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Circular Letter No.3879
10 October 2018

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 second 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 one audit completed in 2016 and fourteen audits that were completed in 2017.

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, to be shared 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 second CASR containing the outcomes from one audit completed in 2016 and 14 audits that were completed in 2017. The first CASR was issued as Circular Letter No.3772.

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 15 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 the root cause identified by the audited State and summary of the corrective action taken or proposed by the audited 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 Transposition of amendments to the applicable mandatory IMO instruments into national legislation was not carried out in a timely manner, in order to provide the necessary legal basis for implementation and enforcement. Therefore, the associated investigative and penal processes were not adequate (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; COLREG 1972, article I; III Code, paragraph 8.1; III Code, paragraph 8.2).

Root cause

7 The legislative process involved, through the direct referencing method, to incorporate the numerous and successive amendments to IMO instruments into national law could not be achieved in a timely manner.

Corrective action

8 The State will implement the arrangements outlined in its Strategy to implement the III Code, which stipulates:

- .1 a comprehensive review of existing national maritime legislation to determine any gaps in the transposition of the applicable international conventions, which will include review of all sanctions and penalties in order to ensure effective enforcement of national laws; and
- .2 the establishment of a specialized permanent Committee for revision of national legislation and for ensuring its effectiveness regarding provisions of mandatory IMO instruments and related amendments. The Committee will oversees a process of monitoring and timely transposition into national legislation of requirements stemming from the applicable IMO instruments, including their amendments.

This corrective action will be completed by 31 March 2020.

FD

9 There was no objective evidence that the State fulfilled all communication of information requirements emanating from the mandatory IMO instruments. For example, there was no evidence that reports in accordance with MEPC/Circ.318 had been submitted to IMO (III Code, paragraph 9).

Root cause

10 Coordination among the State's entities concerned was not sufficient with regard to reporting to IMO in accordance with MEPC.1/Circ.318.

Corrective action

11 Mandatory provisions regarding communication of information to IMO will be implemented continuously through coordination among the different government entities using the standardized forms for reporting to IMO. All reports, as well as relevant updates in GISIS modules, will be communicated to IMO by 30 September of each year. This corrective action will be completed by 30 September 2017.

FD

12 There was no system in place for transposing amendments to the mandatory IMO instruments into national legislation, and there was insufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; COLREG 1972, article I; III Code, paragraph 8).

Root cause

13 The lack of technical knowledge and lack of awareness.

Corrective action

14 The State will:

- .1 develop and implement a mechanism to follow-up all new mandatory IMO instruments, amendments to existing ones and to monitor respective dates of their entry into force in order to ensure their transposition into national legislation in a timely manner;
- .2 establish a road map and an action plan to ensure continuous compliance with new amendments adopted by IMO;
- .3 incorporate all applicable IMO conventions into national legislation and initiate appropriate legislating procedure;
- .4 establish a system to ensure that texts of newly adopted national legislation is periodically communicated to IMO;
- .5 develop and implement a legal procedure for the enactment of national laws for various mandatory IMO instruments;
- .6 develop guidance and procedures for monitoring amendments to existing mandatory IMO instruments;
- .7 develop and implement a training programme for existing staff in order to improve their competence in monitoring of amendments to existing mandatory IMO instruments and provide sufficient resources for implementation and translations; and
- .8 develop a strategy for training of existing staff and recruiting new, skilled personnel.

This corrective action will be completed by 31 December 2020.

FD

15 There was no methodology for overall continuous performance monitoring of the State. No formal system was put in place to periodically evaluate and improve the effectiveness of the State in conducting general, flag, coastal and port State activities (III Code, paragraph 11; III Code, paragraph 12; III Code, paragraph 13).

Root cause

16 The lack of national strategy, which assigns responsibilities, methodologies and standards for periodical evaluation of overall performance of the State in respect of exercising its rights and meeting its obligations under the applicable IMO instruments. Non-existence of a national platform that allows inter-agency cooperation on maritime issues.

Corrective action

17 The State will implement a mechanism for periodic monitoring and evaluation of the overall performance of all involved State entities in exercising general, flag, coastal and port State activities, including designation of dedicated personnel to undertake periodic evaluation. A national platform will be established to ensure continuous cooperation of all involved entities

in evaluation, review and analysis of non-conformities under the applicable mandatory IMO instruments and their communication. This corrective action will be completed by 31 August 2020.

FD

18 Transposition of the mandatory IMO instruments and their amendments into national legislation, including those amendments entering into force under the tacit amendments procedure and the amendments to the international codes, were often not carried out prior to their entry into force. In addition, 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 was not sufficient (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 4; III Code, paragraph 8.1; III Code, paragraph 8.3).

Root cause

19 Owing to a lack of financial, material and human resources, the transposition of the mandatory IMO instruments and their amendments into national legislation, could not be carried out in a timely manner.

Corrective action

20 The State will implement the following corrective actions:

- .1 the responsible entities will develop formal procedures to ensure that, in the future, all the amendments are transposed into national legislation and promulgated. In order to achieve this goal, the responsible entity will appoint experts within its structure to deal with each of IMO instruments, as required; and
- .2 the responsible entity will carry out an assessment of all the amendments and protocols and other instruments that already entered into force and were not transposed into national legislation, with a view to their transposition and promulgation as national laws, where applicable. In addition, an analysis of the personnel with maritime expertise necessary to assist in the promulgation of the necessary national laws will be carried out and proposed additional human resources will be hired or relocated.

This corrective action will be completed by 30 September 2020.

FD

21 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 recognized organizations (ROs) and specimen of certificates). 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 11; LL 1966, article 26; STCW 1978, article IV; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

22 There was a lack of documented procedure to identify and address communication of information requirements under the applicable mandatory IMO instruments. In addition, the maritime administration did not have a mechanism to collect and translate relevant data in order to communicate mandatory information to IMO.

Corrective action

23 The State will develop a documented procedure for communication of information and mandatory reporting to IMO in coordination with the various entities involved. A unit within the responsible entity will be designated to coordinate various tasks in the collection and communication of information to IMO from all relevant entities of the State, including keeping all relevant modules in GISIS up-to-date. This corrective action will be completed by 31 January 2020.

FD

24 There was no documented procedure in place to define control, identification, storage, protection, retrieval, retention and disposition of the records necessary to provide evidence of conformity to requirements and of the effective operation of the State (III Code, paragraph 10).

Root cause

25 The maritime administration was not aware of the requirement for a documented procedure on record-keeping.

Corrective action

26 A template for a record keeping procedure will be made available to all governmental entities involved and these entities will develop and implement a general procedure for a centralized system of record keeping in each Government entity. Specific personnel will be assigned within the various Government entities to deal with the record keeping and backup arrangements will be defined and put in place for electronic records. Furthermore, the implementation of the procedures for the record keeping systems in all Government entities involved will be verified through internal audits. This corrective action will be completed by 31 October 2019.

FD

27 There was no objective evidence to demonstrate that the State continually improves the adequacy of the measures which are taken to give effect to those conventions and protocols to which it is Party. Besides, a culture which provides opportunities for improvement of performances in maritime safety and environment protection activities were not in place and measures to identify and to eliminate the cause of non-conformities to prevent their recurrence had not been taken (III Code, paragraph 11; III Code, paragraph 12; III Code, paragraph 13).

Root cause

28 There was a lack of financial and human resources.

Corrective action

29 The State will implement the following corrective actions:

- .1 a documented procedure will be developed and implemented by all relevant governmental entities in order to evaluate the effectiveness of the implementation of the mandatory IMO instruments to which the State is Party;
- .2 key performance indicators will be incorporated into the overall national maritime strategy for performance evaluation;
- .3 joint audits will be conducted to evaluate the performance of the State in the implementation of the mandatory IMO instruments;
- .4 specific roles had been assigned to agencies and entities to implement and enforce the provisions of national legislation stemming from the mandatory IMO instruments; and
- .5 educational and sensitization programmes will be undertaken for all stakeholders, including shipping companies. In addition, a policy will be developed involving all relevant entities of the State to ensure that joint drills on safety and pollution prevention are carried out. The roles of those entities will be captured in the national maritime strategy, while the scope of the policy will be related to the legal mandate of the specific entities.

This corrective action will be completed by 21 March 2020.

FD

30 Following the signature of Royal Decrees authorizing ratification of IMO instruments, the State had not given full and complete effect to those instruments by incorporating them into its national legislation (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 4).

Root cause

31 The lack of resources within the maritime administration caused delay in the transposition of the ratified mandatory IMO instruments into national legislation. Furthermore, the process of ratifying a new convention or amendments to existing instruments in the State's legal system was lengthy, which posed a heavy burden on the maritime administration.

Corrective action

32 The State will:

- .1 develop and implement a road map and an action plan for transposition, implementation and enforcement of the requirements stemming from the mandatory IMO instruments and for the establishment of mechanisms aiming at monitoring new amendments adopted by IMO, in order to ensure continuous compliance; and
- .2 draft and adopt a new maritime transport legislation, whereby sub-decrees and proclamations will be incorporated into national legislation in order to implement and enforce the mandatory IMO instruments to which the State is Party.

This corrective action will be completed by 11 December 2020.

FD

33 There was no objective evidence that the State had incorporated into its national legislation amendments to the mandatory IMO instruments to which it is Party and the legal basis for the enforcement of national legislation, including the associated investigative and penal processes had not been established. In addition, the State had insufficient personnel with maritime expertise to assist in the promulgation of national legislation and to discharge all its 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).

Root cause

34 The following factors contributed to this finding:

- .1 the frequency of updates and amendments to mandatory IMO instruments posed a heavy burden on the maritime administration due to its lengthy legal system; and
- .2 a lack of a regulatory monitoring process, difficulties in tracking regulatory changes at IMO, and insufficient personnel at the maritime administration to undertake such responsibilities.

Corrective action

35 The State will implement the following actions:

- .1 a regulatory monitoring unit, with sufficient number of competent personnel, has been established and a documented procedure will be developed and implemented to ensure monitoring of amendments to the mandatory IMO instruments that enter into force in order to keep the national legislation up-to-date; and
- .2 professional assistance will be sought, including IMO technical assistance, to assess the current legal framework and to provide recommendations on enacting future amendments to the mandatory IMO instruments into national legislation.

This corrective action will be completed by 31 December 2018.

FD

36 The State had not communicated to IMO information required by the mandatory IMO instruments to which the State is Party and there was no mechanism in place to ensure that relevant and mandatory information was communicated 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

37 There was a lack of documented procedures in place for involved government entities for a controlled and systematic communication of information to IMO as required by the mandatory IMO instruments, including texts of national legislation, model of certificates and mandatory reports, a lack of sufficient personnel with the requisite knowledge and training to undertake such tasks, and a lack of a mechanism to evaluate the effectiveness of the communication of information to IMO.

Corrective action

38 The following action will be implemented by the responsible Ministry:

- .1 a documented procedure will be developed and implemented to ensure that all relevant information is submitted to IMO as required by the applicable IMO instruments, including, but not limited to, texts of national legislation, model of certificates and annual reports required for pollution;
- .2 a team will be designated to undertake this task while a monitoring mechanism and periodical assessment will be implemented to ensure continuous compliance with relevant requirements;
- .3 reporting requirements in the areas of responsibility 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; and
- .4 all missing reports and information, as required by the mandatory IMO instruments, will be submitted to IMO.

This corrective action will be completed by 31 December 2018.

FD

39 There was objective evidence that records were not readily identifiable and retrievable and no documented procedure was in place to define the controls needed for the identification, storage, protection, retrieval, retention and disposition of records (III Code, paragraph 10).

Root cause

40 The maritime administration did not establish procedures for record-keeping by relevant government entities. There was a lack of adequate resources and technical know-how to ensure an efficient management of data.

Corrective action

41 The following actions will be implemented:

- .1 the maritime administration will develop and implement a documented procedure for the handling, storage and disposal of records, in accordance with the relevant laws and regulations of the State for archiving and disposal of records, which will be followed by all relevant State entities. The procedure will include a monitoring mechanism to ensure compliance; and
- .2 training and capacity-building programmes, along with internal audits will be undertaken within the maritime administration, with the primary aim of setting up an efficient document management system, covering all areas of operation relating to the implementation and enforcement of the mandatory IMO instruments.

This corrective action will be completed by 31 December 2018.

FD

42 There was no system in place for monitoring and reviewing the State responsibilities and improving the effectiveness of the measures which are taken in carrying out flag, coastal and port State activities. Furthermore, there was no measure in place to stimulate a culture which provided opportunities to people for the improvement of performance in maritime safety and environmental protection activities and no national and regional drills on pollution prevention were conducted (III Code, paragraph 11; III Code, paragraph 12; III Code, paragraph 13).

Root cause

43 There was a lack of understanding of the obligations of the III Code, lack of culture and analysis tools to identify and eliminate causes of any non-conformities and the State did not have a policy or a requirement in place, including designation of an entity to coordinate and provide oversight for continuous improvement in the implementation, enforcement, evaluation and monitoring of the entities charged with the implementation duties.

Corrective action

44 The State will establish a national maritime working group with the necessary mandate and develop procedures and tools to periodically review and evaluate implementation and enforcement in the areas of flag, port and coastal State activities, based on performance indicators to be defined and tailored by all involved government entities in order to meet the obligations of the State under applicable IMO instruments. The process will be monitored and reviewed at the national level to ensure continuous improvement. This corrective action will be completed by 31 December 2018.

FD

45 No independent evaluation had been carried out and reported to IMO in accordance with STCW 1978, regulation I/8, since 2008 (STCW 1978, regulation I/8.3; III Code, paragraph 9).

Root cause

46 There was a lack of legal provisions relating to STCW 1978 and of understanding of the requirements for communicating information on STCW matters to IMO, as well as a lack of qualified personnel to initiate the independent evaluation.

Corrective action

47 By December 2018, the Administration will communicate the mandatory information to IMO, designate an officer in charge of communication and establish a documented procedure to ensure consistency of reporting to IMO in the future. In addition, the Administration will undertake the development and implementation of national regulations stemming from STCW 1978 and will develop a documented procedure for the organization of the independent evaluation and submitting report thereof to IMO. This corrective action will be completed by 30 June 2021.

FD

48 Following the signature of national laws authorizing the ratification of IMO instruments, the State had not given full and complete effect to those instruments by enacting

relevant provisions in national legislation (SOLAS 1974, article I; STCW 1978, article I; LL 1966, article 1; COLREG 1972, article I; III Code, paragraph 4).

Root cause

49 The following factors contributed to this finding:

- .1 lack of specialized knowledge to develop appropriate maritime legislation;
- .2 lack of awareness of the rapid progress of the mandatory IMO instruments when national laws and regulations are adopted;
- .3 lack of a structure and regulatory follow-up process; and
- .4 lack of collaboration and coordination between concerned entities of the State.

Corrective action

50 The following measures will be implemented:

- .1 the Council of Government Ministers will promulgate maritime laws and regulations including mandatory IMO instruments to which the State is Party and which will be fully integrated into the Maritime and Inland Navigation Code as part of its follow-up;
- .2 a regulatory directorate will be created within the Administration to ensure regulatory follow-up of the Organization's instruments and their amendments including the development of the regulatory provisions for the mandatory IMO instruments and concerned personnel will be trained to enable the writing of the missing texts; and
- .3 the Ministry will develop and adopt a documented procedure for the transposition into national legislation of any mandatory IMO instrument to which the State is Party including its amendments.

This corrective action will be completed by 20 June 2020.

FD

51 There was no objective evidence that the State had incorporated into its national legislation the amendments to the mandatory IMO instruments to which the State was Party or that it had personnel available with maritime expertise capable of assisting in promulgating national legislation with a view to discharging its responsibilities (SOLAS 1974, article I; STCW 1978, article I; LL 1966, article 1; COLREG 1972, article I; III Code, paragraph 8.1; III Code, paragraph 8.3).

Root cause

52 The following factors contributed to this finding:

- .1 lack of knowledge of the rapid progress of the amendments to the mandatory IMO instruments by the legislator;

- .2 lack of specialized expertise at the level of the relevant State entities to develop appropriate maritime legislation; and
- .3 lack of regulatory follow-up processes.

Corrective action

53 The following measures will be implemented:

- .1 establish a regulatory directorate within the main responsible entity to ensure the regulatory follow-up of the Organization's instruments and their amendments including the development of the provisions for the mandatory IMO instruments;
- .2 a road map and an action plan will be drafted in order to incorporate the appropriate amendments to the IMO instruments into national legislation and for the establishment of mechanisms to enable follow-up of new amendments;
- .3 managers will be trained to enable them the follow-up and incorporate amendments of the mandatory IMO instruments into national legislation; and
- .4 amendments to all applicable mandatory IMO instruments will be incorporated into national legislation.

This corrective action will be completed by 12 December 2019.

FD

54 The State had not communicated to IMO information required by the mandatory IMO instruments to which it is Party, and there was no mechanism to ensure that the relevant information is communicated to IMO. In addition, the Administration had not established a quality standards system, carried out its independent evaluation and communicated the results to IMO (SOLAS 1974, article III; STCW 1978, article IV; STCW 1978, regulation I/8.3; LL 1966, article 26; III Code, paragraph 9).

Root cause

55 The following factors contributed to this finding:

- .1 lack of a documented procedure for identifying and addressing the communication of information and mandatory reporting requirements to IMO;
- .2 no formal designation of authorized maritime administration officials for this task;
- .3 lack of coordination between the institutions responsible for notifications to IMO; and
- .4 difficulty in accessing GISIS by the person in charge of the maritime administration.

Corrective action

56 The following actions will be implemented:

- .1 the main responsible body, in coordination with entities of the State responsible for maritime activities will identify and communicate to IMO all mandatory reports and information, develop and institutionalize a documented procedure for the communication of this information by segregating the information to be communicated via GISIS or those to be submitted directly to the relevant IMO Divisions either by post or electronically;
- .2 the responsible Ministry will designate an IMO Web Account Administrator for the management and administration of the various GISIS modules and request related activation by IMO;
- .3 the main responsible entity, will establish a new Communication Service with IMO whose main responsibility would be to follow up communication and information to IMO; and
- .4 legislation will be developed and implemented for monitoring the applicable requirements of STCW 1978 Convention, including the communication to IMO of the independent evaluation report required by STCW 1978, regulation I/8.

This corrective action will be completed by 6 November 2018.

FD

57 There was no documented procedure to define the controls needed for the identification, storage, protection, retrieval and retention time of records (III Code, paragraph 10).

Root cause

58 Lack of regulatory provisions and documented procedures for the management and identification of records.

Corrective action

59 The following actions will be implemented:

- .1 the responsible Ministry will develop and implement a documented management system within the regulatory framework and, based on documented procedures to be adopted for record keeping, identify records and define methods for their storage and protection, as well as the retention time and disposition of records; and
- .2 material resources will be provided under the projects funded by international donors.

This corrective action will be completed by 15 March 2020.

FD

60 There was no mechanism or procedure in place to monitor, review and improve the measures taken to give full and complete effect to mandatory IMO instruments and rigorously enforce national legislation. Further, there was no measure in place to stimulate a culture which provided opportunities for improvement of performance in maritime safety and environmental protection activities (III Code, paragraph 11; III Code, paragraph 12.1; III Code, paragraph 12.3; III Code, paragraph 13).

Root cause

61 The mandatory instruments were poorly known, particularly with respect to the promotion of a maritime culture, and the Ministry had not identified and set targets or verified, through an assessment, that the State was meeting IMO obligations for flag, coastal and port State activities.

Corrective action

62 The maritime administration will develop and implement a policy of continuous analysis and improvement of measures taken under the mandatory IMO instruments to which the State is Party, covering all flag, coastal and port State activities, by ensuring the promotion of a maritime culture, conducting regional and national exercises on maritime safety and pollution prevention, and establishing a reward scheme for seafarers. This corrective action will be completed by 31 December 2019.

FD

63 After signing national laws authorizing ratification of IMO instruments, the State had not given full and complete effect to them by transposing the provisions into its national legislation (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 4).

Root cause

64 The following factors contributed to this finding:

- .1 the lack of monitoring of the transposition into national legislation of the relevant IMO Conventions to which the State is Party;
- .2 the lack of coordination between the legal departments of the administrations responsible for the implementation of the mandatory IMO instruments;
- .3 a lack of understanding and neglect of the procedures by the State entities; and
- .4 the lack of specialized personnel.

Corrective action

65 The State will:

- .1 establish a tripartite inter-ministerial commission among the responsible Ministries for the promulgation and transposition into national legislation of the provisions of the mandatory IMO instruments and their amendments; and

- .2 recruit and train specialized personnel with technical and legal knowledge in the maritime field.

This corrective action will be completed by 31 December 2020.

FD

66 There was no objective evidence that the State had incorporated into its national legislation the amendments to mandatory IMO instruments to which the State is Party or that it had personnel available with maritime expertise capable of assisting in promulgating national legislation with a view to discharging its 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; III Code, paragraph 8.3).

Root cause

67 The following factors contributed to this finding:

- .1 the lack of regulatory monitoring mechanisms;
- .2 insufficient personnel with technical background and specialized lawyers; and
- .3 a lack of coordination and communication between the different State entities on the latest IMO amendments and applicable provisions.

Corrective action

68 The State will:

- .1 provide a regulatory monitoring unit within the responsible ministry and coordinate with the relevant entities of the State to develop a documented regulatory monitoring procedure to identify amendments to the mandatory IMO instruments and transpose them into national legislation;
- .2 develop a written procedure establishing, attributing and organizing a regulatory monitoring unit;
- .3 appoint two merchant shipping agents to work closely with the IMO;
- .4 recruit and train specialized technical and legal staff; and
- .5 establish a mechanism for coordination and communication between the different entities of the State on the latest amendments and applicable IMO provisions.

This corrective action will be completed by 31 December 2021.

FD

69 The State had not communicated to IMO the information required by the relevant international instruments to which it was a Party and there was no mechanism for ensuring that the relevant information was communicated to IMO (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulation I/8.3; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

70 The following factors contributed to this finding:

- .1 a lack of knowledge of the mandatory information and reports to be provided to IMO and the scope and degree of notification requirements to the Organization; and
- .2 the responsibility for submitting mandatory reports to IMO was not clearly defined, assimilated and distributed among the different components of the State in charge of maritime affairs.

Corrective action

71 The maritime administration will:

- .1 develop a documented procedure for the submission of mandatory information and reporting to IMO, including planning and frequency of communication to IMO, as well as traceability of record keeping through a centralized mechanism of reports to record notifications to IMO;
- .2 define, for this purpose, a written designation procedure of the mandated personnel; and
- .3 update the modules in IMO GISIS.

This corrective action will be completed by 31 December 2018.

FD

72 There was no documented procedure to define the controls needed for the identification, storage, protection, retrieval and retention time of records (III Code, paragraph 10).

Root cause

73 The following factors contributed to this finding:

- .1 negligence in the keeping of records and ignorance of the archiving rules;
- .2 lack of qualified personnel;
- .3 lack of a system for recording and archiving maritime incidents, which, as a result, were not communicated to IMO; and
- .4 inexistence of a system for identifying, managing and storing of records.

Corrective action

74 The maritime administration will establish a documented procedure to identify the records required for the operation of the maritime administration, its compliance with international obligations, and to define the controls necessary for its storage, protection and retention period. This corrective action will be completed by 31 December 2019.

FD

75 There was no mechanism or procedure in place to monitor, review and improve the measures taken to give full and complete effect to mandatory IMO instruments and enforce national legislation. Further, there was no measure in place to stimulate a culture which provided opportunities to people for improvement of performance in maritime safety and environmental protection activities (III Code, paragraph 11; III Code, paragraph 12.1; III Code, paragraph 12.3; III Code, paragraph 13).

Root cause

76 A lack of understanding of the obligations of the III Code and lack of culture for the improvement of performance and analysis tools to identify and eliminate the causes of non-conformities.

Corrective action

77 The maritime administration will:

- .1 develop and implement continuous training programmes on maritime safety, pollution prevention and protection of the marine environment;
- .2 establish a reward and performance incentive programme for shipping companies and seafarers to enhance safety and pollution prevention; and
- .3 compile enforcement measures and monitor the compliance of mandatory IMO instruments and create standardized procedures for the implementation, monitoring, review, and analysis of possible non-conformities and the implementation of corrective measures and continuous improvement.

This corrective action will be completed by 31 December 2020.

FD

78 Transposition of applicable mandatory IMO instruments to which the State is Party 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. Furthermore, 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 (III Code, paragraph 4; III Code, paragraph 8.1).

Root cause

79 There was no documented procedure in place for tracking amendments to IMO instruments, responsibilities of a person/entity was not assigned and the legislative process is slow regarding the incorporation of international conventions into domestic legislation.

Corrective action

80 The responsible entity of maritime administration has developed a procedure that includes the assignment of responsibility to specific officers for tracking and recording amendments to relevant IMO instruments. Furthermore, a system will be established to ensure systematic follow-up of 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. Measures will be taken to expedite the transposition of IMO instruments and their amendments into national law through subsidiary legislation and many outstanding regulations have already been drafted. This corrective action will be completed by 30 December 2020.

FD

81 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; report on the independent evaluation as required by STCW 1978). 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 (III Code, paragraph 9).

Root cause

82 There was no documented procedure in place to ensure timely communication of reports to IMO and specific responsibilities in this respect were not assigned.

Corrective action

83 The responsible entity of maritime administration has developed a documented policy setting out the procedure for communication of information to IMO in coordination with the relevant Government entities, which will all establish a procedure for submitting reports through it as coordinator and records keeper. Furthermore, the reporting formats and frequency for the reporting will be incorporated into the procedural manual of the involved Government entities, which will include all applicable reporting requirements in accordance with the communication of information requirements in the mandatory IMO instruments. Focal points of contact for communication of information to IMO will be designated in all relevant maritime entities. This corrective action will be completed by 31 December 2017.

FD

84 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

85 A lack of general awareness of the need to have a corporate documented procedure for the control of records in the maritime administration and responsibilities of persons/entities were not assigned in this respect.

Corrective action

86 A template for a record keeping procedure will be made available to all involved Government entities and these entities will develop and implement a general procedure for a centralized system of record keeping in each Government entity. Specific personnel to deal with the record keeping will be assigned within the various departments of the Government entities and electronic copies of records will have backup arrangements defined and in place. Furthermore, the implementation of the procedures for the record keeping systems in all involved Government entities will be verified through internal audits. This corrective action will be completed by 30 July 2018.

FD

87 There was no objective evidence to demonstrate that the State continually improves the adequacy of the measures which are taken to give effect to those conventions and protocols which they had ratified. Besides, a culture providing opportunities for improvement of performances in maritime safety and environment protection activities were not in place and measures to identify and to eliminate the cause of non-conformities to prevent their recurrence had not been taken (III Code, paragraph 11; III Code, paragraph 12; III Code, paragraph 13).

Root cause

88 There was no documented procedure in place for the evaluation and improvement of performance and measures which are taken to give effect to the IMO instruments. Besides, no culture was in place for improvement of performance.

Corrective action

89 The maritime administration will implement the following corrective actions:

- .1 a documented procedure will be developed and implemented by all relevant Government entities in order to evaluate the effectiveness of the implementation of the mandatory IMO instruments to which the State is Party;
- .2 key performance indicators will be incorporated into the National Maritime Strategy for performance evaluation;
- .3 joint audits will be conducted to evaluate the performance of the State in the implementation of the mandatory IMO instruments;
- .4 the relevant Government entities will ensure that the penalty processes are instituted where appropriate. Specific roles have also been assigned to agencies and entities to apply and enforce the provisions of national legislation stemming from the mandatory IMO instruments; and
- .5 educational and sensitization programmes for all stakeholders, including shipping companies, will be undertaken. In addition, a policy will be developed involving all relevant entities of the State to ensure that joint drills on safety and pollution prevention are carried out. The roles of those entities are captured in the National Maritime Strategy, while the scope of the policy will relate to the legal mandate of the specific entities.

This corrective action will be completed by 30 December 2018.

