those requirements of relevant IMO instruments that are left to the satisfaction of the Administration, for application to ships entitled to fly the flag of the State. Besides, procedures will be developed and resources allocated in order to fulfil these provisions. This corrective action will be completed by 31 December 2017.

FD

475 The Administration did not define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention, mainly for the flag surveyors. Furthermore, the Administration did not implement a documented system for qualification of personnel and continuous updating of their knowledge as flag State surveyors and it did not issue an identification document for the surveyor to carry when performing his/her tasks (III Code, paragraph 28; III Code, paragraph 35; III Code, paragraph 36; III Code, paragraph 37).

Root cause

476 Lack of awareness of the need to establish proper training for flag State surveyors, to define clear job descriptions and to issue an identification document.

Corrective action

477 Administration's resolutions will be developed establishing responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention, mainly for the flag State surveyors. A documented training programme for the Administration's flag State surveyors has been developed and adopted by a maritime authority's general order. Regarding the identification document for the flag surveyors and related staff that deal with maritime safety, a resolution containing the provisions for its issuance will be established. The responsibility for the issuance of the identification document will be assigned to a division of the maritime administration. This corrective action will be completed by 31 March 2017.

FD

478 The Administration did not implement the provisions of the Casualty Investigation Code in relation to:

- .1 appropriate qualifications and knowledge of the investigators relating to casualty investigation;

- .2 impartiality and objectivity of the investigators; and
- .3 availability of the final investigation report to the public and the shipping industry

(Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 38; III Code, paragraph 41).

Root cause

479 Lack of awareness of the requirements related to casualty investigation, including communication of the results to the maritime sector.

Corrective action

480 A responsible unit will be created, taking into account the need to ensure the objectivity and impartiality of investigators. Relevant policies, guidelines and necessary formal procedures for conducting maritime casualty investigations in accordance with the relevant international instruments will be developed and implemented. In addition, required qualifications and knowledge of the investigators will be defined, as well as the requirements for dissemination of the reports to the public. This corrective action will be completed by 30 June 2017.

FD

481 There was no communication of information and reports to IMO as required by the mandatory IMO instruments to which the State is a Party (STCW 1978 regulation I/7.4; STCW Code, section A-I/7.4, paragraph 5; STCW Code, section A-I/7.4, paragraph 6, Casualty Investigation Code, paragraph 14.1; III Code, paragraph 41).

Root cause

482 Lack of a documented procedure for the controlled and systematic communication to IMO of information required by the mandatory IMO instruments, both at the national and entities' level.

Corrective action

483 As an immediate measure, all pending information will be communicated to IMO by the relevant government entities. Procedures for reporting to IMO will be developed by the government agencies involved in order to ensure that the requirements of the applicable mandatory IMO instruments are met. Implementation of these procedures will be regularly assessed with the purpose of verifying compliance. This corrective action will be completed by 31 December 2016.

FD

484 The Administration had not implemented policies or procedures to assist personnel in the implementation and enforcement of the requirements of all mandatory provisions to which it is a Party, including the provision of guidance concerning those requirements that are left "to the satisfaction of the Administration" (III Code, paragraph 15.1; III Code, paragraph 16.1; III Code, paragraph 16.5).

Root cause

485 Due to an incomplete procedure it was not possible to fulfil this requirement.

Corrective action

486 The Administration will revise and update existing procedures by the issuance of associated working instructions. The existing standards developed by IMO; IACS unified interpretations; and the interpretations adopted by other maritime administrations will be taken into account and related information will be provided to all stakeholders and made available to the public. This corrective action will be completed by 31 October 2016.

FD

487 The Administration had not established a safety and environmental protection programme, including follow-up on ships flying the flag of the State detained in foreign ports and any related corrective actions, could not be presented and verified by the audit team (III Code, paragraph 16.1).

Root cause

488 The lack of specialized personnel in maritime issues in the Administration did not always allow the required follow-up of the ships flying the flag of the State after they were detained in foreign ports, including undertaking any related corrective action.

Corrective action

489 The Administration will increase the number personnel with maritime expertise in order to ensure full implementation of the obligations established at the international and national level. This corrective action will be completed by 1 May 2017.

FD

490 The Administration established an oversight policy for monitoring of the ROs, nevertheless, it was not fully implemented, neither in State's main registry nor in the State's second international registry (III Code, paragraph 20).

Root cause

491 The lack of personnel with maritime expertise in the Administration did not allow for the implementation of the monitoring of the ROs.

Corrective action

492 The Administration will increase its workforce of personnel with maritime expertise in order to ensure the effective oversight of ROs through the implementation of its national legislation and policies for monitoring of ROs. This corrective action will be completed by 31 December 2018.

FD

493 The State had not implemented a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake (III Code, paragraph 35; III Code, paragraph 38).

Root cause

494 Due to a lack of effective implementation of the existing procedure concerning the execution of the training plan, the technical personnel of the Administration did not receive regular training in order to update their knowledge.

Corrective action

495 The Administration will strengthen its compliance with the relevant training procedure and a qualification matrix will be created and included into the quality system in order to identify the tasks that each inspector can be authorized to undertake. This corrective action will be completed by 30 November 2016.

FD

496 The Administration has not evaluated its performance with respect to the implementation of administrative processes and procedures regarding the flag State inspections on a periodic basis (III Code, paragraph 42).

Root cause

497 Due to the insufficient number of personnel with maritime expertise in the Administration, periodic evaluation of performance could not be conducted and there was insufficient capacity to keep updated all the supporting documentation needed to carry out inspections on board ships.

Corrective action

498 As an immediate correction, all outdated inspection checklists will be discontinued. The Administration will increase its workforce of specialized personnel and a mechanism for periodic evaluation of performance regarding flag State inspections will be introduced. The supporting documentation and, in particular, checklists used to carry out inspections will be kept updated and included in the Administration's quality system. This corrective action will be completed by 31 December 2018.

FD

499 Although there were marine accidents reported, the responsible government entity had not completed any accident reports, including recommendations, since 2015 (III Code, paragraph 38; Casualty Investigation Code, paragraph 14.4).

Root cause

500 Due to the absence of the Head of the governmental agency in charge of marine casualties and the lack of investigators, the requirements for conducting marine accident investigations and reporting were not fulfilled.

Corrective action

501 The governmental agency in charge of marine casualties will conclude the investigations of marine accidents that have already started and will upload relevant reports accordingly on its own website and in GISIS. In addition, in order to process new investigations, a new job description and related competencies will be developed and a new investigator recruited. This corrective action will be completed by 31 December 2016.

FD

502 The Administration had not implemented policies and guidance that would facilitate implementation and enforcement of the requirements of all conventions and protocols relating to safety and pollution prevention to which the State is a Party and had not assigned responsibilities for updating the requirements (III Code, paragraph 15).

Root cause

503 The absence of regulations and legal basis in national legislation, the lack of documented procedures and human and financial resources greatly contributed to this finding.

Corrective action

504 The Administration will develop and implement national regulations and guidelines to facilitate the implementation of, and monitoring of compliance with, the requirements of all the conventions, their amendments and all the protocols related to safety and pollution prevention to which the State is Party. In addition, the Administration will strengthen its human capacity and assign and document the responsibilities of the personnel in relation to these tasks. This corrective action will be completed by 31 December 2019.

FD

505 The Administration had not established any processes to:

- .1 administer a programme comprising of administrative instructions to implement applicable rules and an audit and inspection programme;
- .2 develop and document instructions for the requirements of the international instruments which were left "to the satisfaction of the Administration";
- .3 establish administrative arrangements to ensure that captains, officers and other seafarers serving on board ships flying the flag of the State were competent; and
- .4 issue statutory certificates to ships according to the models prescribed in the mandatory IMO instruments to which the State is Party

(SOLAS 1974, regulation I/15; LL 1966, article 18; MARPOL, Annex I, regulation 9; STCW 1978, regulation I/10.1; STCW 1978, regulation I/10.2; TONNAGE 1969, article 9; III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.3.5; III Code, paragraph 16.5).

Root cause

506 Lack of understanding of the provisions of the III Code, absence of a legal basis and administrative arrangements for implementation of an independent audit and inspection programme.

Corrective action

507 Relevant national legislation will be amended to introduce the obligation of establishing the means and procedures for administering a safety and environmental protection programme in accordance with the requirements of the III Code. The Administration will develop and implement administrative instructions and provisions, as well as an

independent system of audits and inspections to ensure effective implementation of mandatory rules and standards stemming from the relevant IMO instruments, including interpretations left to the "satisfaction of the Administration". An inspection campaign will be carried out on board ships flying the flag of the State and it will be ensured that the statutory certificates issued to ships follow the models as required by the relevant IMO instruments. This corrective action will be completed by 31 December 2019.

FD

508 Following the authorization of ROs, the Administration had not ensured that these organizations meet the requirements specified in the RO Code, particularly regarding the resources and technical capabilities, as well as internal evaluation using a QMS. In addition, the Administration had not implemented or participated in an oversight programme using adequate resources to monitor the ROs and communicate relevant information to IMO (SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 4.2; RO Code, part 1, section 5; RO Code, part 2, section 8; III Code, paragraph 18.1; III Code, paragraph 20).

Root cause

509 The legal basis for delegation of authority to ROs was insufficient and not in line with the international obligations adopted by IMO, particularly the RO Code. Also, the lack of human resources and qualified personnel to carry out an oversight programme of the activities of ROs were at the origin of this finding.

Corrective action

510 The Administration will develop and implement national legislation governing the delegation of authority and authorization of ROs, will strengthen its human resources capacity with qualified personnel, develop and implement a training plan for its inspectors and documented procedures for monitoring of ROs and communicating with them. The existing delegation of authority agreements with ROs will all be revised to ensure compliance with the mandatory provisions applicable to the delegation of authority and recognition of ROs. The Administration will exercise its authority to conduct supplementary surveys and inspections and ensure that ships entitled to fly the flag of the State comply with the mandatory international requirements. This corrective action will be completed by 31 December 2018.

FD

511 The accident investigations conducted by the Administration were not conducted in accordance with the provisions set out in the Casualty Investigation Code and the relevant investigation reports, together with the flag State's recommendations, were not communicated to IMO (SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 1.3; Casualty Investigation Code, paragraph 14.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 41).

Root cause

512 Lack of knowledge of the regulations; lack of monitoring of the developments of international regulations; lack of understanding of the transposition of mandatory IMO instruments into national legislation, including impartiality and objectivity of investigators engaged in marine safety investigations; and insufficient qualified personnel to carry out the investigations.

Corrective action

513 The Administration will develop and implement legislation transposing the requirements of the Casualty Investigation Code, it will create and establish a unit for the conduct of marine safety investigations, recruit qualified personnel to carry out investigations and develop guidelines and procedures for the conduct of these investigations and communicating their results to IMO and to the public. This corrective action will be completed by 31 December 2019.

FD

514 The Administration had not conducted any periodic assessment or review of its performance to meet its obligations under the mandatory IMO instruments as a flag State (III Code, paragraph 42).

Root cause

515 Lack of a QMS and periodic evaluation of flag State activities.

Corrective action

516 The Administration will establish a QMS and institutionalize a documented programme to periodically evaluate and review its performance. Annual performance targets will be set and relevant personnel will be trained in QMS. This corrective action will be completed by 31 December 2019.

FD

517 There was objective evidence indicating that ROs had not been duly assessed in accordance with the required standards for ROs acting on behalf of the Administration, which were mandatory at the time of authorization, before signing the formal authorization agreements. Provisions of the RO Code were not considered. In addition, the Administration had not provided specific instructions to some of the ROs on actions to be taken in the event that a ship is found unfit to proceed to sea without danger to the ship or persons on board, or is found to present a threat of harm to the marine environment. Also, there was no evidence that national laws have been provided to ROs with whom agreements have been concluded (SOLAS 1974, regulation XI-1/1; III Code, paragraph 18.1; III Code, paragraph 18.3; III Code, paragraph 18.4).

Root cause

518 Due to the lack of procedure, capacity and human and financial resources, ROs had not been assessed in accordance with the required standards and the Administration had not provided specific instructions to some of the ROs.

Corrective action

519 The Ministry responsible for maritime affairs will develop a procedure, provide required resources and determine an organizational unit, which will, among others, be responsible for the assessment of ROs. The Ministry will also adopt specific additional instructions to ROs, including instructions on actions to be taken in the event that a ship is found unfit to proceed to sea without danger to the ship or persons on board, or is found to be a threat to the marine environment. The instructions will be sent to all ROs, companies and stakeholders. This corrective action will be completed by 1 June 2017.

FD

520 There was objective evidence to confirm that the Administration did not have sufficient resources in order to ensure investigations into casualties are conducted (III Code, paragraph 16.4).

Root cause

521 Lack of capacity and financial resources to engage sufficient resources in the entity responsible for investigation of accidents to ensure the conduct of investigation of marine casualties.

Corrective action

522 In accordance with the approved funds in the State budget, the entity responsible for investigation of accidents will engage sufficient resources to ensure the conduct of investigation of marine casualties. This corrective action will be completed by 1 January 2018.

FD

523 It was established that the Administration did not have a policy for developing, documenting and providing guidance concerning those requirements that are left "to the satisfaction of the Administration" in relevant mandatory IMO instruments and interpretations of mandatory instruments (III Code, paragraph 16.5).

Root cause

524 As a consequence of having a QMS in place only for STCW 1978, specific policy and procedure addressing the requirements that are left "to the satisfaction of the Administration" in relevant mandatory IMO instruments were not developed.

Corrective action

525 The Ministry responsible for maritime affairs will establish a QMS and relevant policy and procedures to implement the requirements of the mandatory IMO instruments and related interpretations, including guidance with regard to the requirements that are left "to the satisfaction of the Administration" in relevant mandatory IMO instruments. This corrective action will be completed by 1 January 2018.

