

RESOLUTION MSC.366(93)
(adopted on 22 May 2014)
AMENDMENTS TO THE INTERNATIONAL CONVENTION
FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED

ANNEX 2

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**AMENDMENTS TO THE INTERNATIONAL CONVENTION
FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO article VIII(b) of the International Convention for the Safety of Life at Sea (SOLAS), 1974 (hereinafter referred to as "the Convention"), concerning the amendment procedure applicable to the annex to the Convention, other than to the provisions of chapter I thereof,

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

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

HAVING CONSIDERED, at its ninety-third session, amendments to the Convention, proposed and circulated in accordance with article VIII(b)(i) thereof,

1 ADOPTS, in accordance with article VIII(b)(iv) of the Convention, amendments to the Convention, the text of which is set out in the annex to the present resolution;

2 DETERMINES that, pursuant to new regulation 2 of chapter XIII, whenever the word "should" is used in the III Code (Annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;

3 DETERMINES ALSO, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the said amendments shall be deemed to have been accepted on 1 July 2015, unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments;

4 INVITES SOLAS Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the amendments shall enter into force on 1 January 2016 upon their acceptance in accordance with paragraph 2 above;

5 REQUESTS the Secretary-General, in conformity with article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Contracting Governments to the Convention;

6 ALSO REQUESTS the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization which are not Contracting Governments to the Convention.

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CHAPTER XIII VERIFICATION OF COMPLIANCE

A new chapter XIII is added after the existing chapter XII, as follows:

"CHAPTER XIII VERIFICATION OF COMPLIANCE

Regulation 1 – Definitions

1 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

2 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization*.

3 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

4 *Audit Standard* means the Code for Implementation.

* Refer to the *Framework and Procedures for the IMO Member State Audit Scheme*, adopted by the Organization by resolution A.1067(28).

Regulation 2 – Application

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

Regulation 3 – Verification of compliance

1 Every Contracting Government shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.

2 The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization*.

3 Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines adopted by the Organization*.

- 4 Audit of all Contracting Governments shall be:
- .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization*; and
 - .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization*.

* Refer to the *Framework and Procedures for the IMO Member State Audit Scheme*, adopted by the Organization by resolution A.1067(28)."

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