FD

90 Amendments to the mandatory IMO instruments were not enacted into the national law and the State had not promulgated laws and regulations to give Annexes III, IV and V of MARPOL full and complete effect (SOLAS 1974, article I; MARPOL, article 1; III Code, paragraph 4; III Code, paragraph 8.1).

Root cause

91 The maritime administration considered that amendments to the applicable IMO instruments, when they enter into force by tacit acceptance at the international level, automatically apply at the national level. Lack of awareness and knowledge of the legislating principles has contributed to this finding. With regard to the transposition into national law of the requirements stemming from MARPOL Annexes III, IV and V, enactment of related national provisions was delayed owing to lack of resources.

Corrective action

92 The State will identify and incorporate into its national law all relevant amendments to the applicable IMO instruments. Annexes III, IV and V of MARPOL will be promulgated in national legislation and any supplementary national regulations will be developed in order to assist in the implementation and enforcement of the related requirements through amendments to the Merchant Shipping Act and the Environmental Code. A supervisory mechanism will be established in order to oversee and monitor the administration of the mandatory IMO instruments. This corrective action will be completed by 31 December 2020.

FD

93 The State had not developed and promulgated appropriate national legislation to give full and complete effect to the mandatory IMO instruments to which it is Party (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 8.1; III Code, paragraph 8.2).

Root cause

94 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel and insufficient financing for development and promulgation of national legislation; and
- .3 the already developed and adopted relevant national legislation could not be promulgated and enacted owing to lack of financial resources.

Corrective action

95 Maritime affairs have been given higher priority at the national level. All relevant entities of the State will mobilize human and financial resources and train their personnel for the development, finalization and promulgation of appropriate national legislation. To achieve full compliance, planned corrective actions include:

- .1 drafting, enacting and promulgating relevant maritime safety and marine pollution prevention legislation to give full and complete effect to the relevant IMO instruments;
- .2 implementing the new legislation through appropriate governance, control and enforcement measures by the responsible Ministry;

- .3 comprehensive review of the existing legislation, including identifying entities responsible for implementation, enforcement and amending legislation; and
- .4 continuous monitoring of amendments to the applicable IMO instruments to which the State is Party and their transposition into national legislation.

This corrective action will be completed by 31 July 2020.

FD

96 The State had not communicated to IMO and other concerned parties the text of laws and regulations including as required by the respective IMO instruments (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

97 There was a lack of awareness on the extent and level of IMO reporting requirements and the responsibility for submitting mandatory reports to IMO was not clearly defined.

Corrective action

98 Maritime affairs have been given higher priority at the national level. The responsible Ministry will set up a written procedure and a central electronic system, which can record, document and provide reports on adequate steps taken for the communication of mandatory information to IMO for any given calendar year. Responsibilities for reporting to IMO will be assigned and arrangements will be made to ensure ongoing monitoring and review. To ensure continuous compliance with this requirement, the III Code has been included in the quality system manual and also in the induction training that is provided to personnel who are assigned to the relevant unit.

This corrective action will be completed by 31 March 2019.

FD

99 The maritime administration had not established a documented procedure to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records (III Code, paragraph 10).

Root cause

100 There was a lack of resources and awareness on the extent and level of documented procedures to define the controls needed for record keeping. In addition, the responsibility for developing, implementing and maintaining such procedures was not clearly defined.

Corrective action

101 There is an increased awareness on the extent and level of documented procedures for the record keeping by all involved entities of the State. In addition, the following corrective actions will be implemented:

- .1 documented procedures will be set up by all involved entities of the State, including definition of the controls needed, and a central electronic system;

- .2 all relevant entities of the State will mobilize human and financial resources, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 to ensure continuous compliance with this requirement, the III Code has been included in the quality system manual and in the induction training that is given to personnel who are assigned to the relevant unit; and
- .4 in the interim, a comprehensive review and revision of the agreement between the Government and the ship registry will be conducted and record keeping procedures will be established or updated in accordance with the requirement of the III Code.

This corrective action will be completed by 31 July 2020.

FD

102 The State could not provide evidence to establish that it had taken adequate steps necessary for continual improvement of the adequacy of the processes to give effect to those conventions and protocols to which the State is Party (III Code, paragraph 11).

Root cause

103 Maritime affairs were not prioritized at the national level and there was a lack of competent personnel and insufficient financing.

Corrective action

104 Maritime affairs have been given higher priority at the national level and additional personnel has been recruited and is being trained. In addition, the following corrective actions will be implemented:

- .1 the responsible ministry will set up a documented procedure and a central electronic system, which will document, record and provide reports on steps taken for continual improvement of the adequacy of the processes to give effect to those conventions and protocols to which the State is Party; and
- .2 all relevant entities of the State will mobilize human and financial resources, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review. To ensure continuous compliance with this requirement, the III Code has been included in the quality system manual and also in the induction training that is given to personnel who are assigned to the relevant unit.

This corrective action will be completed by 31 March 2019.

FD

105 There was no evidence to demonstrate that the Administration had enacted any legislation nor it had enforced the requirements of SOLAS 1974 in respect of verified gross mass (VGM) of containers carried on board ships (SOLAS 1974, regulation VI/2.4.2; III Code, paragraph 8.1; III Code, paragraph 8.2).

Root cause

106 Maritime affairs were not prioritized at the national level and there was a lack of competent personnel and insufficient financing for development and promulgation, implementation and enforcement of all the mandatory IMO instruments, including their amendments.

Corrective action

107 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. Responsible Government entity will set up a documented procedure and a central electronic system, which will record, document and provide reports on steps taken for preparing and enacting national legislation to enforce the requirements of SOLAS 1974, including in respect of VGM of containers carried on board ships. Human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review. This corrective action will be completed by 31 December 2018.

FD

108 No independent evaluation had been reported to IMO in accordance with the requirements of STCW 1978 (STCW 1978, article IV; STCW 1978, regulation I/8.3; III Code, paragraph 9).

Root cause

109 Although an independent evaluation was conducted by an entity in the region, this entity and consequently the evaluation was not considered sufficiently independent by IMO.

Corrective action

110 The responsible Ministry will identify an appropriate independent entity in order to conduct an independent evaluation and will subsequently communicate mandatory information to IMO. The responsible entity of the State will set up a documented procedure and a central electronic system which will document, record and provide reports on steps taken to give effect to the requirements of STCW 1978, including regulation I/8.3. Responsibilities for the electronic system will be assigned and arrangements will be made to ensure the ongoing monitoring and review. This corrective action will be completed by 31 December 2018.

FD

111 There was no evidence that the State had promulgated a regulation or incorporated amendments into its national legislation with a view to implementing and enforcing the provisions of IMO mandatory instruments. The State did not have sufficient personnel available with specialist maritime legal or technical knowledge capable of assisting in promulgating national legislation with a view to discharging its responsibilities (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; TONNAGE 1969, article 1; COLREG 1972, article I; III Code, paragraph 8.1; III Code, paragraph 8.3).

Root cause

112 The specific geographical and institutional characteristics of the State are likely to lengthen the deadlines for the transposition into national legislation of the amendments to the mandatory IMO instruments to which the State is Party, the ability to recognize the neighbour

country's language regulations in specific domain, such as the marine environment and the absence of legal structures for regulatory follow-up and the preparation of technical regulations led to this conclusion.

Corrective action

113 The State will establish a specific department responsible for international law, within the structure of the Directorate of Legal Affairs, under the authority of the Minister of State. The new Department and the Directorate of Legal Affairs will be in charge of preparing bills; studying legislative proposals; following the legislative procedure, in particular before the Parliament and ensuring the application of the adopted laws, in particular by submitting the necessary regulatory texts to the competent authorities. The Administration will follow-up on the amendments to the mandatory IMO instruments to which the State is Party, and will refer them to the Directorate of Legal Affairs for the purpose of incorporating these mandatory amendments into national legislation. This corrective action will be completed by 31 March 2021.

FD

114 The State had not met its obligations to notify IMO of information concerning, in particular, legislation, forms of certificates, reports of very serious marine casualties, reception facilities, maritime search and rescue (SAR) resources and services and annual reports submitted in accordance with MARPOL. Furthermore, a documented system had not been put in place for communicating mandatory reports to IMO and for monitoring compliance with the provisions (SOLAS 1974, article III; MARPOL, article 11; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

115 The State had a lack of knowledge of GISIS and its structure. It did not designate a GISIS administrator, nor define a documented procedure setting out the division of responsibilities within the maritime administration and the coordination between the institutions responsible for communication of information and mandatory reporting to IMO.

Corrective action

116 The State will implement the following corrective actions:

- .1 designate an IMO Web Account System Administrator based on IMO Circular Letter No.2892 of 24 June 2008 and granting additional rights, for mandatory information and reports to be transmitted to IMO via GISIS, to officers from the Administration;
- .2 develop and establish, among the various entities of the State, a documented communication procedure for mandatory communication of reports and information to IMO and the follow-up of transmitted information in a timely manner, with the distribution of reporting responsibilities directly to the IMO Secretariat or through the relevant GISIS modules; and
- .3 submit all mandatory reports to IMO, either directly to the IMO Secretariat or through the various available GISIS modules.

This corrective action will be completed by 30 September 2018.

FD

117 Despite the fact that the maritime administration had archives at its disposal, it had not prepared or put in place a documented procedure to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records pertaining to its activities as a flag, port and coastal State (III Code, paragraph 10).

Root cause

118 The maritime administration carried out an empirical archiving procedure which did not fully comply with all elements of the III Code on records.

Corrective action

119 The maritime administration will adopt and implement a plan for archiving all documents, covering port, flag and coastal State activities. A documented procedure for registers as well as a monitoring mechanism will be established and integrated into the existing certified ISO 9001 quality management system within the maritime administration. At the same time, the Department of Foreign Affairs will keep documentation relating to international maritime conventions ratified by the State. This corrective action will be completed by 30 June 2018.

FD

120 The transposition of amendments to the mandatory IMO instruments, including those amendments that came into force through the tacit amendment procedure, was not always carried out. A system for monitoring the aforementioned amendments to ensure that the national legislation was up-to-date was not in place and there was insufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article 1; LL 1966, article 1; TONNAGE 1969, article 1; COLREG 1972, article I; III Code, paragraph 4; III Code, paragraph 8.1; III Code, paragraph 8.3).

Root cause

121 There was a lack of human and financial resources and insufficient personnel with maritime expertise available. A responsible unit was not assigned to ensure that the amendments to IMO instruments are transposed into national legislation prior to their entry into force internationally, and to implement a mechanism for monitoring the amendments and to assist in the promulgation of national legislation.

Corrective action

122 The responsible government entity will be restructured in order to assign the responsibilities and coordination activities with other State entities to its Legal Division. The Division will implement a mechanism, based on written procedures, that will ensure the transposition or adoption of amendments before they enter into force internationally, as well as monitoring and following-up of future amendments. The responsible government entity will carry out an analysis of the current status of amendments and will consider the need to recruit additional personnel in the maritime administration. This corrective action will be completed by 2 October 2021.

FD

123 The State did not communicate information to IMO as required by the relevant international instruments to which it is Party (e.g. text of laws, decrees and regulations, specimen of certificates, initial communications under STCW 1978). Besides, there were no policies or mechanism in place to assign responsibilities and instructions to ensure the collection of such information and to communicate them 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

124 There was a lack of knowledge on the scope and volume of the requirements related to the communication of information to IMO stemming from the international instruments to which the State is Party, such as laws, decrees and resolutions; as well as uploading of pertinent information to the relevant GISIS modules.

Corrective action

125 The responsible government entity will carry out a restructuring programme to assign its Legal Division as the responsible focal point for communicating mandatory information to IMO and develop a mechanism:

- .1 to identify all communication of information requirements in the applicable IMO instruments;
- .2 to identify the current status of the communication of information by the State;
- .3 to identify other State's entities responsible for communication of information under applicable IMO instruments;
- .4 to establish an effective coordination with relevant government entities, so that required information is forwarded to the main responsible State's entity for onward transmission to IMO; and
- .5 to consider the necessary communication of information through GISIS and assign the respective authorizations and passwords.

This corrective action will be completed by 4 October 2019.

FD

126 Although national legislation existed which established certain general aspects regarding records; there was no documented procedure that regulated which records were to be maintained and the necessary methods for the identification, storage, protection, retrieval, retention time and disposition of the records (III Code, paragraph 10).

Root cause

127 There was a lack of human resources and a lack of an internal regulation regarding records.

Corrective action

128 The Department of Records and Control within the responsible government entity will develop a procedure for record-keeping in accordance with the requirements of paragraph 10 of the III Code and will coordinate with other State's entities in this matter. This corrective action will be completed by 19 July 2018.

FD

129 No objective evidence was found of a mechanism for monitoring and reviewing the measures taken to effectively implement and enforce IMO mandatory instruments (III Code, paragraph 11).

Root cause

130 There was no dedicated unit responsible for monitoring and reviewing the measures taken to give effect to the applicable IMO instruments to which the State is Party.

Corrective action

131 The responsible government entity will:

- .1 implement a mechanism to monitor and review the measures which are adopted to effectively implement and enforce the applicable IMO instruments to which the State is Party, including the participation of other government entities with responsibilities in the implementation and enforcement of the said instruments, based on set objectives and key performance indicators; and
- .2 appoint a Division responsible for establishing, implementing and following-up on the aforementioned mechanism and for coordinating with other entities of the State.

This corrective action will be completed by 2 October 2018.

FD

132 No objective evidence was found that the State had a mechanism for stimulating a culture to improve performance in maritime safety and environmental protection activities (III Code, paragraph 12).

Root cause

133 There was a lack of strategy and safety culture stimulating development of policies within the maritime sector regarding maritime safety and environmental protection.

Corrective action

134 In elaborating the process and in the formulation of maritime policies, a mechanism will be developed to promote the culture and respect for maritime safety and environmental protection, taking into account the basis set out in the III Code. Subsequently, the mechanism will be continuously evaluated, revised and updated. The responsible entity of the State will be tasked with establishing, implementing and following-up on the aforementioned process. This corrective action will be completed by 2 October 2018.

FD

135 There was no mechanism in place to ensure that the cause of any non-conformities was identified and eliminated (III Code, paragraph 13).

Root cause

136 There was a lack of policies and a monitoring and follow-up mechanism to ensure that the causes of non-compliance with the mandatory IMO instruments were identified and eliminated.

Corrective action

137 Guidance and technical assistance will be provided to the responsible government entity by a QMS Institute. A mechanism will be developed to ensure the identification and elimination of the causes of non-compliance with the mandatory IMO instruments. The aforementioned mechanism will be part of the monitoring and evaluation system that will be established as part of the new strategy. This corrective action will be completed by 2 October 2019.

FD

138 The provisions of new or amended mandatory IMO instruments to which the State is Party were not given full effect through national legislation and there was no system in place for reviewing new amendments adopted by IMO. There was also insufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws (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 8.1; III Code, paragraph 8.3).

Root cause

139 The lack of qualified personnel, lack of coordination among responsible entities and the absence of a system for tracking amendments to the mandatory IMO instruments contributed to this finding.

Corrective action

140 The national maritime legislation and procedures will be amended in order to give full and complete effect to all amendments to the mandatory IMO instruments to which the State is Party. The maritime administration will put in place a system for tracking amendments to the mandatory IMO instruments and for conducting a systematic review of national legislation, as a basis for drafting and incorporating necessary updates into national law. A documented procedure will be established for dissemination of new or revised legislation to all concerned. The maritime administration will provide necessary training, including legal drafting, to current staff and will assess the need for additional personnel with legal and technical maritime expertise and recruit new staff accordingly. This corrective action will be completed by 31 December 2019.

FD

141 The State did not fulfil all its obligations regarding communication of mandatory information to IMO. It was established that the State did not have a system in place to ensure communication of mandatory reports to IMO (SOLAS 1974, article III; MARPOL, article 11; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

142 The lack of a documented procedure for the controlled and systematic communication of information to IMO by relevant entities.

Corrective action

143 The maritime administration will develop and implement documented procedures, which will include assignment of responsibilities, to ensure that the required information is collected and that reports are compiled and communicated to IMO. The procedures will take into account related IMO guidelines for uploading required information in dedicated GISIS modules. The responsible entity within the State will coordinate the reporting to IMO. This corrective action will be completed by 31 December 2018.

FD

144 There was no system in place for monitoring and reviewing the State responsibilities and improving the effectiveness of the measures which are taken in carrying out flag, coastal and port activities (III Code, paragraph 11; III Code, paragraph 13).

Root cause

145 The absence of documented procedure for periodical monitoring and reviewing of performance of relevant State entities involved in discharging the flag, coastal and port State responsibilities. Lack of coordination between entities.

Corrective action

146 The relevant entities of the State will develop and implement documented procedures that will include the responsibilities and mechanism for overall periodical monitoring of performance in discharging the flag, coastal and port State obligations. For continuous compliance in the future, the maritime administration will develop processes for periodical performance evaluations concerning the effective implementation of the mandatory IMO instruments. This will include, inter alia, regular evaluation meetings between different governmental entities, to verify the effective implementation of mandatory instruments. This corrective action will be completed by 30 June 2019.

FD

147 No evidence could be established that requirements of applicable IMO instruments, including their amendments, have been given full and complete effect through their transposition/incorporation into national legislation, including promulgation. There was no mechanism in place for monitoring of amendments to the mandatory IMO instruments in order to keep national legislation up-to-date. The availability of sufficient personnel with maritime expertise to assist in the promulgation of the necessary laws, could not be demonstrated (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

148 The following factors contributed to this finding:

- .1 it had not been considered an institutional priority to document and validate the process used by the principal government entity and other involved bodies to ratify conventions or adopt new amendments;
- .2 there was a lack of resources and a lack of awareness of the need to monitor amendments to the mandatory IMO instruments adopted through the tacit amendment procedure, as well as a lack of supervision to monitor their promulgation; and
- .3 the delay in implementing conventions or their amendments was due to the complexity of the national legal process.

Corrective action

149 The maritime administration will implement the following corrective actions:

- .1 a legal procedure will be developed and implemented for enactment of national law for various mandatory IMO instruments, related codes, and amendments thereof, adopted through the tacit amendment procedure. The use of a dynamic reference to specific convention/instrument, as amended, in national legislation will be considered. All mandatory IMO instruments included in scope of the Scheme will be given full and complete effect through their incorporation into national legislation, including promulgation;
- .2 guidance for the process of monitoring and implementing of new amendments adopted through the tacit amendment procedure to existing and new/future mandatory IMO instruments will be developed through new legislation, along with the related working instructions and procedures. A process of coordination between involved departments of the Ministry responsible for transport and cooperation with other relevant State entities will be established. This process will also be included in the QMS of the Maritime Office;
- .3 an in-house training programme will be developed and organized for personnel of all involved departments of the Ministry responsible for transport to improve competence and awareness on monitoring of amendments; and
- .4 sufficient resources will be provided for implementation and translations to ensure this process is effectively carried out.

This corrective action will be completed by 31 December 2019.

FD

150 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/8.3; III Code, paragraph 9).

Root cause

151 Owing to a lack of resources and documented procedures mandatory reports were not submitted to IMO.

Corrective action

152 Procedures will be drafted, approved and implemented describing the responsibilities assigned and actions to be taken in submitting mandatory reports to IMO as required by the international instruments. Related amendments to Act on Maritime Navigation will be enacted, where necessary, to stipulate reporting obligations to IMO. The need for additional personnel will be considered to ensure that reporting obligations are effectively carried out. This corrective action will be completed by 31 December 2019.

FD

153 The transposition of amendments to the mandatory IMO instruments, including those amendments that come into force through the tacit amendment procedure, was not always carried out before their entry into force. A system for monitoring the said amendments to ensure that the national legislation was up-to-date was not in place (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 4; III Code, paragraph 8.1; III Code, paragraph 8.3).

Root cause

154 There was an absence of a dedicated unit responsible for the implementation of the mandatory IMO instruments and their amendments and a limited capacity to promulgate national legislation and issue administrative instructions.

Corrective action

155 The responsible entities of the State will:

- .1 implement a newly developed institutional plan, which envisages establishing the administrative and technical structure; a mechanism for proposing, coordinating and setting policies as well as monitoring their implementation, to fulfil the requirements derived from the mandatory IMO instruments to which the State is Party, including their amendments;
- .2 implement a mechanism to establish policies, procedures and guidelines to assess the need of generating permanent national regulations. This mechanism will be supported by a computerized system for the monitoring, verification and updating of the status of IMO instruments, in relation to their respective amendments. This system will be supported by the acquisition of IMO Vega; and
- .3 assessment of amendments to the IMO international instruments that came into force in the last five years, to verify their current status in relation to their implementation through national legislation and its compliance on ships, companies and port facilities already certified by the competent entity of the State.

This corrective action will be completed by 30 March 2019.

FD

156 The State did not communicate mandatory information to IMO as required by the relevant international instruments to which it is Party (e.g. text of laws, decrees and regulations, specimen of certificates and data on reception facilities). There were no policies or mechanism in place to ensure the collection of information and communication to IMO. Besides, the independent evaluation under the STCW 1978 Convention had not been carried out since 2006 and a report on the implementation of the amendments to the said Convention and to the STCW Code had not been communicated (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulation I/7.4; STCW 1978, regulation I/8.3; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

157 There was a lack of policies, procedures and coordination among the various State entities responsible for the communication of information to IMO.

Corrective action

158 The State will implement the following corrective actions:

- .1 the current status regarding communication of information to IMO will be reviewed, in particular the requirements for the scope and periodicity of the mandatory communication to IMO, as well as the coordination among the responsible State entities;
- .2 a documented procedure will be developed and implemented, assigning responsibilities and identifying the mandatory information to be communicated, deadlines to be adhered to, records to be maintained, means of communication, focal points and coordinators. The internal procedures and regulations manual of the responsible entity will be updated to include the new procedure for communication of information to IMO; and
- .3 an independent periodic evaluation will be coordinated, carried out and communicated to IMO, in accordance with the provisions of STCW 1978, and related procedures for future evaluations will be developed and implemented under the quality management system of the responsible entity. In addition, a report on the implementation of the amendments to STCW 1978 and the STCW Code will be prepared and communicated to IMO, including a detailed description of the actions taken by the responsible entity to comply with the amendments, examples of certificates and processes carried out.

This corrective action will be completed by 31 December 2018.

FD

159 Although a procedure defining control of records was in place, and some records could be verified, there was no evidence of records on technical elements necessary for the approval of ship construction and equipment (III Code, paragraph 10).

Root cause

160 There was a lack of regulations and specific documented procedures for record keeping.

Corrective action

161 The responsible entity of the State will develop and implement a documented procedure to define the controls needed and will establish a central associated electronic recording system, which will record, document and create reports on the required steps for the identification, storage, protection, retrieval, retention time and disposition of documents and records. This corrective action will be completed by 30 October 2018.

FD

162 No objective evidence could be found of a mechanism for monitoring and reviewing the measures taken to effectively implement and enforce mandatory IMO instruments, to identify and eliminate causes of non-compliance and to promote a safety culture, in order to improve the performance in maritime safety and environmental protection activities (III Code, paragraph 11; III Code, paragraph 12; III Code, paragraph 13; III Code, paragraph 14).

Root cause

163 There was a lack of awareness of the need to establish a mechanism for monitoring the measures taken for the implementation of the IMO instruments and related provisions. Besides, clear responsibilities of the State entities involved in the implementation and enforcement of IMO conventions were not assigned.

Corrective action

164 The State will implement the following corrective actions:

- .1 the State's overall maritime strategy will be developed and a monitoring and evaluation system will be established, based on key performance indicators to evaluate the effectiveness of the State's performance with regard to the implementation and enforcement of the mandatory IMO instruments. Through this system, causes of any non-conformities will be identified and eliminated and appropriate measures will be established to prevent their recurrence; and
- .2 the responsible entity of the State will promote the safety culture through maritime training centres, by organizing workshops, seminars and lectures on maritime safety and environmental protection, which will be delivered to stakeholders within the maritime sector. Furthermore, national and regional joint drills in pollution prevention will be considered, involving the different State entities.

This corrective action will be completed by 30 December 2018.

Observations (OB)

165 The State had developed an overall strategy to ensure that its international obligations and responsibilities as flag, coastal and port State were met. Nevertheless, the methodology

for monitoring and assessing the effectiveness of the strategy was neither established nor implemented (III Code, paragraph 3.2; III Code, paragraph 3.3).

Root cause

166 As the overall strategy was adopted shortly before the audit, there was insufficient time for its implementation, including the development of the methodology for monitoring and assessing the effectiveness of the strategy.

Corrective action

167 A Strategy Implementation Follow-up Committee will be established and will meet every six months in order to follow-up on the implementation of all activities specified in the State's overall Strategy and to assess the effectiveness of the Strategy. This corrective action will be completed by 30 September 2018.

OB

168 The State did not have 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

169 The lack of understanding of the scope and level of requirements for monitoring and improving the implementation and enforcement of relevant mandatory international instruments.

Corrective action

170 The State will establish and implement:

- .1 a national maritime strategy as a mechanism to ensure compliance with its international obligations and responsibilities as flag, coastal and port State;
- .2 a methodology to periodically review and evaluate the implementation and enforcement activities of all involved entities, in order to achieve continuous improvement; and
- .3 a continuous review of the strategy covering all relevant activities of all State entities involved in the implementation and enforcement of the mandatory IMO instruments.

This corrective action will be completed by 31 August 2020.

OB

171 Although the State had strategic plans for various government entities, it was established that an overall strategy covering all of its obligations and responsibilities under the applicable mandatory IMO instruments as a flag, port and coastal State had not been developed and implemented (III Code, paragraph 3.1).

Root cause

172 There was a lack of national legislation/regulation and an absence of coordination among the various State's entities.

Corrective action

173 The overall maritime strategy of the State will be developed, taking into account the requirements of III Code, paragraph 3. The State had treated the strategy in various documents; therefore, a group comprising representatives from all relevant State's entities and stakeholders will be established in order to create a single document and a policy statement that will progressively become the overall maritime strategy. Stages for gradual implementation of the overall strategy will be determined and the related responsibilities assigned to the concerned entities of the State, under the coordination of an appointed entity. Besides, the following actions will be taken:

- .1 methods will be defined for establishing competence and areas of responsibility for entities involved in the State's maritime activities;
- .2 clear lines of authority will be determined for each entity with a mandate for maritime activities;
- .3 processes and procedures will be developed and implemented for determining each entity's performance in their area of responsibility and the overall organizational performance of those entities involved in the implementation and enforcement of the mandatory IMO instruments;
- .4 a system will be derived therefrom to monitor, evaluate and improve the performance of the maritime administration as a flag, coastal and port State with annual meetings; and
- .5 a mechanism will be implemented for continuous review of the strategy in order to improve the organizational capability and performance by organizing meetings on a semi-annual basis.

This corrective action will be completed by 30 March 2020.

OB

174 The State had not adopted an overall strategy in order to ensure that its obligations and responsibilities under the mandatory IMO instruments to which it is Party are met (III Code, paragraph 3).

Root cause

175 There was a lack of awareness of the requirements of the III Code related to the overall maritime strategy.

Corrective action

176 The State will develop and adopt national law and policy on maritime transport in which overall strategy with related procedures to periodically review and evaluate the implementation and enforcement in the conduct of flag, port and coastal State activities, based on performance indicators to be defined and tailored by all involved government entities in

order to meet the obligations of the State under the applicable IMO instruments. This corrective action will be completed by 30 June 2021.

OB

177 The State did not have an 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

178 The scope and level of the requirements of III Code, paragraph 3, were not sufficiently known.

Corrective action

179 The responsible ministry will undertake to develop and implement, in collaboration with all governmental entities and stakeholders involved in maritime affairs at the national level, an overall maritime strategy taking into account the requirements of the IMO mandatory instruments in accordance with paragraph 3 of the III Code. This corrective action will be completed by 10 February 2019.

OB

180 The State had developed an integrated maritime strategy, but the strategy did not cover all of its international obligations and responsibilities as a flag, port and coastal State (III Code, paragraph 3).

Root cause

181 The State did not take into account the provisions of the III Code when developing this integrated maritime strategy.