FD

526 There was evidence that the dispensations from manning requirements were not issued in accordance with STCW 1978 and information on the dispensations granted was not communicated to IMO (STCW 1978, article VIII; III Code, paragraph 16.3).

Root cause

527 Although there is enabling national legislation for granting dispensations in accordance with article VIII of STCW 1978, due to inadequate technical and legal proficiency, there were no specific procedures established under the relevant national legislation for granting dispensations. Adequate national legislation to ensure communication and its verification had not been established at the national level.

Corrective action

528 Procedures will be established and will include a circular with reference to article VIII of STCW 1978, defining the rules for issuing dispensations and requiring the Administration to report annually to IMO. This corrective action will be completed by 31 December 2017.

FD

529 There was evidence that the processes and procedures established were inadequate for timely issuance of administrative instructions and interpretative national regulations, where necessary, to give full effect to the applicable instruments. This includes instructions on issuing exemptions, equivalents, type approvals or alternative arrangements (III Code, paragraph 16.1).

Root cause

530 There was a delay in transposing the mandatory IMO instruments into national legislation due to a lack of institutional priority. Lack of necessary technical and legal awareness and knowledge of the requirements of the relevant IMO instruments, including non-availability of qualified, appropriately funded and competent human resource, have contributed significantly to this finding.

Corrective action

531 Relevant national legislation and instructions on issuing exemptions, equivalents and interpretative national requirements will be established. In the interim, wherever possible within the prevailing legal framework, the maritime administration will issue the necessary policy and guidelines, for implementation of the mandatory IMO instruments. Recruitment of the necessary professionals with maritime expertise shall be ensured. This corrective action will be completed by 31 December 2018.

FD

532 No evidence could be found about the measures taken by the Administration to provide guidance concerning those requirements that are left to "the satisfaction of Administration" (III Code, paragraph 16.5).

Root cause

533 In the absence of national legislation, clear policies, regulations and guidelines to address the areas left "to the satisfaction of Administration" in the mandatory IMO instruments remained undefined.

Corrective action

534 The term "to the satisfaction of the Administration" will be identified in all the mandatory IMO instruments concerned and appropriate implementation will be ensured. The procedures under QMS will be reviewed in order to utilize the system provided by the Merchant Shipping Act for issuing Merchant Shipping Notices and Circulars for future cases. This corrective action will be completed by 31 July 2018.

FD

535 The Administration did not implement policies through issuing national legislation and guidance, which would assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which it is a Party. In addition, division of responsibilities of government entities participating in the implementation and enforcement of applicable mandatory IMO instruments was not clearly defined and documented (III Code, paragraph 15).

Root cause

536 Deficiency of regulation that defines the powers of national institutions involved in the implementation and enforcement of the requirements of the mandatory IMO instruments. Lack of necessary technical and legal awareness and knowledge of requirements of the relevant IMO instruments, including non-availability of qualified personnel, appropriate funding and competent human resource, have contributed significantly to this finding.

Corrective action

537 The State is currently taking steps to expedite the transposition of IMO instruments into national legislation. Restructuring and revamping the Maritime Safety Administration and creating specific posts to attend to specific requirements of the mandatory IMO instruments will be taken up as a priority by the State. The maritime administration's policies on the implementation of the relevant mandatory IMO instruments will be developed and dedicated personnel will be responsible for updating and revising any relevant policy as a matter of priority. To ensure continued compliance with its responsibilities, the maritime administration will submit quarterly report to the Minister responsible for transport regarding its assessment on activities related to the implementation of the mandatory IMO instruments by the State. The maritime administration will ensure the development of regulation defining powers and responsibilities for each national institution involved in the implementation and enforcement of the mandatory IMO instruments. This corrective action will be completed by 31 December 2018.

FD

538 The authority for carrying out statutory work was delegated to ROs without determining their capability to accomplish the assigned tasks. There was evidence of cases where the statutory certification activities on behalf of the Administration were carried out by the ROs outside the scope of the formal written agreement (III Code, paragraph 18).

Root cause

539 National legislation was obsolete and did not cover the requirements relating to verification of ROs' resources and capabilities. The Administration had insufficient qualified personnel with the competence to verify ROs' resources and capabilities.

Corrective action

540 The RO requirements adopted by IMO under the mandatory instruments shall be incorporated into national legislation and shared with the ROs. The Administration will issue regulations for authorizing ROs to carry out certain flag State activities on behalf of the State. Ship surveys and certification functions, with specific conditions, including criteria for consideration of resources and capabilities of ROs will be included as part of the revised agreements to be concluded with ROs. Periodic evaluation measures will be detailed within

QMS to verify full comprehension of the State's objectives and responsibility by all ROs. National laws and interpretations thereof, or related instructions will be provided to all ROs. This corrective action will be completed by 31 December 2018.

FD

541 The Administration did not establish an oversight programme nor provided adequate resources for monitoring the survey and certification activities delegated to ROs and persons acting on its behalf (RO Code, part 2, section 4; III Code, paragraph 20).

Root cause

542 Lack of national legislation, subsidiary regulations and the necessary expertise to evaluate and monitor ROs, as well as the lack of financial resources to verify ROs' resources and capabilities.

Corrective action

543 The Administration will develop an oversight programme for the monitoring of its ROs. This will include, inter alia, better monitoring of the performance of ROs. QMS auditors will undertake internal and external audits to assess and review the authorization granted to ROs. This corrective action will be completed by 31 December 2018.

FD

544 The State did not ensure compliance with the applicable instruments through national legislation, development and implementation of policies for enforcement and by making available sufficient number of qualified and adequately trained personnel, including flag State surveyors and investigators (III Code, paragraph 24).

Root cause

545 Transposition of the relevant IMO conventions, including provision of adequate basis for enforcement of national legislation, had not been given institutional priority due to lack of necessary technical and legal awareness, knowledge of requirements of the relevant IMO instruments, including non-availability of qualified and competent human resource and insufficient financial resources.

Corrective action

546 Relevant laws are currently under review and the issue of ensuring compliance shall be addressed accordingly. Procedures within national legislation and administrative system of the responsible government entities will be developed to address compliance mechanism with the applicable international instruments. The mandate of working groups (technical and legal) created to work on IMSAS audit will be expanded and a recommendation will be made to make it a permanent body to deal with the mandatory IMO instruments. Capacity building between enforcement agencies and key stakeholders will be conducted to harmonize the implementation of national legislation. More train the trainer's workshops and seminars will be held. More professionals will be recommended for IMLI and WMU courses. The Maritime Safety Administration will be restructured and revamped and specific posts will be created to attend to specific requirements of the IMO conventions. This corrective action will be completed by 31 December 2017.

FD

547 The process of endorsement followed by the Administration for recognition of Certificates of Competency under regulation I/10 of STCW 1978 is not fully in accordance with the applicable requirements. The provisions under STCW 1978, regulation I/10.1 are not incorporated into the procedures for recognition of seafarers' certificates issued by other Parties (e.g. knowledge of the maritime legislation of the State, relevant to the functions they are permitted to perform) (STCW 1978, regulation I/10.1; III Code, paragraph 27).

Root cause

548 Provisions related to implementation and enforcement of this part of STCW 1978 was overlooked due to insufficient knowledge. There was no continuous follow-up and progressive improvement on the system that had been put in place.

Corrective action

549 Implementation of STCW 1978 will be prioritized. The Administration will take measures to address MoUs and agreements related to the recognition of CoC. Technical and legal team of experts will be sourced to assist the Administration. Competent experts will be recruited to ensure compliance with the requirements of the conventions. A review of the existing processes and corrective measures, as found necessary during the review, will be undertaken. This corrective action will be completed by 31 December 2017.

FD

550 Although a Marine Accident Investigation Board directly reporting to the Minister responsible for transport was established, there was evidence that impartiality and objectivity of the members of the Board was not ensured. Furthermore, the provisions of the Casualty Investigation Code had not been complied with, in the investigation of casualties, and the reports of the investigation, as appropriate, were not forwarded to IMO, or made public (Casualty Investigation Code, paragraph 1.2; Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 38; III Code, paragraph 41).

Root cause

551 The creation of the Marine Accident Investigation Board did not fully comply with the Casualty Investigation Code due to inadequate national legislation.

Corrective action

552 The primary legislation addressing the Marine Accident Investigation Board will be amended in line with the Casualty Investigation Code. The Administration will establish a procedure and process, which will include written instructions for the completion of casualty investigation report forms and to ensure the results of casualty investigations are reported in accordance with the relevant IMO conventions and the Casualty Investigation Code. The QMS in place shall be revised accordingly. Conflict of interest within the board shall be addressed. Training and capacity building programmes for members of the Marine Accident Investigation Board shall be facilitated and regional experts will be identified and sourced as and when required. This corrective action will be completed by 31 December 2018.

FD

553 It was established that there were no defined and documented responsibilities, authority and interrelations of personnel who manage, perform and verify work relating to and affecting safety and pollution prevention. No documented system could be presented for qualification of flag State surveyors and continuous updating of their knowledge. The qualifications of the flag State surveyors did not encompass all the required areas of expertise. No identification documents were issued for surveyors carrying out flag State tasks (III Code, paragraph 28; III Code, paragraph 35; III Code, paragraph 36; III Code, paragraph 37).

Root cause

554 In the absence of legislation, there were no established training systems and refresher training procedures for technical staff within the Administration, including flag State inspectors/surveyors. The guidelines on the recruitment of flag State inspectors/surveyors did not fully comply with the requirements of the III Code. The in-service training was not based on any systematic training model. There was insufficient integration between performance management and establishing specialized training needs for flag State surveyors.

Corrective action

555 The Administration shall strengthen internal processes and procedures and document responsibilities, authority and interrelations of personnel who manage, perform and verify work relating to and affecting safety and pollution prevention. Programmes for continuous updating of flag State surveyors' knowledge appropriate to the tasks they are authorized to undertake will be developed, documented and monitored routinely. Procedures under QMS will be written to address previous shortcomings in communication with flag State surveyors and to include periodical reporting on revised policies and circulars to enhance their knowledge of the activities of the Administration. The issuance of identification cards to flag State surveyors will be regulated and undertaken. This corrective action will be completed by 31 July 2018.

FD

556 It was established that there was no mechanism of performance evaluation, review and measurement related to administrative processes, procedures and resources used to fulfil the obligations under IMO instruments (III Code, paragraph 42; III Code, paragraph 43).

Root cause

557 There was inadequate technical comprehension and competent staffing. The QMS was very recently established to evaluate and review flag State processes, as required under the relevant IMO instruments. There was inadequate information and understanding on the implementation of obligations as a flag State and there was no maritime strategy for the implementation and enforcement of the mandatory IMO instruments, which determines the roles and responsibilities for setting up a procedure for periodical review and evaluation of performance in implementing and enforcing the IMO instruments by the State in its capacity as a flag State. There was a lack of an internal audit mechanism and technical know-how to develop such a mechanism.

Corrective action

558 The Administration will set up a procedure within the maritime strategy to periodically review and evaluate its activities as a flag State based on performance indicators linked to implementation and enforcement of the mandatory IMO instruments, with a view to continual

improvement. Appropriate legislation will be drafted to address the evaluation and review mechanism to include all agencies involved in flag State activities. The QMS shall be reviewed and updated. This corrective action will be completed by 31 July 2018.

FD

559 The Administration had not implemented a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake as surveyors (III Code, paragraph 35).

Root cause

560 Training plan for flag State surveyors was developed shortly before the audit and was not fully implemented within the newly established QMS.

Corrective action

561 The Merchant Shipping Secretariat will develop and implement a comprehensive qualification and training road map for flag State surveyors, which will be implemented in conjunction with the established training system. A documented system will be established to keep track of all qualification and training needs, as well as completed training for individual surveyors. This corrective action will be completed by 31 December 2017.

FD

562 The Administration did not take all the necessary measures to secure observance of international rules and standards by ships entitled to fly the flag of the State so as to ensure compliance with those international obligations under MARPOL (III Code, paragraph 22.2).

Root cause

563 Non-existence of a comprehensive strategy in relation to making of national legislation to give full and complete effect to the provisions of IMO instruments.

Corrective action

564 The legislation needed for conducting periodic inspection of ships entitled to fly the flag of the State will be developed and will include clear assignment of responsibilities and authority for involved government entities. This corrective action will be completed by 19 December 2018.

FD

565 There was no objective evidence to suggest that the State developed comprehensive policy in relation to enacting national legislation, rules and regulations to give full and complete effect to the provisions of applicable mandatory instruments to which it is a Party (III Code, paragraph 15.1).

Root cause

566 A lack of an effective mechanism within the Administration to formulate, update and revise relevant policies in relation to making of national legislation, rules and regulations.

Corrective action

567 A mechanism enabling the Administration to formulate, update and regularly review relevant policies in relation to making of national legislation, rules and regulations will be developed. The responsibilities of relevant government entities in updating and revising policies for implementing national legislation stemming from international mandatory instruments will be clearly defined. To address gaps in implementing mandatory IMO instruments, such as MARPOL and SOLAS 1974, the Administration will develop policies to amend relevant national legislation in order to give full and complete effect to these mandatory instruments. This corrective action will be completed by 31 December 2018.

FD

568 The Administration had not provided an appropriate number of qualified personnel to implement and enforce national legislation, including personnel for performing investigations and surveys (III Code, paragraph 24.2).

Root cause

569 The wage structure of the government entities was not attractive compared to the private sector and hence it was difficult to recruit staff to the professional positions.

Corrective action

570 Attractive benefits and allowances will be introduced for professional posts, in addition to the present government wage structure, in order to encourage more seagoing personnel to join the Administration. This corrective action will be completed by 31 March 2018.

