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Circular Letter No.4317
15 September 2020

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 fourth 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 11 audits completed in 2018 and 7 audits completed in 2019.

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 each audited State and summaries of corrective actions taken or proposed by each State, which provide valuable lessons for Member States. The CASR also contains best practices revealed in audits, in order to share them with Member States, with a view to assisting them to enhance further their implementation and enforcement of mandatory IMO instruments.

3 In order to enable the Organization to further consider the effectiveness and appropriateness of its legislation and to facilitate the 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 fourth CASR of 11 mandatory audits completed in 2018 and 7 mandatory audits completed in 2019.

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 18 audit final reports.

3 This report contains the findings and observations identified during the audits, which were conducted using the *IMO Instruments Implementation (III) Code* (resolution A.1070(28)) as the audit standard, with each finding and/or observation followed by the summary of root cause identified by the audited State and summary of the corrective action taken or proposed by the 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 It could not be demonstrated that the State had given full and complete effect to the mandatory IMO instruments it is Party to by promulgating relevant provisions into national legislation (MARPOL, article 1; LL 1966, article 1; COLREG 1972, article I; III Code, paragraph 4).

Root cause

7 This finding was the result of the following factors:

- .1 division of responsibilities and coordination between the State entities involved in the process of ratifying and transposing the mandatory IMO instruments ratified by the State were not clearly defined in national legislation;

- .2 lack of specialized knowledge and insufficient financial, material and human resources in the maritime field to assist in the development of appropriate maritime legislation; and
- .3 absence of documented procedures within the State entities responsible for the process of ratification and transposition of the mandatory IMO instruments into national law.

Corrective action

8 The State will implement the following actions:

- .1 analyse and assess the mandatory IMO instruments, complete their transposition and full promulgation into national law, and establish mechanisms to monitor new amendments adopted by IMO, with a view to ensure continued compliance with the mandatory IMO instruments to which it is Party;
- .2 define and assign responsibilities to the various State entities which are involved in the process of ratification and transposition of the mandatory IMO instruments, including the reorganization of the merchant marine services in order to guarantee permanent regulatory monitoring;
- .3 define the skills and number of personnel necessary to carry out the regulatory monitoring and transposition missions and establish mechanisms to integrate maritime specialties into the classification of public service jobs; and
- .4 develop and apply formal documented procedures and put in place an archiving system to give full effect to the mandatory IMO instruments to which the State was Party.

This corrective action will be completed by 31 December 2021.

FD

9 There was no evidence that the State had transposed the amendments to the applicable mandatory IMO instruments into national legislation. In addition, there was no mechanism in place to monitor the transposition of amendments to the mandatory IMO instruments into national legislation to keep it up to date. The State had insufficient personnel with maritime expertise to assist in enacting national legislation and to fulfil all the responsibilities under the applicable IMO instruments (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

10 The absence of a mechanism for transposition of the amendments to the mandatory IMO instruments into national legislation and insufficient human, technical and financial resources for the transposition and implementation of these international obligations led to this finding. In addition, there was no mechanism in place for regulatory monitoring and for coordination and communication between different State entities on the amendments to the mandatory IMO instruments.

Corrective action

- 11 The State will implement the following actions:
- .1 create, within the respective ministry, a regulatory watch unit responsible for the follow-up of all new mandatory IMO instruments including amendments to existing instruments for their transposition into national legislation in due time;
 - .2 develop and implement guidelines and procedures for monitoring and promulgating amendments to the mandatory IMO instruments, as well as their transposition into domestic law;
 - .3 develop and implement a training programme for existing staff to strengthen their skills in monitoring amendments to the mandatory IMO instruments, and recruit new qualified staff for implementation;
 - .4 conduct a comprehensive review of current national legislation, which will include the identification of entities responsible for the enforcement, monitoring of compliance and modification of national legislation;
 - .5 develop, adopt and promulgate relevant legislation on maritime safety and prevention of pollution of the marine environment with a view to giving full effect to the mandatory IMO instruments and their amendments; and
 - .6 establish a mechanism for coordination and communication between the various structures of the maritime administration.

This corrective action will be completed by 31 December 2020.