Corrective action

182 The State will include in its integrated maritime strategy the missing sections in accordance with its international obligations and responsibilities as a port, flag and coastal State. This corrective action will be completed by 31 December 2018.

OB

183 The State had developed an overall strategy of recent adoption; however, does not fully meet its obligations and responsibilities under the applicable mandatory IMO instruments. Besides a methodology to monitor and assess that the strategy ensures the effective implementation and enforcement of the applicable mandatory instruments, as well as a mechanism for continuous review in order to ensure improvement of the overall organizational performance and capability of the State as a flag, port and coastal State had not been established and assessed (III Code, paragraph 3).

Root cause

184 The strategy did not fully capture the roles and responsibilities of all stakeholders with respect to the implementation of the mandatory IMO instruments in order to avoid duplication, because these roles and responsibilities were established in their legislative mandate. Owing

to the recent adoption of the strategy, the methodology for monitoring and assessing the effectiveness of the Strategy lacked key performance indicators.

Corrective action

185 The Strategy will be amended to include specific roles and responsibilities of all stakeholders with respect to the implementation and enforcement of the mandatory IMO instruments, which will be extracted from their legislative mandate. The Strategy will be reviewed annually based on monitoring and evaluation reports from all involved Government entities in order to improve organizational performance. Key performance indicators will be included in the Strategy to serve as a basis for monitoring and evaluating its effectiveness. This corrective action will be completed by 30 December 2018.

OB

186 A comprehensive overall maritime strategy could not be presented during the audit. The State had strategic directions and yearly work plans, which did not fully demonstrate how its obligations and responsibilities under the mandatory IMO instruments to which it is Party were going to be met and how implementation and enforcement of international mandatory instruments were going to be monitored and assessed (III Code, paragraph 3).

Root cause

187 The lack of coherence in coordination of actions among entities of the State sharing the responsibility in the implementation and enforcement of the mandatory IMO instruments.

Corrective action

188 The national strategy will be reviewed, taking into account models of other maritime administrations as a benchmark, in order to ensure that it provides a comprehensive mechanism for the State to give full and complete effect to the mandatory IMO instruments to which it is Party. The review will also cover identification of key performance indicators and development of a methodology for evaluation and improvement of the overall performance and capability as a flag, port and coastal State. This corrective action will be completed by 31 July 2018.

OB

189 The State had not developed an adequate 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

190 Maritime affairs were not prioritized at the national level and, although an overall strategy for the responsible Ministry had been prepared, there was a lack of competent personnel and insufficient financing for the review and adequate update of that strategy to ensure that the State's international obligations and responsibilities as a flag, coastal and port State were met.

Corrective action

191 Maritime affairs have been given higher priority at the national level and additional personnel has been recruited and is being trained. In addition, the following corrective actions will be implemented:

- .1 all involved entities of the State will review and update the overall strategy to ensure that the State's international obligations and responsibilities as a flag, coastal and port State are met. Activities of the Ship Registry will be included in this updated strategy;
- .2 the responsible Ministry will prepare and adopt a central electronic system, which will document, record and provide reports on steps taken for continual implementation, assessment of adequacy and improvement of the strategy and associated processes; and
- .3 all relevant entities of the State will mobilize human and financial resources, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review.

This corrective action will be completed by 31 December 2018.

OB

192 The State had not put in place or applied an overall strategy to ensure that its international obligations and responsibilities under the mandatory instruments to which it is Party and as a flag, port and coastal State were met (III Code, paragraph 3).

Root cause

193 Different departments within the maritime administration had insufficient knowledge of the scope and level of the requirements expected from paragraph 3 of the III Code on overall maritime strategy. No common drafting methodology had been established for drafting in order to have a global vision of all the obligations of a Member State. Only a partial maritime strategy focused on the protection of the marine environment existed.

Corrective action

194 The State will develop and implement a national overall maritime strategy taking into account the requirements of the mandatory IMO instruments as mentioned in the III Code. This strategy within the components flag, port and coastal State will take into account the particularities of the geographical and economic context of the State and of the marine environment and will be developed in collaboration with all stakeholders of the maritime administration. This corrective action will be completed by 30 September 2018.

OB

195 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 Party are met, including a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments, as well as a continuous review of the strategy to achieve, maintain and improve the capability of the State to fulfil its obligations (III Code paragraph 3).

Root cause

196 There was a lack of awareness of the requirements of the III Code regarding the strategy and absence lack of experience in developing this kind of documentation.

Corrective action

197 The State will:

- .1 establish an inter-institutional working group consisting of all the entities participating in the maritime administration with the aim of elaborating a national overall maritime strategy that will define the responsibilities of each entity linked to the implementation and enforcement of the applicable IMO instruments to which the State is Party. The strategy will serve as a mechanism to guarantee that the international obligations and responsibilities as flag, port and coastal State are met; and
- .2 appoint a coordinating entity and focal point for the development of the overall maritime strategy. A methodology for monitoring and evaluation of performance in carrying out flag, coastal and port State activities will be established, based on objectives and key performance indicators (KPI) defined within QMS. The methodology will include a system for continuous review and regular follow-up meetings among all the representatives of the entities involved.

This corrective action will be completed by 2 October 2019.

OB

198 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 Party are met (III Code, paragraph 3).

Root cause

199 The lack of understanding of the full scope and level of requirements of paragraph 3 of the III Code relating to overall strategy.

Corrective action

200 The State will develop and implement an overall maritime strategy in order to achieve its compliance with all relevant provisions of the applicable mandatory IMO instruments and the III Code. In particular, a mechanism for implementation and enforcement of the requirements of the relevant mandatory IMO instruments will be established, including necessary assignment of responsibilities to various government entities and provision of resources in order to improve implementation in the areas of flag, coastal and port State activities. The State will adopt the overall strategy and communicate it to all concerned national entities in order to ensure its effective implementation. As a mechanism for continuous compliance with this requirement, the strategy will be updated, as appropriate, and its implementation will be monitored and evaluated regularly through meetings among the different governmental entities and in accordance with the general performance guidance procedure of the maritime administration. This corrective action will be completed by 31 December 2018.

OB

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

Root cause

202 The principal government entity had not considered that an instrument for monitoring and improving the implementation and enforcement of relevant mandatory international instruments was required.

Corrective action

203 A national strategy will be developed and implemented as a mechanism for monitoring of, and compliance with, the maritime conventions in accordance with the III Code requirements, in order to achieve continuous improvement. It will cover all relevant activities of all State entities involved in the implementation and enforcement of the mandatory IMO instruments. The Strategy will be signed by the Minister responsible for transport and approved by the Government in order to secure resources required for its implementation. This corrective action will be completed by 31 December 2018.

OB

204 Although the different entities of the State had established individual strategic plans, an overall strategy to ensure that the international obligations and responsibilities as a flag, port and coastal State are met was not in place. Besides, a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments, as well as a continuous review of the strategy to achieve, maintain and improve the capability of the State to fulfil its obligations, could not be verified (III Code, paragraph 3).

Root cause

205 There was a lack of coordination among the State's entities that compose the maritime administration and a lack of a dedicated unit in charge of the follow-up of the requirements of the IMO instruments.

Corrective action

206 The responsible entities of the maritime administration will develop an overall maritime strategy for the effective implementation of the mandatory IMO instruments, covering the general, flag, coastal and port State obligations and responsibilities. The strategy will promote a policy of cooperation and coordination between the different State entities and other relevant entities within maritime sector. A governmental entity responsible for the follow-up and enforcing of the strategy will be appointed. The strategy will include clear levels of responsibility, monitoring mechanisms, a provision for follow-up meetings on a bi annual basis, and State entities' risk analyses, in order to identify and eliminate the cause of any non-conformities, to prevent recurrence. A monitoring procedure will be implemented to ensure the effective implementation and enforcement of relevant mandatory IMO instruments. These provisions will ensure a continuous review of the strategy to achieve, maintain and improve the State's ability to meet its obligations through the monitoring of key performance indicators defined for each entity involved. The performance evaluation will be carried out individually by each entity on a monthly basis, in conjunction with a joint meeting of all the entities involved, which will be held every six months. This corrective action will be completed by 30 December 2018.

FLAG STATE ACTIVITIES

Findings (FD)

207 The Administration did not fully 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 Party (III Code, paragraph 15.1).

Root cause

208 The legislative process did not enable timely transposition of numerous and successive amendments to IMO instruments into national law. The procedures applied before introducing the Quality Management system (QMS) in the maritime administration did not support the issuance of guidance to assist in the implementation and enforcement of the requirements of the applicable IMO instruments.

Corrective action

209 The State will implement the arrangements outlined in its Strategy to implement III Code which sets out a comprehensive review of existing national maritime legislation and the establishment of a specialized permanent Committee for revision of national legislation and for ensuring its effectiveness regarding provisions of mandatory IMO instruments and related amendments. The Committee will oversee the processes of monitoring and the timely transposition into national legislation of requirements stemming from the applicable IMO instruments, including their amendments, as well as the implementation of the national legislative policy, which includes the identification of the need for any additional guidance documents, notifications or directives, in order to assist in the implementation and enforcement of the requirements of the applicable IMO instruments. This corrective action will be completed by 31 March 2020.

FD

210 The Administration had not fully established administrative instructions for the implementation of the applicable international instruments to which the State is Party. For example, instructions and interpretative national regulations were not available to give full effect to provisions of 1988 SOLAS Protocol in relation to Harmonized System of Survey and Certification for passenger ships; LL 1966 and COLREG 1972 (III Code, paragraph 16.1).

Root cause

211 The established quality management system did not fully ensure the effective implementation of the working instruction, which was developed in order to outline the process of issuing the necessary administrative instructions to assist in the implementation of amendments to the mandatory IMO instruments.

Corrective action

212 The Administration will develop a list of all amendments to the mandatory IMO instruments for the purpose of issuing necessary administrative instructions to assist in the implementation of those amendments and will ensure consistent implementation of its working instruction, which was developed in order to outline the process of issuing necessary administrative instructions. This corrective action will be completed by 31 March 2019.

FD

213 Even though the Administration developed a procedure to deal with the requirements that are left "to the satisfaction of the Administration" in the relevant mandatory IMO instruments, not all of the requirements had been identified with appropriate guidance or approved interpretations (III Code, paragraph 16.5).

Root cause

214 Owing to a lack of time and the need for adjustment of the new system for following-up of those requirements that are left "to the satisfaction of the Administration" in the mandatory IMO instruments, not all the interpretations could be defined.

Corrective action

215 The Administration will develop a list of all requirements that are left "to the satisfaction of the Administration" in the mandatory IMO instruments and will verify availability of appropriate guidance and approved national interpretations in accordance with the existing QMS working instruction. National interpretations or criteria on the use of the available external interpretations, including IACS unified interpretations and IMO interpretations, will be developed to facilitate decision making on a case by case basis. This corrective action will be completed by 31 March 2019.

FD

216 The Administration authorized seven ROs to act on behalf of the State; nevertheless, only one formal written agreement was duly signed as required by the Code for Recognized Organizations (RO Code). In addition, a new procedure for the oversight of ROs had been established, but was not yet implemented (SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; III Code, paragraph 18.2).

Root cause

217 There was a delay in signing the agreements between the Administration and ROs due to a pending legal advice by the State Counsel concerning the agreement clause on arbitration and settlement of disputes.

Corrective action

218 A legal and technical Committee from the Administration will be assigned to follow up on the State Counsel decision concerning its legal advice regarding the clause on arbitration and settlement of disputes in order to sign the remaining agreements between the Administration and ROs. Existing QMS working instruction will be implemented regarding procedures for monitoring ROs authorized by the Administration. This corrective action will be completed by 31 March 2019.

FD

219 The new procedure developed to oversee that appropriate corrective measures are taken when a ship entitled to fly the flag of the State had been detained by a port State was not implemented at the time of the audit (III Code, paragraph 25).

Root cause

220 There was insufficient time before the audit to effectively implement the newly issued QMS working instruction on the Procedures to be followed upon detention by port State control (PSC) of a ship flying the flag of the State.

Corrective action

221 The QMS Working Instruction concerning actions to be taken in case of a detention of a ship flying the flag of the State by PSC in foreign ports will be implemented upon receiving a notice of ship detention. This corrective action will be completed by 31 December 2018.

FD

222 It was established that investigators who conducted investigation of marine accidents and submitted complete investigation reports to IMO did not have working knowledge and adequate practical experience as required by the III Code. Based on the criteria adopted by the Administration, the impartiality and objectivity of investigators could not be demonstrated (SOLAS 1974, regulation I/21; MARPOL, article 12(1); Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 38).

Root cause

223 International technical experts who can provide specialized training courses in the field of investigations into maritime casualties in the State were not available. Organizational structure and line management for processes of the Administration related to casualty investigation and reporting were not adjusted after the entry into force of the Casualty Investigation Code, in order to ensure the impartiality and objectivity of investigators.

Corrective action

224 Appropriately qualified individual will be appointed as a Director of the Department responsible for technical analysis for maritime safety. In addition, a suitably qualified, knowledgeable and experienced technical team will be appointed in accordance with the requirements of international conventions and Casualty Investigation Code. In order to ensure the impartiality and objectivity of investigators, line management of processes related to casualty investigation and related reporting will be adjusted to prevent any direction or interference from persons or organizations that may be affected by the outcome of the investigation. A request will be submitted to IMO Technical Cooperation Division to provide a specialized training programme in the field of maritime casualty investigation, in accordance with requirements of the above-mentioned international standards. This corrective action will be completed by 31 December 2018.

FD

225 Although certificates under the ISM Code had been issued by the Administration based on audits of ships and companies carried out by ROs, there was no documented evidence of active engagement of the Administration in order to make sure that cases of reported non-conformities are scrutinized in a timely manner, to ensure effective oversight of the ROs involved, as well as timely completion of necessary corrective actions by companies (III Code, paragraph 16.4; III Code, paragraph 20; III Code, paragraph 26).

Root cause

226 There were no exact actions included in the existing procedure in use by the Administration

Corrective action

227 The Administration will amend the existing procedure and include exact actions to follow in case of deficiencies or non-conformities reported by ROs as the result of surveys and audits, respectively. These amendments will cover all the process which will need to be followed by the Administration in order to ensure that the delegated statutory certification activities are effectively performed by ROs and that all reported deficiencies and non-conformities are scrutinized and related corrective actions taken by ship companies concerned, in a timely manner. This corrective action will be completed by 20 October 2018.

FD

228 No documented system could be demonstrated for qualification of flag State inspectors and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake (III Code, paragraph 35).

Root cause

229 The Administration did not put in place the training requirements for newly recruited inspectors and there was a lack of documented and comprehensive policy on qualification and training of inspectors.

Corrective action

230 A formal inspector's continuous training programme will be developed, implemented and kept under review, including the programme for initial training of new inspectors and refresher training for existing inspectors who perform functions as flag State surveyors. The programme will be based on the identification of the inspectors' individual needs, taking into account their background, experience and skills. A documented system will be established to capture all relevant information pertaining to qualification and training of flag State surveyors. This corrective action will be completed by 20 April 2019.

FD

231 Although there was national legislation and guidance in place for many technical areas related to ships flying the flag of the State, the implementation mechanism was not complete in order to effectively discharge the Administration's responsibilities and obligations (III Code, paragraph 15.1; III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.5).

Root cause

232 The lack of awareness and insufficient number of technical officers.

Corrective action

233 The Administration will:

- .1 develop and implement relevant legislation, procedures, guidelines and interpretations for effective application of the requirements left "to the satisfaction of the Administration" in the mandatory IMO instruments, as well as those relating to the materials or equipment which is required to be of "a type approved by the Administration";
- .2 develop and implement a documented procedure for the evaluation and review of performance in the area of flag State activities; and
- .3 establish resources and processes for administering a safety and environmental protection programme to ensure compliance with the requirements of the applicable international instruments.

This corrective action will be completed by 31 August 2020.

FD

234 The Administration did not regulate authorizations of its ROs fully in compliance with the applicable requirements of the mandatory IMO instruments (SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 4.2; RO Code, part 2, section 8; III Code, paragraph 18.1; III Code, paragraph 18.2; III Code, paragraph 18.3; III Code, paragraph 20).

Root cause

235 The lack of legal basis, policy and criteria for the selection and delegation of authority to ROs and for carrying out the monitoring of the ROs, due to insufficient number of technical officers.

Corrective action

236 The Administration will:

- .1 develop and implement national legislation governing the delegation of authority for statutory certification and authorization of ROs;
- .2 develop and implement documented procedures for monitoring of ROs and communicating with them, as well as for conducting additional surveys in order to ensure that ships entitled to fly the flag of the State are compliant with the international mandatory requirements;
- .3 revise existing agreements with ROs in order to ensure their compliance with the mandatory provisions applicable to the delegation of authority and recognition of ROs; and
- .4 strengthen its human resources with qualified personnel.

This corrective action will be completed by 31 August 2020.

FD

237 There was no objective evidence to demonstrate that the Administration effectively enforced penalty provisions to discourage violation of international rules by ships entitled to fly the flag of the State. The Administration did not have procedures or defined practices to oversee appropriate corrective measures after the detentions of ships flying the flag of the State in foreign ports (III Code, paragraph 22; III Code, paragraph 24.2; III Code, paragraph 25).

Root cause

238 The lack of legal basis for an effective enforcement mechanism and a lack of appropriate number of personnel with legal and technical knowledge.

Corrective action

239 The Administration will:

- .1 include additional penal clauses in the new Maritime Law in order to deter violations of international maritime rules and standards;
- .2 recruit and train sufficient number of qualified flag State personnel to enforce national requirements stemming from international maritime conventions and to investigate incidents where ships flying the flag of the State have been detained by port States;
- .3 set up appropriate measures to prevent the detention of ships flying the flag of the State in foreign ports, including a mechanism to ensure their continuous compliance;
- .4 develop and implement a documented procedure for oversight of corrective measures taken by companies in cases of the detention of a ship flying the flag of the State by a port State, in order to ensure effective rectification of deficiencies and to bring the ship into compliance; and
- .5 develop a monitoring programme in cooperation with ROs for ships flying the flag of the State involved in detentions by port States.

This corrective action will be completed by 31 August 2020.

FD

240 The Administration had not adopted and implemented 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 to which it is 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

241 There was a lack of awareness of the need for documenting policies through the issuance of national legislation and guidance, as well as for assigning responsibilities among government entities that participate in the implementation and enforcement of applicable mandatory IMO instruments.

Corrective action

242 A policy document will be developed to provide guidance for the implementation and enforcement of the mandatory IMO instruments. Procedures and guidelines will be developed jointly by Government entities involved in the implementation and enforcement of the mandatory IMO instruments in order to document the specific assignments in developing and implementing policies. Training will be organized to raise awareness, including workshops for

relevant staff, and guidelines and circulars will be issued to assist in the implementation and enforcement of the mandatory IMO instruments. This corrective action will be completed by 30 November 2019.

FD

243 The Administration did not implement a safety and environmental protection programme consisting of administrative instructions to implement applicable international rules and regulations, as well as developing and disseminating any interpretative national regulations that may be needed, including issuing type approvals, exemptions, equivalents and alternative arrangements. Besides, no evidence could be found on the measures taken by the Administration to provide guidance concerning those requirements that are left to the "the satisfaction of the Administration" (III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.5).

Root cause

244 There was a lack of resources that caused difficulties in implementing the safety and environmental protection programme despite of the commitment and awareness of the Administration in these matters.

Corrective action

245 The Administration will implement the following corrective actions:

- .1 identify cases where administrative instructions had not been issued, including those requirements that are left to the satisfaction of the Administration in the mandatory IMO instruments, as well as those where processes need to be established for type approval, equivalents and alternative arrangements, and will act accordingly by issuing the necessary legal provisions;
- .2 establish and implement a mechanism for the effective implementation of instructions, where needed, and their ongoing development;
- .3 appoint a dedicated unit within the responsible entity to deal with these matters; and
- .4 establish an audit and inspection programme, independent of the responsible entity, and develop a mechanism for the follow-up of the audit outcomes.

This corrective action will be completed by 31 July 2020.

FD

246 The Administration did not develop policies, guidelines or procedures for issuing Safe Manning Certificates in order to ensure that ships entitled to fly the flag of the State are sufficiently and efficiently manned, taking into account relevant and existing measures such as resolution A.1047(27) (III Code, paragraph 17).

Root cause

247 The Administration did not consider expedient to develop a procedure/guideline for issuing Safe Manning Certificates.

Corrective action

248 The Administration will develop policies, guidelines or procedures for issuing Safe Manning Certificates, ensuring that the ships flying the flag of the State are sufficiently and efficiently manned, taking into account the measures stated in resolution A.1047 (27) and other available guidance. This corrective action will be completed by 31 December 2018.

FD

249 The Administration did not verify, before granting authorizations, if ROs had adequate resources and managerial or research capabilities. Specific instructions and all appropriate instruments of national law and interpretations were not delivered to the ROs. In addition, an oversight programme for monitoring the survey and certification activities delegated to the ROs acting on behalf of the Administration was not established (SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 4.2; RO Code, part 2, section 8; III Code, paragraph 18.1; III Code, paragraph 18.3; III Code, paragraph 18.4; III Code, paragraph 20).

Root cause

250 There was a lack of legal basis and specific internal procedures for assessing the ROs before granting the delegation of authority. Besides, owing to an absence of financial resources and insufficient qualified and trained technical staff, an oversight programme to monitor the ROs could not be established and implemented.

Corrective action

251 The Administration will implement the following corrective actions:

- .1 a documented procedure will be developed for the assessment of ROs resources in terms of technical, managerial or research capabilities, before authorizing it to carry out statutory certification activities. In addition, the Administration will prepare a document with specific instructions and all appropriate instruments of national law and interpretations to be delivered to the ROs; and
- .2 an ROs monitoring programme will be developed, implemented and submitted to the ROs, including communication and reporting requirements. This programme will include: supplementary surveys conducted by the Administration on board ships entitled to fly the flag of the State; joint surveys by surveyors from the ROs and the Administration to be organized during statutory surveys; annual meetings with the ROs in order to inform them about changes to the national legislation, any revision of the flag State requirements that go beyond the requirements of IMO instruments and other relevant topics; individual meetings with ROs to address non-conformities, problems and complaints observed by the Administration during supplementary surveys; besides, audits of local offices of all ROs will be conducted annually by selected staff with required expertise, following established procedures.

This corrective action will be completed by 31 December 2020.

FD

252 Although the State had provisions in their national laws and regulations for the enforcement of the requirements stemming from applicable international instruments, the penalties were not of adequate severity to discourage violations of international rules and standards by ships entitled to fly the flag of the State. Besides, measures taken to ensure that the ship's complement can effectively coordinate activities in case of emergency situation could not be demonstrated (III Code, paragraph 22.4; III Code, paragraph 22.5).

Root cause

253 There was a lack of human and financial resources within the Administration to draft an updated bill to strengthen the penalties and to deal with specific measures for the coordination of emergency activities on board ships entitled to fly the flag of the State.

Corrective action

254 The provisions in the national laws and regulations related to the enforcement of applicable mandatory IMO instruments and the penalties to discourage violations of international rules and standards by ships entitled to fly the flag of the State will be updated by a multidisciplinary team composed of representatives from the judicial office of the maritime administration, Ministry of Transportation and Ministry of Foreign Affairs. The Administration will also elaborate a document for updating the measures taken to verify the effectiveness of activities undertaken on board a ship flying the flag of the State in case of emergency situation in order. This corrective action will be completed by 31 July 2021.

FD

255 There was no evidence that the Administration had a system in place to oversee that corrective measures are taken in case when a ship entitled to fly the flag of the State is detained by a port State, in order to bring the ship in question into immediate compliance with the applicable international instruments (III Code, paragraph 25).

Root cause

256 There was a lack of awareness of the need to have a system in place for this matter.

Corrective action

257 The Administration will develop and establish a formal document to define the procedures and corrective measures in order to bring those ships detained by a port State into immediate compliance with the applicable international laws. This corrective action will be completed by 30 September 2019.

FD

258 It was established that responsibilities, authority and interrelations of personnel who manage, perform and verify work relating to and affecting safety and pollution prevention were not defined and documented (III Code, paragraph 28).

Root cause

259 There was a lack of human and material resources, which contributed to this finding.

Corrective action

260 Administration's resolutions will be developed establishing written job descriptions, 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 and auditors. Note: if they are going to develop those issues then they must have provided the resources to do so. This corrective action will be completed by 31 October 2020.

FD

261 The Administration could not provide evidence that investigators had appropriate qualifications and knowledge in matters relating to the casualty. In addition, the impartiality and objectivity of investigators could not be demonstrated (Casualty Investigation Code, paragraph 11.1; III Code, paragraph 38; III Code, paragraph 41).

Root cause

262 The cabinet of maritime investigation was not fully implemented, therefore, there was an absence of specific instructions/procedures regarding qualifications and knowledge of the investigators, as well as provisions for their impartiality and objectivity.

Corrective action

263 The Administration will develop a training programme for the new investigators and a programme for updating the knowledge of existing personnel in matters related to the casualty, taking into account IMO model courses, IMO guidelines in this respect and the Casualty Investigation Code. A job description manual will also be developed for recruiting new investigators based on their background, experience and skills. In addition, the requirements of the Casualty Investigation Code will be implemented. To guarantee the impartiality and objectivity of the investigators the following measures will be implemented:

- .1 the Law that created an independent board for casualty investigations will be fully implemented;
- .2 the responsible entity will establish a procedure for selection of investigators, taking into account that he/she should not be in a personal conflict of interest by being involved in the process of survey or certification of any ship involved in a casualty; and
- .3 investigators will report directly to the board for casualty investigation to ensure no interference in their line of reporting on the results of the investigation.

This corrective action will be completed by 30 September 2020.

FD

264 It was established that there was no mechanism for periodical evaluation of performance, based on review and measurement related to administrative processes,

procedures and resources used to fulfil the flag State obligations under the applicable IMO instruments (III Code, paragraph 42).

Root cause

265 There was a lack of resources that prevented the Administration from establishing a mechanism for evaluation of performance as a flag State.

Corrective action

266 The overall maritime strategy will be developed and procedures will be included for periodical review and evaluation of responsibilities in the area of flag State activities, based on clear objectives, key performance indicators defined to evaluate the effectiveness in the implementation and enforcement of the applicable IMO instruments and recommendations in order to identify and implement actions for continual improvement. The result of the periodic review will be reported yearly to the respective Ministry in order to evaluate the performance in the area of flag State activities regarding compliance with IMO instruments to which the State is Party. This corrective action will be completed by 30 March 2020.

FD

267 The Administration had not implemented 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 the State is Party (III Code, paragraph 15.1).

Root cause

268 There was a lack of understanding of the requirements of all safety and pollution prevention related conventions and protocols and the national legal system included lengthy processes for adoption of new legislation. Therefore, issuing national legislation and guidance could not be realized in a timely manner.

Corrective action

269 The Administration will implement the following actions:

- .1 a new national law on maritime transport will be adopted whereby sub-decrees and proclamations will be incorporated to implement and enforce requirements stemming from the mandatory IMO instruments to which the State is Party;
- .2 relevant policies assisting in the implementation and enforcement of the mandatory IMO requirements will be formulated and promulgated to all stakeholders; and
- .3 technical assistance will be requested from IMO for seminars or trainings under relevant conventions and protocols to be provided to the Administration.

This corrective action will be completed by 30 June 2021.

FD

270 It was established that there was no specific requirement to extend the implementation of the provisions of MARPOL, Annex I to ships entitled to fly the flag of the State, regardless of their size and area of operation (MARPOL, Annex I, regulation 2.1; MARPOL, Annex I, regulation 14.4; MARPOL, Annex I, regulation 14.3; MARPOL, Annex I, regulation 14.6; III Code, paragraph 16.1).

Root cause

271 There were no specific requirements in the existing national legislation to extend the implementation of the provisions of MARPOL to ships of non-convention size operating within inland waters and the territorial sea and insufficient personnel was available in the Administration to undertake such responsibilities.

Corrective action

272 The Administration will develop and implement relevant policies through issuing national legislation and technical guidelines for the implementation and enforcement of MARPOL requirements to ships entitled to fly the flag of the State regardless of their size and area of operation. This corrective action will be completed by 30 June 2021.