FD

571 There was no objective evidence to suggest that the Administration took all necessary measure to secure observance of international rules and standards by prohibiting ships entitled to fly its flag from sailing until such ships can proceed to sea in compliance with the requirements of international rules and standards (SOLAS 1974, regulation I/6; III Code, paragraph 22.1).

Root cause

572 There was no proper mechanism in place to prohibit the ships flying the flag of the State from sailing in case of non-compliance with the requirements of international rules and standards.

Corrective action

573 Legal and administrative mechanism will be established, prohibiting ships from sailing when they are found not to comply substantially with the requirements of international rules and standards. A procedure will be included in the QMS of the Administration, defining necessary communications between the ROs and the Administration on deficiencies that present a basis to prohibit a ship from sailing, as well as steps to follow by both parties. This corrective action will be completed by 31 December 2018.

FD

574 The Administration had delegated full authorization for the approval and issuance of exemptions to one of its ROs, whilst there is no basis for such action provided in SOLAS 1974 (SOLAS 1974, regulation I/6; RO Code, part 2, section 8; III Code, paragraph 16.1).

Root cause

575 Lack of clear procedures and guidelines for reviewing of RO agreement, including degree of authorisation.

Corrective action

576 Procedures on delegation of authority have been included in QMS along with guidelines for RO evaluation and review of RO agreements before signing, including degree of authorisation. Agreement with one RO has been revised. This corrective action was already completed.

FD

577 The Administration had not maintained an effective oversight programme for monitoring of its ROs and to determine that appropriate resources were being used for an effective oversight programme (III Code, paragraph 20).

Root cause

578 The Administration did not effectively apply part 3 of the RO Code (resolution MSC.349 (92)) and there was a lack of competent personnel with an understanding of the oversight requirements, audit principles and the application of audit techniques, capable of administering and maintaining a credible RO oversight programme.

Corrective action

579 The existing procedure will be amended to include an oversight programme in accordance with part 3 of the RO Code. The Administration will obtain all RO's web access rights, which will enable it to monitor RO's survey and certification activities with regard to ships entitled to fly the flag of the State. Dedicated staff, with appropriate qualifications, experience and training, will be appointed for monitoring of, and communication with, authorized ROs. This corrective action will be completed by 19 December 2018.

FD

580 There was insufficient evidence to establish that the periodic evaluation and review of performance of the State in performing its obligations as a flag State had been carried out (III Code, paragraph 42).

Root cause

581 There was a lack of resources and awareness of the required scope for periodic evaluation and review of flag State performance.

Corrective action

582 The Administration has filled relevant positions with qualified staff and will provide resources to conduct periodic evaluation and review of flag State performance. The results of flag State inspections will be analysed annually to provide input for the evaluation of its flag State performance. This corrective action will be completed by 31 December 2018.

FD

583 The Administration had not established resources and processes for the development, documentation and provision of guidance concerning those requirements found in the relevant international instruments that are "to the satisfaction of the Administration" (III Code, paragraph 16.5).

Root cause

584 A legal basis and procedure for interpretation of the areas left "to the satisfaction of the Administration" in the mandatory IMO instruments were not available.

Corrective action

585 The Administration will develop a procedure for interpretation and guidance with regard to those requirements that are left "to the satisfaction of the Administration" in the relevant international instruments, which shall apply exclusively to the ships entitled to fly the flag of the State. This corrective action will be completed by 31 December 2018.

FD

586 The State's laws and regulations had not, in many instances, prescribed penalties of adequate severity to discourage violation of international rules and standards by ship entitled to fly its flag (III Code, paragraph 22.5).

Root cause

587 There was no requirement for regular reviews by the Administration of penalties provided in national legislation and most of national legislation was outdated. There was also a lack of personnel with the appropriate expertise within the Administration to carry out such review.

Corrective action

588 A mechanism will be developed by the Administration to ensure that penalties laid out in its national legislation are periodically reviewed for timely revision in order to ensure adequate severity to discourage violation of international rules and standards by ships entitled to fly the flag of the State. All national legislation will be reviewed accordingly and amended, as necessary. This corrective action will be completed by 31 December 2018.

FD

589 There was no object evidence to establish that the Administration had developed adequate administrative instructions for their surveyors to implement applicable international rules and regulations and any interpretation of national regulations (III Code, paragraph 16.1).

Root cause

590 A system was not in place within the Administration for the development of adequate administrative instructions and interpretative national regulations.

Corrective action

591 The Administration will review its existing procedures for further improvement to drive the development of relevant instructions, interpretation of national regulations and survey guidelines for flag State surveyors, in order to ensure consistency in carrying out their duties. Relevant instructions, interpretation of national regulations and survey guidelines will be developed and implemented. This corrective action will be completed by 31 December 2018.

FD

592 The Administration had not conducted a marine safety investigation into every very serious marine casualty (Casualty Investigation Code, Part II, chapter 6, paragraph 6.1; SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; III Code, paragraph 41).

Root cause

593 The national legislation of the State did not explicitly give effect to SOLAS 1974, regulation XI-1/6, and the Casualty Investigation Code. As a result, ship casualties had not been investigated and reported in accordance with the relevant international instruments.

Corrective action

594 National legislation will be amended to give effect to SOLAS 74, regulation XI-1/6, and the Casualty Investigation Code. The Administration has incorporated new procedures for casualty investigation into its QMS and every serious maritime casualty will be investigated in accordance with newly adopted casualty investigation procedure. This corrective action will be completed by 31 December 2018.

FD

595 The Administration had recognized certificates issued under the authority of other Parties, through granting relevant endorsements, without complying with the requirements of the STCW 1978 (STCW 1978, regulation I/10; III Code, paragraph 16.3.5).

Root cause

596 Absence of knowledge of regulations and a lack of legal basis, documented procedures and personnel for effective implementation of the provisions of STCW 1978.

Corrective action

597 The Administration will strengthen its human resources, develop and implement necessary legislation and a documented procedure setting the conditions for issuing certificates of recognition, in order to ensure that the mandatory provisions of STCW 1978 have been observed. This corrective action will be completed by 31 December 2017.

FD

598 The Administration had not implemented or participated in an oversight programme for monitoring and communicating with the 11 ROs with whom the Administration had concluded an agreement. Recognition of two other ROs was made through a ministerial order and not by an agreement in accordance with the applicable provisions. In addition, the list of ROs submitted to IMO was incomplete (SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 5; RO Code, part 2, section 8; III Code, paragraph 18.2; III Code, paragraph 20).

Root cause

599 Lack of legislation and understanding of the mandatory provisions of the RO Code and a lack of human resources and technical capacity to carry out an oversight programme of ROs.

Corrective action

600 The Administration will:

- .1 develop and implement a legislation governing the delegation of authority of the State and authorization of ROs, strengthen its human resources with qualified personnel, develop and implement documented procedures for monitoring of ROs and communicating with them, as well as exercise its authority to conduct supplementary surveys in order to ensure that ships authorized to fly the flag of the State comply with the international mandatory requirements; and
- .2 revise the existing agreements between the Administration and ROs to ensure compliance with the mandatory provisions applicable to the delegation of authority and authorization of ROs.

This corrective action will be completed by 31 December 2017.

FD

601 There was no evidence that the State systematically conducted investigations following a marine casualty or pollution incident that occurred on board ships flying the flag of the State:

- .1 no accident investigation report was submitted to IMO by the Administration;
- .2 under the current national legal framework, administrative responsibility for investigation of marine accidents was the responsibility of the Administration. The surveyor conducting statutory surveys was in charge of casualty investigations, which did not guarantee the impartiality of the investigations; and
- .3 there was no evidence that accident investigations were conducted by investigators with appropriate skills and knowledge of issues related to the accident that occurred on board a ship flying the flag of the State

(SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); Casualty Investigation Code, paragraph 11.1; III Code, paragraph 23.1; III Code, paragraph 24.5; III Code, paragraph 38; III Code, paragraph 41).

Root cause

602 Lack of knowledge of the regulations and absence of documented procedures for conducting accident investigations. The Administration has no administrative structure to ensure impartiality of investigations and no trained personnel responsible for conducting accident investigations.

Corrective action

603 The Administration will:

- .1 develop and implement regulations and procedures for conducting accident investigations and will establish a department dedicated for this purpose in order to ensure impartiality in the conduct of the investigations; and
- .2 develop a recruitment plan and put in place a training programme for its personnel to build up appropriate expertise and knowledge on issues related to accidents investigation.

This corrective action will be completed by 31 December 2017.

FD

604 The regulatory process for issuing statutory certificates, did not conform with the provisions related to inspections and audits made mandatory by the relevant instrument to which the State is a Party (SOLAS 1974, regulation I/12; SOLAS 1974, regulation IX/4.1; ISM Code, paragraph 13.2; ILL Code, paragraph 22.2).

Root cause

605 Lack of a documented procedure defining the regulatory standards for carrying out ship inspections and for issuing statutory certificates.

Corrective action

606 The Administration will establish documented procedures for effective implementation of provisions related to inspections and audits made mandatory by the relevant instruments to which the State is Party. The new Merchant Shipping Code contains these provisions and duly qualified inspectors will be appointed for this purpose. This corrective action will be completed by 31 December 2017.

FD

607 Apart from the general responsibilities listed in the ministerial orders assigning responsibilities to the various governmental departments, the Administration had not kept written records of the responsibilities and authority of all personnel who managed, performed and verified activities related to safety and pollution prevention (III Code, paragraph 28).

Root cause

608 Lack of human resources and written procedures defining the duties, responsibilities and authority of personnel.

Corrective action

609 The Administration will strengthen its human resources and develop and implement written job descriptions defining the responsibilities and authority of all personnel who manage, perform and verify the activities related to safety and pollution prevention. This corrective action will be completed by 31 December 2017.

FD

610 In light of the experience of the department in charge of environment, it was considered that the fines and penalties currently provided for in the national legislation on illegal pollution was not sufficiently severe to discourage violation of international rules and standards. Moreover, there was no detailed administrative instructions to initiate and conduct an investigation on board a ship in order to identify the cause of pollution (MARPOL, article 4(1); III Code, paragraph 15.1; III Code, paragraph 22.5).

Root cause

611 The national legislation is very old and obsolete and the Administration does not have in place any guidelines, instructions or administrative notes on conducting investigations on board ships in case of pollution.

Corrective action

612 The State will enact the new Merchant Shipping Code which will include increased penalties and fines for illegal marine pollution. Legislative text, as well as guidelines, notes and instructions will complement these regulatory provisions. This corrective action will be completed by 31 December 2017.

FD

613 The Administration was not in a position to ensure that ships flying the flag of the State met the requirements of the relevant IMO instruments to which it is a Party. The State was not in a position to ensure that ships entitled to fly the flag of the State were sufficiently and efficiently manned. The State was not in a position to ensure that a ship flying the flag of the State was in compliance with the applicable international requirements before sailing after a detention by a port State control authority (SOLAS 1974, regulation I/6; SOLAS 1974, regulation V/14; LL 1966, article 13; III Code, paragraph 17; III Code, paragraph 22).

Root cause

614 Lack of documented procedures and knowledge of the regulations.

Corrective action

615 The Administration will adopt measures in compliance with provisions of the mandatory IMO instruments to ensure that ships flying the flag of the State can only sail if they comply with the requirements of regulations and international standards, that they are periodically inspected and that they are manned with adequate crew, in number and in competence. Documented procedures for checking compliance of the ships and their crews will also be developed. This corrective action will be completed by 30 June 2017.

FD

616 The Administration had not carried out any periodic evaluation or review of its actions to fulfil its obligations under the applicable mandatory IMO instruments as a flag State (III Code, paragraph 42).

Root cause

617 Lack of a culture to periodically evaluate or review the performance and lack of human resources.

Corrective action

618 The Administration will increase the number of its personnel and will institutionalize a periodic documented assessment and review of performance of flag State activities. This corrective action will be completed by 31 December 2017.

FD

619 The Administration had not implemented a documented system for qualification of flag surveyors and continuous updating of their knowledge and the other personnel assisting in the flag State surveys did not have adequate knowledge to perform the tasks they were authorized to execute (III Code, paragraph 33; III Code, paragraph 35).

Root cause

620 Lack of qualified personnel for carrying out flag State inspections and a lack of specialized training programme for ship surveyors.

Corrective action

621 The Administration will implement a documented system for training of surveyors and continuous updating of their skills to strengthen their capacity and will recruit personnel with basic maritime background. This corrective action will be completed by 31 December 2017.

FD

622 The Administration had no procedure in place to verify that the necessary instructions had been issued for ships flying the flag of the State regarding mandatory provisions under SOLAS 1974 (III Code, paragraph 15.1; SOLAS 1974, regulation V/19.2).

Root cause

623 The lack of human resources with technical expertise to deal with the timely issuance of necessary instructions to the shipping community with respect to ships flying the flag of the State.

Corrective action

624 The Administration will develop a new section in its quality system policy dealing with administrative and technical instructions for the shipping community in the maritime sector in respect of the ships flying the flag of the State as well as the assignment of dedicated personnel with the responsibility for the holistic implementation and evaluation of the new policy. This corrective action will be completed by 1 October 2017.

FD

625 Although a certified QMS had been implemented by the Administration, there was no evidence that the required independent evaluation of the quality standards had been conducted and communicated to IMO (STCW 78, regulation I/8; III Code, paragraph 16.3).

Root cause

626 The lack of resources and expertise to consider and establish a quality standards system for the implementation of STCW 1978.

Corrective action

627 The Administration is currently finalizing the process of carrying out the independent evaluation of implementation and enforcement of STCW 1978 Convention, as amended in order to obtain a certified quality system under ISO regulations as required. Once finalized, the reporting requirements will be fulfilled. This corrective action will be completed by 1 November 2017.