FD

12 The State had not communicated to IMO the information required by the mandatory IMO instruments to which it is Party (e.g. laws and decrees, reception facilities, casualty investigation reports, mandatory reports under MARPOL, recognized organizations). In addition, the State had not established a quality standards system, nor carried out an independent evaluation and communicated the results to IMO (SOLAS 1974, article III; MARPOL, article 11; LL 1966, article 26; STCW 1978, article IV; STCW 1978, regulation I/8.3; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

- 13 This finding was the result of the following factors:
- .1 there was a lack of knowledge of the mandatory information and reports that were required to be provided to IMO under the mandatory IMO instruments, as well as of the scope and degree of notification obligations;
 - .2 there was a lack of documented procedures to identify and address reporting in accordance with mandatory IMO requirements;
 - .3 responsibility for communication of information to IMO has not been assigned and/or distributed among the various entities of the maritime administration; and

- .4 there was an absence of national legislation with regard to STCW 1978; the requirements for the provision of information on matters related to STCW 1978 to IMO were poorly understood; and it was not possible to undertake an independent assessment due to a shortage of qualified personnel.

Corrective action

14 The maritime administration will implement the following actions:

- .1 all mandatory reports and information required to be communicated to IMO will be identified;
- .2 the primary entity responsible for the provision of mandatory information to IMO will be provided with sufficient material, financial and human resources, including those necessary for reporting and organizing independent evaluation as required by STCW 1978;
- .3 coordination between the State entities responsible for the communication of information will be defined, with a view to harmonizing the information to be communicated to IMO, and a documented procedure for the submission of mandatory information and reports to IMO, including planning and frequency of communication to IMO, will be developed and implemented. Traceability will be ensured by a centralized reporting mechanism to record notifications to IMO; and
- .4 a new IMO web account administrator will be appointed and various contact points for the management of IMO GISIS, IMODOCS and OMRS accounts will be appointed. Moreover, technical staff will be trained in information technology.

This corrective action will be completed by 31 December 2020.

FD

15 There was no documented procedure in place to define the controls necessary for the identification, storage, protection and retrieval of records and to determine their retention time (III Code, paragraph 10).

Root cause

16 There was a lack of adequate resources and technical knowledge to ensure effective data management.

Corrective action

17 The following actions will be implemented by the maritime administration:

- .1 a study will be carried out to identify the data to be kept in relation to flag, coastal and port State activities;
- .2 a model archiving procedure to identify, handle, store, protect, define the retention time and retrieve the registers will be developed and made available to all the relevant entities of the maritime administration, who will

- develop and apply a general procedure for a centralized archiving system; safeguard provisions will be defined and put in place for electronic records;
- .3 a training programme will be put in place for specific personnel of the various entities of the maritime administration to manage the preservation of records; and
- .4 procedures relating to document management and preservation systems will be implemented in all the relevant entities of the maritime administration for verification through internal audits.

This corrective action will be completed by 31 December 2020.

FD

18 There was no mechanism in place for continual improvement of the adequacy of the measures taken to give effect to the conventions and protocols to which the State is Party. Furthermore, the relevant entities of the State had not taken any measures to identify and eliminate the cause of non-conformities in order to prevent recurrence (III Code, paragraph 11; III Code, paragraph 13; III Code, paragraph 14).

Root cause

19 The provisions of the III Code were poorly understood and there were no documented procedures to assess and improve the performance of State entities responsible for the flag, coastal and port State activities, as well as to improve the measures taken to give effect to the mandatory IMO instruments. In addition, there was no cooperation between the entities of the maritime administration; financial and human resources were insufficient; and the State had not set targets for the relevant entities of the maritime administration.

Corrective action

- 20 The maritime administration will implement the following actions:
- .1 the working documents of the entities that comprise the maritime administration will be further developed and incorporated into mechanisms for periodic evaluation of activities in order to improve the relevance of the measures taken by these entities, and also by the public entities concerned; and to apply and monitor compliance with the provisions of national legislation stemming from the mandatory IMO instruments;
- .2 the criteria for performance evaluation will be developed and quality management training will be provided to the personnel of the maritime administration;
- .3 joint internal audits will be conducted to assess the performance of the State in the implementation and enforcement of the mandatory IMO instruments, and a framework will be established for initiating necessary corrective actions to address the causes of any identified or potential non-conformities; and
- .4 education and awareness programmes on the implementation and enforcement of the requirements stemming from the mandatory IMO instruments will be provided for all stakeholders, including shipping and

trading companies; and additional staff with appropriate maritime expertise will be recruited, as necessary, based on assessment of needs.