FD

273 The Administration had not established resources and processes to conduct marine safety investigations following a very serious casualty (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 6.2; Casualty Investigation Code, paragraph 10.1; III Code, paragraph 16.4).

Root cause

274 There was a lack of transposition of mandatory IMO instruments into national legislation, and a lack of understanding of the need for impartiality and objectivity of investigators engaged in marine safety investigations, as well as of the need for the absence of organizational interference. There was also insufficient qualified personnel available to carry out the investigations and the existing legislative provisions of the State that established the investigative framework were focused primarily on general offence proceedings and criminal negligence and prosecution.

Corrective action

275 The Administration will develop and implement legislation transposing the requirements of the Casualty Investigation Code that will guarantee an impartial and objective investigation. In addition, technical assistance will be sought from IMO and other partners in order to train personnel to carry out investigations and to develop guidelines and procedures for the conduct of these investigations. This corrective action will be completed by 30 June 2021.

FD

276 There was no evidence that the Administration had developed and documented guidance concerning those requirements of the relevant mandatory IMO instruments that are left "to the satisfaction of the Administration" (III Code, paragraph 16.5).

Root cause

277 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 requirements that are left "to the satisfaction of the Administration" in the mandatory IMO instruments. In addition, 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

278 The Administration will develop and implement adequate legislation and establish 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 all the mandatory IMO instruments to which the State is Party. This corrective action will be completed by 30 June 2021.

FD

279 The penalties under national legislation were found insufficient and not adequate to discourage violations of international rules and standards by ships entitled to fly the flag of the State (III Code, paragraph 22.5).

Root cause

280 The following factors contributed to this finding:

- .1 inadequate legal provisions established with limited sanctions and penalties to discourage violations of international rules and standards and a lack of regulatory monitoring process;
- .2 penalties under national legislation were mainly aiming at general violations of the public; and
- .3 insufficient personnel at the Administration to assist in regular review of severity of penalties contained in national legislation.

Corrective action

281 A national law and a policy on maritime transport will be developed and implemented with penalties of adequate severity to discourage violations of international rules and standards by ships entitled to fly the flag of the State. Responsibility will be assigned in order to ensure continuous review of the adequacy of the penalties. This corrective action will be completed by 30 June 2021.

FD

282 There was no national legislation relating to flag State activities that might assist in the implementation and enforcement of the requirements of applicable IMO instruments to which the State is Party (III Code, paragraph 15.1).

Root cause

283 The existing national legislation was obsolete and the Administration had not developed and promulgated laws, regulations, and procedures required by all the mandatory IMO instruments to which the State is Party

Corrective action

284 The following actions will be implemented:

- .1 the Administration will analyse all mandatory IMO instruments to which the State is Party and identify the necessary laws, regulations, and procedures that will be developed and implemented to ensure effective enforcement and monitoring of compliance of these international provisions;
- .2 the Navigation Code of the State will be reviewed and amended to include the provisions of the mandatory IMO instruments; and
- .3 procedures will be established to maintain a system for monitoring, analysing and developing standards for the provisions of the mandatory IMO instruments.

This corrective action will be completed by 30 December 2020.

FD

285 The Administration had not put in place sufficient resources and processes capable of administering a safety and environmental protection programme consisting, as a minimum, of administrative instructions, an independent audit and inspection programme, compliance with international standards of seafarer training, certification and watchkeeping, certification of ships and seafarers and the conduct of investigations into casualties. Furthermore, the Administration had not provided guidance on those requirements in the relevant international instruments that were left to the "satisfaction of the Administration" (III Code, paragraph 16).

Root cause

286 The mandatory provisions of the III Code were not fully understood, and there were no rules or administrative instructions in place to implement an audit and inspection programme. In addition, no specific procedures had been established under national legislation on granting exemptions and no adequate national legislation had been developed to ensure the dissemination of information and mandatory reports.

Corrective action

287 The national legislation will be amended to provide resources and define procedures to administer a safety and environmental protection programme. The Administration will develop and implement administrative instructions and establish an independent system of audits and inspections to ensure the effective implementation of the rules and standards mandated by the relevant IMO instruments. It will also develop interpretations of the requirements that are "left to the satisfaction of the Administration" and will define and implement the legislation required for monitoring the applicable requirements of STCW 1978 Convention. This corrective action will be completed by 30 December 2021.

FD

288 The Administration had not put in place an oversight programme or provided adequate resources for monitoring of survey and certification activities delegated to ROs. Also, the ROs had not been duly evaluated in accordance with the standards required by the RO Code and the agreements concluded were not in accordance with the provisions of the said Code (SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; III Code, paragraph 18; III Code, paragraph 20).

Root cause

289 There was a lack of awareness of the provisions of the RO Code, absence of regulations and insufficient resources necessary to evaluate and supervise ROs.

Corrective action

290 The Administration will implement the following measures:

- .1 transpose the RO Code into national legislation and implement the Code;
- .2 renew past agreements with ROs in accordance with the provisions of the RO Code and provide them with relevant national legislation, instructions and recommendations; and
- .3 develop and establish a mechanism for evaluating and supervising ROs.

This corrective action will be completed by 30 December 2021.

FD

291 There was no evidence to show that adequate measures had been taken by the Administration to secure observance of international rules and standards by ships entitled to fly its flag and by entities and persons under its jurisdiction so as to ensure compliance with its relevant international obligations (III Code, paragraph 22.1; III Code, paragraph 22.2).

Root cause

292 There was a lack of appropriate mechanism to prohibit ships flying the flag of the State from sailing when they do not comply with the requirements of international rules and standards.

Corrective action

293 A legal and administrative mechanism will be established to prohibit ships from sailing when they are not compliant with the requirements of international rules and standards and a periodic inspection programme of ships authorized to fly the flag of the State will be established by the Administration to ensure that the condition of these ships and their crews comply with the certificates on board. This corrective action will be completed by 30 December 2019.

FD

294 There was no control and monitoring programme in place to ensure the training and oversight of the activities of surveyors and investigators (III Code, paragraph 24.5).

Root cause

295 There was a lack of documented procedures to control the activities of surveyors and investigators and to ensure their proper training and the updating of their knowledge

Corrective action

296 The Administration will develop and implement documented rules and procedures for the training of its surveyors and investigators in order to enhance the appropriate skills and knowledge on ship inspection and accident investigation issues. This corrective action will be completed by 30 December 2019.

FD

297 The Administration did not define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify activities relating to safety and pollution prevention, in particular for flag State surveyors. Furthermore, it was not demonstrated that all staff had a level of training and supervision commensurate with the tasks they were authorized to perform (III Code, paragraph 28; III Code, paragraph 33).

Root cause

298 The Administration was not aware of the need to define and document the responsibilities, authority and interrelationship of all personnel, who manages, perform and verify the activities of flag State surveyors.

Corrective action

299 The Administration will develop and implement regulation establishing a corps of surveyors for maritime and inland navigation and will define and record in writing the responsibilities and authority of all personnel who manage, perform and verify the activities relating to safety and pollution prevention, in particular flag State surveyors, as well as the interrelationship between members of the staff. In addition, the Administration will determine the level of education, training and supervision of personnel assisting flag State surveyors in carrying out their duties. This corrective action will be completed by 30 December 2019.

FD

300 The Administration had not implemented a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they were authorized to undertake. Also, the identification documents for surveyors had not been issued (III Code, paragraph 35; III Code, paragraph 37).

Root cause

301 The Administration was unaware of the need to define the qualifications required for the flag State surveyors, to provide them with appropriate training, and to define clear job descriptions. The issuance of identification documents to each flag State surveyor had not been incorporated into national legislation.

Corrective action

302 The Administration will develop and implement a documented procedure and a corresponding documented system capturing the existing qualification and training of flag State

surveyors and identify individual training needs, as a basis for organizing and recording further training received in order to ensure that competence of each flag State surveyor corresponds to the assigned tasks. Training programmes will be established for the identified areas of expertise and their delivery documented and regularly monitored for each surveyor. Surveyors with appropriate qualifications and training will be provided with an identification document under which they will be authorized to carry out inspections as part of flag State control. This corrective action will be completed by 30 December 2019.

FD

303 There was no evidence that the Administration had carried out marine safety investigations following very serious marine casualties. Moreover, the qualifications and knowledge of all investigators participating in marine casualty investigations could not be demonstrated (Casualty Investigation Code, paragraph 6.2; III Code, paragraph 38; III Code, paragraph 41).

Root cause

304 The national legislation of the State did not explicitly give effect to SOLAS 1974, regulation XI 1/6 or to the Casualty Investigation Code. There was a lack of technical and legal expertise to assist in developing investigative procedures and to implement the requirements of the Casualty Investigation Code.

Corrective action

305 The Casualty Investigation Code will be incorporated into national legislation. In order to ensure impartiality and objectivity in the conduct of casualty investigations, a permanent casualty investigation and marine and river navigation office will be established within the responsible Ministry and will be staffed by officials from the responsible directorates of the maritime administration, who will be qualified and trained in investigation of marine incidents. A documented management system, including casualty investigations and notification to IMO, will be established. This corrective action will be completed by 31 December 2021.

FD

306 There was no system in place for periodical evaluation of performance of the Administration in implementing the methods, procedures and administrative resources necessary to meet its obligations and responsibilities under the mandatory IMO instruments. No measures were in place to determine whether the staffing, resources and administrative procedures are adequate to meet its flag State obligations (III Code, paragraph 42; III Code, paragraph 43).

Root cause

307 There were insufficient information and knowledge on the implementation of flag State obligations. In addition, there was no maritime strategy for the implementation and enforcement of the mandatory IMO instruments, which would have defined the roles and responsibilities for establishing a review procedure and a periodic evaluation of performance in the conduct of flag State activities.

Corrective action

308 The Administration will establish a procedure, within the framework of the overall maritime strategy, to periodically review and evaluate its performance in the conduct of flag

State activities, based on performance indicators, related to the implementation and enforcement of the mandatory IMO instruments, with the aim of making continuous improvements. Appropriate legislation will be drafted, which will contain a process of assessment and review of all flag State activities. This corrective action will be completed by 31 December 2019.

FD

309 There was no legislation relating to flag State activities that might assist in the implementation and enforcement of the requirements of mandatory IMO instruments to which the State is Party (III Code, paragraph 15.1).

Root cause

310 A lack of understanding of the regulations, insufficient number of trained staff and lack of an effective mechanism within the Administration to develop, establish and revise relevant policies for the effective implementation and enforcement of mandatory requirements of IMO instruments to which the State is Party

Corrective action

311 The Administration will:

- .1 identify the applicable technical regulations from the relevant IMO instruments, in particular the mandatory IMO codes and resolutions, and their full promulgation into national legislation, including the development and implementation of guidelines to facilitate the application of the requirements of all the conventions and protocols to which the State is Party, covering the activities of the flag State;
- .2 establish a training and familiarization programme for international conventions and protocols and personnel with responsibilities in flag State activities; and
- .3 establish a mechanism for the Administration to formulate, update and review on a regular basis, the relevant legislation, rules and national regulations covering the activities as a flag State.

This corrective action will be completed by 31 December 2020.

FD

312 The Administration had not put in place sufficient resources and processes capable of administering a safety and environmental protection programme consisting, as a minimum, of administrative instructions, an independent audit and inspection programme, compliance with international standards of training, certification and watchkeeping of seafarers and the conduct of investigations into casualties. Furthermore, the Administration had not provided guidance concerning those requirements found in the relevant international instruments that were to the "satisfaction of the Administration". Also, the Administration had not established a quality standards system, and the independent evaluation, as provided for by STCW 1978, regulation I/8, had not been undertaken (III Code, paragraph 16).

Root cause

313 The following factors contributed to this finding:

- .1 a lack of understanding of the international obligations stemming from the conventions and ratified protocols, including 1978 STCW Convention and the Casualty Investigation Code;
- .2 the lack of documented procedures or audit, inspection programme or internal monitoring of the activities of the Administration with respect to its obligations as a flag State; and
- .3 the Administration did not have a training centre for seafarers.

Corrective action

314 The Administration will:

- .1 establish a training programme on the relevant international instruments for personnel with responsibilities in flag State activities, including 1978 STCW Convention and the Casualty Investigation Code;
- .2 develop and institutionalize a manual of procedures giving instructions for:
 - .1 applying international rules and standards;
 - .2 establishing and disseminating national regulations necessary to interpret them;
 - .3 listing the measures taken in response to the requirements of the relevant instruments which are left "to the satisfaction of the Administration"; and
 - .4 specifying the measures taken to ensure compliance with seafarers' certificates, address any certificate deficiencies, prevent fraud, ensure STCW 1978 compliance, including when such certificates are issued under the authority of another State;
- .3 establish an independent audit and inspection programme for compliance with the requirements of the relevant international instruments; and
- .4 establish a written and documented procedure for issuing endorsements.

This corrective action will be completed by 31 December 2019.

FD

315 There was no evidence to show that adequate measures had been taken by the Administration to secure observance of international rules and standards by ships entitled to fly its flag and by entities and persons under its jurisdiction so as to ensure compliance with its relevant international obligations (III Code, paragraph 22.1; III Code, paragraph 22.2).

Root cause

316 The following factors contributed to this finding:

- .1 the national fleet had not been enumerated and the ship's file had not been updated;
- .2 the lack of ship control planning by the flag State; and
- .3 the lack of a sufficient mechanism to prohibit ships flying the flag of the State from sailing in cases of non-compliance with the requirements of international rules and standards.

Corrective action

317 The Administration will:

- .1 identify all ships registered under the flag of the State and establish, for each unit, a ship record kept and updated that will set up a schedule for the inspection and verification of ships by the flag State;
- .2 establish a legal and administrative mechanism to prohibit ships from sailing when they are not in compliance with the requirements of international rules and standards; and
- .3 establish documented procedures for the effective implementation of the provisions relating to inspections and verifications made mandatory by the relevant instruments to which the State is Party.

This corrective action will be completed by 31 December 2019.

FD

318 There was no control and monitoring programme in place to ensure the training and oversight of the activities of surveyors and investigators (III Code, paragraph 24.5).

Root cause

319 Lack of career plan management (surveyors and investigators) regarding the qualifications of the workforce.

Corrective action

320 The Administration will:

- .1 draft and implement procedures to determine the prerequisites for an initial training programme in order to obtain the necessary qualifications and skills as surveyors and investigators and to determine the continuous training required to maintain their competence;
- .2 organize a training programme for existing staff members to obtain the required qualifications and skills and recruit new staff if necessary; and

- .3 monitor its surveyors and investigators in order to ensure that their qualifications and competence in relation to the assigned tasks are maintained.

This corrective action will be completed by 31 December 2021.

FD

321 The Administration had not defined or documented the responsibilities, authority and interrelation of all personnel who managed, performed and verified work relating to and affecting safety and pollution prevention, in particular for flag State surveyors. Moreover, there was no evidence that all personnel had training and supervision commensurate with the tasks they were authorized to perform (III Code, paragraph 28; III Code, paragraph 33).

Root cause

322 The following factors contributed to this finding:

- .1 the lack of procedures defining the tasks, responsibilities and authority of the Administration's staff; and
- .2 the lack of training programmes for other staff assisting in tasks related to flag State activities.

Corrective action

323 The Administration will:

- .1 develop and establish a regulatory framework defining the responsibilities and authority of all personnel who manage, perform and verify activities related to safety and pollution prevention, as well as relations between staff members, particularly in the case of flag State surveyors; and
- .2 develop and implement an initial and continuing training programme for other staff assisting in the performance of the duties related to flag State activities.

This corrective action will be completed by 31 December 2019.

FD

324 The Administration had not implemented a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they were authorized to undertake. Moreover, identification documents for surveyors had not been issued (III Code, paragraph 35; III Code, paragraph 37).

Root cause

325 A lack of knowledge of the obligations of the III Code concerning the need to implement a documented system for the qualifications of personnel and updating of their knowledge and to issue an identification document for the flag State surveyors.

Corrective action

326 The Administration will:

- .1 identify personnel engaged in flag State activities;
- .2 develop and implement a documented system for capturing qualification of its personnel and continuous updating of their knowledge, based on their individual needs. A continuous training programme for updating knowledge of flag State surveyors will be put in place based on their qualifications; and
- .3 develop an administrative note setting out the conditions for issuing an identification document for each flag State surveyor.

This corrective action will be completed by 31 December 2020.

FD

327 There was no evidence that the Administration had carried out marine safety investigations following a very serious marine casualty. Moreover, the qualifications and knowledge of all investigators participating in marine casualty investigations could not be demonstrated (Casualty Investigation Code, paragraph 6.1; Casualty Investigation Code, paragraph 6.2; III Code, paragraph 38; III Code, paragraph 41).

Root cause

328 A lack of understanding of the regulations, lack of monitoring of the progress of international regulations, failure to transpose mandatory IMO instruments into national legislation, including the impartiality and objectivity of investigators engaged in maritime accident investigations, and insufficient qualified personnel to conduct these investigations.

Corrective action

329 The Administration will develop and implement a legislation transposing the requirements of the Casualty Investigation Code, establish and set up a unit to conduct maritime accident investigations, will improve the qualifications of its personnel to carry out investigations with adequate training and develop guidelines and documented procedures to conduct investigations and to communicate their findings to IMO and the public. This corrective action will be completed by 31 December 2020.

FD

330 There was no system for evaluating, on a periodic basis, the Administration's performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations and responsibilities under mandatory IMO instruments. There were no measures in place to determine whether staffing, resources and administrative procedures were adequate to meet its flag State obligations (III Code, paragraph 42; III Code, paragraph 43).

Root cause

331 The following factors contributed to this finding:

- .1 a lack of culture to periodically evaluate or review the performance and lack of qualified staff in measuring and evaluating performance;
- .2 a lack of understanding of the procedure of evaluating with respect to the implementation of methods, procedures and administrative resources; and

.3 inadequate training-employment.

Corrective action

332 The Administration will develop and implement a legal framework to institutionalize a documented system of evaluation and periodic review of its performance by identifying evaluation measures and performance and activity indicators in accordance with the relevant instruments. The performance indicators will include those related to flag State surveys, results of PSC inspections of ships flying the flag of the State, competence of staff and procedures of the Administration to carry out flag State activities. This corrective action will be completed by 31 December 2019.

FD

333 The Administration did not develop and implement policies through the issuance of national legislation and guidance to assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which the State is 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

334 The lack of awareness of the need for documenting policies through the issuance of national legislation and guidance, as well as for assigning related responsibilities.

Corrective action

335 A policy document will be developed to provide a roadmap for the implementation and enforcement of the mandatory IMO instruments. Procedures and guidelines will be developed in collaboration among the Government entities involved in the implementation and enforcement of the mandatory IMO instruments in order to document specific roles they play in developing and implementing policies. Training, including seminars for the relevant staff, will be organized to raise awareness and guidelines and circulars will be issued to assist in the implementation and enforcement of the mandatory IMO instruments. This corrective action will be completed by 30 December 2017.

FD

336 The Administration had not implemented a safety and environmental protection programme, including establishing administrative instructions to implement applicable international rules and regulations as well as developing and disseminating any interpretative national regulations that may be needed (e.g. Type approval, issuing exemptions, equivalents, alternative arrangements), and for those requirements that are left "to the satisfaction of Administration" (III Code, paragraph 16.1; III Code, paragraph 16.5).

Root cause

337 There was no safety and environmental protection programme in place owing to a lack of commitment and resources.

Corrective action

338 Policies, procedures and guidelines will be developed for the issuance of exemptions, type approvals, equivalents and alternative arrangements. Interpretations of the requirements that are left "to the satisfaction of the Administration" will be defined and surveyors' manuals with procedures and checklists for flag State surveyors will be developed and implemented. In addition, administrative instructions to assist in the implementation and enforcement of the mandatory IMO instruments will be developed. This corrective action will be completed by 30 December 2017.

FD

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

Root cause

340 Owing to the size and nature of the fleet on the registry at the time of the audit, it was not considered expedient to develop a procedure/guideline for issuing Safe Manning Certificates.

Corrective action

341 Guidelines will be developed in accordance with resolution A.1047(27) on the Principles of Minimum Safe Manning and SOLAS 1974, regulation V/14. This corrective action will be completed by 1 December 2017

FD

342 There was no evidence that the Administration had regulated the authorization of ROs and nominated surveyors acting on its behalf in accordance with the applicable requirements of the mandatory IMO instruments (SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 4.2; RO Code, part 2, section 1.2 and appendix 3; RO Code, part 2, section 8; III Code, paragraph 18; III Code, paragraph 21).

Root cause

343 Formal agreements between the Administration and ROs had not been concluded owing to an absence of awareness of related requirements.

Corrective action

344 The list of ROs had been revised. Three updated agreements for the authorization of ROs had been concluded and one will be amended and approved by both parties. Henceforth, nominated surveyors will only be engaged for ships below convention sizes. This corrective action will be completed by 1 August 2018.

FD

345 The Administration did not establish an oversight programme with adequate resources for monitoring the survey and certification activities delegated to ROs and the nominated surveyors (III Code, paragraph 20).

Root cause

346 There was no oversight programme established in accordance with the III Code and the RO Code for monitoring the activities delegated to ROs owing to a lack of resources and technical personnel.

Corrective action

347 The ROs monitoring programme will be developed, implemented and presented to the ROs, including communication and reporting requirements. This programme will include: supplementary surveys conducted by the Administration to check the work carried out by ROs; joint surveys by surveyors from the ROs and the Administration organized during statutory surveys; annual meetings with the ROs in order to inform them about changes to the national legislation, revision of the IMO instruments and other relevant topics; individual meetings with ROs to address non-conformities, problems and complaints observed by the Administration during surveys; and audits of local offices of ROs conducted annually for all the ROs by selected staff with requisite expertise under established procedures. This corrective action will be completed by 31 January 2018.

FD

348 The Administration did not take all necessary measures to ensure compliance with international rules and standards by ships entitled to fly the flag of the State and by entities and persons under its jurisdiction, including the lack of procedures to carry out periodic inspections of ships; measures to ensure adequate ship's complement; absence of; detailed provisions in national laws and regulations for penalties; and, measures to institute proceedings after an investigation has been conducted (III Code, paragraph 22.1; III Code, paragraph 22.2; III Code, paragraph 22.4; III Code, paragraph 22.5; III Code, paragraph 22.6; III Code, paragraph 22.8).

Root cause

349 Prior to the audit, it was not considered necessary to document the procedures and to ensure the detailed provisions in national legislation. Specific responsibility was not assigned by the Administration to develop and implement necessary procedures and guidelines. Besides, because of the size of the fleet, the Administration did not develop procedures for flag Stage inspections.

Corrective action

350 The Administration will develop guidelines, instructions, checklists and procedures for flag State inspections and surveys. Detailed provisions in laws and regulations will be developed and implemented for ships' complement of various categories of ships, including provisions for penalties and for instituting proceedings after an investigation has been conducted. Records will be filed and maintained at the Administration after each inspection/survey/investigation and procedures and guidelines for instituting proceedings will be developed. This corrective action will be completed by 1 July 2019.

FD

351 The Administration had not developed and implemented a control and monitoring programme, as appropriate, in order to ensure compliance with the applicable international instruments (III Code, paragraph 23; III Code, paragraph 24.1; III Code, paragraph 24.5).

Root cause

352 The lack of resources and technical personnel within the Administration.

Corrective action

353 The Administration will develop a control and monitoring programme in order to verify, among others, the compliance with all the requirements of the casualty investigation code. An Accident Investigation Board (AIB) will be established comprising representation from relevant Government entities. Guidelines for casualty investigations will be developed in accordance with the Casualty Investigation Code, meetings will be held with the appointed board, including seminars and in-house training, and the related Shipping Act will be amended in order to include the appointment of the accident investigation board. A responsible and qualified officer will be appointed in the Administration to collect and analyse statistical data in order to carry out trend analyses and identify problem areas. The aforementioned control and monitoring programme will also include clear procedures for timely response to deficiencies and alleged pollution incidents reported by port or coastal States and verification of compliance with the applicable IMO international instruments through national legislation including the development of training programmes and oversight mechanism for the nominated surveyors and investigators conducting marine safety investigations. This corrective action will be completed by 30 December 2018.

FD

354 The Administration did not implement a documented system for qualification of flag State surveyors and continuous updating of their knowledge to the tasks they are authorized to undertake. Besides, no identification documents were issued for surveyors carrying out flag State tasks (III Code, paragraph 35; III Code, paragraph 37).

Root cause

355 The lack of resources and lack of general awareness of the requirements regarding flag State inspections.

Corrective action

356 The Administration will implement the following corrective actions:

- .1 a documented system will be developed, including guidelines and procedures for recruitment and qualification of personnel and continuous updating of their knowledge. The system will include all relevant records such as CVs of the personnel, records of training, and records of authorization;
- .2 two programmes for the training of surveyors will be established, based on their individual training needs — one for newly recruited surveyors and another for the updating of knowledge of the existing surveyors. The training programmes which will include on the job training, in-house training courses, online courses and courses at a regional maritime university, will be developed and implemented for flag State surveyors and PSC inspectors; and
- .3 guideline/procedure for issuing and recording of ID cards for flag State surveyors and PSC officers will be developed. A list of surveyors performing specific tasks and ID card holders will be recorded and maintained.

This corrective action will be completed by 30 December 2017

FD

357 The Administration did not have any system in place in order to ensure that the flag State investigation obligations were fulfilled in relation to:

- .1 impartiality and objectivity of the investigators;
- .2 investigations of all serious marine casualties; and
- .3 investigation and reporting in accordance with the relevant international instruments, taking into account the Casualty Investigation Code and guidelines developed by IMO.

(SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); LL 1966, article 23; Casualty Investigation Code, paragraph 6.2; Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 38; III Code, paragraph 41).

Root cause

358 Since the majority of ships entitled to fly the flag of the State are of below convention sizes, it was considered that the existing national provisions set in the related Shipping Act were adequate.

Corrective action

359 The Casualty Investigation Code will be incorporated into national legislation and an accident investigation board will be established comprising representatives from relevant Government entities in order to ensure the impartiality and objectivity of the marine safety investigations. Guidelines for conducting investigations and reporting the results thereof will be developed in accordance with the Casualty Investigation Code, meetings will be held with the appointed board, including seminars and in-house training, and the related Shipping Act will be amended in order to include the appointment of the accident investigation board. This corrective action will be completed by 30 December 2019.

FD

360 It was established that there was no mechanism in place for performance evaluation of flag State activities (III Code, paragraph 42; III Code, paragraph 43).

Root cause

361 Owing to the lack of technical personnel and resources, the responsibility to describe and implement the necessary procedures and guidelines was not assigned.

Corrective action

362 Key Performance Indicators (KPI) will be defined as a measure for performance evaluation. Related collection of data will be organized and analysis of KPIs will be conducted annually. A joint audit team from relevant Government entities will be established and verification of the performance evaluation will be included in the scope of the audit. The audit including all areas of flag State activities will be conducted at least once a year, whilst audits

of specific areas may be conducted periodically and on an ad-hoc basis. This corrective action will be completed by 30 December 2018.

FD

363 There was no objective evidence to demonstrate that the Administration had issued national legislation and guidance to assist in the implementation and enforcement of applicable mandatory instruments to which the State is Party (III Code, paragraph 15.1).

Root cause

364 The Administration considered unreasonable to adopt separate rules for navigation in its territorial waters, having adopted national rules for navigation and moorage in seaports and on their approaches. Owing to the lack of technical specialists involved in the tonnage measurement of ships, normative legal acts implementing the requirements of TONNAGE 1969 were not issued.

Corrective action

365 The Law on Merchant Shipping will be amended to incorporate relevant provisions of the applicable mandatory IMO instruments. Relevant regulations, guidance and instructions for effective implementation and enforcement of the mandatory IMO instruments to which the State is Party will be drafted and enacted into national legislation, particularly with regard to rules for navigation of ships in the territorial waters and rules on tonnage measurement of ships. This corrective action will be completed by 30 June 2020.