Observations (OB)

OB

628 Flag State surveyors who were recruited in accordance with the procedures of the State public service had no professional maritime experience and had not received appropriate training required by the III Code (III Code, paragraph 29.1).

Root cause

629 The initial training at the National School of the Administration does not take into account the specific training for ships' surveyors.

Corrective action

630 The Administration will establish a documented training programme to upgrade and update the knowledge level of the surveyors through training sessions and refresher courses. The programme will serve as a basis for new recruits. It would then be evaluated and improved accordingly. This corrective action will be completed by 30 September 2020.

OB

631 Flag State surveyors who were recruited under the procedures of the civil service had no maritime experience and had not received the appropriate initial training recommended by the III Code (III Code, paragraph 29.1).

Root cause

632 The Administration carried out a mass recruitment of officials and carried out assignments irrespective of the specialization. No training programme or career development plan had been defined for its personnel and in particular for flag State surveyors.

Corrective action

633 The Administration will develop and implement documented procedures defining recruitment criteria and will develop an appropriate training programme for flag State inspectors in accordance with the recommendations of the III Code. This corrective action will be completed by 1 July 2017.

OB

634 The Administration did not have a documented training programme for the flag State surveyors regarding ships and their operation and the provisions of the relevant national and international instruments necessary to perform their duties (III Code, paragraph 32).

Root cause

635 Lack of awareness of the requirement for a documented training programme for flag State surveyors, covering topics on ships and their operation and the provisions of the relevant national and international instruments necessary to perform their duties.

Corrective action

636 The Administration's maritime institute will develop a training programme containing the required syllabus for flag State surveyors and including the provision for final evaluation. This corrective action will be completed by 31 May 2017.

OB

637 Personnel responsible for, or performing flag State surveys and inspections did not fulfil the minimum qualifications or experience as per the III Code (III Code, paragraph 29; III Code, paragraph 30; III Code, paragraph 31; III Code, paragraph 32).

Root cause

638 Due to the unavailability of local maritime expertise, there was a lack of sufficient competent personnel, as well as lack of internal guidelines regarding personnel qualifications for the implementing the relevant mandatory IMO instruments.

Corrective action

639 The Administration will develop guidelines defining the profile for personnel responsible for inspections, survey and audits of ships and companies for each of the relevant mandatory IMO instrument. It will request IMO technical assistance on this matter, and will also request support from other IMO Member States that are well advanced in this regard. All inspector's CVs will be updated with proof of qualification and continuous training and an upgrading plan for junior surveyors will be implemented. The guidelines will be periodically reviewed and adapted according to new developments regarding the mandatory IMO instruments. The State will create appropriate posts, recruit and train potential candidates. This corrective action will be completed by 31 July 2018.

OB

640 The Marine Accident Investigation Board did not ensure ready access to expertise in all required areas. Marine accidents involving personal injury necessitating absence from duty of three days or more were not investigated (III Code, paragraph 39; III Code, paragraph 40).

Root cause

641 Inadequate transposition of the Casualty Investigation Code into national legislation.

Corrective action

642 The primary legislation addressing the Marine Accident Investigation Board will be amended in line with the Casualty Investigation Code, in order to include investigation of marine accidents involving personal injury necessitating absence from duty of three days or more. The Board's members shall be recruited in accordance with requirements of the mandatory IMO instruments and the III Code and ready access to necessary expertise from outside sources will be put in place. This corrective action will be completed by 31 July 2018.

COASTAL STATE ACTIVITIES

Findings (FD)

643 The search and rescue organization was not in accordance with the provisions of the 1974 SOLAS Convention, in particular:

- .1 the legislation, decree, and search and rescue (SAR) plan were not approved;
- .2 the radio equipment available to the Maritime Rescue Coordination Centre (MRCC) was not yet fully installed; and
- .3 MRCC was not able to use SAR units without avoiding heavy procedural authorization

(SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; III Code, paragraph 49).

Root cause

644 The maritime administration had difficulties in developing appropriate regulations and confirming the role of the MRCC to the authorities, as well as technical problems with the installations of the existing radiocommunication equipment.

Corrective action

645 The maritime administration will develop, under its national legislation, and implement a regulation on the operation and organization of SAR. A SAR plan will be developed and the equipment of the MRCC will be completed, including restoring the communication link between stations. This corrective action will be completed by 31 December 2019.

FD

646 There was no evidence that navigational weather report was broadcasted by the maritime administration (SOLAS 1974, regulation V/5; III Code, paragraph 47; III Code, paragraph 49).

Root cause

647 The Decree of 1968 currently in force became obsolete. The division of responsibilities between the various entities was not clearly defined.

Corrective action

648 The maritime administration will develop a new decree on the broadcasting of nautical information in accordance with the international standards, and will designate the MRCC as a service provider responsible for the broadcasting of navigational weather reports. Relations between the various entities responsible for collecting and broadcasting the navigational weather reports will be strengthened and institutionalized. This corrective action will be completed by 31 December 2018.

FD

649 The two self-managed ports maintained port buoyage. They continued to maintain the five lighthouses based on the coast. The legal text assigned the responsibility of the coast buoyage, excluding ports, to the Ministry of Transport, but this responsibility was not clearly implemented (SOLAS 1974, regulation V/13; III Code, paragraph 49).

Root cause

650 Inadequacy of legal and regulatory framework in the managing of aids to navigation and insufficient awareness of the responsibility of the State for coastal buoyage in relation to the safety of navigation.

Corrective action

651 The maritime administration will develop and implement legal provisions on aids to navigation. In addition, a "national buoyage plan" will be developed together with all relevant government entities. This corrective action will be completed by 30 September 2020.

FD

652 The maritime administration did not carry out any periodic evaluation or review of its actions to fulfil its obligations under the applicable mandatory IMO instruments as a coastal State (III Code, paragraph 51).

Root cause

653 Lack of a culture to periodically evaluate or review performance.

Corrective action

654 The maritime administration will institutionalize an evaluation and review of audit performance by setting performance indicators and providing training for the personnel in QMS. This corrective action will be completed by 31 December 2018.

FD

655 The maritime administration had not implemented any guidance that would facilitate the implementation and monitoring of compliance with requirements relating to coastal State duties of all the applicable safety and pollution prevention conventions and protocols to which the State is a Party and had not assigned the responsibilities for updating the requirements (III Code, paragraph 46).

Root cause

656 The absence of a legal basis by the non-transposition into national legislation of the mandatory instruments to which the State is a Party, and the lack of appropriate and qualified technical and legal experts have contributed significantly to this finding.

Corrective action

657 For coastal State activities, the maritime administration will update the Merchant Shipping and Environment Code and its implementing regulations and implement guidelines that facilitate the implementation and monitoring of the requirements of all the conventions and protocols relating to safety and pollution prevention to which the State is a Party. In addition, the maritime administration will assign and document responsibilities between the governmental entities responsible for the implementation and monitoring of compliance with the mandatory IMO instruments and between personnel assigned to these tasks. This corrective action will be completed by 31 December 2017.

FD

658 There was no guidance or procedures to ensure that radiocommunication services were in place for the provision of GMDSS, transmitting navigational warnings, danger messages, meteorological and other urgent messages relating to safety of navigation (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation IV/5-1; SOLAS 1974, regulation V/4; SOLAS 1974, regulation V/5; SOLAS 1974, regulation V/31.2; III Code, paragraph 47).

Root cause

659 The absence of the legal basis and guidance, as well as the lack of human, material and financial resources created a void in understanding the existing international regulations. There was no agreement with the Marine Meteorological Division to ensure continuous availability of meteorological information and the absence of a coastal radio station are at the root of this finding.

Corrective action

660 The legal basis and guidelines for the provision of radiocommunication services and to issue navigational warnings will be developed. A formal agreement will be reached between the maritime administration and the Marine Meteorological Division for the provision of meteorological information and a coastal radio station, conforming to the standards required for the provision of GMDSS coverage will be established for waters under the jurisdiction of the State. This corrective action will be completed by 31 December 2017.

FD

661 The search and rescue organization was not in accordance with the provisions of SOLAS 1974, in particular:

- .1 the legislation and SAR plan were not approved; and
- .2 the radiocommunication equipment available at the COM was incomplete and not fully operational

(SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; III Code, paragraph 49).

Root cause

662 The lack of a legal and regulatory framework for the establishment of national SAR services and the equipment of COM from the Maritime Prefecture was incomplete.

Corrective action

663 The maritime administration will develop and implement legislation and documented procedures necessary to ensure SAR services are available and will allocate human and material resources necessary to ensure coverage of maritime space under the jurisdiction of the State. The contact details of the governmental entity responsible for SAR matters and resources available for maritime SAR activities will be communicated to IMO. This corrective action will be completed by 31 December 2017.

FD

664 There were no measures to ensure compliance with international regulations on the availability of aids to navigation and maritime buoyage. The four lighthouses located along the coast of the State and which were listed on marine navigation charts were not in service (III Code, paragraph 49).

Root cause

665 The maritime administration had not transposed into national law the international regulations on the availability of aids to navigation and maritime buoyage and had no procedures or mechanism in place for managing and monitoring the availability of aids to navigation, including an evaluation mechanism.

Corrective action

666 The four lighthouses will return to service as soon as possible and national legislation and guidelines for the management of aids to navigation will be developed and implemented. Human and material resources required to fulfil these obligations will be provided by the maritime administration and documented procedures for the maintenance and upkeep of all aids to navigation will be developed and implemented in accordance with international standards. This corrective action will be completed by 30 December 2017.

FD

667 The maritime administration had not periodically evaluated or reviewed its performance in fulfilling its obligations under the applicable mandatory IMO instruments as a coastal State (III Code, paragraph 51).

Root cause

668 The absence of a culture to periodically evaluate or review performance and the lack of documented procedures and coordination between the services involved in coastal State activities.

Corrective action

669 The maritime administration will institutionalize a documented evaluation and review programme of its performance on a periodic basis and put in place an audit programme for

each entity involved in coastal State activities. This corrective action will be completed by 31 December 2017.

FD

670 The maritime administration had not implemented policies and guidance that would facilitate the implementation and enforcement of coastal State obligations and responsibilities contained in the applicable conventions and protocols to which the State is Party (SOLAS 1974, regulation V/7.3; III Code, paragraph 46.1).

Root cause

671 The absence of a legal basis, policies and guidance that would facilitate the implementation and enforcement of coastal State obligations and responsibilities contained in the applicable conventions and protocols to which the State is Party, have contributed significantly to this finding.

Corrective action

672 The maritime administration will develop and implement a comprehensive coastal State policy as a basis for establishing and developing legislation, guidance and procedures, as well as to facilitate consistent implementation and enforcement of obligations and responsibilities contained in the applicable conventions and protocols to which the State is Party. Responsibilities of all national entities involved in maritime administration will be defined and assigned in order to fulfil respective obligations and responsibilities of the State. Agreements will be established between all national entities involved in maritime administration in order to facilitate consistent implementation. The new law will provide a basis for effective enforcement with penalties of adequate severity to discourage violations of international rules. Appropriate performance indicators will be determined as a basis to monitor the compliance with the international maritime obligations of the State. This corrective action will be completed by 31 December 2019.

FD

673 There was objective evidence to confirm that information concerning existing search and rescue facilities had not been communicated to IMO. In addition, arrangements were not in place for the use of life saving signals when communicating with ships or persons in distress and did not guaranteed that passenger ships operating in waters under the jurisdiction of the State were in possession of a rescue plan developed in cooperation between the ship, the company and the search and rescue services of the State (SOLAS 1974, regulation V/7.2; III Code, paragraph 47).

Root cause

674 Lack of legal basis and guidance for all entities responsible for search and rescue operations and a lack of awareness of the relevant convention requirements.

Corrective action

675 A legal basis and guidelines for the provision of search and rescue services will be developed and implemented, and a Marine Search and Rescue Committee will be established with participation of representatives from national entities involved in SAR operations. The Committee will, among others, be responsible to provide IMO with required information on SAR facilities, to ensure that all involved personnel in SAR operations are qualified, trained and

assessed through drills and exercises, and to ensure that passenger ships engaged in the waters under the jurisdiction of the State are in the possession of an approved SAR plan, in compliance with international requirements. This corrective action will be completed by 31 December 2017.

FD

676 The maritime administration was not able to demonstrate its readiness to deal with incidents involving dangerous goods (DG) in packaged form or in solid form in bulk when it had been reported (SOLAS 1974, regulation VII/6.1; SOLAS 1974, regulation VII/7-4.1; III Code, paragraph 47).

Root cause

677 Lack of legal basis and documented procedures, including the assignment of responsibilities among national entities, resulted in gaps in fulfilment of the State responsibilities in relation to response to incidents involving DG in packaged form or in solid form in bulk when it had been reported.

Corrective action

678 The maritime administration will establish a specialized committee to perform a risk assessment regarding incidents involving DG in packaged form or in solid form in bulk, and will develop and implement national legislation and documented procedures, set up an action plan and update and review the national contingency plan. This corrective action will be completed by 31 December 2018.

FD

679 The maritime administration did not establish mechanisms ensuring the availability and maintenance of aids to navigation related to safety of navigation. In addition, the State did not arrange for the collection and compilation of hydrographic data and keeping up to date all nautical information necessary for safe navigation (SOLAS 1974, regulation V/9; SOLAS 1974, regulation V/13; III Code, paragraph 49).