This corrective action will be completed by 31 December 2020.

FD

21 The maritime administration had not put in place a mechanism to promote a culture that provides opportunities for improvement of performance in maritime safety and environmental protection activities, via continuous training programmes, regional and national exercises and using incentive mechanisms (III Code, paragraph 12).

Root cause

22 The concept of maritime culture was not sufficiently supported and known at the State level and there was no clear policy on this subject.

Corrective action

23 The maritime administration will implement the following actions:

- .1 the promotion of maritime culture will be guaranteed through training activities, the promotion of the profession, national and regional exercises and by setting up reward and incentive mechanisms for shipowners and seafarers;
- .2 maritime training establishments, conforming to international standards, will be created to provide specific training on maritime safety, protection of the marine environment, as well as quality management to the personnel of the maritime administration;
- .3 maritime ambassadors will be appointed for the promotion of sea trade, mechanisms for selection of candidates for sea trade through tendering will be set up and an incentive, recruitment and training in sea trade will be offered to women; and
- .4 a strategy will be developed, with the participation of all the relevant State entities, with a view to ensuring that joint safety and pollution prevention exercises are carried out.

This corrective action will be completed by 31 December 2020.

FD

24 The State had not taken necessary measures to give full and complete effect to the mandatory IMO instruments to which it is Party, in accordance with the general provisions of the treaty law and IMO conventions (III Code, paragraph 4).

Root cause

25 The lack of a robust legal basis to strengthen the legal framework of the maritime and port sectors, the complex legislative process and insufficient personnel with maritime expertise (technical and legal) to develop subsidiary legislation, contributed to this finding.

Corrective action

- 26 The nodal responsible entity of the State will implement the following actions:
- .1 coordinate and submit a request to the legislative and executive powers for the development and enactment of primary national law, which will provide the legal basis for regulation of the maritime sector of the State. In addition the Ministry will request technical assistance from IMO and regional organizations in order to, among others, obtain guidelines on developing subsidiary legislation, which will assist in the implementation of the primary national law and the mandatory IMO instruments to which the State is Party, including appropriate framework to ensure effective enforcement through penalties and administrative sanctions;
 - .2 create an administrative unit responsible for drafting subsidiary legislation, to comply with the requirements of the applicable IMO instruments, and related procedures, to ensure their effective implementation; and
 - .3 personnel will be relocated within the different entities of the State and new positions will be created to meet the needs for technical and legal expertise in the respective areas. In addition, international cooperation will be requested for hiring experts in order to provide technical and legal assistance and training, where necessary, to furnish the maritime administration with specialized personnel.

This corrective action will be completed by 30 September 2022.

FD

27 The transposition of amendments to the mandatory IMO instruments into national legislation, including those amendments that entered into force by the tacit acceptance procedure, had not been carried out prior to their entry into force. In addition, there was no system in place for monitoring amendments; for providing appropriate legal basis for enforcing national laws and regulations; and adequate infrastructure was not established, including sufficient personnel with maritime expertise, to enact laws and subsidiary legislation in order to effectively implement and enforce the requirements stemming from the applicable mandatory IMO instruments (SOLAS 1974, article I; TONNAGE 1969, article 1; STCW 1978, article I; Ill Code, paragraph 8).

Root cause

28 Responsibility for monitoring amendments to the applicable IMO instruments was not assigned, as well as the complex legislative process and insufficient personnel with maritime expertise (technical and legal) contributed to this finding.

Corrective action

- 29 The responsible entity of the State will implement the following actions:
- .1 the responsible unit, to be established, will carry out an analysis of the amendments that have already entered into force, in order to regularize their status in the State. In addition, a mechanism for tracking amendments to the mandatory IMO instruments will be developed and implemented through a semi-annual verification of the activities resulting from IMO meetings, using

IMODOCS platform and other maritime administrations' websites in order to keep a detailed record of the date of entry into force of such amendments. Existing and future amendments will be incorporated into national legislation through protocols of lower rank (executive decrees and/or resolutions), and will be communicated to IMO and published on the website of the responsible entity;

- .2 the aforementioned mechanism will include the coordination between the different entities of the State, for the implementation of the said amendments, and it will be included in an overall strategy, to be developed; and
- .3 personnel will be relocated within the different entities of the State and new positions will be created to meet the needs for technical and legal personnel in the respective areas. In addition, international cooperation will be requested for hiring of experts in order to provide technical and legal assistance and training, when necessary, and to furnish the maritime administration with specialized personnel.