FD

366 Although national regulations had been put in place, there was no objective evidence to demonstrate that the Administration had established a process for compliance with the requirements related to STCW 1978 (e.g. training, assessment of competence and certification of seafarers, agreements with other States on acceptance of certificates of competency) (STCW 1978, regulation I/2.1; STCW 1978, regulation I/2.2; STCW 1978, regulation I/2.7; STCW 1978, regulation I/2.8; STCW 1978, regulation I/10.1; III Code, paragraph 16.3).

Root cause

367 Owing to the lack of human, financial and technical resources, work on establishing a process for compliance with the STCW 1978 requirements was delayed.

Corrective action

368 The Administration will:

- .1 organize monitoring of educational institutions and marine training centres for compliance with the requirements of the STCW 1978;
- .2 implement QMS covering the administration of the seafarers' training and certification system, conduct an independent evaluation in accordance with STCW 1978, regulation I/8, and communicate the required information to IMO;
- .3 conclude inter-ministerial agreements on mutual recognition of professional diplomas and certificates with countries in the region; and

- .4 prepare relevant documents and submit them to IMO for evaluation by a panel of competent persons in order to enter the "White List" under the STCW 1978 Convention.

This corrective action will be completed by 31 December 2019.

FD

369 There was no objective evidence to demonstrate that ROs had been duly assessed in accordance with the required standards set out in the RO Code. Formal written agreements, which were in place with six ROs, were not in compliance with the mandatory requirements of the RO Code and the III Code. There was no evidence of an RO oversight programme (SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 4.2; RO Code, part 2, section 8; RO Code, part 3, section 7.1.1; III Code, paragraph 18.2; III Code, paragraph 20).

Root cause

370 The Administration was not aware of the need to assess the adequacy of resources and to monitor activities of ROs that are members of IACS. Limited resources of the Administration's unit, which interacts with the ROs, contributed to this finding.

Corrective action

371 The Administration will:

- .1 assess whether all its ROs comply with the requirements of the RO Code;
- .2 conclude new agreements for the authorization of ROs, according to the requirements of the RO Code; and
- .3 establish and implement an oversight programme with adequate resources for monitoring of ROs, in order to ensure that the international obligation of the flag State are met.

This corrective action will be completed by 30 June 2019.

FD

372 There was no objective evidence that investigators had working knowledge and practical experience in ships' operations. Regulations and procedure for carrying out investigation and reporting were not in compliance with all the requirements of the Casualty Investigation Code (SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); Casualty Investigation Code, paragraph 1.3; III Code, paragraph 38; III Code, paragraph 41).

Root cause

373 The lack of human resources and non-attractive salaries of maritime accident investigators compared to the wages of employees in the maritime industry have contributed to this finding.

Corrective action

374 The Administration will implement the following corrective actions:

- .1 advanced training will be organized for inspectors of the Department for investigation of transport accidents and incidents;
- .2 amendments to the rules for investigation of marine accidents will be issued, in order to implement the requirements of the Casualty Investigation Code; and
- .3 the unified system of payment for labour will be amended, in order to increase the salary of marine accident investigators.

This corrective action will be completed by 31 December 2019.

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

Root cause

376 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel and insufficient financing for the implementation of a documented system; and
- .3 there was a lack of competent personnel, inadequate legislation and insufficient financing for the control and oversight by the Administration of the Ship Registry operated overseas.

Corrective action

377 Maritime affairs have been given higher priority at the national level and additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which will document, record and provide reports on steps taken for the qualification of personnel involved with flag State inspections of the domestic fleet and continuous updating of their knowledge; and for providing the associated training, assessment and certification;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review. To ensure continuous compliance with this requirement, the III Code has been included in the quality system manual and also in the induction training that is provided to personnel who are assigned to the relevant unit;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight of the Ship Registry. The required capacity building in expertise and funding for the appropriate governance and control of the Ship Registry will be requested; and

- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and a documented system for qualification and training will be established by both the Administration and the Ship Registry, accordingly.

This corrective action will be completed by 31 July 2020.

FD

378 There was no evidence to establish that the Administration kept a copy of stability and loading information in respect of ships entitled to fly the flag of the State (SOLAS 1974, regulation II-1/5-1.1; LL PROT 1988, annex 1, regulation 10; III Code, paragraph 26).

Root cause

379 Maritime affairs were not prioritized at the national level; and there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with flag State management and control of the domestic fleet.

Corrective action

380 Maritime affairs have been given higher priority at the national level and additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which will document, record and provide reports on steps taken with regard to keeping copies of ship documents as required under the applicable IMO instruments, including stability and loading information; and
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review.

This corrective action will be completed by 31 December 2018.

FD

381 The Administration had not defined and documented the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention (III Code, paragraph 28).

Root cause

382 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with flag State management and control of the domestic fleet, including definition of their authority and interrelation;

- .3 there was a lack of competent personnel, inadequacy of legislation and insufficient financing for the control and oversight by the Administration of the Ship Registry operated overseas; and
- .4 there was an apparent lack of implementing IMO requirements and a correspondingly non-compliant operation of the Ship Registry.

Corrective action

383 Maritime affairs are now given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which will record, document and provide reports on steps taken for defining the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight of the Ship Registry. The required capacity building in expertise and funding for the appropriate governance and control of the Ship Registry will be requested; and
- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and the responsibilities, interrelation and authority of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention will be documented.

This corrective action will be completed by 31 July 2020.

FD

384 There was objective evidence to establish that the Administration had issued a dispensation in contravention to the requirements of STCW 1978. Additionally, the Administration had not ensured that international certificates, including exemptions, are only issued to ships meeting all applicable standards (STCW 1978, article VIII; SOLAS 1974, regulation I/4(b); III Code, paragraph 26).

Root cause

385 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control

- of personnel involved with flag State management and control of the domestic fleet;
- .3 there was a lack of competent personnel, inadequacy of legislation and insufficient financing for the control and oversight by the Administration of the Ship Registry operated overseas; and
 - .4 there was an apparent lack of implementing IMO requirements and a correspondingly non-compliant operation of the Ship Registry.

Corrective action

386 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which will record, document and provide reports on steps taken to ensure that dispensations are only issued in compliance with the requirements of STCW 1978; and that international certificates, including exemptions, are only issued to ships meeting all applicable standards;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight of the Ship Registry. The required capacity building in expertise and funding for the appropriate governance and control of the Ship Registry will be requested; and
- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and a system will be established to ensure that certificates, including dispensation and exemption certificates, are issued to ships in compliance with the requirements of the applicable IMO instruments.

This corrective action will be completed by 31 July 2020.

FD

387 The State had not established resources and processes of administering a safety and environment protection program. The State had not developed guidelines nor procedures for evaluation, testing and approval of life-saving appliances and navigational equipment. Additionally, the State had not ensured compliance with the requirements of IMO instruments through an independent audit and inspection program (SOLAS 1974, regulation III/4; SOLAS 1974, regulation V/18.1; III Code, paragraph 16).

Root cause

388 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;

- .2 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with flag State management and control of the domestic fleet;
- .3 there was a lack of competent personnel, inadequacy of legislation and insufficient financing for the control and oversight by the Administration of the Ship Registry operated overseas; and
- .4 there was an apparent lack of implementing IMO requirements and a correspondingly non-compliant operation of the Ship Registry.

Corrective action

389 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which will record, document and provide reports on steps taken to establish resources and processes for administering a safety and environment protection programme and to ensure compliance with the requirements of IMO instruments through such a programme;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight over the Ship Registry. The required capacity building in expertise and funding for the appropriate governance and control of the Ship Registry will be requested; and
- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and the Ship Registry will be required to establish adequate resources and processes for the programme on its side.

This corrective action will be completed by 31 July 2020.

FD

390 The Administration did not provide its ROs with relevant national laws, interpretations thereof or instructions giving effect to the provisions of the mandatory IMO instruments, including instructions detailing actions to be followed in the event that the ship is found unfit to proceed to sea (SOLAS 1974, regulation XI-1/1; III Code, paragraph 18.3; III Code, paragraph 18.4).

Root cause

391 The following factors contributed to this finding:

- .1 Maritime affairs were not prioritized at the national level;

- .2 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with flag State management and control of the domestic fleet;
- .3 there was a lack of competent personnel, inadequacy of legislation and insufficient financing for the control and oversight by the Administration of the Ship Registry operated overseas; and
- .4 there was an apparent lack of implementing IMO requirements and a correspondingly non-compliant operation of the Ship Registry.

Corrective action

392 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which will record, document and provide reports on steps taken in delegation of authority to ROs, including providing the ROs with relevant national laws, interpretations thereof or instructions giving effect to the provisions of the mandatory IMO instruments;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight over the Ship Registry. The required capacity building in expertise and funding for the appropriate governance and control of the operation of the Ship Registry will be requested; and
- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted in order to ensure compliance.

This corrective action is expected to be completed by 31 July 2020.

FD

393 There was objective evidence that statutory certificates had been issued to a ship without proper surveys having been carried out (SOLAS 1974, regulation I/10; SOLAS 1974, regulation I/6; SOLAS 1974, regulation I/12; III Code, paragraph 26).

Root cause

394 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control

- of personnel involved with flag State management and control of the domestic fleet;
- .3 there was a lack of competent personnel, inadequacy of legislation and insufficient financing for the control and oversight by the Administration of the Ship Registry operated overseas; and
- .4 there was an apparent lack of implementing IMO requirements and a correspondingly non-compliant operation of the Ship Registry.

Corrective action

395 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which will record, document and provide reports on steps taken in ensuring that statutory certificates are not issued to a ship without proper surveys having been carried out;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight over the Ship Registry. The required capacity building in expertise and funding for the appropriate governance and control of the operation of the Ship Registry will be requested; and
- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and a system will be put in place by the Ship Registry to ensure that certificates are only issued based on the required surveys, in compliance with the mandatory IMO instruments.

This corrective action will be completed by 31 July 2020.

FD

396 The Administration had not:

- .1 established or participated in an oversight programme with adequate resources for monitoring of, and communication with its ROs in order to ensure that its international obligations are fully met;
- .2 determined that some of its ROs had adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned; and
- .3 updated its existing agreements with ROs so that they meet the mandatory requirements of the RO Code. Furthermore, the Administration had

authorized some ROs without signing a formal written agreement in accordance with the RO Code

(RO Code, part 2, section 2.1 ; III Code, paragraph 18.1; III Code, paragraph 18.2; III Code, paragraph 20).

Root cause

397 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with flag State management and control of the domestic fleet;
- .3 there was a lack of competent personnel, inadequacy of legislation and insufficient financing for the control and oversight by the Administration of the Ship Registry operated overseas; and
- .4 there was an apparent lack of implementing IMO requirements and a correspondingly non-compliant operation of the Ship Registry.

Corrective action

398 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which will record, document and provide reports on steps taken in delegation of authority and monitoring of ROs;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight of the Ship Registry. The required capacity building in expertise and funding for the appropriate governance and control of the operation of the Ship Registry will be requested; and
- .4 in the interim, comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and a system will be put in place to ensure that delegation of authority and monitoring of ROs are carried out in compliance with the mandatory IMO instruments.

This corrective action will be completed by 31 July 2020.

FD

399 The Administration did not have documented requirements for the qualification of casualty investigators and defined criteria for conducting marine safety investigations. Furthermore, the Administration failed to carry out a marine safety investigation into a very serious marine casualty of a ship entitled to fly the flag of the State and the results of the investigations carried out were not made public (SOLAS 1974, regulation XI-1/6; SOLAS 1974, regulation I/21; Casualty Investigation Code, paragraph 6.2; MARPOL, article 12(1); III Code, paragraph 38; III Code, paragraph 41).

Root cause

400 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with flag State management and control of the domestic fleet;
- .3 there was a lack of competent personnel, inadequacy of legislation and insufficient financing for the control and oversight by the Administration of the Ship Registry operated overseas; and
- .4 there was an apparent lack of implementing IMO requirements and a correspondingly non-compliant operation of the Ship Registry.

Corrective action

401 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which will record, document and provide reports on steps taken in the investigation of marine accidents;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight over the Ship Registry. The required capacity building in expertise and funding for the appropriate governance and control of the operation of the Ship Registry will be requested; and
- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and a system will be put in place to ensure that casualty investigation related activities performed by the Ship Registry comply with the requirements of the mandatory IMO instruments.

This corrective action will be completed by 31 July 2020.

FD

402 The Administration had not implemented and enforced fatigue prevention measures and drug and alcohol policy on board ships flying its flag (STCW 1978, regulation VIII/1.1; III Code, paragraph 16.1).

Root cause

403 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level; and
- .2 there was a lack of competent personnel and insufficient financing for development of a documented system for training, qualification and control of personnel involved with flag State management, as well as for promulgating and implementing national legislation.

Corrective action

404 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will set up a documented procedure and a central electronic system, which will record, document and provide reports on steps taken in implementing and enforcing national legislation, including fatigue prevention measures and drug and alcohol policy on board flag ships. Human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review. This corrective action will be completed by 31 December 2018.

FD

405 There was objective evidence that the Administration had issued "certificates of endorsement" to recognize certificates of competency issued by other Parties to STCW 1978 with whom no undertakings were in place (III Code, paragraph 16.3; STCW 1978, regulation I/10.1).

Root cause

406 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with flag State management;
- .3 there was a lack of competent personnel, inadequacy of legislation and insufficient financing for the control and oversight by the Administration of the Ship Registry operated overseas; and
- .4 there was an apparent lack of implementing IMO requirements and a correspondingly non-compliant operation of the Ship Registry.

Corrective action

407 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which will record, document and provide reports on steps taken in the implementation of STCW 1978, including in preventing that "certificates of endorsement" are issued to recognize certificates of competency issued by other parties to STCW 1978 with whom no undertakings are in place;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight over the Ship Registry. The required capacity building in expertise and funding for the appropriate governance and control of the operation of the Ship Registry will be requested; and
- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and compliance with the STCW 1978 will be ensured in issuing endorsements under STCW 1978.

This corrective action will be completed by 31 July 2020.

FD

408 Although some statistics and data were consulted and used from time to time, there was no documentary evidence to establish that the Administration had undertaken a periodic evaluation of its performance in order to determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations (III Code, paragraph 42; III Code, paragraph 43).

Root cause

409 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel, inadequacy of legislation and insufficient financing for taking adequate steps necessary for periodic evaluation, as well as for the control and oversight by the Administration of the Ship Registry operated overseas; and
- .3 there was an apparent lack of implementing IMO requirements and a correspondingly non-compliant operation of the Ship Registry.

Corrective action

410 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which will record, document and provide reports on steps taken for conducting a periodic evaluation of its performance;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight over the Ship Registry. The required capacity building in expertise and funding for the appropriate governance and control of the operation of the Ship Registry will be requested; and
- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and a system for the review of performance will be established.

This corrective action will be completed by 31 July 2020.

FD

411 Although the term "to the satisfaction of the Administration" had been addressed in the recently enacted regulations, the regulations were not promulgated and implemented (III Code, paragraph 16.5).

Root cause

412 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel and insufficient financing for development and promulgation of national legislation implementing all the mandatory IMO instruments; and
- .3 there was a lack of competent personnel, inadequacy of legislation and insufficient financing for the control and oversight by the Administration of the Ship Registry operated overseas.

Corrective action

413 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which will record, document and provide reports on steps taken

- for promulgating and implementing national regulations, including those relating to the term "to the satisfaction of the Administration"; as well as on actions taken to ensure that related interpretations/guidance are developed and implemented for each such term in the relevant mandatory IMO instruments;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight over the Ship Registry. The required capacity building in expertise and funding for the appropriate governance and control of the operation of the Ship Registry will be requested; and
- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and oversight and control of the implementation of the guidance related to those areas left "to the satisfaction of the Administration" in the mandatory IMO instruments will be put in place.

This corrective action will be completed by 31 July 2020.

FD

414 The Administration had not taken all necessary measures to ensure that conflict of interest did not occur in the flag State inspections. Furthermore, the Administration did not have sufficient resources to undertake periodic inspections of ships entitled to fly its flag (III Code, paragraph 22.2).

Root cause

415 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with flag State management and control of the domestic fleet;
- .3 there was a lack of competent personnel, inadequacy of legislation and insufficient financing for the control and oversight by the Administration of the Ship Registry operated overseas; and
- .4 there was an apparent lack of implementing IMO requirements and a correspondingly non-compliant operation of the Ship Registry.

Corrective action

416 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, incorporating a module which will record, document and provide reports on measures taken for providing sufficient resources and ensuring that conflict of interest does not occur in conducting flag State inspections;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight over the Ship Registry. The required capacity building in expertise and funding for the appropriate governance and control of the operation of the Ship Registry will be requested; and
- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and oversight and control of the flag State inspections will be established.

This corrective action will be completed by 31 July 2020.

FD

417 Although the State had some newly enacted regulations, they had not been promulgated nor implemented. The existing legislation did not have adequate penalty provisions to discourage violations of international rules and standards by ships entitled to fly the flag of the State. Furthermore, following a casualty investigation, the Administration was unable to institute proceedings against ship's officers who failed to exercise safe navigation practice (III Code, paragraph 22.5; III Code, paragraph 22.8).

Root cause

418 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel and insufficient financing for development and promulgation of all the mandatory IMO instruments; and
- .3 there was an apparent lack of implementing IMO requirements and a correspondingly non-compliant operation of the Ship Registry.

Corrective action

419 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, incorporating a module which will record, document and provide reports on adequate steps taken in enacting, promulgating and implementing national legislation, including stipulating adequate sanctions and instituting proceedings in cases of violations of national legislation;

- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight over the Ship Registry. The required capacity building in expertise and funding for the governance and control of the operation of the Ship Registry will be requested; and
- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and oversight and control of the application of the penal provisions will be established.

This corrective action will be completed by 31 July 2020.

FD

420 In some cases, statutory certificates had been issued by classification societies on behalf of the Administration outside the framework of the formal agreement required by the RO Code (SOLAS 1974, regulation I/6; MARPOL, Annex I, regulation 6; LL 1966, annex 1, regulation 2; RO Code, part 1, section 4.2; RO Code, part 2, section 8; III Code, paragraph 18).

Root cause

421 The Administration did not incorporate into its regulations procedure the inclusion of the mandatory provisions of the RO Code, in particular the designation and monitoring of ROs. No RO monitoring programme had been established and the Administration had not identified, in its organization a strict process and division of competencies to implement and monitor the implementation of the ROs requirements. Given the composition of its fleet (mainly not concerned by this regulatory aspect), the Administration concentrated its work on inland and regional navigation.

Corrective action

422 The Administration will implement the following measures:

- .1 in-depth study of the RO Code to meet all the obligations incurred. The Administration will authorize ROs to issue certificates in accordance with the international conventions and will strengthen supervision of these bodies through a monitoring programme;
- .2 develop a monitoring programme and procedure identifying individuals in charge of this responsibility with regard to their training and their experience. The legal and technical aspects will have to be associated;
- .3 written contractual agreements between the maritime administration and each of the ROs will be established in accordance with the RO Code and describe the extent and the limits of the delegations granted; and
- .4 a synergy and a mutual collaboration of monitoring could be sought with other States by conducting a joint oversight programme.

This corrective action will be completed by 31 January 2019.

FD

423 The Administration did not implement policies for the promulgation of 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 the State is Party (III Code, paragraph 15).

Root cause

424 There was no dedicated unit responsible for the formulation of policies related to promulgation of national guidance, which would assist in the implementation and enforcement of the maritime safety and pollution prevention conventions and protocols to which the State is Party.

Corrective action

425 The Administration will be restructured in order to designate a dedicated unit, which will be charged with responsibility for formulating policies, procedures and criteria to be followed in the promulgation of national guidance according to the applicable IMO instruments and their amendments. Furthermore, the aforementioned unit will coordinate their activities with the Ministry responsible for transport in the common areas related to the implementation and enforcement of the requirements stemming from the applicable IMO instruments. This corrective action will be completed by 2 October 2018.

FD

426 The Administration had not established resources and processes capable of administering a safety and environmental protection programme, which includes the necessary administrative instructions and interpretative national regulations to address type approval and those requirements that are left "to the satisfaction of the Administration" in the relevant mandatory IMO instruments to which the State is Party (III Code, paragraph 16).

Root cause

427 There was a lack of awareness of the need for the implementation of a maritime safety and environmental protection programme.

Corrective action

428 The Administration will implement the following corrective actions:

- .1 a maritime safety and environmental protection programme will be developed, including the criteria to be followed for drafting of administrative instructions and national regulations aiming at effectively implementing the applicable IMO instruments and their respective amendments. This programme will include the policies to be followed in determining the materials and equipment that should be "type approved" by the Administration, equivalents and alternative arrangements, as well as the interpretations that are left "to the satisfaction of the Administration" in the applicable IMO instruments; and

.2 resources will be made available to establish an independent audit programme and to review the procedures regarding casualty investigations.

This corrective action will be completed by 2 October 2020.

FD

429 The Administration issued safe manning certificates to ships flying the flag of the State in accordance with its existing and outdated national provisions, which did not take into account the principles of safe manning adopted by the Organization (resolution A.1047 (27)) (III Code, paragraph 17).

Root cause

430 There was an absence of a monitoring system of the amendments to the applicable IMO instruments.

Corrective action

431 The Administration will elaborate and publish updated resolutions for the implementation of the amendments concerning minimum safety manning and the application of these principles to the ships flying the flag of the State and related Minimum Safe Manning certificates. This corrective action will be completed by 31 July 2018.

FD

432 The Administration had not implemented a documented system establishing the qualification requirements of its flag State surveyors and the continuous updating of their knowledge in regard to the task they were authorized to undertake (III Code, paragraph 35).

Root cause

433 There were insufficient human and financial resources, which hampered the development of a documented system for the qualification of flag surveyors and the continuous updating of their knowledge.

Corrective action

434 The Administration will allocate resources for the preparation and development of a permanent training programme that will include regular updates for the existing flag State surveyors and provisions dealing with the training needs of new surveyors. This training programme will be in line with IMO model courses and will include training for port State control officers (PSCOs) and marine investigators. Furthermore, coordination will be established with a regional cooperation agreement to which the State is a member in order to include flag State surveyors in regional trainings. This corrective action will be completed by 30 November 2018.

FD

435 Existing national laws and regulations prescribing penalties were not of adequate severity to discourage violation of international rules and standards by ships entitled to fly the flag of the State (III Code, paragraph 22.5).

Root cause

436 Certain national laws were outdated.

Corrective action

437 In the context of the elaboration of the new overall strategy, through which the interrelation of all State entities who share the responsibilities under the applicable IMO instruments, the current Law on transportation and aquatic spaces will be amended and new legislation will be drafted and submitted to the National Assembly for approval. The new legislation and the amendments to the current law will include provisions to enforce violations of law related to safety and environmental protection, proposing appropriate penal sanctions and fines, in order to deter violations of national and international regulations. This corrective action will be completed by 2 October 2018.

FD

438 Investigations of marine casualties were conducted without following the guidelines of the Casualty Investigation Code, especially regarding: the obligation for investigation of all serious marine casualties, the independence and impartiality of investigators, 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 14.4; III Code, paragraph 38; III Code, paragraph 41).

Root cause

439 There was no dedicated unit in charge of conducting marine casualty investigations following the provisions of the Casualty Investigation Code, owing to the lack of human and financial resources.

Corrective action

440 The Administration will implement the following corrective actions:

- .1 the current legal basis for conducting maritime casualties will be amended and the Casualty Investigation Code will be enacted. In addition, the existing procedures on marine casualty investigation will be adjusted according to the aforementioned Code. Following the restructuring of the Administration, specific and exclusive personnel will be assigned to conduct marine casualty investigations in order to ensure the required objectivity and impartiality in the process and to fulfil requirements related to communication of information to IMO. The absence of organizational interference into the investigations process will also be ensured; and
- .2 a web site will be developed in order to make relevant information and documents, including national legislation and marine casualty reports, available to the maritime sector.

This corrective action will be completed by 31 August 2018.

FD

441 The Administration had not implemented a control and monitoring programme in order to provide for the collection of statistical data on its fleet so that trend analyses could be conducted to identify problem areas (III Code, paragraph 23.2).

Root cause

442 There was no mechanism in place owing to a lack of knowledge in the matter.

Corrective action

443 A monitoring and evaluation methodology will be developed to include the collection of statistical data on the fleet, for analysis purposes, in order to identify problem areas and ensure that they are addressed. The methodology will include establishing key performance indicators to be used in the context of evaluation of performance under the new overall strategy. This corrective action will be completed by 2 October 2019.

FD

444 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, III Code, paragraph 43).

Root cause

445 There was no management system in place to measure the performance of the State in its role as a flag State.

Corrective action

446 Coordination will be established between the government entities sharing flag State responsibilities to develop a mechanism containing clear lines of authority, assigned responsibilities, as well as defined objectives and key performance indicators for all involved entities to evaluate and measure their performance within their respective management systems. This mechanism will be a part of the overall evaluation of performance under the new strategy. This corrective action will be completed by 2 October 2019.

FD

447 The Administration had not provided for measures to ensure that the ship's complement, as a whole, could effectively coordinate activities in an emergency situation and in the performance of functions vital to safety or to the prevention or mitigation of pollution (III Code, paragraph 22.4).

Root cause

448 There was no coordination mechanism in place owing to the lack of knowledge in the matter.

Corrective action

449 The Administration will issue a resolution, supported by appropriate instructions, to clearly establish the mandatory drills related to emergency situations that are required on board, including their frequencies, as well as a method of monitoring of compliance with the

new regulation, in accordance with SOLAS 1974, MARPOL, and available guidelines on the matter. A responsible implementation unit within the Administration will be appointed to carry out this task and instructions for monitoring of compliance will be provided to ISM auditors. This corrective action will be completed by 2 October 2018.

FD

450 The Administration was not effectively discharging its responsibilities and obligations to implement policies through national legislation and guidance, including guidance and interpretations of those areas left "to the satisfaction of the Administration" in the mandatory IMO instruments. In addition, safety and environmental protection programme was not established to ensure effective implementation and enforcement of the requirements of the mandatory IMO instruments to which the State is a Party (III Code, paragraph 15.1; III Code, paragraph 16.1; III Code, paragraph 16.5).

Root cause

451 The lack of full understanding of the term "to the satisfaction of the Administration" and lack of maritime expertise.

Corrective action

452 The Administration will develop and implement documented technical and administrative procedures and guidelines, taking into account existing principles and policies, in order to enhance the implementation and enforcement of mandatory IMO instruments and to establish a safety and environmental protection programme. The Administration will also document policies and prepare necessary interpretations in order to address the clauses left "to the satisfaction of the Administration" in the mandatory IMO instruments. Surveyors and ROs will be provided with relevant interpretations. This corrective action will be completed by 31 December 2019.

FD

453 There was no evidence that the Administration had assessed that ROs had adequate resources in terms of technical, managerial and research capabilities before authorizing them to act on its behalf and not all formal written agreement were in line with the RO Code. There was also no evidence that the Administration established or participated in an oversight programme of its ROs (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

454 The existing documented procedures were not fully in line with the RO Code.

Corrective action

455 The Administration will establish or participate in an oversight programme with adequate resources, including qualified personnel, for monitoring ROs activities in accordance with the requirements of the RO Code. The Administration will review the procedure for delegation of authority and monitoring of ROs and will sign updated agreements with ROs in accordance with the RO Code. This corrective action will be completed by 30 June 2018.

FD

456 There was no evidence that the Administration developed and implemented a control and monitoring programme in order to provide for the collection of statistical data, so that trend analysis can be conducted to identify problem areas (III Code, paragraph 23.2).

Root cause

457 The absence of ship data system and absence of documented procedures.

Corrective action

458 The Administration will develop and implement a ship data system and documented procedures on the collection and analysis of statistical data within its existing QMS. Collection of statistical data and their analysis will be put in place as a basis for identification of problem areas. This corrective action will be completed by 31 December 2018.

FD

459 The Administration had not implemented a documented system for the programme of continuous updating of knowledge of its flag State surveyors (III Code, paragraph 35).