Root cause

680 Changes that occurred in the ports and along the coast of the State's territorial waters, including creation of new ports - development of container port, passenger port and new berths (LNG, LPG, industrial phosphate, development of oil terminal, as well as developing new port facilities along the northern coast line), led to the postponement of all procedures regarding establishment of new Aids to Navigation (AtoN). The JMC had the responsibility for follow-up and maintenance of the existing AtoN, but there was no clear guidance or documented procedures in place to effectively accomplish those tasks. In addition, conflict of interests among national entities resulted in omitting appropriate measures and procedures and, consequently, left the hydrographic services lacking effective implementation in terms of arranging, collecting and compiling hydrographic data and their dispatch to all national entities concerned.

Corrective action

681 The maritime administration will develop and implement national legislation and documented procedures, including the establishment of a dedicated Committee, comprising relevant national entities, to fulfil the State's responsibilities and obligations with regard to aids

to navigation and hydrographic services. Among others, this Committee will manage all aids to navigation along the coast and in its territorial waters, it will designate a focal point who will be responsible to arrange the collection and compilation of hydrographic data, including their submission to the contracted hydrographic services for publication and, upon receipt, dispatch of relevant nautical information and documents to all concerned parties. In addition, the Committee will hire an international consultancy on AtoN who will be tasked to evaluate compliance of the maritime administration's AtoN with the international standards and will also initiate an international call for tenders in order to ensure appropriate maintenance of the existing AtoN and establishment of any required new AtoN in accordance with IALA standards. This corrective action will be completed by 31 July 2019.

FD

682 There was no policy and procedure in place for the State to periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the mandatory IMO instruments as a coastal State (III Code, paragraph 51).

Root cause

683 The absence of a culture to periodically evaluate or review performance and the lack of documented procedures and coordination among the government entities involved in the coastal State activities.

Corrective action

684 A comprehensive policy on annual evaluation and review of each coastal State obligation, as well as relevant documented procedures and guidelines will be developed and implemented by all entities of the State involved in coastal State activities. This corrective action will be completed by 31 December 2019.

FD

685 The availability of search and rescue facilities were not communicated to IMO (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; III Code, paragraph 47).

Root cause

686 The institutional reforms that affected the maritime search and rescue services and the lack of procedures for communicating mandatory information to IMO.

Corrective action

687 The maritime administration will develop a documented SAR procedure and will communicate to IMO the contact details of the government entity responsible for SAR matters and the available resources for maritime SAR activities. This corrective action will be completed by 31 December 2017.

FD

688 The State did not establish mechanisms for radiocommunication services, global maritime distress and safety system identities, communication of information on navigational warnings, transmission of messages regarding the dangers and meteorological and other urgent messages related to safety of navigation (SOLAS 1974, regulation IV/5; SOLAS 1974,

regulation IV/5-1; SOLAS 1974, regulation V/5; SOLAS 1974, regulation V/31.2; III Code, paragraph 49).

Root cause

689 The obligation of the State to provide radio services and issue navigational warnings was omitted and there was no legal basis or legislation in this regard. There was also the absence of guidelines, working procedures and a lack of coordination between the government entities responsible for meteorological matters.

Corrective action

690 National legislation and guidelines on the collection and broadcasting of nautical information and meteorological reports will be developed and implemented, as well as the updating of the national SAR plan, which will define the human and material resources needed to fulfil these obligations. This corrective action will be completed by 31 December 2017.

FD

691 The maritime administration had not periodically evaluated or reviewed its performance in fulfilling its obligations under the applicable mandatory IMO instruments as a coastal State (III Code, paragraph 51).

Root cause

692 Lack of a culture to periodically evaluate or review performance, lack of documented procedures and absence of coordination between the services involved in coastal State activities.

Corrective action

693 The maritime administration will institutionalize, on a periodic basis, a documented evaluation and review programme of its performance and put in place an audit programme for each entity involved in coastal State activities. This corrective action will be completed by 31 December 2017.

FD

694 There was objective evidence that the State does not practice collection of meteorological data and broadcast it at least twice daily, by terrestrial and space radiocommunication services including warnings and forecasts of weather and waves. The State does not provide weather information to international shipping effectively (SOLAS 1974, regulation V/5; III Code, paragraph 47).

Root cause

695 Meteorological data was collected and broadcast at least twice daily by terrestrial radiocommunications only to the southern part of the State. Due to resource constraints, collection of data and its broadcast to the northern part of the State was not done.

Corrective action

696 The State will endeavour to provide and promulgate meteorological information and warnings to shipping accurately, effectively, efficiently and promptly. The State will facilitate

and encourage the transmission of ship reports on weather observations, which will be compiled and transmitted using the ship's terrestrial or space radiocommunications facilities for the benefit of the various national meteorological services. This corrective action will be completed by 30 June 2017.

FD

697 There was objective evidence to confirm that information concerning existing search and rescue facilities had not been communicated to IMO. In addition, arrangements were not in place for the use of life-saving signals when communicating with ships or persons in distress (SOLAS 1974, regulation V/7.2; III Code, paragraph 47).

Root cause

698 There was a general failure in documenting and meeting reporting requirements to IMO, due largely to absence of a designated person to perform the function. The use of life-saving signals were not arranged by search and rescue facilities due to an oversight by the MRCC. The maritime authority was unable to provide full coverage of DSC services due to financial resources constraints.

Corrective action

699 Actions will be taken to approve the SAR plan by the relevant authority. A Copy of the document will be provided to IMO. Instructions will be given to MRCC operators to display life-saving signals at all times within the MRCC. A circular will be sent to all ships entitled to fly the flag of the State to make the carriage of life-saving signals mandatory. An assessment will be made to ensure adequate VHF DSC coverage of the sea areas of the State. This corrective action will be completed by 30 September 2017.

FD

700 There was no evidence that the maritime administration had reviewed the Ship Routing system established by the State with the concurrence of IMO, in line with the guidelines and criteria developed by the Organization, resolution A.572(14), as amended (SOLAS 1974, regulation V/10; III Code, paragraph 47).

Root cause

701 Officials of the maritime administration were not aware of this requirement.

Corrective action

702 The State will improve its "Coastal Monitoring Systems" to effectively monitor and implement its Ship Routing System. An audit and review of the effectiveness of the two-way routing measure in a sea area where routing measures are in place shall be carried out. This corrective action will be completed by 30 June 2017.

FD

703 There was no policy and procedure in place for the State to periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the mandatory IMO instruments as a coastal State (III Code, paragraph 51).

Root cause

704 There was lack of awareness of the requirement for evaluation and review of the obligations and rights exercised by the State; and the responsibility for developing policies for monitoring of coastal State obligations was not clearly defined.

Corrective action

705 Personnel will be designated to draft policy for periodical evaluation and review of coastal State obligations and for carrying out the evaluation and review. This corrective action will be completed by 30 December 2017.

FD

706 No records could be presented by the State containing corrective and preventive actions carried out after the evaluation of counter pollution exercises and drills (III Code, paragraph 51).

Root cause

707 The non-existence of a procedure for registration and disclosure has resulted in undocumented preventive and corrective actions resulting from the exercises undertaken.

Corrective action

708 An existing IT platform in the different governmental agencies involved will be used for the control of recommendations from internal inspections. The maritime administration will develop a procedure for registering preventive and corrective actions resulting from pollution exercises and drills using the same platform. Records will include responsible party, deadlines and any necessary follow up and evaluation. This corrective action will be completed by 30 June 2017.

FD

709 The State confirmed that passenger ship search and rescue cooperation plans for foreign ships calling at the ports of the State had not been coordinated, evaluated and exercise carried out with the MRCC (SOLAS 74 Reg. V/7.3; III Code, paragraph 46.1; III Code, paragraph 46.2).

Root cause

710 The non-existence of a procedure for coordination, assessment and testing of the search and rescue cooperation plans of passenger ships calling at the ports of the State.

Corrective action

711 A procedure has been elaborated by the MRCC in accordance with IMO circular MSC/Circ. 1079, which is being implemented by the responsible governmental agency, in order to coordinate, assess and test the search and rescue cooperation plans of passenger ships calling regularly at the ports of the State. A number of actions has already been completed, including 20 SAR exercises, table top exercises and a presentation to all key staff on the conduct of exercises with passenger ships calling at national ports. In addition, a joint procedure will be developed among involved government agencies for coordination of the exercises with passenger ships in the ports. This corrective action will be completed by 31 October 2016.

FD

712 It could not be verified that the VTS station is fulfilling resolution A.857(20) on the guidelines and criteria for Vessel Traffic Services (SOLAS 1974, regulation V/12; III Code, paragraph 47).

Root cause

713 Insufficient human resources, operational and technical, had direct consequences in the ability of the VTS station to maintain proper duties, participate in trainings and projects for development and improvement of the services and it reduced the capacity to put in place an effective quality control.

Corrective action

714 The maritime administration will increase its workforce of specialized personnel in order to ensure effective VTS service. A training procedure, including training requirements for the operational and technical personnel involved in this area will be elaborated and implemented. Legal framework for certification of VTS operational and technical personnel will be reviewed and all personnel at the VTS Station will be certified accordingly. This corrective action will be completed by 30 June 2018.

FD

715 The maritime administration had not implemented policies and guidance that would facilitate the implementation and enforcement of coastal State obligations and responsibilities contained in the applicable conventions and protocols to which the State is Party and had not assigned the responsibilities for doing so and future updates. The maritime administration had not guaranteed that passenger ships operating in waters under the jurisdiction of the State were in possession of a rescue plan developed in cooperation between the ship, the company and the search and rescue services of the State (SOLAS 1974, regulation V/7.3; III Code, paragraph 46; III Code, paragraph 47).

Root cause

716 Lack of documented procedures and a lack of effective monitoring by the maritime administration have largely contributed to this finding.

Corrective action

717 Under the mandatory provisions of the conventions, as amended, and protocols to which the State is Party, the maritime administration will develop and implement national regulations and directives that will facilitate the implementation and monitoring of the State's obligations and responsibilities as a coastal State and will assign and document the responsibilities of the personnel assigned to these tasks. The maritime administration will ensure that SAR plan is developed and made available on board each passenger ship in accordance with its international and national obligations and will verify its effectiveness during periodic exercises. This corrective action will be completed by 31 December 2018.

FD

718 With the exception of the services of port lighthouses and buoys, the maritime administration had not conducted periodic assessment or review of its performance to meet its obligations under mandatory IMO instruments as a coastal State (III Code, paragraph 51).

Root cause

719 Lack of evaluation of coastal State activities and lack of documented procedures.

Corrective action

720 The maritime administration will institutionalize a documented programme of periodic assessment and performance review and establish an audit programme for each entity involved in coastal State activities. A management system in accordance with the ISO 9000 standards will be established at the main MRCC. This corrective action will be completed by 31 December 2019.

FD

721 It was established that no performance evaluation mechanism was in place to evaluate and review the coastal State obligations under applicable IMO instruments (III Code, paragraph 51).

Root cause

722 There was inadequate technical comprehension and competent staffing. The QMS establishing a mechanism to evaluate and review coastal State processes, as required under the relevant IMO instruments has been recently established only by the Maritime Safety Administration. There were insufficient qualified personnel with maritime expertise to develop a national maritime SAR plan. Efforts to secure the services of personnel with subject matter expertise, without appropriate funding, was a major contributory constraint. There was no national instrument providing for monitoring and supervision and inadequate information available on the need to evaluate the level of performance in exercising the rights and fulfilling the obligations of a coastal State under the conventions ratified by the State.

Corrective action

723 As a means of ensuring compliance with the mandatory IMO instruments in the future, consideration will be given to incorporating into the national strategy the evaluation of performance, and processes for periodic performance evaluations will be further developed in the areas of flag, coast and port State obligations, including, inter alia, a more comprehensive and systematic way of data acquisition and by making use of existing statistics and data. The strategy will include regular evaluation meetings where the relevant statistical information on the performance of the maritime administration may be presented as a basis for defining measures to improve the overall performance of the maritime administration. Appropriate legislation shall be drafted to address the evaluation and review mechanism. The QMS of the Maritime Safety Administration shall be modified and updated. Aligned agencies shall be sensitized and their activities aligned to the requirements of the mandatory IMO instruments. This corrective action will be completed by 31 July 2018.

FD

724 There was no evidence that periodic evaluation had been carried out with regard to the performance of the State in exercising its rights and fulfilling its obligations as a coastal State (III Code, paragraph 51).

Root cause

725 There was a lack of understanding of the requirements for carrying out periodic evaluation of performance by entities involved in meeting coastal State obligations.

Corrective action

726 An annual evaluation will be carried out by the responsible authority in order to establish the effectiveness and required improvements for aids to navigation. Periodic exercises and evaluation of the effectiveness of plans for cooperation with SAR services for passenger ships to which SOLAS chapter I applies will be carried out. Periodic evaluation of performance of each entity in respect of coastal State obligations will be reviewed annually. This corrective action will be completed by 19 December 2017.

FD

727 There was objective evidence that the maritime administration did not transmit maritime safety information in accordance with GMDSS provisions (SOLAS 1974, regulation IV/5; III Code, paragraph 47; III Code, paragraph 49).

Root cause

728 The State had not fully identified its coastal State obligations stated in conventions to which it is Party.

Corrective action

729 The maritime administration will establish a system, jointly with the a neighbouring State's Coast Guard and based on a formal agreement, for transmitting relevant MSI to ships within designated sea areas off its coasts. As a long term solution, the maritime administration will evaluate the possibility of upgrading the existing MRCC in order to facilitate MSI transmission. This corrective action will be completed by 19 December 2018.

FD

730 The maritime administration had not made arrangements for the use of life-saving signals during SAR operations (SOLAS 1974, regulation V/8; III Code, paragraph 49).

Root cause

731 There was a lack of awareness of the requirement for use of life-saving signals for communicating with ships or persons in distress when engaged in SAR operations.