This corrective action will be completed by 30 September 2022.

FD

30 The State had not communicated information to IMO, as required by the relevant IMO instruments to which it is Party (e.g. information on text of laws, orders, decrees and regulations; details of recognized organizations (ROs) and specimen of certificates). In addition, a mechanism for ensuring that policies, assigned responsibilities and instructions, as necessary, were included for the collection of relevant information and communication of mandatory reports to IMO was not in place (SOLAS 1974, article III; TONNAGE 1969, article 15; STCW 1978, article IV; III Code, paragraph 9).

Root cause

31 The lack of coordination and assignment of responsibilities among the different entities of the State regarding mandatory communication of information to IMO, as well as the lack of related procedures, contributed to this finding.

Corrective action

32 The nodal government entity will develop a mechanism through a protocol, which will identify the requirements of the applicable mandatory IMO instruments related to the communication of information to IMO; the current status of communication of information submitted to IMO by the State; the coordination with other government entities with responsibility for communication under the applicable mandatory IMO instruments, so that the information is sent to the focal point for onward transmission to IMO; and to determine the means of communication (GISIS module or email). In addition, all mandatory information that has not yet been communicated will be submitted to IMO. The aforementioned mechanism will be included in an overall strategy, to be developed, and relevant records will be maintained by the focal point. This corrective action will be completed by 30 September 2022.

FD

33 Records were not always available to verify compliance with the requirements of the applicable mandatory IMO instruments, and there was no documented procedure that clearly

identified controls needed for the identification, storage, protection, retrieval, retention time and disposition of records (III Code, paragraph 10).

Root cause

34 The lack of coordination among the different State entities and the lack of experience in implementing the requirements emanating from the III Code, contributed to this finding.

Corrective action

35 The protocol to be implemented for the communication of mandatory information to IMO will include an annex related to records, and a record-keeping procedure will be established in accordance with the requirements of the III Code. In addition, coordination among entities of the State will be established to determine the type of records that are necessary to be maintained and related responsibilities. A specific division of the maritime administration will be appointed as the focal point responsible for the follow-up on the record-keeping procedure and for coordination with the other entities to ensure consistent implementation of this procedure. This corrective action will be completed by 30 September 2022.

FD

36 There was no objective evidence to demonstrate that the State continually improved the adequacy of measures which were taken to give effect to the applicable mandatory IMO instruments, nor that it encouraged a culture which provided opportunities for improvement of performance in maritime safety and environmental protection activities and established measures to identify and eliminate the cause of non-conformities to prevent recurrence (III Code, paragraph 11; III Code, paragraph 12; III Code, paragraph 13).

Root cause

37 Absence of assigned responsibilities among government entities involved in the implementation and enforcement of the mandatory IMO instruments, the lack of knowledge of obligations stemming from the III Code and insufficient personnel with maritime (technical and legal) expertise contributed to this finding.

Corrective action

38 The responsible entities of the State will implement the following actions:

- .1 an overall strategy, to be developed by the State, will include a mechanism for monitoring and reviewing the measures adopted to effectively implement and enforce the requirements stemming from the applicable mandatory IMO instruments, with participation of all involved State entities, based on set objectives and key performance indicators (KPIs);
- .2 the aforementioned mechanism will ensure the identification and elimination of the causes of non-compliance and prevent their occurrence in accordance with the requirements of the III Code. The effectiveness of the mechanism will be assessed through internal audits carried out by the nodal entity of the maritime administration;

- .3 provide informative lectures to the maritime sector on the importance of having a national policy on safety and environmental protection in order to promote safety culture; and
- .4 personnel will be relocated within the different entities of the State and new positions will be created to meet the needs for technical and legal personnel in the respective areas. In addition, international cooperation will be requested for hiring of experts in order to provide technical and legal assistance and training, when necessary.

This corrective action will be completed by 30 September 2022.

FD

39 The State had not given full and complete effect to the mandatory IMO instruments it is Party to by transposing them into national legislation and had not promulgated amendments thereto. In addition, there was a lack of a legal framework for enforcement within national legislation, in particular relating to investigation procedures, and the State did not have sufficient personnel with maritime expertise to assist in promulgating national legislation and fulfilling all the 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 4; III Code, paragraph 8).