Root cause

460 The lack of a documented procedure for a continuous updating programme for flag State surveyors.

Corrective action

461 The Administration will establish and implement a documented procedure within the existing QMS for qualification of flag State surveyors and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake. This corrective action will be completed by 30 June 2018.

FD

462 The Administration did not develop and implement any interpretations or guidelines with regard to those requirements left "to the satisfaction of the Administration" in the mandatory IMO instruments (MARPOL, Annex I, regulation 14.3; SOLAS 1974, regulation II-1/43.1.3; III Code, paragraph 16.5).

Root cause

463 The Administration did not consider the necessity of having official procedures within its regulations to deal with provisions that the conventions had left "to the satisfaction of the Administration".

Corrective action

464 The Administration will define and approve criteria and/or interpretations concerning requirements in the relevant international instruments that are left to the satisfaction of the Administration through a new implementing regulation. A review of all areas left to the satisfaction of the Administration in the mandatory IMO instruments will be organized and related decisions on the criteria, interpretations and mechanism for addressing each provision

will be made and documented. Those areas which include specific technical knowledge will be addressed in cooperation/consultation with ROs. This corrective action will be completed by 31 December 2018.

FD

465 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 Party. In addition, division of responsibilities of government entities participating in the implementation and enforcement of applicable mandatory IMO instruments was not defined and documented (III Code, paragraph 15).

Root cause

466 The Administration was not aware of the need to establish effective implementation processes for IMO instruments.

Corrective action

467 The Administration will develop policies for the promulgation of national legislation as well as necessary procedures for the issuance of administrative instructions for the purpose of assisting in the implementation and enforcement of the mandatory IMO instruments to which the State is Party. This will assist in fulfilling the requirements of all relevant IMO conventions and protocols on safety and pollution prevention ratified by the State. The formulation of the policies will be linked with the implementation of the new institutional plan, which will establish the administrative and technical structure of the Administration and set policies to fulfil the requirements derived from the mandatory IMO instruments to which the State is Party, and their amendments. This corrective action will be completed by 31 December 2018.

FD

468 The Administration did not establish resources and processes capable of administering a safety and environmental protection programme, which includes the necessary administrative instructions, any interpretative national regulations, in order to implement the amendments to the international instruments to which the State is a Party. These include type approval criteria and those requirements that are left "to the satisfaction of the Administration" in relevant mandatory IMO instruments (III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.5).

Root cause

469 There was a lack of a dedicated unit and insufficient personnel within the Administration to implement the requirements of the mandatory IMO instruments.

Corrective action

470 The Administration will implement the following corrective actions:

- .1 identify cases where administrative instructions had not been issued, including those requirements that are left to the satisfaction of the Administration, as well as requirements for type approvals and approval of

- equivalents and alternative arrangements, and will act accordingly by issuing the necessary legal provisions;
- .2 establish a mechanism for the effective implementation of instructions when needed, and their continual development; and
 - .3 develop and implement technical regulations for the approval of ship construction, including procedures and technical records. These standards will be published through national regulations for the maritime sector. In addition, a cost analysis for further revision of the Administration's yearly budget will be carried out.

This corrective action will be completed by 30 December 2018.

FD

471 The Administration did not regulate the process of authorization of the nominated surveyors, taking into account applicable requirements in use for the delegation of authority to ROs. In addition, a monitoring programme for the activities of the nominated surveyors was not in place and the Administration did not provide them with specific instructions in the case that a ship is not fit to proceed to sea, nor with the updated national legislation and interpretations thereof giving effect to the provisions of the mandatory IMO instruments (III Code, paragraph 21).

Root cause

472 There was a lack of technical personnel to manage the nominated surveyor's issues.

Corrective action

473 The Administration will implement the following corrective actions:

- .1 develop a regulatory framework to determine the scope of the surveys and audits which can be delegated to nominated surveyors, as well as a detailed instruction/guideline on the standard of surveys and audits. Furthermore, a procedure will also be developed, including criteria for selection, designation and monitoring of activities of the nominated surveyors/auditors acting on behalf of the Administration;
- .2 develop specific instructions, in the event that a ship is unfit to proceed to sea; and
- .3 consider the delegation of authority to ROs and developing a regulatory framework in accordance with the criteria set out in the RO Code and based on a written agreement. Furthermore, an oversight programme will be considered to be implemented by the Administration to monitor the activities of the ROs, by conducting supplementary surveys using surveyors and auditors of the Administration. Communication between the Administration and the ROs will be addressed, including providing the ROs with all the appropriate instruments of national law and interpretations thereof giving full effect to the provisions of the conventions to which the State is Party.

This corrective action will be completed by 30 December 2018.

FD

474 The Administration had issued statements of compliance with certain mandatory IMO instruments to which the State is not a party, without determining that a ship meets all applicable requirements (III Code, paragraph 26).

Root cause

475 There was a lack of national legislation and national policies regarding accession to certain mandatory IMO instruments and their implementation.

Corrective action

476 The Administration will implement the following corrective actions:

- .1 identify, evaluate and prioritize those IMO international instruments which are pending ratification/accession by the State, as well as develop a plan of actions for determining the status of ratifications/accessions already initiated and the schedule for starting the process of new ratifications/accessions jointly with the respective national authorities; and
- .2 develop a national legislation/regulations for the effective implementation of those IMO instruments to which the State is not yet a Party, but for which the process of ratification/accession has started, aiming at issuing documents of compliance to ships flying the flag of the State and avoiding the issuance of international certificates under an IMO instrument to which the State is not a Party.

This corrective action will be completed by 30 November 2020.

FD

477 Following a specific arrangement the Administration had with its nominated surveyors, it did not implement a documented system for qualification of the nominated surveyors, which includes knowledge of all ship types and their operations and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake (III Code, paragraph 35).

Root cause

478 There was a lack of technical personnel within the Administration to develop a documented system for qualification of flag State surveyors and auditors for the updating of their knowledge.

Corrective action

479 The Administration will implement the following corrective actions:

- .1 develop a documented system for the qualification of surveyors/auditors and for the continuous updating of the knowledge of the existing and newly nominated surveyors/auditors, including both external surveyors engaged on contract with the Administration and those employed by the Administration.
- .2 adapt the naval surveys specialization training programme, delivered at the maritime university, to include the requirements of the III Code and the

mandatory IMO instruments. Flag State surveyors will be included in the programme in order to continuously update their knowledge of ships and their operations.

This corrective action will be completed by 31 May 2018.

FD

480 Whereas the Administration's strategic plan identified its weaknesses and strengths, there was no formal system for periodic review and assessment of flag State activities and the required resources to fulfil its obligations (III Code, paragraph 43; III Code, paragraph 42; III Code, paragraph 44).

Root cause

481 There was an absence of specific documented procedures and no financial resources to maintain a management system in order to evaluate the performance as a flag State.

Corrective action

482 The Administration will develop and implement a legal framework to institutionalize a documented system of evaluation and periodic review of its performance; by identifying evaluation and performance measures and activity indicators in accordance with IMO instruments to which the State is a Party. In so far as, evaluating casualty statistical data to determine trends, the number of ships flying the flag of the State detained by a PSC of another State, the number of proven cases of incompetence or errors committed by persons possessing titles or endorsements issued under the authority of the Administration, occupational accidents on-board and the number of infractions related to the applicable international rules regarding the prevention of marine pollution. In addition, a study on the resources required to carry out the task will be performed. This corrective action will be completed by 30 December 2018.

FD

483 Investigations of marine casualties did not comply with the Casualty Investigation Code, in particular regarding: the impartiality of investigators, reporting to IMO and release of reports to the public (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 38; III Code, paragraph 41).

Root cause

484 There was insufficient personnel within the Administration to carry out the casualty investigations and lack of awareness of the need for specific training programmes to be made available to the investigators.

Corrective action

485 The following corrective actions will be implemented:

- .1 the Administration will, in conjunction with the responsible Ministry, develop national regulations in accordance with the Casualty Investigation Code and will include the establishment of a permanent board of maritime accidents in order to ensure the impartiality of the investigators with respect to the

- certifying body. In addition, mechanisms for the communication of the final report to IMO and to the public sector will be established;
- .2 a mechanism will be developed to appoint an independent group of specialists throughout the national territory, reporting to the responsible Ministry, who will have clearly defined responsibilities and tasks and an autonomous budget upon which to carry out the investigations according to the Casualty Investigation Code; and
 - .3 a documented programme for the training and updating of marine investigators through the State's nautical training institute, which will include the requirements of the III Code, the Casualty Investigation Code and the relevant IMO model courses.

This corrective action will be completed by 30 March 2019.

Observations (OB)

486 It could not be established that the flag surveyors had appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties (III Code, paragraph 32).

Root cause

487 There was a lack of human resources to update and formally document a training programme for flag State surveyors.

Corrective action

488 The Administration will take actions to ensure that the flag State surveyors are better prepared for their tasks, through an adequate and updated training programme covering topics on theoretical knowledge of ships, their operation and provisions of the relevant national and international instruments. This corrective action will be completed by 30 March 2020.

OB

489 There was no objective evidence to demonstrate that the personnel responsible for performing surveys, inspections and audits were appropriately qualified or accredited through a formalized training programme. There was no evidence of a documented training programme to enable flag State surveyors to perform their duties (III Code, paragraph 29; III Code, paragraph 32).

Root cause

490 The lack of understanding of the requirements of the III Code with regard to flag State surveyors' qualification and training, as well as non-attractive salaries of flag State surveyors have contributed to this finding.

Corrective action

491 The Administration will ensure that qualifications of newly recruited flag State surveyors comply with the recommendations of the III Code and advance training will be organized for the existing flag State surveyors. A documented training programme for all surveyors will be developed and implemented including the participation of the surveyors as

observers during surveys performed by ROs on board ships flying the flag of the State. This corrective action will be completed by 30 January 2019.

OB

492 In order to assist individual investigators in performing duties outside their normal assignments, the Administration had not maintained a list of experts in specific areas (III Code, paragraph 39).

Root cause

493 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with flag State management and control of the domestic fleet;
- .3 there was a lack of competent personnel, inadequacy of legislation and insufficient financing for the control and oversight by the Administration of the Ship Registry operated overseas; and
- .4 there was an apparent lack of implementing IMO requirements and a correspondingly non-compliant operation of the Ship Registry.

Corrective action

494 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the Administration will implement the following corrective actions:

- .1 a documented procedure will be developed and a central electronic system will be set up, which can record, document and provide reports on steps taken for maintaining a list of experts in specific areas, in order to assist individual investigators in performing duties outside their normal assignments;
- .2 human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review;
- .3 the Maritime Act, 2017, has been adopted and will be amended again to empower the Administration to assert adequate direction, control and oversight over the Ship Registry. The required capacity-building in expertise and funding for the appropriate governance and control of the operation of the Ship Registry will be requested; and
- .4 in the interim, a comprehensive review and revision of the Agreement between the Government and the Ship Registry will be conducted and oversight and control of the casualty investigation activities will be put in place.

This corrective action will be completed by 31 July 2020.

OB

495 Despite the fact that the Administration had at its disposal impartial, objective and duly qualified investigators with good knowledge of aspects relating to maritime casualties, access to experts in specific areas had yet to be formalized (III Code, paragraph 39).

Root cause

496 The maritime administration had lack of knowledge of the provisions of the III and of the Casualty Investigation codes.

Corrective action

497 The maritime administration will establish and maintain a list of specialized experts on the main causes of maritime accidents and develop a documented procedure allowing quick access to this area of expertise. This corrective action will be completed by 30 October 2018.

OB

498 The Administration does not guarantee that the flag inspectors acting as investigators of marine casualties and pollution events have the appropriate experience and knowledge, both practical and theoretical, obtained through documented training programs on ships and their operations, as well as on the provisions of the relevant national and international instruments, necessary to perform their duties in the required areas (III Code, paragraph 32).

Root cause

499 There was a lack of experience and resources for establishing training programmes for flag inspectors serving as investigators of marine casualties.

Corrective action

500 Allocation of resources will be considered for the preparation and development of a permanent training programme for investigators of maritime casualties and pollution incidents. A responsible unit within the Administration will be assigned to carry out this task. The programme will include the following areas necessary to perform their duties:

- .1 updates in terms of amendments to the applicable IMO instruments;
- .2 provisions of the relevant national legislation and guidelines;
- .3 ships and their operations; and
- .4 relevant provisions of the Casualty Investigation Code, IMO model courses and other relevant IMO documents.

This corrective action will be completed by 30 December 2018.

OB

501 No evidence was found that occupational accidents involving personal injury necessitating absence from duty of three days or more were investigated (III Code, paragraph 40).

Root cause

502 There was a lack of awareness of the need to establish related policies.

Corrective action

503 Provisions for investigating occupational accidents, including related criteria and procedures, will be defined and included in amendments to the Law on transportation and aquatic spaces and related regulations and procedures. This corrective action will be completed by 2 October 2020.

COASTAL STATE ACTIVITIES

Findings (FD)

504 Although the SAR assets were available and sufficient, there was a lack of national coordination and a lack of adequate national legislation. In addition, the State failed to make available all appropriate shore based facilities for radiocommunication services for transmitting navigational warnings, danger messages, meteorological and other urgent messages relating to safety of navigation, and for receiving maritime emergency radiocommunications (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; SOLAS 1974, regulation V/7.3; III Code, paragraph 47).

Root cause

505 The absence of national legislation and technical infrastructure due to insufficient coordination among involved authorities.

Corrective action

506 The maritime administration will:

- .1 develop and implement guidelines, under its national legislation, on the operation and organization of SAR;
- .2 approve the SAR Plan by the National Disaster Committee and establish a new National Search and Rescue Committee comprising relevant agencies, who will coordinate the establishment of a national Maritime Rescue and Coordination Centre (MRCC), dully equipped and manned with qualified and trained personnel;
- .3 ensure that passenger ships engaged in the State's territorial waters possess an approved SAR plan complying with SOLAS 1974 requirements; and
- .4 establish shore based facilities for radiocommunication services and communicate related information to IMO.

This corrective action will be completed by 31 August 2020.

FD

507 There were no measures in place to ensure compliance with international requirements on the operation of aids to navigation (AtoN) and maritime buoyage (III Code, paragraph 49).

Root cause

508 There was a lack of regulations/procedures and also resources to comply with the international requirements in these matters.

Corrective action

509 The responsible entity of the maritime administration will prepare procedures and national legislation related to the establishment and maintenance of AtoN and will create a department responsible for the safety aspects of navigation where specific staff will be appointed. The necessary budget to support/sustain/maintain the AtoN and buoyage will be obtained from the maritime safety tax that will be approved and implemented. Furthermore, a mechanism will be created to evaluate the performance of the service and also the Government is committed to become a member of the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) in the near future. This corrective action will be completed by 31 December 2019.

FD

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

Root cause

511 There was a lack of resources, which contributed to this finding.

Corrective action

512 The overall maritime strategy will be developed and procedures will be included for periodical review and evaluation of responsibilities in the area of coastal State activities, based on clear objectives, key performance indicators defined to evaluate the effectiveness in the implementation and enforcement of the applicable IMO instruments and recommendations in order to identify and implement actions for continual improvement. The result of the periodic review will be reported yearly to the responsible Ministries in order to evaluate the performance in the area of coastal State activities regarding compliance with IMO instruments to which the State is Party. This corrective action will be completed by 30 March 2020.

FD

513 The maritime administration had not implemented policies, through issuing national legislation and guidance to facilitate implementation of coastal State obligations, and had not assigned the associated responsibilities to entities in relation to the applicable conventions and protocols to which the State is Party. Furthermore, no governmental entity had been designated to administer shore-based facilities for space and terrestrial radiocommunication services and communication of danger messages (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/31.2; III Code, paragraph 46).

Root cause

514 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

515 National law and a policy on maritime transport will be developed and implemented, including all relevant coastal State obligations and cooperation mechanism among relevant institutions. This corrective action will be completed by 30 June 2021.

FD

516 The maritime administration had not ensured that:

- .1 appropriate legislation, guidance and procedures were developed and put in place for coordination of SAR operations;
- .2 necessary arrangements were made for receiving distress alerts and responding to such alerts in the maritime area under the jurisdiction of the State, including the use of life-saving signals during SAR operations; and
- .3 a plan for cooperation between ships, companies and SAR services was developed

(SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; SOLAS 1974, regulation V/7.3; SOLAS 1974, regulation V/8; III Code, paragraph 47).

Root cause

517 Lack of legal basis and guidance for all entities responsible for SAR operations and a lack of awareness of the relevant convention requirements.

Corrective action

518 The maritime administration will implement the following actions:

- .1 national law and policy on maritime transport will be developed and implemented, including the coordination of SAR operations and necessary arrangements, as well as the cooperation mechanism among relevant institutions;
- .2 a maritime SAR Committee will be established with participation of representatives from national entities involved in SAR operations; and
- .3 the Committee will, among others, be responsible to provide IMO with the required information on SAR facilities, to ensure that all involved personnel in SAR operations are qualified, trained and assessed through drills and exercises whereby life-saving signals will be used, 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 30 June 2021.

FD

519 The maritime administration had not taken the necessary measures to ensure availability and maintenance of AtoN. Furthermore, the hydrographic services had not collected and compiled full hydrographic data in order to prepare and produce nautical charts, tide tables, list of lights and to disseminate all nautical information necessary for safe navigation (SOLAS 1974, regulation V/9; SOLAS 1974, regulation V/13; III Code, paragraph 49).

Root cause

520 The following factors contributed to this finding:

- .1 inadequacy of legal and regulatory framework and insufficient awareness of the responsibility of the State;
- .2 a lack of procedures or mechanism in place for managing and monitoring the availability of aids to navigation, including an evaluation mechanism;
- .3 changes in AtoN that occurred in the ports and along the coast of the State's territorial waters were not systematically managed and monitored; and
- .4 the lack of funding and technical expertise resulted in ineffective implementation of the State's hydrographic services.

Corrective action

521 The maritime administration will implement the following actions:

- .1 develop and implement legal provisions on AtoN and hydrographic services for the safety of navigation;
- .2 national legislation and guidelines for the management of AtoN and hydrographic services will be developed and implemented; and
- .3 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 AtoN, as well as collection of hydrographic data for production and dissemination of admiralty navigational charts will be developed and implemented in accordance with the applicable international standards.

This corrective action will be completed by 30 June 2021.

FD

522 The maritime administration did not develop and implement an appropriate control and monitoring programme containing the collection and analysis of statistical data, the establishment of mechanisms for timely response to pollution incidents, particularly at port enclosures, and provisions for cooperation with flag States and/or port States in marine casualty investigations (III Code, paragraph 50).

Root cause

523 Inadequacy of legal and regulatory framework in the collection and analysis of statistical data, absence of mechanisms for timely response to pollution incidents and insufficient personnel at the maritime administration to undertake such responsibilities greatly contributed to this finding.

Corrective action

524 The maritime administration will develop and implement legal and regulatory framework for the collection and analysis of statistical data. Furthermore, mechanisms for timely response to pollution incidents, particularly at port enclosures, and provisions for cooperation with flag States and/or port States in marine casualty investigations will be established and technical assistance will be requested from IMO for training of personnel at the maritime administration to undertake such responsibilities. This corrective action will be completed by 30 June 2021.

FD

525 The maritime administration had not implemented policies through issuing national legislation and guidance to implement coastal State obligations and assign responsibilities to various entities under the applicable IMO conventions and protocols to which the State is Party. Furthermore, appropriate shore-based facilities for space and terrestrial radiocommunication services were not provided (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/31.2; SOLAS 1974, regulation VII/6.1; SOLAS 1974, regulation VII/7-4.1; III Code, paragraph 46).

Root cause

526 Absence of a legal basis due to the lack of transposition into national legislation of the mandatory IMO instruments to which the State is Party and the allocation and definition of responsibilities and tasks among the different entities of the State involved in coastal State activities significantly contributed to this finding.

Corrective action

527 The maritime administration will implement the following measures:

- .1 develop and implement a comprehensive policy on coastal State activities, which will serve as the basis for the development and promotion of legislation, guidelines and procedures, that will facilitate the implementation and enforcement of the requirements of the applicable conventions and protocols to which the State is Party. More specifically, national legislation on the collection and dissemination of nautical information and meteorological reports will be developed;
- .2 a continuous and permanent radiocommunication service for the dissemination of danger messages, navigational and meteorological information in accordance with the international standards established for this purpose, will be implemented; and
- .3 division of tasks and responsibilities will be determined among all entities of the State responsible for coastal State activities.

This corrective action will be completed by 20 December 2020.

FD

528 The maritime administration did not ensure that sufficient guidance and procedures were established and implemented to ensure the coordination of maritime SAR operations (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; III Code, paragraph 47).

Root cause

529 There was a lack of legislation and State structure to coordinate actions of the State at sea with regard to its obligations and responsibilities for SAR activities.

Corrective action

530 The following measures will be implemented:

- .1 the State will institutionalize a permanent Secretariat for the High Council of Maritime, River and Inland Navigation, attached to the highest hierarchical level of the State, with its main mission in coordinating actions of the State at sea, river and inland waters and in ensuring compliance with its obligations for the coordination of SAR operations, including communication to IMO of the required SAR information;
- .2 legislation and documented procedures necessary to ensure the availability of SAR services will be developed and implemented, and necessary human and material resources will be provided to ensure coverage of the area under the jurisdiction of the State; and
- .3 the Ministry, will develop and implement, in collaboration with the concerned governmental entities, the National Search and Rescue Plan (National SAR Plan).

This corrective action will be completed by 16 June 2020.

FD

531 No measure had been taken by the maritime administration to guarantee the identification, availability and upkeep of AtoN. Further, the lighthouse service had not collected and compiled hydrographic data with a view to keeping nautical charts up to date and disseminating all nautical information necessary for safe navigation (SOLAS 1974, regulation V/9; SOLAS 1974, regulation V/13; III Code, paragraph 49).

Root cause

532 The State had not transposed into national legislation applicable international regulations on the availability of AtoN and maritime beacon, the collection and compilation of hydrographic data in order to keep nautical charts up to date and to disseminate all nautical information necessary for safety of navigation. There were also no procedures or mechanisms in place, including an assessment mechanism, to manage and monitor the availability of AtoN.

Corrective action

533 The following measures will be implemented:

- .1 national legislation and directives applicable to the management of AtoN, beacon, the collection and compilation of hydrographic data in order to keep nautical charts up to date and to disseminate all nautical information necessary for the safety of navigation will be developed and implemented by the maritime administration. The maritime administration will provide the necessary human and material resources to meet these requirements, and documented procedures for the maintenance and upkeep of all AtoN and charting will be established and applied in accordance with international standards;
- .2 the hydrographic service will extend the marine cartography to all waters under the jurisdiction of the State and will ensure that the charts conform to the editing and publishing standards of the *International Hydrographic Organization* (IHO). New charts will include all existing AtoN and the need for new AtoN will be assessed; and
- .3 the maritime administration will determine, develop and implement documented procedures, in accordance with IALA and IHO standards, to ensure the sustainability and availability of AtoN, nautical chart updates and hydrographic data.

This corrective action will be completed by 30 December 2021.

FD

534 The maritime administration had not developed and implemented a control and monitoring programme, as appropriate, for collecting and analysing statistical data and establishing mechanisms for timely response to pollution incidents, particularly as regards port areas and oil installations (III Code, paragraph 50).

Root cause

535 Absence at the level of the maritime administration of directives and guidelines detailing the organization of pollution control in general, and in particular at port and oil platforms installations, and lack of awareness, communication and sharing of information on the National Emergency Plan by the Ministry of Environment with other stakeholders involved in the marine pollution response tasks

Corrective action

536 The following measures will be implemented:

- .1 the maritime administration will develop and implement documented guidelines and procedures detailing the organization of pollution control in general, and in particular at port and oil facilities; update the national contingency plan and strengthen cooperation between the parties that share responsibilities in the implementation of the plan; and
- .2 guidelines and procedures will be developed and implemented to ensure cooperation with flag States and/or port States in marine accident investigations.

This corrective action will be completed by 30 December 2019.

FD

537 No performance evaluation mechanism had been put in place to evaluate periodically and review compliance with coastal State obligations under the applicable IMO instruments (III Code, paragraph 51).

Root cause

538 There was an absence of a culture to periodically evaluate and review performance, a lack of documented procedures and insufficient number of qualified personnel.

Corrective action

539 A permanent Secretariat in charge of the High Council for Maritime Affairs will be created to coordinate the actions of the State at sea and will conduct periodic evaluations of the performance of the State in the conduct of the coastal State activities. This corrective action will be completed by 16 June 2020.

FD

540 The maritime administration had not implemented a strategy through issuing national legislation and guidance to implement the coastal State obligations and assign responsibilities to various entities under the applicable conventions and protocols to which the State is Party. In particular, no government entity responsible for providing appropriate shore-based facilities for space and terrestrial radiocommunication services had been designated (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/31.2; SOLAS 1974, regulation VII/6.1; SOLAS 1974, regulation VII/7-4.1; III Code, paragraph 46.1).

Root cause

541 The lack of legal basis by the non-transposition into the national legislation of the mandatory instruments to which the State is Party, the lack of knowledge of the obligations of the relevant IMO instruments incumbent upon the coastal State, including the SOLAS Convention 1974 and the lack of assignment of responsibilities between the government entities responsible for implementing and monitoring of compliance with the mandatory IMO instruments for coastal State activities significantly contributed to this finding

Corrective action

542 The relevant State Ministries will:

- .1 define a strategy in accordance with the obligations covering the State activities as a coastal State;
- .2 establish a mechanism to formulate, update and review on a regular basis relevant strategies on national legislation, rules and regulations covering the State's activities as a coastal State;
- .3 identify legislation and guidelines necessary to be promulgated into national legislation in order to assist in the application of the requirements of all conventions and protocols to which the State is Party; covering the activities of the coastal State;

- .4 clearly define the roles and responsibilities between State entities responsible for coastal State activities, particularly a formal designation of the government entity in charge of marine radiocommunication services in accordance with chapters IV and V of SOLAS Convention 1974;
- .5 establish a training and familiarization programme on the relevant international instruments, of personnel having responsibilities in the coastal State activities; and
- .6 establish the operation of a coastal radio station for the dissemination of navigational warnings, danger messages, meteorology and other urgent messages relating to the safety of navigation.

This corrective action will be completed by 31 December 2019.

FD

543 The maritime administration had not ensured that sufficient guidance and procedures had been developed and put in place to guarantee the coordination of maritime SAR operations (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; III Code, paragraph 47).

Root cause

544 The following factors contributed to this finding:

- .1 a lack of understanding of the international regulations;
- .2 the lack of coherent national legislative text organizing SAR tasks; and
- .3 the lack of a system for recording and archiving sea events.

Corrective action

545 The maritime administration will

- .1 revise SAR related decree, on the creation of a sub-centre for the SAR coordination and the rescue of aircrafts in distress in State territory. This revision will include the creation of the Maritime Rescue Coordination Centre;
- .2 develop a national SAR plan and procedures for the coordination of maritime SAR operations; and
- .3 establish and maintain a report of activities at sea and communicate to IMO relevant information on the existing SAR activities.

This corrective action will be completed by 31 December 2021.

FD

546 The maritime administration had not taken the necessary measures to guarantee the identification, availability and maintenance of aids to navigation. Further, the lighthouse service had not collected and compiled hydrographic data in order to keep nautical charts up to date

and to disseminate all nautical information necessary for safe navigation (SOLAS 1974, regulation V/9; SOLAS 1974, regulation V/13; III Code, paragraph 49).

Root cause

547 The following factors contributed to this finding:

- .1 a lack of guidelines and documented procedures for the management of AtoN;
- .2 a lack of understanding of the State's obligations to set up and maintain an AtoN; and
- .3 malfunction of the lighthouse and AtoN service and lack of qualified personnel.