Corrective action

732 Periodic SAR exercises will be carried out using life-saving signals and records will be maintained. In addition, for staff engaged in SAR operations, additional training on the use of life-saving signals will be carried out to enhance the effectiveness of the SAR operations. This corrective action will be completed by 31 March 2018.

FD

733 The State's National Plan for Maritime Environmental Emergencies did not include marine chemical spill contingency plan (III Code, paragraph 50.2).

Root cause

734 The maritime administration had not clearly identified roles and responsibilities of various entities in conducting coastal State activities.

Corrective action

735 The National Oil Spill Contingency Plan will be amended and renamed to incorporate marine chemical spill contingency procedures. The necessary arrangements will be made to train relevant staff and purchase required equipment. This corrective action will be completed by 31 December 2018.

FD

736 The maritime administration had not established methods and had not taken all the necessary and appropriate measures regarding radiocommunication, global maritime distress and safety system identities, communication of information on navigational warnings, transmission of messages regarding the dangers, meteorological and other urgent messages related to safety of ships (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation IV/5-1; SOLAS 1974, regulation V/5; SOLAS 1974, regulation V/31.2; III Code, paragraph 49).

Root cause

737 The obligation of the State to provide the radio services and issue navigational warnings was ignored and there was no legal basis or regulation covering the State's obligations in that respect. There was also absence of guidelines, work procedures and a lack of coordination between government entities responsible for meteorological matters.

Corrective action

738 The following actions will be implemented:

- .1 national legislation and guidelines on the collection and broadcasting of nautical information and meteorological reports will be developed and implemented;
- .2 the maritime administration will install a coastal radio station to broadcast nautical and meteorological information; and
- .3 an agreement will be concluded with the entity responsible for national meteorology for the continuous provision of marine weather information.

This corrective action will be completed by 31 December 2017.

FD

739 The governmental body responsible for SAR issues, the SAR Coordination Centre, as well as information on search and rescue facilities available in the State were not communicated to IMO (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; III Code, paragraph 47).

Root cause

740 Absence of knowledge of international regulations and mandatory information that are to be communicated to IMO.

Corrective action

741 The maritime administration will develop a documented SAR procedure and will communicate to IMO the contact details of the government entity responsible for SAR matters and the available resources for maritime SAR activities. This corrective action will be completed by 31 December 2016.

FD

742 The maritime administration had not ensured the availability of aids to navigation. No maintenance and monitoring programme was implemented (III Code, paragraph 50.1).

Root cause

743 Lack of legislation and absence of any maintenance and monitoring programme for aids to navigation.

Corrective action

744 The maritime administration will develop and implement necessary legislation defining the responsibilities of the entities involved in the management and maintenance of aids to navigation. In addition, a detailed maintenance programme for all aids to navigation will be developed and implemented. This corrective action will be completed by 31 December 2017.

FD

745 The maritime administration had not carried out any periodic evaluation or review of its actions to fulfil its obligations under the applicable mandatory IMO instruments as a coastal State (III Code, paragraph 51).

Root cause

746 Lack of a culture to periodically evaluate or review performance, a lack of documented procedures and insufficient number of qualified personnel.

Corrective action

747 The maritime administration will increase the number of its personnel and will institutionalize a periodic documented evaluation and review of performance for coastal State activities. This corrective action will be completed by 31 December 2017.

PORT STATE ACTIVITIES

Findings (FD)

748 The State had not established processes to administer a port State control programme in accordance with the relevant IMO resolution (III Code, paragraph 55; III Code, paragraph 60).

Root cause

749 Lack of sufficient resources, a lack of an actual up to date legal basis and established processes to administer a port State control programme consistent with resolution A.1052(27).

Corrective action

750 A regulation on port State control will be drafted and approved by the Council of Ministers, based on which the guidance on the procedures for the PSC will be issued, in accordance with IMO resolution A.1052(27). This corrective action will be completed by 30 September 2019.

FD

751 It was noted that one port was not equipped with the reception or collection facilities for oil residues (MARPOL, Annex I, regulation 38.1; III Code, paragraph 57).

Root cause

752 The requirement to fit ports with reception facilities complying with the requirements of the MARPOL Convention was not clearly specified in either the national legislation, the port regulations or in the concession contracts for port operations.

Corrective action

753 The following actions will be implemented:

- .1 the maritime administration will develop and implement legislation, technical guidelines or notes obliging the ports to put in place reception facilities to comply with the requirements of the MARPOL Convention. Port regulations and concession contracts will be amended accordingly; and
- .2 local companies specialized in the collection of oil residues will be invited to extend their activities to all ports of the State. A call for tender for the oil collection service from ships will be launched.

This corrective action will be completed by 30 September 2020.

FD

754 The division of functions between the maritime and port authorities left the implementation of the mandatory requirements of the IMDG Code incomplete, in particular the issuance of instructions on emergency response and medical first aid, as well as the designation of the "competent authority" (SOLAS 1974, regulation VII/2.4; IMDG Code, chapter 7.9; III Code, paragraph 57).

Root cause

755 There was a lack of coordination and training between the different entities responsible for managing DG.

Corrective action

756 The maritime administration will develop, under its national legislation, a regulation covering DG, which will ensure the compliance with the requirements of the IMDG Code and its future amendments. In addition, the maritime administration will establish a training

programme for all personnel involved in the implementation of the IMDG Code and will notify IMO of the required information including details of the "competent authority". This corrective action will be completed by 31 December 2019.

FD

757 It was noted that officers responsible for port State control had no working procedure at their disposal to carry out inspections of foreign ships. Moreover, the detention of ships did not result in any notification made to neither the flag State nor IMO (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; STCW 1978, article X; III Code, paragraph 55; III Code, paragraph 57; III Code, paragraph 60).

Root cause

758 There was a lack of legislation governing the PSC activity, absence of detailed working procedures and disruption of the PSC unit.

Corrective action

759 The following actions will be implemented:

- .1 the maritime administration will develop the necessary legislation for the enforcement of PSC activities, particularly for the transposition of resolution A.1052(27) and in the case of the detention of a foreign ship in one of the ports of the State, to notify the flag State and IMO; and
- .2 detailed procedures of inspections, in accordance with resolution A.1052(27), will be developed and inspection services will have adequate technical and material resources to conduct PSC.

This corrective action will be completed by 31 December 2018.

FD

760 The maritime administration did not carry out any periodic evaluation or review of its actions to fulfil its obligations under the applicable mandatory IMO instruments as a port State (III Code, paragraph 63).

Root cause

761 Lack of a culture to periodically evaluate or review the maritime administration performance.

Corrective action

762 The maritime administration will institutionalize an evaluation and review of audit performance by setting performance indicators and providing training for the personnel in QMS. This corrective action will be completed by 31 December 2018.

FD

763 The maritime administration had not implemented any procedures or guidance to facilitate the implementation and enforcement of compliance with the requirements relating to port State duties of all applicable safety and pollution prevention conventions and protocols to

which the State is a Party and had not assigned responsibility for updating the requirements (III Code, paragraph 54).

Root cause

764 The absence of a legal basis by the non-transposition into national legislation of the mandatory instruments to which the State is a Party, and the lack of technical and legal awareness of the requirements for port State activities, including non-assignment of responsibilities to personnel in various entities of the maritime administration have contributed significantly to this finding.

Corrective action

765 For port State activities, the maritime administration will update the Merchant Shipping and Environment Code and its implementing legislation and implement guidelines that facilitate the implementation and monitoring of the requirements of all the conventions and protocols relating to safety and pollution prevention to which the State is a Party. In addition, the maritime administration will assign and document responsibilities of governmental entities responsible for the implementation and monitoring of compliance with the mandatory IMO instruments and of personnel assigned to these tasks. This corrective action will be completed by 31 December 2017.

FD

766 There were no legislation, guidance or procedures to ensure that the maritime administration:

- .1 conducted the port State control in accordance with the provisions of the relevant conventions;
- .2 complied with the requirements of the International Code of Solid Bulk Cargoes (IMSBC Code); and
- .3 guaranteed systematic verification of compliance of bulk carriers carrying bulk grain cargo under the provisions of the International Code of Safety rules for the transport of bulk grain (Grain Code)

(SOLAS 1974, regulation I/19; Convention SOLAS 1974, regulation VII/7-5; MARPOL, Annex I, regulation 11; IMSBC Code, paragraph 4.3.3; Grain Code, paragraph 3.5; III Code, paragraph 57).

Root cause

767 The lack of awareness of the provisions of the codes and mandatory requirements of IMO and the absence of legislation governing PSC, as well as the lack of qualified personnel and of specialized training programme for port State control officers (PSCOs).

Corrective action

768 The following actions will be implemented:

- .1 the maritime administration will develop and implement national legislation, guidelines and procedures for administering a PSC programme. Responsibilities and level of authority of PSCOs, taking into consideration

the IMO guidelines, in particular resolution A.1052(27) on PSC procedures and the *Code of Good Practice for port State control officers* (MSC-MEPC.4/Circ.2) will be defined and the inspection service will be strengthened with adequate technical and material resources for the conduct of this activity; and

- .2 a specialized training programme for PSCOs will be developed and implemented, taking into account the shortcomings encountered by these officials in the interpretation and analysis of the mandatory IMO instruments, in particular the IMSB Code and the Grain Code.

This corrective action will be completed by 31 December 2017.

FD

769 The ports had no reception facilities available as required by Annexes I, II and IV of MARPOL and the garbage collection service providers had not acted in accordance with Annex V of MARPOL (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 4.3.3; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; III Code, paragraph 56.1).

Root cause

770 The obligation to provide port reception facilities in conformity with the requirements of MARPOL was not clearly specified in national legislation.

Corrective action

771 The maritime administration will develop and implement legislation obliging ports to establish reception facilities conforming to the requirements of MARPOL. Port regulations will be amended accordingly and necessary guidance and technical notes will be developed. This corrective action will be completed by 30 June 2018.

FD

772 The maritime administration had not fulfilled the obligations in terms of effectively implementing the provisions of the IMDG Code, particularly regarding the following areas:

- .1 a special list or manifest setting forth DG on board and the location thereof were not made available to the appropriate authority before the ship's departure;
- .2 training programme for shore-based personnel engaged in DG related matters;
- .3 management system covering activities related to the handling of DG; and
- .4 detailed instructions on emergency response and emergency medical care required in case of an incident due to DG

(SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/7-2.2; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; III Code, paragraph 57).

Root cause

773 The absence of regulations and lack of understanding of the provisions of the IMDG Code. Port authorities and terminal operators were not kept up-to-date with the requirements of the IMDG Code, including training requirements and there was a lack of coordination between the different entities responsible for the management of DG.

Corrective action

774 The maritime administration will develop regulations covering DG, to include the requirements of the IMDG Code, as well as any future amendments and will update the ports regulations accordingly. In addition, the maritime administration will put in place a "dangerous goods unit" within the ports, develop a documented procedure for the implementation of mandatory provisions and establish a training programme for all personnel involved in the implementation of the IMDG Code. Mandatory information will be communicated to IMO, including details of the "competent authority". This corrective action will be completed by 30 June 2018.

FD

775 The maritime administration had not conducted any periodic assessment or review of its performance to meet the obligations under the mandatory IMO instruments as a port State (III Code, paragraph 63).

Root cause

776 The absence of a culture to periodically evaluate and review performance, a lack of documented procedures and insufficient number of qualified personnel.

Corrective action

777 The maritime administration will institutionalize a documented evaluation and review programme of its performance in port State activities on a periodic basis. This corrective action will be completed by 31 December 2017.

FD

778 There was no policy and procedure in place for the State to periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the mandatory IMO instruments as a port State (III Code, paragraph 63).

Root cause

779 Lack of documented policy and procedures within the maritime administration, including the QMS Manual, which assigns responsibilities, methodologies, evaluation standards to periodically evaluate its performance in respect of exercising its rights and meeting its obligations as a port State.

Corrective action

780 Responsible entities of the maritime administration will develop and implement comprehensive policies, processes, procedures, guidelines and standard checklists, as well as assign responsibilities and define methodologies and evaluation standards, in order to evaluate and review the State's performance in the area of port State activities in respect of

exercising its rights and meeting its obligations under applicable mandatory IMO instruments. Performance evaluation indicators will be defined and dedicated personnel have been designated by responsible entities to undertake periodic evaluation. This corrective action will be completed by 31 December 2017.

FD

781 Bulk chemicals are imported in the State, but no reception facility as required by MARPOL Annex II is available in the State and Annex VI reception facilities are also not available (MARPOL, Annex II, regulation 18.2; MARPOL, Annex VI, regulation 17.2; III Code, paragraph 56.1).

Root cause

782 Due to the recent ratification of MARPOL, Annex VI, requirements in relation to the provision of port reception facilities was not fully understood. The obligation to provide port reception facilities in conformity with the requirements of MARPOL was not clearly specified in national legislation and no documented procedures and guidelines were developed.

Corrective action

783 The maritime administration will develop and implement national legislation and documented procedures on port reception facilities and will establish port reception facilities complying with the requirements of MARPOL Annexes I, II and VI. Following a tender and development process, commencement of the reception facility operation is expected in the first half of 2018, with the reception facility covering MARPOL Annex I, as a start. Later on, the priority of ports operations will govern the phases of covering other MARPOL Annexes. This corrective action will be completed by 31 December 2018.

FD

784 There is no evidence that the IMDG Code requirements are being met, in particular:

- .1 the designation of the "competent authority";
- .2 detailed instructions on emergency response and medical first aid relevant to incidents involving DG in packaged form;
- .3 training programme for shore-based personnel engaged in the transport of DG; and
- .4 a management system shall be established and implemented for all activities related to DG

(SOLAS 1974, regulation VII/2.4; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; IMDG Code, chapter 7.9; III Code, paragraph 57).