Root cause

- 40 The following factors contributed to this finding:
- .1 lack of human resources available to transpose the mandatory IMO instruments and their amendments into national legislation;
 - .2 lack of coordination between the entities responsible for implementing and monitoring compliance with the obligations of the conventions;
 - .3 lack of knowledge of the requirements of the applicable mandatory IMO instruments; and
 - .4 lack of transposition of the applicable mandatory IMO instruments into national legislation.

Corrective action

- 41 The maritime administration will implement the following actions:
- .1 transpose and/or incorporate the ratified conventions and their amendments into national legislation for submission to the Council of Ministers;
 - .2 assess the current legal situation and provide recommendations to enact future amendments to the mandatory IMO instruments into national legislation;
 - .3 organize and conduct inter-institutional meetings to implement texts relating to the transposition of the mandatory IMO instruments into national legislation and submit them to Parliament for their adoption; and

- .4 the number of specialized personnel in the maritime administration, with the appropriate knowledge and training, will be increased in order to ensure that the missing national legislation is elaborated and promulgated.

This corrective action will be completed by 31 March 2022.

FD

42 There was no objective evidence that the State met all the communication of information requirements of the mandatory IMO instruments to which it is Party (e.g. texts of laws, orders, decrees and regulations, reception facilities, mandatory reports under MARPOL, etc.). In addition, there was no mechanism or policy in place for assigning responsibilities and giving instructions, as appropriate, to ensure the collection of relevant information and the 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

- 43 The following factors contributed to this finding:
- .1 lack of national legislation and coordination between the institutions responsible for reporting and submitting all mandatory reports and information to IMO;
 - .2 lack of a documented procedure to identify the requirements for the provision of information under the applicable mandatory IMO instruments to which the State was Party; and
 - .3 the requirements of the mandatory IMO instruments and information to be communicated to IMO were not known and acted upon.

Corrective action

- 44 The maritime administration will implement the following actions:
- .1 develop and implement national legislation on the identification and communication of mandatory information to IMO;
 - .2 establish a system of coordination and communication between the entities of the State involved in the implementation and enforcement of the requirements of the mandatory IMO instruments to which the State was Party; and
 - .3 develop a service within the nodal responsible entity to collect, compile and communicate periodically to IMO, all the reports and mandatory information, including text of national legislation (laws, decrees, orders).

This corrective action will be completed by 31 March 2022.

FD

45 The State had not communicated to IMO the information required with regard to measures taken to give full and complete effect to STCW 1978, within time period prescribed

by the Convention (STCW 1978, regulation I/7; STCW Code, section A-I/7, paragraph 2; III Code, paragraph 9).

Root cause

46 There was an absence of national legislation transposing STCW 1978 and a lack of understanding of the provisions of STCW 1978 for the development and communication of the independent evaluation report to IMO.

Corrective action

47 The State will implement the following actions:

- .1 develop and implement a documented procedure for preparation, on a periodic basis, of an independent evaluation report in accordance with STCW 1978;
- .2 carry out evaluations and provide IMO with reports on results thereof; and
- .3 strengthen the capacity of personnel within the nodal responsible entity of the State with qualified personnel.

This corrective action will be completed by 31 March 2021.

FD

48 The maritime administration did not have documented procedures in place to define the controls necessary to identify, store, protect and retrieve records and to determine their retention time, as appropriate. In addition, records were not easily retrievable (III Code, paragraph 10).

Root cause

49 There was a lack of a documented record-keeping system in various entities of the maritime administration.

Corrective action

50 The State will implement the following actions:

- .1 new procedures will be put in place for storing and protecting records, including the retention period and facilitating retrieval; and
- .2 responsibility will be assigned within the nodal entity of the State to carry out this task and coordinate with the relevant entities of the maritime administration.

This corrective action will be completed by 31 March 2021.

FD

51 The State had not taken any measures to promote a culture that provides possibilities for improvement of performance in the conduct of activities in the areas of maritime safety and environmental protection, especially through training programmes, and reward and incentive

mechanisms for shipping companies and seafarers. In addition, regional and national safety and pollution prevention exercises were not conducted (III Code, paragraph 12).