Corrective action

548 The maritime administration will:

- .1 conduct a national census campaign to identify the state of functionality and availability of all equipment in the aids to navigation network, including the port and oil installations;
- .2 establish and implement a plan to maintain and restart the aids to navigation network. This exercise will be instigated through a documented procedure in accordance with international standards;
- .3 establish and implement a documented procedure for the collection and compilation of hydrographic data, including a schedule for bathymetric survey campaigns; and
- .4 develop and implement legislation and guidelines enforcing the maritime safety service to update the nautical charts covering the waters under the jurisdiction of the State. New legislation will be based on information compiled on AtoN and hydrographic data and will include the obligation of dissemination of relevant information to seafarers, in a timely and appropriate manner, including advice on the operation of AtoN.

This corrective action will be completed by 31 December 2019.

FD

549 The maritime administration had not developed and implemented a control and monitoring programme, as appropriate, covering the collection and analysis of statistical data, the establishment of mechanisms for a timely response to pollution incidents, particularly with regard to port areas and oil installations, or provisions on cooperation with flag States and/or port States in investigations of maritime casualties (III Code, paragraph 50).

Root cause

550 The following factors contributed to this finding:

- .1 a lack of division of responsibilities and entitlements between State entities responsible for coastal State activities and lack of communication and coordination between them;
- .2 a lack of cooperation procedures with flag States and/or port States in casualty investigations; and
- .3 absence of evaluation, proposals for improvement and revision of the National Emergency Plan of the State.

Corrective action

551 Relevant government entities will:

- .1 revise the State National Emergency Plan, by adding, among others, clauses organizing the response and control in cases of less severe pollution;
- .2 identify and designate entities of the maritime administration responsible for the organization of pollution prevention and response within the port and oil facilities, as well as the entity responsible for managing the materials needed for this control;
- .3 assign responsibility and delegate authority to an entity for recording and keeping records of accident and pollution cases, irrespective of their level of severity, and for the communication of these events to IMO; and
- .4 develop and implement a monitoring programme of all coastal State activities, including the development of procedures for the collection and analysis of statistical data on these activities and the monitoring and follow-up of appropriate exercises on marine pollution, in order to ensure timely response by personnel in cases of disaster.

This corrective action will be completed by 31 December 2020.

FD

552 No performance evaluation mechanism had been put in place to evaluate periodically and review compliance with its coastal State obligations under the applicable IMO instruments (III Code, paragraph 51).

Root cause

553 The following factors contributed to this finding:

- .1 a lack of culture of evaluation or periodic review of performance, lack of documented procedures and absence of coordination between services involved in the coastal State activities; and
- .2 a lack of understanding of procedures for evaluating the performance in terms of implementation of methods, procedures and administrative resources.

Corrective action

554 The following measures will be undertaken:

- .1 the maritime administration will develop and establish a legal framework to institutionalize a documented system for evaluation and periodic review of its performance by identifying evaluation measures and performance indicators to ensure that its tasks within the framework of activities of the coastal State are effectively carried out; and
- .2 a platform for exchanging information and experience between the relevant State entities will be established to fully meet the State obligations as a coastal State.

This corrective action will be completed by 31 December 2019.

FD

555 The SAR arrangements do not provide adequate means for locating and rescuing persons at sea. In addition, passenger ship SAR co-operation plans for foreign ships calling at the State's ports had not been coordinated, evaluated and exercise carried out with the MRCC (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.3; III Code, paragraph 46.1).

Root cause

556 Due to a lack of financial resources, there was a breakdown of the SAT C and digital selective calling (DSC) VHF/MF/HF equipment, as well as the satellite subscription for BGAN expired.

Corrective action

557 The maritime administration will implement the following corrective actions:

- .1 VHF/MF/HF DSC equipment will be purchased, installed and tested to be fully operational;
- .2 three radio officers will be engaged to assist the current officers in operating the SAR unit on a 24/7 hours basis, in order to ensure sufficient rest periods;
- .3 SAR drills (table-top) with the radio equipment involving other relevant Government entities will be planned, carried out, analysed and any identified improvements recorded and implemented on a regular basis. Related procedures will be developed and implemented;
- .4 emergency procedures will be developed and liaison established with the Administration to give prior notice of ships, including passenger ships, arriving in the ports of the State in order to propose and carry out drills with the passenger ships in accordance with SOLAS 1974, regulation V/7.3; and
- .5 a National Maritime Search and Rescue Committee had been constituted to coordinate SAR activities among the relevant Government entities.

This corrective action will be completed by 30 December 2017.

FD

558 The Administration did not develop and implemented a control and monitoring programme for the pollution response organization that acts on its behalf. Furthermore, the agreement between the Administration and the pollution response organization was not updated at the moment of the audit (III Code, paragraph 49; III Code, paragraph 50).

Root cause

559 Owing to a miscommunication, documentary evidence on the scope of contractual engagement of a private subcontractor for oil spill response by the environmental protection agency could not be provided.

Corrective action

560 An updated agreement between the Government agency responsible for environmental protection and a private company had been signed. A clear scope of obligations for the company had been established, including provision of additional resources (equipment) to support other State entities involved in the implementation of National Contingency Plan in response to oil spills within the port areas from any source that is beyond the capability of the State's resources. This corrective action will be completed by 30 December 2017.

FD

561 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

562 The lack of technical personnel and resources. The responsible Government entities have not established any mechanism, such as a quality management system, in order to document a programme for monitoring and evaluating their performance in the conduct of coastal State activities.

Corrective action

563 Key performance indicators (KPIs) will be defined as a measure for performance evaluation in the area of coastal State activities. Related collection of data will be organized and analysis of KPIs will be conducted annually. A joint audit team from relevant Government entities will be formed and the verification of the performance evaluation will be included in the scope of the audit. The audit covering all coastal State obligations and activities will be conducted at least once a year, whilst audits of specific areas may be conducted periodically and on an ad-hoc basis. This corrective action will be completed by 30 December 2018.

FD

564 The maritime administration did not periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the mandatory IMO instruments in the area of coastal State activities (III Code, paragraph 51).

Root cause

565 Maritime affairs were not prioritized at the national level; and there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with coastal State management and control.

Corrective action

566 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the responsible Ministry will set up a documented procedure and a central electronic system, incorporating a module which can record, document and provide reports on steps taken for a periodic performance evaluation in the area of coastal State activities; and ensure that such periodic evaluation is conducted with the involvement of all relevant stakeholders. Responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review. This corrective action will be completed by 31 December 2018.

FD

567 The State did not establish nautical and hydrographic services in order to prepare and issue sailing directions, lists of lights, tide tables and other nautical publications, where applicable, satisfying the needs of safe navigation. In addition, no surveys of the coastline of the three groups of islands of the State had been carried out in the past 50 years in order to keep all nautical information necessary for safe navigation up-to-date (SOLAS 1974, regulation V/4; SOLAS 1974, regulation V/9; III Code, paragraph 47).

Root cause

568 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 there was a lack of awareness of the fundamental importance and benefits of hydrography and nautical charting to the State and of its obligations under SOLAS 1974;
- .3 there was no in-country hydrographic surveying or chart updating capability; and
- .4 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with coastal State management and control.

Corrective action

569 Maritime affairs have been given higher priority at the national level, including hydrography matters, additional personnel has been recruited and is being trained. In addition, the responsible Ministry will:

- .1 set up a documented procedure and a central electronic system, incorporating a module which can record, document and provide reports on steps taken for establishing nautical and hydrographic services including the necessary infrastructure and facilities for planning and conducting surveys of

the coastline; as well as for determining and requesting potential donor countries and organizations to provide capacity building and assistance in setting up these services; and

- .2 mobilize human and financial resources, assign responsibilities for the electronic system and make arrangements to ensure ongoing monitoring and review.

This corrective action will be completed by 31 December 2022.

FD

570 The maritime administration did not implement a control and monitoring programme in order to establish mechanisms for timely response to pollution incidents in its waters (III Code, paragraph 50.2).

Root cause

571 The following factors contributed to this finding:

- .1 maritime affairs, particularly oil spill response, were not prioritized at the national level;
- .2 there was a lack of awareness of the importance of oil spill response to the State and of its obligations under the mandatory IMO instruments;
- .3 there was no in-country oil spill response capability; and
- .4 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with coastal State management and control.

Corrective action

572 Maritime affairs have been given higher priority at the national level, including oil spill matters. Additional personnel has been recruited and is being trained. The responsible Ministry will set up a documented procedure and a central electronic system, incorporating a module which can record, document and provide reports on steps taken for developing and implementing a control and monitoring programme in order to establish mechanisms for timely response to pollution incidents in the State's waters. All relevant entities of the State will mobilize human and financial resources, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review. This corrective action will be completed by 31 July 2020.

FD

573 There was no objective evidence that the State had done any assessment of its SAR capabilities taking into consideration density of the seagoing traffic and the navigational dangers. Appropriate national legislation giving effect to the relevant SOLAS regulation was not in place. Furthermore, there was no objective evidence that the State had provided available information to IMO concerning its existing SAR facilities (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; III Code, paragraph 47).

Root cause

574 The following factors contributed to this finding:

- .1 maritime affairs were not prioritized at the national level;
- .2 the Ministry responsible for maritime affairs was not authorized to establish its own SAR assets and facilities and had to request assistance from the other parties of the State;
- .3 the Ministry responsible for maritime affairs prepared a SAR plan for its activities, but it was not approved by relevant parties;
- .4 there was a lack of awareness on the importance of reporting of the SAR facilities to IMO and of the need for the associated national legislation;
- .5 there was limited in-country SAR capability; and
- .6 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with coastal State management and control.

Corrective action

575 Maritime affairs have been given higher priority at the national level, additional personnel has been recruited and is being trained. In addition, the responsible Ministry will set up a documented procedure and a central electronic system, incorporating a module which will record, document and provide reports on steps taken for:

- .1 assessing the State's SAR capabilities, including all stakeholders concerned;
- .2 preparing, enacting, implementing and enforcing appropriate national legislation giving effect to the relevant SOLAS 1974 requirements;
- .3 determining, approaching and requesting potential donor countries and organizations to provide capacity building and assistance in setting up the required SAR services;
- .4 establishing, operating and maintaining adequate SAR facilities; and
- .5 providing continuously updated information concerning the existing search and rescue facilities to IMO.

576 All relevant entities of the State will mobilize human and financial resources, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review. This corrective action will be completed by 31 July 2021.

FD

577 The State had not established appropriate shore-based facilities within the Global Maritime Distress and Safety System (GMDSS), individually or in cooperation with other Contracting Governments, in order to ensure alerting of shore-based rescue and communications authorities in the event of emergency (SOLAS 1974, regulation IV/5; III Code, paragraph 47).

Root cause

578 The following factors contributed to this finding:

- .1 maritime affairs, particularly GMDSS, were not prioritized at the national level;
- .2 there was a lack of awareness of the need for the provision of GMDSS under SOLAS 1974, of the associated IMO reporting requirements, and of the appropriate national legislation;
- .3 there was limited in-country radiocommunication capability; and
- .4 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with coastal State management and control.

Corrective action

579 Maritime affairs have been given higher priority at the national level, including radio-communications matters. Additional personnel has been recruited and is being trained. In addition, the responsible Ministry will set up a documented procedure and a central electronic system, incorporating a module which can record, document and provide reports on steps taken for the establishment of appropriate shore-based facilities within GMDSS. Potential donor countries and organizations will be determined and approached to provide capacity building and assistance in establishing the required GMDSS facilities. All relevant entities of the State will mobilize human and financial resources, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review. This corrective action will be completed by 31 July 2021.

FD

580 The maritime administration did not have procedures in place for establishing and maintaining its AtoN network and was not in the position to ensure effective maintenance of existing AtoNs. No assessment had been carried out to identify the adequacy of AtoNs having due regard to the volume of traffic and the degree of risks it poses (SOLAS 1974, regulation V/13; III Code, paragraph 47).

Root cause

581 The following factors contributed to this finding:

- .1 maritime affairs, particularly establishment of AtoN, were not prioritized at the national level;
- .2 there was a lack of awareness of the need for maintenance and survey procedures related to AtoN;
- .3 there was a limited in-country AtoN maintenance and repair capability; and
- .4 there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with coastal State management and control.

Corrective action

582 Maritime affairs have been given higher priority at the national level, including AtoN maintenance. Additional personnel has been recruited and is being trained. In addition, the responsible Ministry will set up a documented procedure and a central electronic system, which will support:

- .1 developing and putting in place procedures for establishing and maintaining AtoN network and ensuring effective maintenance of existing AtoN;
- .2 assessing the adequacy of AtoN, having due regard to the volume of traffic; and
- .3 determining and requesting potential donor countries and organizations to provide capacity building and assistance for establishing and maintaining the State's AtoN network.

583 Human and financial resources will be mobilized, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review. This corrective action will be completed by 31 July 2022.

FD

584 It was established that no performance evaluation mechanism had been put in place by the maritime administration to evaluate or review its performance in meeting its obligations as a coastal State with regard to maritime SAR (III Code, paragraph 51).

Root cause

585 The following factors contributed to this finding:

- .1 as part of an international agreement, the State is placed in the SAR zone under the responsibility of a neighbour country and the coordination of this neighbour's country MRCC. On an operational level, the nautical resources of the State are made available to the neighbour country, in an area beyond the limits of the territorial waters of the State;
- .2 by delegation, SAR activities are managed by the neighbour's country maritime administration on behalf of the State. From this follows the lack of supervision, monitoring and revision of this delegation; and
- .3 as a result, and because of the lack of knowledge of the provisions of paragraph 51 of the III Code, the State has not put in place a mechanism for periodic evaluation of its performance in terms of assistance and rescue at sea and in particular in the evaluation of the mechanism on which the State relies for SAR activities.

Corrective action

586 The maritime administration will set up a procedure for periodic evaluation of its performance through:

- .1 a periodic on-site meeting of the SAR authority of the State at the neighbour's country MRCC premises; and

- .2 an annual written report of the activities of neighbour's country MRCC in the area under jurisdiction of the State, transmitted by the neighbour country maritime administration to SAR authority of the State.

This corrective action will be completed by 31 January 2019.

FD

587 The maritime administration did not ensure that mechanisms were established by the appropriate entities for the provision of radiocommunication services, such as assigning identities for GMDSS purposes, digital selective calling, and that warnings related to the safety of navigation were made readily available to mariners (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation IV/5.1; SOLAS 1974, regulation V/31.2; III Code, paragraph 49).

Root cause

588 There was a lack of coordination among various government entities.

Corrective action

589 An inter-institutional working group will be created comprising all entities involved in implementation of SOLAS 1974, Chapter IV, in order to define and assign responsibilities and obligations of involved entities and subsequently to evaluate their performance through a future mechanism to be implemented within the new overall strategy. In parallel, the responsible entity of the maritime administration will evaluate and determine the necessary financial resources to fulfil SOLAS 1974, Chapter IV, and related provisions. The budget will be requested from the relevant authorities of the State and required systems and equipment will be commissioned. This corrective action will be completed by 2 October 2019.

FD

590 The maritime administration had not implemented policies, manuals, procedures or guidelines for the implementation of its SAR services. The existing SAR arrangements had not been communicated to IMO and that SAR plans for cooperation with SAR services and passenger ships calling regularly at ports within the State had not been developed (SOLAS 1974, regulation V/ 7.1; SOLAS 1974, regulation V/7.2; SOLAS 1974, regulation V/ 7.3; III Code, paragraph 47).

Root cause

591 There was a lack of coordination among the involved government entities.

Corrective action

592 An inter-institutional working group will be created between the responsible government entities to clearly define their responsibilities in the conduct of SAR activities and the implementation requirements under the respective IMO instruments. Appropriate mechanisms will be implemented to develop manuals, procedures and working instructions. In addition, the need for financial resources will also be assessed and additional resources provided accordingly. This corrective action will be completed by 2 October 2019.

FD

593 The maritime administration did not implemented a system for periodically evaluating its performance as a coastal State in order to verify whether it is meeting its obligations under those IMO international instruments to which it is Party (III Code, paragraph 51).

Root cause

594 There was no management system in place to evaluate the performance of the maritime administration in the conduct of coastal State activities.

Corrective action

595 A mechanism will be established to ensure coordination among the government entities who share the coastal State responsibilities. The mechanism will set clear lines of authorities, assign clear responsibilities, as well as define goals and key performance indicators for all involved entities to measure their performance within their respective management systems. This mechanism will be a part of the overall evaluation of performance under the new strategy. This corrective action will be completed by 2 October 2019.

FD

596 There was no evidence that the maritime administration:

- .1 maintained available appropriate shore based facilities for space and terrestrial radiocommunication services to disseminate navigational warning and meteorological data;
- .2 undertook the establishment of a GMDSS system;
- .3 reviewed and evaluated the ship routing systems in two of the Traffic Separation Schemes (TSS) in line with the guidelines and criteria developed by resolution A.572 (14), as amended, and
- .4 was fully enforcing the requirements of COLREG 1972, regulation 10 for ships engaged in one of the TSSs

(SOLAS 1974, regulation IV/5; SOLAS 1974, regulation IV/5-1; SOLAS 1974, regulation V/10; III Code, paragraph 49).

Root cause

597 The maritime administration was not fully aware of its obligations regarding provision of radiocommunications services and ship routing system

Corrective action

598 The maritime administration will evaluate the necessity and make available appropriate radiocommunication services in accordance with SOLAS 1974, regulation IV/5. A system will be established to ensure that suitable arrangements are made for registering GMDSS identities in accordance with SOLAS 1974, regulation IV/5-1. The two mandatory ship routeing systems will be reviewed as a basis for establishing a monitoring system and ensuring compliance of ships using the traffic separation schemes adopted by the Organization. This corrective action will be completed by 31 December 2018.

FD

599 The current radio - communication system provides for coverage in zones A1 and A2, however, the scheme only had continuous coverage in VHF and MF in two coast stations and did not have a DSC service (SOLAS 1974, regulation IV/5; III Code, paragraph 47).

Root cause

600 There was a lack of financial resources.

Corrective action

601 The responsible entity of the maritime administration will implement the following corrective actions:

- .1 submit the required financial resources to its managing board, in order to continue with the third phase of the project on upgrading of its radio - communication services, aiming at strengthening the GMDSS equipment distributed through the port captaincies of the State to guarantee coverage in areas A2 and A3, DSC service and NAVTEX system for transmission of maritime safety information and navigational warnings. The second phase of the project has already started by installing VTS equipment, VHF for A1 area and equipment required to receive the LRIT information from ships; and
- .2 implement the third phase of the project, which will include detailed planning, engineering and installation of GMDSS equipment.

This corrective action will be completed by 30 December 2019.

FD

602 The maritime administration did not make available to IMO its existing SAR facilities. Besides, it had not required the joint development of plans for cooperation with SAR services for passenger ships arriving at its ports (SOLAS 1974, regulation V/ 7.2; SOLAS 1974, regulation V/7.3; III Code, paragraph 47).

Root cause

603 There was an absence of specific procedures regarding SAR operations and lack of coordination among entities in charge of SAR activities.

Corrective action

604 The responsible State entities will carry out a joint analysis on the available means of SAR operations for onward communication to IMO. In addition, national regulations and procedures will be developed and implemented and will include provisions for any subsequent communication to IMO and for coordination between the Coast Guard and the Captaincies in developing and implementing SAR cooperation plans in the event of emergencies involving passenger ships calling at the State ports. This corrective action will be completed by 30 October 2018.

FD

605 The various entities that compose the maritime administration had certain indicators in use to evaluate their performance, however, there was no evidence of a periodic evaluation

of their performance in respect of coastal State obligations under the applicable international instruments (III Code, paragraph 51).

Root cause

606 There was an absence of specific documented procedures and lack of coordination among the different entities of the maritime administration in order to evaluate their performance in carrying out coastal State activities.

Corrective action

607 The maritime administration will:

- .1 develop an overall strategy of the State, including specific procedures for the various entities of the maritime administration to periodically evaluate their performance in carrying out assigned coastal State activities, both individually and collectively; and
- .2 identify problematic areas and non-conformities which may hinder the implementation and enforcement of coastal State obligations under IMO instruments to which the State is Party, based on the analysis of objectives, key performance indicators and risks, conducted in accordance with relevant procedure, as a basis for continual improvement.

This corrective action will be completed by 30 December 2018.

FD

608 The maritime administration had not established mechanisms for timely response to pollution incidents caused by noxious liquid substances or dangerous goods (III Code, paragraph 50.2).

Root cause

609 There was insufficient technical capacity and clear responsibilities between the different entities were not assigned.

Corrective action

610 The maritime administration will implement the following corrective actions:

- .1 enact national legislation regarding contingency plans to respond to pollution incidents caused by noxious liquid substances or dangerous goods, including assignment of responsibilities to relevant government entities;
- .2 revise the existing national oil spill contingency plan, in order to include provisions for pollution incidents caused by the aforementioned pollutants;
- .3 amend the national regulations on the Integral Port Operational Management System, in order to assign further responsibilities to the port facilities which operate with noxious liquid substances and dangerous goods; and
- .4 conduct follow-up audits to ensure the effective implementation and enforcement of the aforementioned measures by the port facilities.

This corrective action will be completed by 1 December 2019.

PORT STATE ACTIVITIES

Findings (FD)

611 The State had arrangements in place to accept ship generated waste regulated under MARPOL Annex I. However, the system of monitoring contractors who carry out the collection of waste was found to be inadequate in terms of ensuring that all the obligations are met (MARPOL, Annex I, regulation 38.1; III Code, paragraph 57).

Root cause

612 Monitoring procedures for some stages in the cycle starting from the collection from ships of oily residues through their processing up to the final disposal destinations were insufficient, in spite of periodical audits of final disposal destinations having been carried out.

Corrective action

613 All ships 'wastes handling plans of ports will be reviewed to ensure effective and safe final disposal of wastes outside a port. A uniform plan will be developed for reception of ship generated wastes, including oily residues, and their safe disposal, including emergency procedures to dispose wastes outside the port. The plan shall include periodic audits on ports, contractors and final destinations for safe disposal of wastes. This corrective action will be completed by 31 March 2019.

FD

614 Although there were references to the *International Maritime Dangerous Goods Code* (IMDG Code) provisions in national legislation, the IMDG Code was not fully implemented and there was no objective evidence that all the amendments were incorporated into national legislation, in particular requirements on Class 7 goods regarding quality management system and the role of the competent authority (SOLAS 1974, regulation VII/3; IMDG Code, section 1.5.3; III Code, paragraph 55).

Root cause

615 The legislative process involved, through the direct referencing method, to incorporate the numerous and successive amendments to IMO instruments into national law could not be achieved in a timely manner

Corrective action

616 The latest amendments to the IMDG Code will be submitted to the permanent Committee for National Legislation for consideration and transposition into national legislation, as per the State's Strategy to implement the mandatory IMO instruments. This corrective action will be completed by 31 March 2020.

FD

617 The State did not establish port reception facilities for noxious liquid substances as required by MARPOL Annex II (MARPOL, Annex II, regulation 18.1; III Code, paragraph 54.1).

Root cause

618 The obligation to provide port reception facilities in conformity with MARPOL requirement was not clearly specified in national legislation and not clearly disseminated to port facilities.

Corrective action

619 The maritime administration will develop and implement legislation, technical guidelines and notes obliging the ports to put in place reception facilities for noxious liquid substances in accordance with MARPOL, Annex II. A marine notice will be issued to all port operators and the implementation will be monitored by the responsible entities in order to enforce the requirement of providing waste reception facilities in accordance with MARPOL. This corrective action will be completed by 30 March 2019.

FD

620 Activities of the State related to dangerous goods were not sufficiently regulated through national legislation, and were not adequately controlled and supervised (SOLAS 1974, regulation VII/3; III Code, paragraph 54; III Code, paragraph 55).

Root cause

621 The lack of awareness of the provisions of the IMDG Code and the absence of national legislation governing dangerous goods.

Corrective action

622 The maritime administration will:

- .1 establish an inter-governmental committee responsible for developing and supervising the implementation of detailed instructions on the IMDG Code requirements, including development of national legislation, implementing a training programme for shore-based personnel and developing a management system that is maintained by respective entities; and
- .2 conduct a workshop on the implementation of the IMDG Code for all relevant entities, in order to gain better understanding of the Code and to develop a plan of actions that will include development of relevant directives, policies and documented procedures.

This corrective action will be completed by 31 December 2019.

FD

623 The State did not define and implement policies on PSC through issuing instructions and guidance. Besides, no process was established to administer the PSC programme, including policies and criteria for conducting PSC inspections, collection of data on foreign ships calling the ports of the State and their selection for inspection, procedures and instructions, as well as training programme for periodical updating of knowledge of PSC officers (III Code, paragraph 54; III Code, paragraph 60; III Code, paragraph 61).

Root cause

624 There was a prolonged legislation process and a lack of resources for the approval of legal framework for PSC and related provisions.

Corrective action

625 The responsible entity of the maritime administration will implement the following actions:

- .1 coordination with the responsible legal entity of the State in order to speed up the process of approval and publication of the legal framework for PSC activities; and
- .2 creation of a dedicated unit under its authority on PSC administrative and operative matters, which will be assigned the following responsibilities: implementation of PSC activities according to the regional MoU and IMO latest resolutions on the matter; coordination of related activities and procedures with the regional MoU; development of a PSC manual, training programmes for PSCOs and procedures to assist in the conduct of their tasks. In addition, a mechanism to evaluate the performance in the conduct of PSC activities will also be established and implemented.

This corrective action will be completed by 30 October 2020.

FD

626 Although the State is Party to MARPOL Annexes II and IV, its ports were not fitted with required reception facilities for the delivery of related ship generated waste. Besides, the equivalent arrangements in place for collection of ship-generated waste under MARPOL Annexes I and V were not regulated and monitored (MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; III Code, paragraph 56.1).

Root cause

627 Owing to a lack of national regulations and procedures for the implementation and enforcement of related IMO instruments, ports were not fitted with adequate reception facilities.

Corrective action

628 The maritime administration will implement the following actions:

- .1 regulations, administrative instructions and procedures will be issued to strengthen the implementation and enforcement of MARPOL requirements on port reception facilities; mainly for Annexes II and IV. The mentioned provisions will regulate:
 - .1 procedures for licencing and authorization of suppliers of services for Annexes II and IV;
 - .2 mechanism for collection, transport, treatment and disposal of all types of oil/slops/garbage;

- .3 mechanism of monitoring and control of suppliers by the responsible entities of the maritime administration involved;
 - .4 mechanism of auditing and monitoring of the facilities and their performance up to the final disposal by the responsible entity of the maritime administration; and
 - .5 institutional arrangements between the different entities of the maritime administration will be established;
- .2 the responsible entity of the maritime administration will ensure that specific plans are implemented and enforced to provide reception facilities in ports of the State open for international traffic, according to the existing national regulations.

This corrective action will be completed by 30 March 2020.

FD

629 There was no legislation, guidance, administrative instructions or procedures to ensure that the maritime administration comply with the requirements of the IMDG Code and the *International Maritime Solid Bulk Cargoes Code* (IMSBC Code). Besides, the Administration could not guarantee a systematic verification of compliance of ships carrying cargo under the provisions of the Grain Code (SOLAS 1974, regulation VII/3; IMDG Code, section 1.3.1; Grain Code, paragraph 3.5; III Code, paragraph 57).

Root cause

630 There was a lack of financial, material and human resources for transposition of the amendments to the Grain, IMDG and IMSBC codes into national legislation, as well as a lack of coordination with the port authorities.

Corrective action

631 The responsible entities of the maritime administration will develop, under national legislation, additional regulations and procedures covering the Grain, IMDG and IMSBC codes, to ensure the consistent implementation and enforcement of the requirements of the aforementioned international instruments and their amendments. Rules for handling of dangerous goods in ports will be established under the Grain, IMDG and IMSBC codes. The Competent Authority for handling of dangerous goods will be determined and dedicated units within the ports will be assigned to deal with all relevant requirements, including training of all personnel involved in the implementation of the referred codes, as well as provision of guidelines for stakeholders in relation to mandatory communication before ship arrival into a port (quantity limitations, exceptions, etc.). This corrective action will be completed by 31 December 2020.

FD

632 It was established that no performance evaluation mechanism was in place to periodically evaluate and review the port State obligations under applicable IMO instruments (III Code, paragraph 63).