Root cause

785 The lack of awareness of the provisions of the IMDG Code and mandatory requirements of SOLAS 1974 and the absence of national legislation governing DG.

Corrective action

786 The maritime administration will develop and implement national legislation establishing an inter-ministerial Committee consisting of the Ministry of Environment, Ministry of Transport, the State Special Economic Zone and all berth operators for handling hazardous and harmful substances. The Committee will designate the "Competent Authority" within the State responsible for dealing with DG and communicate relevant information to IMO, develop and implement detailed instructions on emergency response and medical first aid relevant to incidents involving DG in packaged form, as well as set a training programme for shore-based personnel engaged in the transport of DG and follow its implementation. The Committee will also ensure that a management system for all activities related to DG is established and maintained by respective entities. This corrective action will be completed by 31 December 2018.

FD

787 Port and maritime authorities had not fulfilled the governmental obligations in terms of effective implementation of provisions of the IMDG Code, particularly regarding the following areas:

- .1 a special list or manifest setting forth the DG on board and the location thereof were not made available to the maritime administration before the ship's departure;
- .2 training programme for shore-based personnel engaged in DG related matters;
- .3 management system covering activities related to the handling of DG; and
- .4 detailed instructions on emergency response and emergency medical care required in case of an incident due to DG

(SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/7-2.2; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; III Code, paragraph 57).

Root cause

788 Lack of national legislation in line with the international mandatory provisions required by the IMDG Code, lack of supervision from the Ministry responsible for merchant shipping on maritime ports, lack of training programmes for personnel dealing with DG and of updating port regulations.

Corrective action

789 The maritime administration will develop a regulation covering DG, transposing the requirements of the IMDG Code, as well as any future amendments and will update the ports regulations accordingly. In addition, the maritime administration will put in place, within the ports, a "dangerous goods unit", will develop a documented procedure for the implementation of mandatory provisions and establish a training programme for all personnel involved in the implementation of the IMDG Code. Mandatory information will be communicated to IMO, including details of the "competent authority". This corrective action will be completed by 31 December 2017.

FD

790 The ports in the State had no reception facilities available as required by Annexes I, II and IV of MARPOL and the garbage collection service providers had not acted in accordance with Annex V of MARPOL (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 4.3.3; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; III Code, paragraph 56.1).

Root cause

791 The obligation to provide port reception facilities in accordance with the requirements of MARPOL was not clearly specified in the national legislation, and the actual structure and organization of the maritime administration prevented compliance with these requirements.

Corrective action

792 The maritime administration will develop and implement legislation obliging the port to adopt reception facilities in accordance with the requirements of the MARPOL Convention. Port regulations will be amended accordingly and the necessary guidelines and technical notes will be developed. This corrective action will be completed by 31 December 2017.

FD

793 The responsible entities of the State had not carried out periodical evaluation or review of their performance in fulfilling the port State obligations of the State under the applicable IMO instruments (III Code, paragraph 63).

Root cause

794 Lack of a culture to periodically evaluate and review performance, and lack of documented procedures and insufficient number of qualified personnel.

Corrective action

795 The maritime administration will recruit additional personnel and will institutionalize, on a periodic basis, a documented evaluation and review programme of its performance in port State activities. This corrective action will be completed by 31 March 2017.

FD

796 Issues related with the carriage of DG at sea were not sufficiently regulated, implemented or supervised (SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/3; SOLAS 1974, regulation VII/7.5; MARPOL, Annex III, regulation 2; III Code, paragraph 54; III Code, paragraph 55; III Code, paragraph 57).

Root cause

797 The State was not aware that the regulations and guidelines for the implementation of IMDG, IMSBC and Grain Codes should be developed independently.

Corrective action

798 The State will adopt and develop regulations, guidelines and procedures for handling, carriage and transportation of DG under IMDG, IMSBC and Grain Codes. The State will also

issue the detailed provisions as a Marine Notice including quantity limitations and exceptions for preventing or minimizing pollution of the marine environment by harmful substances. The requirements for reporting to IMO will be complied using established reporting protocols as will be in the reporting procedure. This corrective action will be completed by 31 December 2018.

FD

799 There are no MARPOL Annexes II, IV and VI port reception facilities, commensurate with the type's ships and volume of shipping traffic. Alleged inadequacies for Annex V reception facilities were not reviewed and addressed (MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex VI, regulation 17.2; III Code, paragraph 55; III Code, paragraph 56).

Root cause

800 Whilst the responsibility of meeting the obligations of MARPOL Annexes II and IV rests with the Port Authority and the Maritime Agency, lack of working procedures and mutual recognition of responsibilities have hindered the implementation. There was total lack of communication between the two entities.

Corrective action

801 The State will provide port reception facilities to cover the requirements of Annexes II, IV and VI of MARPOL in all ports. Contractual agreements of the port concession will include the provision of these facilities with adequate capacity based on ship traffic projections. The GISIS procedure will be developed and reporting, update and complaints will be timely handled. This corrective action will be completed by 31 December 2018.

FD

802 Port State control inspections had no supporting national legislation, including the legal right of a shipowner to seek redress in case of possible questionable detention. Notification on the detention of a foreign flag ship under PSC was not provided to the flag State (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; III Code, paragraph 54; III Code, paragraph 55; III Code, paragraph 60; III Code, paragraph 62; III Code, paragraph 63).

Root cause

803 The State did not deem it necessary to develop the processes to leverage on the enhanced capacity provided by the regional MoU on PSC. There was no mechanism developed to evaluate and improve the quality of inspections and the surveyors' performance. Training programmes were conducted by the regional MoU on PSC and not by the State.

Corrective action

804 The State will review and update the Merchant Shipping Act (2007) and promulgate subsidiary legislations and processes in line with resolution A.1052(27). The regulations will contain established guidelines for port State control programme, which will contain policies, instructions or professional conduct for PSC activities. Measures will be put in place to detain ships when necessary and process for notification to flag Administrations in case of a detention will be established. The inspections and results will be evaluated against that set for the State in relation to the regional MoU on port State control. This corrective action will be completed by 27 December 2019.

FD

805 The authority did not sufficiently regulate and implement mandatory provisions related to fuel oil suppliers, which include regulating the provision and retention of bunker delivery notes by fuel oil suppliers and verification of fuel oil quality (MARPOL, Annex VI, regulation 18.10; III Code, paragraph 57).

Root cause

806 The State ratified Annex VI of MARPOL in 2015. The process of domestication is in progress. The operational resource, structure correlation and responsibilities are still at the formative stage.

Corrective action

807 The State will transpose MARPOL Annex VI into national legislation; subsidiary regulations and implementation guidelines will be equally developed. The bunkering process documentation and related operational documents will be retained for the specified period as required under national regulations and the Convention. This corrective action will be completed by 31 December 2018.

FD

808 There was no objective evidence to confirm compliance with a number of the requirements of the IMDG Code, such as, appointment of a competent authority for handling matters related to dangerous cargoes in accordance with chapter 7.9.1.2 and training of shore-based personnel engaged in the transportation of DG under chapter 1.3.1 of the IMDG Code (SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/7-2.2; IMDG Code, section 1.3.1; IMDG Code, chapter 7.9; III Code, paragraph 54; III Code, paragraph 55).

Root cause

809 The appointment of the competent authority for handling matters relating to DG had not been done, which led to the non-fulfilment of a number of requirements relating to the IMDG Code.

Corrective action

810 The maritime authority will be confirmed as the competent authority for handling matters relating to DG. Inspectors of the maritime authority will be trained in the transportation of DG under section 1.3.1 of the IMDG Code. Procedures for the implementation of the IMDG Code will be adopted and implemented. Shore-based personnel will be provided training on the handling, stowage and transportation of IMDG cargo. This corrective action will be completed by 30 December 2017.

FD

811 There was no evidence to confirm that appropriate port reception facilities or equivalent arrangement to accept ship generated waste regulated under MARPOL 73/78 to which the State is a Party, were made available and collection of ship-generated waste is monitored (MARPOL, Annex I, regulation 38.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; III Code, paragraph 56.1).

Root cause

812 The collection of waste was primary done by the shipping agents, which was not fully assessed in terms of available facilities and quantity and types of waste received.

Corrective action

813 The State has agreements to establish a regional port reception facility in its territory. Suitable land upon which the facility is to be built will be identified, once the port relocation has been completed and land allocated. The State will conduct inspection of port operator facilities in accordance with the New Marine Pollution (Ships and Installation) Act section 49 "Port Operators to provide waste reception facilities". The State will develop a procedure to monitor collection of ship generated waste and its disposal. This corrective action will be completed by 30 December 2018.

FD

814 There was objective evidence to confirm that the maritime administration did not employ properly qualified, trained and skilled PSCOs and did not develop a documented training and retraining programmes for PSCOs. PSC inspections are always not carried out by authorized and qualified PSCOs in line with the relevant procedures adopted by IMO (III Code, paragraph 60; III Code, paragraph 61).

Root cause

815 The State did not specify qualification requirements for the recruitment of PSCOs. PSCOs had not undergone any structured training programme.

Corrective action

816 The State will develop a qualification requirement for PSCOs and implement formalize training and retraining programme to ensure suitable qualified officers are equipped with the training for inspection of all types of ships including LNG and Large Crude Oil Carriers. All authorized PSCOs will be issued an identity document to denote the authorization granted when visiting ships for PSC inspections. This corrective action will be completed by 30 December 2018.

FD

817 There was no policy and procedure in place for the State to periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the mandatory IMO instruments as a port State (III Code, paragraph 63).

Root cause

818 There was lack of awareness of the requirement for evaluation and review of the obligations and rights exercised by the State; and the responsibility for developing policies for monitoring of port State obligations was not clearly defined.

Corrective action

819 The maritime authority will document in the management system the requirement and procedure to conduct an annual evaluation and review of its performance in implementing port State activities. This corrective action will be completed by 30 December 2017.

FD

820 Although there were references to certain IMDG Code provisions in national legislation, the IMDG Code was not fully implemented and enforced. There was no objective evidence to confirm compliance with a number of requirements of the IMDG Code, including appointment of a "Competent Authority" for the handling matters related to dangerous cargoes and training of shore-based personnel engaged in the transportation of DG (SOLAS 1974, regulation VII/2.4; IMDG Code, section 1.3.1; III Code, paragraph 53; III Code, paragraph 55).

Root cause

821 Due to the insufficient number of personnel with maritime expertise in the Administration, was not possible to fully comply with the obligations provided in the IMDG Code, and in particular, to promulgate necessary national legislation giving full effect to the mandatory requirements.

Corrective action

822 The maritime administration will increase its workforce of specialized personnel in order to ensure the full implementation and enforcement of the requirements of the IMDG Code based on the elaboration and promulgation of the appropriate national legislation. This corrective action will be completed by 31 March 2020.

FD

823 The maritime administration had not performed periodic evaluation on its performance in respect of exercising its rights and meeting its obligations as port State under the applicable mandatory IMO instruments (III Code, paragraph 63).

Root cause

824 Due to restructuring of the maritime administration, it was not possible to monitor the effectiveness of all port waste reception and management plans, which had been approved.

Corrective action

825 As an immediate correction, the port authorities will be required to send to the maritime administration the relevant reports, as required by the national legislation. An annual plan of monitoring of the execution of the approved port waste reception and management plans will be developed and implemented. Such plan will be developed based on a risk matrix, taking into account the information sent by the port authorities involved, and it will ensure that at all ports are effectively monitored on a three-year cycle basis. This corrective action will be completed by 30 November 2016.

FD

826 The maritime administration had not implemented policies and guidance that would facilitate the implementation and enforcement of port State obligations and responsibilities contained in the applicable conventions and protocols to which the State is Party and had not assigned the responsibilities for doing so and future updates (III Code, paragraph 54).

Root cause

827 Lack of regulation and legal basis in national legislation and a lack of documented procedures and human and financial resources has contributed to this finding.

Corrective action

828 Pursuant to the mandatory provisions of the conventions, as amended, and protocols to which the State is Party, the Ministry responsible for merchant shipping will develop and implement national regulations and guidelines that will assist in the implementation and monitoring of compliance with obligations and responsibilities of the State as a port State, will strengthen its human capacity and assign and document the responsibilities of the personnel assigned to these tasks. The new arrangements will cover, but not be limited to, port State control activities, port reception facilities and handling of DG and other cargoes in ports. This corrective action will be completed by 31 January 2019.

FD

829 There were no reception facilities available in ports as required by Annexes II and IV of MARPOL. In addition, it could not be demonstrated that the garbage collection service providers complied with the updated requirements of MARPOL, Annex V (MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 7; III Code, paragraph 56.1).

Root cause

830 The obligation to provide ports with waste reception facilities in accordance with MARPOL was not clearly specified in the national legislation and there was a lack of rigorous monitoring of compliance of the activities of port service providers in accordance with the requirements of MARPOL, Annex V.

Corrective action

831 The Ministry in charge of merchant marine will elaborate and implement national legislation, in line with the obligations under the Annexes of the MARPOL Convention, obliging the State to establish reception facilities in accordance with the requirements of the convention in its ports. Port regulations will be amended accordingly and technical guidelines and notes will be developed prior to the issuance of any authorization for the exercise of this activity. A documented monitoring and on-site verification system will be established. This corrective action will be completed by 31 December 2019.

FD

832 There was no legislation, guidance or procedures in place to ensure that:

- .1 port State control inspections are conducted in accordance with the provisions of relevant IMO instruments and other documents; and
- .2 the requirements of the IMSBC Code are complied with.

(SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; STCW 1978, article X; IMSBC Code, paragraph 4.3.3; III Code, paragraph 57).

Root cause

833 Lack of awareness of the applicable international requirements; lack of human and material resources; lack of national legislation governing PSC and a lack of provisions covering the obligations under the IMSBC Code.