Root cause

52 The following factors contributed to this finding:

- .1 lack of coordination between relevant departments to raise awareness and organize collectively or individually maritime events at national level; and
- .2 lack of measures to promote a culture of improvement of performance for activities related to safety, marine security and protection of the marine environment.

Corrective action

53 The State will implement the following actions:

- .1 periodically organize cultural events such as the annual World Seafarers' Day and other events related to maritime transport activities to promote the performance of entities involved in the safety and protection of the marine environment;
- .2 coordinate and organize periodic inter-institutional meetings to encourage the promotion of marine culture within the national marine community;
- .3 plan and organize national and regional exercises in the field of safety and prevention of marine pollution; and
- .4 develop a reward and performance incentive programme for seafarers.

This corrective action will be completed by 31 March 2021.

FD

54 The State had no mechanism in place to monitor and review the measures that had been taken to effectively implement and enforce the mandatory IMO instruments, in particular through:

- .1 the effective application and enforcement of national legislation, as appropriate, and monitoring of compliance;
- .2 taking measures to identify and remove the causes of non-conformities in order to prevent their recurrence; and
- .3 taking measures to eliminate the causes of possible non-conformities in order to prevent their occurrence

(III Code, paragraph 11; III Code, paragraph 13; III Code, paragraph 14).

Root cause

55 The following factors contributed to this finding:

- .1 lack of knowledge of the mandatory IMO instruments to which the State was Party; and
- .2 lack of a culture within the maritime administration to improve performance, and to identify and analyse the cause of non-conformities.

Corrective action

56 The maritime administration will implement the following actions:

- .1 organize regular inter-institutional meetings to ensure that relevant mandatory reports were communicated to IMO and to take the necessary action in case of non-transmission;
- .2 take the necessary steps to carry out regulatory safety inspections on all ships flying the flag of the State and to issue the corresponding safety certificates in order to eliminate defects and non-conformities;
- .3 develop and implement an educational programme in the areas of marine safety and protection of the marine environment; and
- .4 establish a national maritime strategy with procedures to periodically review and evaluate its implementation and enforcement activities as a flag, port and coastal State, based on performance indicators defined and tailored to meet its obligations.

This corrective action will be completed by 31 December 2021.

FD

57 The State had not taken all the necessary measures to give full and complete effect to the mandatory IMO instruments to which it is Party, in accordance with the general provisions of the treaty law and IMO conventions (III Code, paragraph 4).

Root cause

58 The lack of financial and qualified human resources contributed to the lack of awareness of the status of ratification of the mandatory IMO instruments and their incorporation into national legislation.

Corrective action

59 The State will incorporate into its legal system a specific primary law regulating the maritime sector as a whole, in accordance with general provisions of treaty law and mandatory IMO instruments to which the State is Party to give full and complete effect to the measures contained therein. The nodal responsible entity of the State will send a draft national legislation to the Parliament for adoption and for establishing a system for future ratifications and domestication of international treaties. Consequently, subsidiary laws will be enacted to fully and effectively comply with mandatory IMO instruments to which the State is Party. In addition, additional funds will be requested from the Central Government and the work force increased with specialized personnel. This corrective action will be completed by 30 December 2020.

FD

60 The transposition of amendments to the mandatory IMO instruments, including those amendments that entered into force by the tacit amendment procedure, were not always carried out. A system for monitoring amendments to ensure that national legislation is up to date was not in place and there was insufficient personnel with maritime expertise to assist in the promulgation of 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

61 The transposition of amendments to the mandatory IMO instruments into national legislation could not be carried out in a timely manner due to the lack of financial and material resources and insufficient personnel with maritime expertise.

Corrective action

62 The State's responsible entity will implement the following actions:

- .1 an analysis of all amendments that have already entered into force and were not adopted into national legislation will be carried out;
- .2 additional funds will be requested from the Central Government in order to recruit and train sufficient workforce to perform the above-mentioned tasks. An assessment will be carried out of the required personnel with maritime expertise to assist in the promulgation of corresponding national laws with the aim of recruiting new personnel or relocating personnel from other units in the future; and
- .3 formal procedures will be developed and implemented to ensure that future amendments to the applicable mandatory IMO instruments are adopted through issuing national legal instruments. To achieve this objective, experts will be appointed to deal specifically with each mandatory IMO instrument, as necessary.

This corrective action will be completed by 30 December 2020.