Root cause

633 There was a lack of resources and culture, which contributed to this finding.

Corrective action

634 The overall maritime strategy will be developed and procedures will be included for periodical review and evaluation of responsibilities in the area of port State activities, based on clear objectives, key performance indicators defined to evaluate the effectiveness in the implementation and enforcement of IMO instruments and recommendations in order to identify and implement actions for continual improvement. The result of the periodic review will be reported yearly to the responsible ministries in order to evaluate the performance in the area of port State activities regarding compliance with IMO instruments to which the State is Party. This corrective action will be completed by 30 March 2020.

FD

635 The maritime administration had not implemented policies, through issuing appropriate national legislation and guidance to facilitate implementation of port State obligations, and had not assigned the associated responsibilities to entities in relation to the relevant conventions and protocols to which the State is Party (III Code, paragraph 54).

Root cause

636 The State's legislating process is very lengthy, therefore, issuing appropriate national legislation, policies and guidance to facilitate implementation of port State obligations could not be realized in a timely manner. In addition, insufficient personnel with relevant expertise at the maritime administration to undertake such responsibilities contributed to this finding.

Corrective action

637 For port State activities, the maritime administration will develop and implement national legislation and guidelines that facilitate the implementation and enforcement the requirements of all the conventions and protocols relating to safety and pollution prevention to which the State is Party. Furthermore, 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. The maritime administration will also request specific assistance, such as IMO technical cooperation, to train staff responsible for implementing and enforcing port State activities. This corrective action will be completed by 30 June 2021.

FD

638 There were no appropriate port reception facilities or equivalent arrangements available in ports of the State to accept ship generated waste regulated under MARPOL Annexes I and II and the collection of ship generated waste was not monitored (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 18.1; III Code, paragraph 55).

Root cause

639 The following factors contributed to this finding:

- .1 requirements in relation to the provision of port reception facilities were not fully understood;

- .2 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; and
- .3 a lack of rigorous monitoring of compliance of the activities of port service providers in accordance with the requirements of MARPOL and the collection of waste was primarily done by a third party, which was not fully assessed in terms of available facilities and quantities and types of waste received.

Corrective action

640 The maritime administration will implement the following actions:

- .1 develop and implement national legislation and documented procedures on port reception facilities and will establish port reception facilities in compliance with the requirements of MARPOL Annexes I and II;
- .2 develop a procedure to monitor collection of ship generated waste and its disposal; and
- .3 assign specific duty to designated officers to undertake rigorous study of the provision of port reception facilities and external assistance in this matter will be requested.

This corrective action will be completed by 30 June 2021.

FD

641 The State did not fulfil the requirements of the IMDG Code, particularly in relation to:

- .1 a training programme for shore-based personnel engaged in the transport of dangerous goods;
- .2 a management system for activities related to dangerous goods in its ports; and
- .3 the designation of the "competent authority"

(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

642 Absence of regulations and a lack of understanding of the provisions of the IMDG Code contributed to this finding. In addition, the 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 dangerous goods.

Corrective action

643 The maritime administration will develop relevant national regulations covering handling of dangerous goods in ports, which will ensure 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 30 June 2021.

FD

644 The maritime administration had not implemented policies through issuing national legislation and guidance to meet port State obligations and assign responsibilities to various entities under the applicable conventions and protocols to which the State is Party (III Code, paragraph 54).

Root cause

645 Absence of a legal basis due to the lack of transposition into national legislation of the mandatory IMO instruments to which the State is Party and the lack of technical and legal knowledge regarding the requirements relative to port State activities, including the fact that the responsibilities of the personnel within the various entities of the maritime administration were not defined, contributed to this finding.

Corrective action

646 The maritime administration will implement guidelines to facilitate the implementation and enforcement of the requirements of all conventions and protocols related to safety and pollution prevention to which the State is Party. In addition, it will define and document in writing the responsibilities of governmental entities responsible for the implementation of the mandatory IMO instruments and their enforcement, as well as assign the adequate personnel to perform these tasks. This corrective action will be completed by 15 December 2019.

FD

647 The national legislation, guidance and procedures established were deemed to be inadequate for ensuring compliance with the requirements under the mandatory IMO instruments applicable to the exercise of PSC and the management of dangerous goods. In addition, the maritime administration had not ensured that operators involved in the handling and storing of dangerous goods applied the statutory provisions in force (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; IMDG Code, chapter 7.9; III Code, paragraph 55).

Root cause

648 The following factors contributed to this finding:

- .1 there was no legislation on PSC activities or detailed working procedures for PSCOs; and
- .2 no competent authority had been designated to deal with dangerous goods issues, which had resulted in non-compliance with the mandatory requirements of the IMDG Code.

Corrective action

649 The Ministry will implement the following corrective measures:

- .1 develop and implement the legislation necessary for the conduct of port State control activities, which will define, among others, conditions for detention of foreign ships and will include the responsibilities and hierarchical authority of the different entities; and
- .2 as part of national legislation, develop and implement regulations for handling of dangerous goods, which will ensure compliance with the requirements of the IMDG Code and amendments thereto in the future. In addition, a training programme for all staff involved in implementing the IMDG Code and communicating to IMO the required information, including contact details of the "competent authority", will be developed and put in place.

This corrective action will be completed by 30 May 2020.

FD

650 No performance evaluation mechanism had been established to evaluate periodically and review compliance with port State obligations under the applicable IMO instruments (III Code, paragraph 63).

Root cause

651 There was an absence of a culture to periodically evaluate and review performance, a lack of documented procedures and insufficient number of qualified personnel

Corrective action

652 The maritime administration will recruit additional staff and institutionalize a documented programme for the evaluation and periodic review of the performance in the conduct of port State activities. This corrective action will be completed by 30 June 2020.

FD

653 PSC inspections were conducted on the basis of obsolete regulations and there was no procedure in place to assist in administering a PSC programme consistent with resolution A.1052 (27). In addition, personnel carrying out PSC inspections were not properly authorized and no official requirement had been adopted regarding their qualifications (SOLAS 1974, regulation I/19; STCW 1978, article X; III Code, paragraph 60; III Code, paragraph 61).

Root cause

654 Inadequate national legislation on PSC, lack of clarity on the qualifications of PSCOs and non-transposition into national legislation of the monitoring procedures recommended by IMO, as well as failing to adhere to and implement the provisions of the regional MoU, have largely contributed to this finding.

Corrective action

655 The Ministry will take the following corrective actions:

- .1 promulgate the necessary legislation by transposing the resolution A.1119(30), as amended, which will include, inter alia, the minimum qualifications of PSCOs, their training programme, the mandatory

- notifications to flag States and to IMO in case of detention of a foreign ship in a port of the State;
- .2 determine, develop and implement documented procedures for the preparation and conduct of inspections, as required by resolution A.1119(30), and administer a PSC programme, including policies and criteria to be followed in carrying out PSC inspections, the collection of data on ships calling at the ports of the State and their selection for inspection; and
 - .3 the State will adhere to the regional MoU on PSC.

This corrective action will be completed by 30 June 2019.

FD

656 The maritime administration had not implemented a strategy through issuing national legislation and guidance to meet the port State obligations and assign responsibilities to various entities under the applicable conventions and protocols to which the State is Party (III Code, paragraph 54.1).

Root cause

657 Failure to transpose the mandatory instruments into national legislation, to which the State is Party, absence of legal bases and guidelines, the lack of personnel with technical and legal knowledge and knowledge of the requirements of the relevant IMO instruments for port State activities contributed to this finding.

Corrective action

658 The maritime administration will:

- .1 develop and implement a written policy and guidelines by enacting necessary national legislation to cover all relevant port State obligations;
- .2 identify legislation and directives necessary to be promulgated into national legal framework to facilitate the implementation and application of the requirements of all conventions and protocols to which the State is Party, covering the activities of the port State; and
- .3 establish a training and familiarization programme on the relevant IMO instruments for personnel with responsibilities in port State activities.

This corrective action will be completed by 31 December 2018.

FD

659 The national legislation, guidance and procedures established were deemed to be inadequate for ensuring compliance with the requirements under the IMO mandatory instruments applicable to reception facilities, the exercise of PSC and the management of dangerous goods (III Code, paragraph 55).

Root cause

660 The following factors contributed to this finding:

- .1 a lack of understanding of the international requirements, applicable to reception facilities, management of dangerous goods and PSC;
- .2 the maritime administration had not fully played its role in the implementation of the conventions, the enforcement of the requirements stemming from international conventions and related directives in this area; and
- .3 the maritime administration has been negligent in the management of dangerous goods.

Corrective action

661 The maritime administration will:

- .1 develop and implement national legislation, guidelines and procedures covering the port State responsibilities, particularly aspects relating to port reception facilities in accordance with MARPOL Convention, to the management of dangerous goods as defined in SOLAS Convention 1974 and its related codes and to the conduct of PSC inspections; and
- .2 implement a specialized training programme for officials responsible for port reception facilities and the management of dangerous goods, as well as officials responsible for PSC.

This corrective action will be completed by 31 December 2019.

FD

662 The maritime administration had not taken the necessary measures to ensure full compliance with the requirements applicable to reception facilities in ports; oil loading terminals; handling of operational waste from fixed or floating platforms including drilling rigs; floating production, storage and offloading facilities (FPSOs); and floating storage units (FSUs). Moreover, the maritime administration did not ensure that operators involved in handling and storing dangerous goods applied the regulatory provisions in force (SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/7-2.2; MARPOL, Annex I, regulation 38.1; MARPOL, Annex I, regulation 38.2; MARPOL, Annex I, regulation 38.3; MARPOL, Annex V, regulation 8.1; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; IMDG Code, chapter 7.9; IMSBC Code, paragraph 4.3.3; III Code, paragraph 57).

Root cause

663 The following factors contributed to this finding:

- .1 the lack of a mechanism for monitoring of compliance with the regulations on port reception facilities, oil loading terminals, treatment of operational waste from fixed or floating platforms, including platforms for drilling, FPSOs and FSUs; and
- .2 a lack of understanding of the provisions and obligations required by the mandatory codes under SOLAS 1974 dealing with dangerous goods.

Corrective action

664 The maritime administration will:

- .1 develop and implement documented procedures for the monitoring of hydrocarbon loading terminals, reception facilities, treatment of operational waste derived from platforms, FPSO or FSU and storage facilities of dangerous goods; and
- .2 designate the competent authority responsible for dangerous goods and communicate it to IMO. The provisions of the IMDG Code will be applied and monitored at the container terminals.

This corrective action will be completed by 31 December 2019.

FD

665 Inspections within the framework of PSC were conducted on the basis of obsolete regulations and there was no procedure in place to administer PSC-related activities. Moreover, personnel conducting PSC inspections were not appropriately authorized and no official requirement had been adopted concerning their qualifications (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; MARPOL, Annex II, regulation 16.1; MARPOL, Annex III, regulation 8; MARPOL, Annex IV, regulation 14; MARPOL, Annex V, regulation 8.1; STCW 1978, article X; TONNAGE 1969, article 12; III Code, paragraph 60; III Code, paragraph 61).

Root cause

666 The following factors contributed to this finding:

- .1 national legislation governing PSC activities was not updated;
- .2 absence of procedures to administer a PSC programme; and
- .3 a lack of trained and qualified personnel to conduct PSC inspections.

Corrective action

667 The maritime administration will:

- .1 draft and implement a PSC regulation, on the basis of which guidance on procedures for the conduct of the PSC will be issued, in accordance with IMO resolution A.1119 (30); and
- .2 establish an accreditation criteria for PSCOs based on their competence and qualification, including the implementation of the Code of Conduct for PSCOs and an evaluation mechanism to improve the quality of PSC inspections and the performance of PSCOs.

This corrective action will be completed by 31 December 2019.

FD

668 No performance evaluation mechanism had been put in place to evaluate periodically and review compliance with its port State obligations under the applicable IMO instruments (III Code, paragraph 63).

Root cause

669 A lack of culture to evaluate or periodically review performance, the lack of documented procedures and the lack of coordination between the departments involved in port State activities.

Corrective action

670 The maritime administration will develop and establish a legal framework to institutionalize a documented system for evaluation and periodic review of its performance by identifying evaluation measures and performance indicators to ensure its port State activities are effectively carried out. This corrective action will be completed by 31 December 2018.

FD

671 Although the State is a Party to MARPOL Annexes II, IV and VI, its ports were not fitted with the adequate reception facilities that fulfil the relevant provisions (MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex VI, regulation 17.3; III Code, paragraph 55; III Code, paragraph 56.1).

Root cause

672 There was a lack of capacity and equipment to fulfil the requirements of MARPOL regarding reception facilities.

Corrective action

673 The State's Ports and Harbours Authority has licensed a company to provide reception facilities for chemical waste (MARPOL Annex II) and its activities are monitored. The Ports and Harbours Authority had also licensed another company to provide a plant with reception facilities for sewage (MARPOL Annex IV), which is expected to be operational by the end of 2017. The Ports and Harbours Authority had instructed arriving ships to switch to a lighter fuel within port limits for the prevention of air pollution from ships (MARPOL Annex VI). The information is forwarded to all arriving ships through the ships' agents and recorded with the Ports and Harbours Authority. Reception facilities module in GISIS had been updated accordingly and the responsibility for its updating in the future has been assigned. Regarding, reception facilities under MARPOL Annex VI, the responsible Government entities involved will conduct a cost analysis and an availability study with a view to engage a State entity or organization within the State to receive residues and provide proper facilities as stipulated by MARPOL Annex VI. This corrective action will be completed by 30 December 2017.

FD

674 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

675 The lack of technical personnel and resources. The responsible Government entities had not established any mechanism, such as a quality management system, in order to document a programme for monitoring and evaluating the performance in the conduct of port State activities.

Corrective action

676 Key performance indicators (KPIs) will be defined as a measure for performance evaluation in the area of port State activities. Related collection of data will be organized and analysis of KPIs will be conducted annually. A joint audit team from relevant Government entities will be formed and the verification of the performance evaluation will be included in the scope of the audit. The audit covering all port State obligations and activities will be conducted at least once a year, whilst audits of specific areas may be conducted periodically and on an ad-hoc basis. This corrective action will be completed by 30 December 2018.

FD

677 There was no objective evidence to confirm compliance with a number of requirements of the IMDG Code, such as appointment of a Competent Authority for handling matters related to dangerous goods in accordance with chapter 7.9.1.2, as well as training shore based personnel engaged in the transportation of dangerous good under chapter 1.3.1 of the IMDG Code (SOLAS 1974, regulation VII/3; IMDG Code, section 1.3.1; IMDG Code, chapter 7.9; III Code, paragraph 54; III Code, paragraph 55).

Root cause

678 Maritime affairs, particularly transport of dangerous goods, were not prioritized at the national level and there was a lack of awareness, competent personnel and insufficient financing for the implementation of the requirements stemming from the IMDG Code.

Corrective action

679 Maritime affairs have been given higher priority at the national level, including transport and handling of dangerous goods, additional personnel has been recruited and is being trained. In addition, the responsible Ministry will set up a documented procedure and a central electronic system, incorporating a module which can record, document and provide reports on steps taken for promulgating, enacting, implementing and enforcing provisions stemming from the IMDG Code, including appointment of a Competent Authority for handling matters related to dangerous goods and training of shore-based personnel engaged in the transportation of dangerous good. All relevant entities of the State will mobilize human and financial resources, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review. This corrective action will be completed by the end of July 2019.

FD

680 There were no policy and procedures 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

681 Maritime affairs, particularly port State matters, were not prioritized at the national level and there was a lack of competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved with port State management and control.

Corrective action

682 Maritime affairs have been given higher priority at the national level, including port State matters. Additional personnel has been recruited and is being trained. The responsible Ministry will set up a documented procedure and a central electronic system, incorporating a module which can record, document and provide reports on steps taken for periodic performance evaluation in the area of port State activities, with the involvement of all relevant national stakeholders. All relevant entities of the State will be mobilize human and financial resources, responsibilities for the electronic system will be assigned and arrangements will be made to ensure ongoing monitoring and review. This corrective action will be completed by 31 December 2018.

FD

683 There was no objective evidence to show that the national legislation, guidance and procedures put in place with regard to reception facilities and PSC inspections were adequate to ensure the effective application of those requirements (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; MARPOL, Annex I, regulation 38.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; III Code, paragraph 55).

Root cause

684 The maritime administration has not fully complied with the requirements for the provision of port facilities. Within the maritime administration the knowledge of these obligations and the monitoring of the various IMO instruments was inadequate. A documented procedure or a directive specifying the division of responsibilities within the maritime administration in relation to the company in charge of port operations had not been developed

Corrective action

685 The maritime administration will draft and implement formalized procedures concerning port reception facilities and their monitoring, in connection with the port operating company of the State, making sure to clarify the responsibility of the personnel within the maritime administration. This corrective action will be completed by 30 September 2018.

FD

686 The maritime administration had not prepared or put in place a PSC programme consistent with resolution A.1052(27), taking into account later revisions, comprising, inter alia, policies, criteria, procedures and instructions for carrying out PSC inspections and a training programme relating thereto (III Code, paragraph 60).

Root cause

687 The following factors contributed to this finding:

- .1 the State did not have sufficient knowledge of IMO instruments for port State control and the consequences in terms of staffing to meet these obligations internally; and
- .2 the State does not have enough trained personnel to meet the requirements of the international regulations and has not established a documented procedure for administering a clean and compliant monitoring programme for the PSC.

Corrective action

688 The maritime administration has formally decided to no longer conduct port State control inspections. This corrective action will be completed by 31 January 2018.

FD

689 The maritime administration did not implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which it is Party; nor had assigned responsibilities to update and revise any policies adopted, as necessary, for the fulfilment of its obligations as a port State (III Code, paragraph 54; III Code, paragraph 55).

Root cause

690 There was a lack of financial resources and personnel with technical expertise to define the policies on port State activities.

Corrective action

691 A restructuring of the responsible entity of the maritime administration will be carried out and a responsible unit will be created to formulate policies and procedures; to ensure that the set criteria are followed for the promulgation of national guidelines in accordance with the amendments to the applicable IMO instruments to which the State is Party, in relation to port State activities; and to coordinate with other entities of the State with responsibilities in the port State activities. The need for human and financial resources will also be assessed and resources will be provided accordingly. This corrective action will be completed by 18 August 2018.

FD

692 Although the State is Party to MARPOL, Annexes I, II, IV and V, the existence of facilities for the reception of noxious liquid substances and sewage was not verified (MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; III Code, paragraph 56.1).

Root cause

693 The State failed to provide adequate reception facilities under MARPOL Annexes II and IV at the ports of the State owing to a lack of financial resources.

Corrective action

694 An inter-institutional working group will be established to determine the responsibilities among the entities of the State. An adequacy and cost analysis of the reception

facilities, in accordance with MARPOL will be carried out, including the consideration of type of facilities and equivalents and alternative arrangements. Policies, procedures and instructions will be developed and implemented to authorize external contractors to determine what type of environmental authorization will be granted, who will monitor authorized companies, who will ensure the final disposal, and where the final disposal of collected waste will be made. In addition, a monitoring and control mechanism will be adopted in relation to the measures taken by the entities to fulfil their obligations. On a provisional basis, private companies have been licensed to provide reception facilities for chemical waste (MARPOL Annex II) and to provide a plant with reception facilities for sewage (MARPOL Annex IV). This corrective action will be completed by 2 October 2019.

FD

695 The maritime administration had not adopted the latest amendment to the IMDG Code. Furthermore, the existence of legislation, administrative instructions or guidelines ensuring that the maritime administration will comply with the requirements of the IMSBC Code and verification of compliance of ships carrying cargo that are regulated by the Grain Code was not verified (SOLAS 1974, regulation VII/3; International Code for the Safe Carriage of Grain in Bulk, paragraph 3.5; III Code, paragraph 57).

Root cause

696 Owing to the lack of human and financial resources, a mechanism for monitoring amendments to the applicable IMO instruments could not be implemented.

Corrective action

697 The responsible entity of the maritime administration will be restructured in order to assign the responsibilities for coordination of activities with other entities of the maritime administration to one of its divisions. A mechanism will be developed and implemented, based on written procedures that will ensure the transposition of amendments to the applicable IMO instruments in a timely manner, as well as monitoring and follow-up of future amendments. The need to recruit additional personnel and to provide additional funding for the maritime administration will be considered and additional resources will be provided accordingly. Amendments to the IMDG and IMSBC codes will be enacted and implemented through resolutions. Similar actions will be taken with regard to the Grain Code. This corrective action will be completed by 16 October 2018.

FD

698 The maritime administration had not carried out a periodic evaluation of its performance in respect of exercising its rights and meeting its obligations as a port State (III Code, paragraph 63).

Root cause

699 There was no management system in place to evaluate the performance of the maritime administration in the conduct of port State activities.

Corrective action

700 A mechanism will be established in order to ensure coordination among the government entities who share the responsibility for port State matters. Through this mechanism, clear lines of authority will be set, responsibilities assigned, as well as goals and

key performance indicators defined for all involved entities to measure their performance within their respective management systems. This mechanism will be a part of the overall evaluation of performance under the new strategy. This corrective action will be completed by 4 October 2019.

FD

701 The State did not define and implement policies through issuing national legislation and guidance for provision of port reception facilities and handling of dangerous goods. Existing legislation on PSC was not in line with the mandatory requirements. In addition, the State did not establish port reception facilities for bulk hazardous materials as required by MARPOL Annex II (SOLAS 1974, regulation I/19; SOLAS 1974, regulation VII/2.4; MARPOL, Annex II, regulation 18.1; III Code, paragraph 54).

Root cause

702 The lack of national legislation covering reception facilities and handling of dangerous goods. Lack of documented procedure for the monitoring and control of port reception facilities. There was a misunderstanding with regard to the scope of activities in relation to PSC inspections

Corrective action

703 The maritime administration will enact national legislation and establish procedures and guidance for monitoring of port reception facilities and handling of dangerous goods. Port reception facilities for hazardous materials in bulk, in accordance with the requirements of MARPOL, Annex II will be established. Competent authorities as required by IMDG and IMSBC codes will be designated and all relevant requirements of both codes will be implemented. Existing national legislation regulating PSC activities will be amended in order to bring it in line with the provisions of the mandatory IMO instruments. This corrective action will be completed by 31 December 2019.

FD

704 There was no evidence that the maritime administration fulfilled the requirements of the IMDG Code, particularly regarding the following areas:

- .1 a special list or manifest setting forth the dangerous goods on board and location thereof were not made available to the maritime administration before the ship's departure;
- .2 training programme for shore-based personnel engaged in dangerous goods related matters;
- .3 management system covering activities related to the handling of dangerous goods; and
- .4 detailed instructions on emergency response and emergency medical care required in case of an incident owing to dangerous goods

(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

705 The State obligations and responsibilities set out in the IMDG Code were not fully identified and implemented through national legislation

Corrective action

706 The maritime administration will review the IMDG Code in order to identify and implement all relevant obligations through national legislation. In addition, the maritime administration will develop and implement detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form. A training programme for shore-based personnel engaged in the transport of dangerous goods will be set and all relevant personnel will receive required training. A management system covering activities related to handling of radioactive material, as a minimum, will be established and maintained. Implementation of all requirements relating to handling of dangerous goods will be monitored in cooperation among the relevant entities. This corrective action will be completed by 31 December 2018.

FD

707 No objective evidence has been found of the existence of legislation, guidance and procedures for implementation and verification within the framework of PSC. Furthermore, the division of responsibilities and coordination between the government agencies taking part in port State activities was not clearly defined and affected the respective performance (III Code, paragraph 54.1; III Code, paragraph 54.2; III Code, paragraph 55).

Root cause

708 There was insufficient technical capacity and clear responsibilities between the different entities were not assigned.

Corrective action

709 The maritime administration will implement the following corrective actions:

- .1 a memorandum of cooperation will be signed between the responsible entities to establish responsibilities, duties and procedures on PSC issues, including clear lines of communication, monitoring and qualifications of PSCOs and actions to be taken in case of misconduct and PSCOs job descriptions;
- .2 national regulations on PSC operational matters and those related to the effective implementation of the IMDG and IMSBC codes will be included in the priority plan for the development of national regulations, in order to assign responsibilities and establish coordination between the government agencies taking part in port State activities; and
- .3 a diagnostic study will be conducted to determine the number of PSCOs needed to fulfil the international obligations and new technical staff will be employed accordingly.

This corrective action will be completed by 1 June 2019.

FD

710 The Administration did not establish processes to administer a PSC programme in order to ensure that the PSCOs are trained and qualified in accordance with relevant procedures adopted by IMO (III Code, paragraph 60; III Code, paragraph 61).

Root cause

711 The responsibilities of the involved entities had not been assigned and there was a lack of awareness of the required qualifications for PSCOs.

Corrective action

712 The maritime administration will implement the following corrective actions:

- .1 a training programme for the new PSCOs and for the continuous updating of the PSCOs knowledge will be developed and implemented, based on IMO resolutions, IMO model course and the provisions of the regional MoU on PSC. A system for PSCOs evaluation of performance will also be implemented; and
- .2 the existing training courses will be reviewed with the aim of including the missing content. Furthermore, a request for technical assistance will be coordinated with the Secretariat of the regional MoU on PSC, in order for an advance training workshop to be delivered.

This corrective action will be completed by 31 December 2018.

FD

713 The various entities that compose the maritime administration had certain indicators in use to evaluate their performance; however, there was no evidence of a periodic evaluation of their performance in respect of port State obligations under the applicable international instruments (III Code, paragraph 63).

Root cause

714 There was an absence of specific documented procedures and lack of coordination among the different entities that compose the maritime administration.

Corrective action

715 The maritime administration will implement the following corrective actions:

- .1 in developing an overall State strategy, specific procedures for relevant entities will be adopted, in order to periodically evaluate their performance in conducting port State activities, individually and collectively; and
- .2 problematic areas and non-conformities which may hinder the implementation and enforcement of port State obligations under IMO instruments to which the State is Party will be identified, based on the analysis of objectives, key performance indicators and risks conducted in accordance with relevant procedures, as a basis for continual improvement.

This corrective action will be completed by 30 December 2018.

FD

716 Although the State had authorized service providers for the reception of oil residues and garbage, there was no evidence that an evaluation had been carried out of reception capability in accordance with the guidelines of the Organization and its ports were found not to be equipped with the appropriate reception facilities or equivalent arrangements for the reception of sewage from ships (MARPOL, annex IV, regulation 12.1; III Code, paragraph 55; III Code, paragraph 56.1).

Root cause

717 There was a lack of documented procedures for the evaluation of adequacy of the reception facilities; lack of specialized personnel; lack of financial resources for the full implementation of the obligations; and clear responsibilities of the various entities were not assigned.

Corrective action

718 The responsible entities of the maritime administration will:

- .1 establish adequate mechanisms to evaluate actual facilities in each port and to determine the capacity needed for reception facilities/service providers, according to the collected statistical data on the ships calling at the ports and the type of residues they requested to discharge; and
- .2 establish appropriate reception facilities, as well as human and financial resources, through the revised master plan for port reception facilities, including facilities for the collection of oily residues, sewage, noxious liquid substances and garbage from ships. These reception facilities will be available through authorized service providers, duly registered and supervised by the responsible entity, including the facilities managed by the respective ports.

This corrective action will be completed by 30 December 2019.

AREAS OF POSITIVE DEVELOPMENT

Best practices

719 The State transposed GlobalReg (the Regional Safety Regulations for Non-Convention Ships) into national law, to promote safety of small craft operating in domestic waters, for pollution prevention and to fulfil its other obligations regarding safety of ships, particularly for those ships to which relevant IMO conventions do not apply.

720 The main international maritime commercial port of the State was certified under ISO 9001, ISO 14001 and OHSAS 18001 standards.

721 The broadcasting by the radio station of marine meteorology in English and French in HF frequencies guaranteed a wider dissemination of information beyond the sea areas under the jurisdiction of the State.

722 The State transposed into national law the GlobalReg (the Regional Safety Regulations for Non-Convention Ships), in order to promote the safety of small crafts operating in domestic waters, pollution prevention from ships, investigation of the causes of accidents and to fulfil its obligations regarding safety of ships, particularly those ships to which relevant IMO conventions do not apply.