Corrective action

834 The Ministry responsible for merchant shipping will develop and implement national legislation, guidelines and procedures for the administration of a PSC programme. It will ensure the implementation of resolution A.1052(27), which establishes PSC procedures and the Code of Good Practice for PSCOs and will issue guidelines to define the degree of responsibility and authority of the PSCOs. The inspection service will be strengthened by additional technical and material resources for the conduct of this activity and the PSCO Manual will be officially adopted and applied. A specialized training programme for PSCOs will be developed and implemented, taking into account the observed shortcomings in interpreting and analysing mandatory IMO instruments, in particular for the IMSBC Code. This corrective action will be completed by 31 January 2019.

FD

835 The maritime administration had not effectively implemented the provisions of the IMDG Code, in particular with regard to:

- .1 designation of the competent authority;
- .2 a special list or manifest setting forth DG on board and the location thereof were not made available to the appropriate authority before the ship's departure;
- .3 training programme for shore-based personnel engaged in DG related matters;
- .4 management system covering activities related to the handling of DG; and
- .5 detailed instructions on emergency response and emergency medical care required in case of an incident due to DG

(SOLAS 1974, regulation VII/2.4; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; III Code, paragraph 57).

Root cause

836 Lack of regulations and a lack of understanding of the provisions of the IMDG Code led to the failure to comply with its requirements, including the requirements for the training of shore-based personnel.

Corrective action

837 The Ministry responsible for merchant shipping will develop rules for handling of DG in ports, which will include the requirements of the IMDG Code, as well as any future amendments, and will consequently update the existing port regulations. In addition, the maritime administration will establish a "dangerous goods unit" within the ports, will develop a documented procedure for the implementation of the mandatory provisions and establish a training programme for all personnel involved in the implementation of the IMDG Code. The mandatory information shall be communicated to IMO, including details of the "competent authority". This corrective action will be completed by 30 January 2019.

FD

838 The maritime administration had not conducted any periodic assessment or review of performance in respect of its port State obligations under mandatory IMO instruments (III Code, paragraph 63).

Root cause

839 Lack of a formal regulatory framework for mandatory evaluation and periodic performance review by the maritime administration and a lack of coordination between the services involved in port State activities.

Corrective action

840 The maritime administration will institutionalize a documented programme of periodic assessment and performance review to meet its obligations under the mandatory IMO instruments in the context of port State activities. This corrective action will be completed by 31 December 2019.

FD

841 It could not be demonstrated that individuals authorized to conduct port State control by the maritime administration had no commercial, financial or other pressures and had no commercial interest, either in the port of inspection or in the ships inspected, in ship repair facilities or in any support services in the port or elsewhere, or employed by ROs or classification societies to do any work on their behalf (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; STCW 1978, article X; III Code, paragraph 62).

Root cause

842 Lack of a regulatory framework governing the professional conduct of the staff in charge of PSC, including the avoidance of conflict of interest.

Corrective action

843 The Ministry responsible for merchant shipping will develop and implement legislation to ensure that personnel in charge of PSC are independent of any commercial or financial interest. This corrective action will be completed by 31 January 2019.

FD

844 No entity was designated to deal with matters pertaining to dangerous cargoes. The persons handling dangerous cargo were not aware of the safety and reporting requirements under the IMDG Code. Detailed instructions on emergency response and medical first aid relevant to incidents involving DG in packaged form were not issued (SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/7-2.2; IMDG Code, section 1.3.1; III Code, paragraph 57).

Root cause

845 The State did not fully transpose SOLAS 1974, including its latest amendments and protocols into national legislation, hence measures taken by the State to ensure appropriate observance and the implementation of the various codes, including the IMDG Code, were not properly coordinated.

Corrective action

846 Necessary procedures and legislation to incorporate the requirements of the mandatory IMO instruments and codes, including the IMDG Code will be prepared and a monitoring mechanism will be established. The State shall develop appropriate legal framework for port State enforcement mechanism to ensure compliance with these mandatory requirements. Aligned agencies shall be sensitized and relevant legislation aligned to the mandatory IMO requirements. Training and capacity building programmes to facilitate knowledge sharing shall be organized. This corrective action will be completed by 31 December 2018.

FD

847 Although PSC inspections were conducted, the State did not define and implement policies on PSC through issuing national legislation and guidance. There was no legal authorization of personnel who carried out PSC inspections and no formal requirements prescribed for their qualification. In addition, PSC inspections were conducted in areas covered by mandatory IMO instruments to which the State is not a Party. No process was established to administer the PSC programme, including policies and criteria for conducting PSC inspections, collection of data on ships calling the port and their selection for inspection, procedures and instructions and training programme for continuous updating of PSC officers' knowledge (III Code, paragraph 54; III Code, paragraph 60; III Code, paragraph 61).

Root cause

848 Inadequate national legislation on PSC is a consequence of the maritime sector ranking low in the legislative prioritization. No long-term certification training was provided due to financial constraints, hence there is a lack of qualified inspectors. PSC inspections conducted in areas covered by mandatory IMO instruments to which the State is not a Party is due to oversight.

Corrective action

849 The maritime administration is in the process of reviewing national legislation pertaining to PSC, including a monitoring mechanism, as well as legal authorization of personnel who carried out PSC inspections and formal requirements for their qualification. A process for administering the PSC programme, as well as necessary procedures and instructions will be established, including policies and criteria for conducting PSC inspections, collection of data on ships calling the port and their selection for inspection. Training and capacity building programmes to facilitate knowledge sharing shall be organized. Regional Memorandum of Understanding on PSC will be signed by the State within 6 months. This corrective action will be completed by 31 July 2018.

FD

850 It was established that no performance evaluation mechanism was in place to evaluate and review the port State obligations under applicable IMO instruments (III Code, paragraph 63).

Root cause

851 Due to a failure to transpose and implement relevant IMO instruments, there was inadequate information on the performance in meeting the obligations under those instruments and a lack of understanding on the need to evaluate the level of performance. There was a

lack of a legal basis for regular monitoring in respect of the compliance with the mandatory IMO instruments. Due to a lack of competent human resources, there was inadequate technical comprehension and staffing available to establish a mechanism to evaluate and review port State processes, as required under the relevant IMO instruments. Inadequate funding to support outsourcing of subject matter experts and recently established QMS also contributed to this finding.

Corrective action

852 Appropriate legislation shall be drafted to address the evaluation and review of port State obligations and requirements. The responsible government entities shall establish regular monitoring programmes in order to evaluate their performance in respect of the port State obligations under the mandatory IMO instruments. Evaluation and review of port State performance and any corrective action, as appropriate, will be undertaken periodically in accordance with the applicable IMO procedures and guidance, as well as regional MOU procedures. Quality management system shall be reviewed and updated. This corrective action will be completed by 31 July 2017.

FD

853 There was insufficient evidence to establish that the periodic evaluation and review of performance of the State in performing its obligations as a port State had been carried out (III Code, paragraph 63).

Root cause

854 There was a lack of understanding by the maritime administration on the need to carry out periodic evaluation of performance in respect of meeting its port State obligations, including port reception facilities and PSC activities.

Corrective action

855 The maritime administration will develop relevant procedures and guidelines in conjunction with the relevant entities to assist them in effective implementation of port State obligations. Periodic evaluation of performance of each entity in respect of overall port State obligations will be reviewed annually during the MAIC meeting, which includes the assessment of adequacy of port reception facilities established under MARPOL. The maritime administration will develop a plan to increase the number of PSC inspections of foreign ships visiting its ports for 2017 and beyond and will analyse inspection results for evaluation of PSC performance. This corrective action will be completed by 31 December 2017.

FD

856 There was no evidence that the State fulfilled the requirements of the IMDG Code, particularly in relation to the designation of the "competent authority". On the other hand, the division of functions between the maritime and port authorities left the implementation of the mandatory requirements of the IMDG Code incomplete, in particular:

- .1 detailed instructions on emergency response and medical first aid relevant to incidents involving DG in packaged form;
- .2 training programme for shore-based personnel engaged in the transport of DG; and

- .3 a management system for all activities related to DG

(SOLAS 1974, regulation VII/2.4; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; IMDG Code, section 7.9; III Code, paragraph 57).

Root cause

857 The following factors contributed to this finding:

- .1 lack of regulation and a lack of knowledge of the IMDG Code requirements; and
- .2 lack of coordination amongst the entities responsible for managing DG and a lack of training.

Corrective action

858 The maritime administration will develop a regulation covering DG, transposing the requirements of the IMDG Code, as well as any future amendments. In addition, the maritime administration will develop a documented procedure for implementation of mandatory requirements and establish a training programme for all personnel involved in the implementation of the IMDG Code. Mandatory information will be communicated to IMO, including details of the "competent authority". This corrective action will be completed by 30 June 2017.

FD

859 There was no legislation, guidelines or procedures to ensure that the maritime administration conducted PSC activities according to international and regional commitments (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; STCW 1978, article X; III Code, paragraph 55).

Root cause

860 Lack of legislation covering PSC activities and a lack of detailed working procedures for PSCOs.

Corrective action

861 The maritime administration will develop the necessary legislation for the conduct of PSC activities, the mandatory notification to the flag State and IMO, in the case of detention of a foreign ship in a port of the State. Including the responsibilities and lines of authority. All international and regional guidelines will be considered and integrated into the legislation to ensure uniformity of PSC inspections. Detailed procedures for inspections, in accordance with resolution A.1052(27), will be developed and the inspection service will be strengthened with adequate technical and material resources to conduct port State activities. This corrective action will be completed by 31 December 2017.

FD

862 Although the government is a Party to MARPOL Annex IV, its port was not fitted with reception facilities for collection of sewage (MARPOL, Annex IV, regulation 12.1; III Code, paragraph 56.1).

Root cause

863 The obligation to provide port reception facilities in conformity with the requirements of MARPOL was not clearly specified in national legislation.

Corrective action

864 The following actions will be implemented:

- .1 the maritime administration will develop and implement legislation obliging the port to adopt reception facilities conforming to the requirements of the MARPOL Convention. Port regulations will be amended accordingly and necessary guidance and technical notes will be developed; and
- .2 effective implementation of the Master Plan on marine resources as discussed at the 2015 Maritime Conference, as a basis for the creation of port infrastructure for waste treatment and oil residues.

This corrective action will be completed by 31 December 2017.

FD

865 The maritime administration had not carried out any periodic evaluation or review of its actions to fulfil its obligations under the applicable mandatory IMO instruments as a port State (III Code, paragraph 63).

Root cause

866 Lack of a culture to periodically evaluate and review performance, a lack of documented procedures and insufficient number of qualified personnel.

Corrective action

867 The maritime administration will recruit additional personnel and will institutionalize a periodic documented evaluation and review of performance for port State activities. This corrective action will be completed by 31 December 2017.

FD

868 Even though there was evidence of compliance with the requirements of the IMDG Code and the latest amendments were drafted in order to update the provisions, the aforementioned amendments were not yet implemented (e.g. Management System – role of the competent authority) (SOLAS 1974, regulation VII/3; IMDG Code, section 1.5.3; III Code, paragraph 55).

Root cause

869 The lack of instructions and procedures for timely updating and implementing the latest amendments to the IMDG Code. In addition, there was a lack of coordination with port authorities in relation to the implementation and enforcement of the IMDG Code.

Corrective action

870 The maritime administration will develop circular letters for the implementation of the latest provisions of the IMDG Code and to establish a coordination programme and strengthening of monitoring process with the other entities involved regarding handling, transportation and storage of DG. This corrective action will be completed by 1 May 2017.

AREAS OF POSITIVE DEVELOPMENT

Best practices

871 Some services had implemented certified quality management systems, those include the hydrographic and buoyage services of the self-managed port of the State.

872 The establishment of the maritime prefecture, under the State Ministry in charge of National Defence, helped to pool expertise and to streamline coordination between the governmental entities in charge of maritime affairs and to improve the state's mechanisms to implement and enforce the mandatory IMO instruments in its capacity as a coastal State.

873 The Oil Spill Combat Centre is well equipped and manned contributing to the protection of the marine environment within the State's jurisdiction and the adjacent countries' water.

874 The establishment of the Inter-ministerial Committee, chaired by the Prime Minister, helped to pool expertise and to streamline coordination between the governmental entities in charge of maritime affairs and to improve the mechanisms of the State to implement and enforce the mandatory IMO instruments in its capacity as flag, port and coastal State.

875 The State's Ports Authority carried out a formal safety assessment to justify the establishment of VTS in four pilotage districts of the State. The completed assessments have recommended establishment of VTS and the Ports Authority planned to start establishing them within the year. For that purpose, the State's Ports Authority sent 26 employees to VTS operators and supervisors training.

876 The State provides free copies of national legislation in the maritime sector to all concerned.

877 The State's Port Management Company has developed a customer satisfaction questionnaire which is distributed to all ships calling at its main port. This questionnaire enables ship masters to provide their feedback on various issues, including the performance and adequacy of aids to navigation, reception facilities and other services provided by the port.

878 The implementation of a QMS for administering aids to navigation enables better organization of service provision through process documentation and introduction of management indicators and surveys designed to identify user perceptions, all of which constitutes a basis for further development.

879 The creation of the High Council for the sea helped to pool expertise and to streamline coordination between the various entities involved in the maritime activities, and to improve the mechanisms for implementing and enforcing the requirements of the mandatory IMO instruments applicable to the State in its capacity as a coastal State.

880 Government's "Excellency evaluation and continuous monitoring" for maritime customer services, launched in 2013 to ensure expeditious and accurate facilitation of ship certification and licensing, has achieved a "4 stars" level.

881 Implementation of "happiness questionnaire and indicators" for all maritime administration's customer services on completion of service provided, provides an opportunity for continuous review and improvement.