FD

63 The State had not communicated information to IMO as required by the relevant IMO instruments to which it is Party (e.g. text of laws, decrees and regulations, specimen of certificates and initial communications of information under STCW 1978) (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulation I/7; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

64 Lack of awareness of the mandatory requirements related to the communication of information to IMO by the State's responsible entity contributed to this finding.

Corrective action

65 The State's responsible entity will implement the following actions:

- .1 identify all communication of information requirements in the applicable mandatory IMO instruments and the current status of communication of information by the State; and
- .2 appoint a focal point who will be responsible for coordinating the collection and communication of information to IMO from all the relevant State's entities, including through updating respective modules in GISIS.

This corrective action will be completed by 30 December 2020.

FD

66 There were no procedures in place to assign and coordinate responsibilities among the different entities of the State and to define the type of records to be maintained and the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records (III Code, paragraph 10).

Root cause

67 The absence of qualified and experienced personnel within the responsible entities of the State contributed to this finding.

Corrective action

68 The maritime administration will implement the following actions:

- .1 the nodal responsible government entity will develop and implement a procedure for record-keeping, in accordance with the requirements of the III Code, and for coordinating with other relevant State's entities to determine the type of records to be maintained. New record-keeping procedures will be adopted by all relevant State's entities for their activities stemming from the relevant mandatory IMO instruments; and
- .2 personnel will be appointed to follow-up on the implementation of record-keeping procedures and to make electronic copies of relevant records. In addition, internal audits will be established to verify, among others, the effectiveness of the implementation of those procedures.

This corrective action will be completed by 30 December 2020.

FD

69 The State had not established a mechanism for monitoring and reviewing the measures taken to effectively implement and enforce the mandatory IMO instruments. This included the analysis of non-compliance, the implementation of the necessary corrective actions and the analysis of the adopted corrective actions, in order to eliminate the causes of non-compliances and to avoid recurrence (III Code, paragraph 11; III Code, paragraph 13; III Code, paragraph 14).

Root cause

70 Due to the absence of qualified and experienced personnel within the responsible entities of the State, there was no consideration afforded to the requirements stemming from the mandatory IMO instruments, including the III Code.

Corrective action

- 71 The responsible government entity will:
- .1 develop and implement a documented procedure in order to assign responsibilities among all involved government entities to improve the measures taken for the effective implementation and enforcement of national legislation that adopts the mandatory IMO instruments and to ensure the identification and elimination of the causes of non-compliance with the said mandatory requirements; and
 - .2 establish KPIs that will be included in the new strategy, to be developed, to evaluate the degree of compliance with the aforementioned measures through internal audits carried out by the nodal responsible entity. These audits will be part of the monitoring and evaluation system for the strategy.

This corrective action will be completed by 30 December 2021.

FD

72 There was no evidence to demonstrate that the State developed any policy through issuing national legislation, nor had the requirements of SOLAS 1974 in respect of verified gross mass (VGM) of containers been implemented and enforced (SOLAS 1974, regulation VI/2.4.2; III Code, paragraph 8.1; III Code, paragraph 8.2).

Root cause

73 Due to a reduced number of containers handled in the ports of the State, the requirements related to verification of gross mass of containers had not been considered as a priority at the national level.

Corrective action

- 74 The responsible government entity will:
- .1 transpose the amendments related to the VGM of containers into national legislation, once related new procedure on incorporation of amendments into national legislation have been implemented; and
 - .2 develop and coordinate with other involved government entities the implementation of a documented procedure and a central electronic system which will allow the registration, documentation and issuance of certificates of verification of the weight of containers transported on board ships. In addition, the port authorities will install necessary equipment to fulfil the requirements.

This corrective action will be completed by 30 December 2020.

FD

75 The national legislation that ratified the IMO instruments to which the State is Party, had not completely covered the requirements of such instruments. In addition, amendments to the mandatory IMO instruments were not monitored and therefore were not transposed into national legislation (III Code, paragraph 4).

Root cause

76 There was a lack of technical and legal capacity, inadequate manpower and the absence of a system to monitor amendments to the mandatory IMO instruments.

Corrective action

77 The responsible State entities will implement the following actions:

- .1 assess the legal status of all relevant national legislation incorporating the applicable mandatory IMO instruments and their amendments; identify where additional national legislation needs to be enacted; and incorporate all the missing requirements of the mandatory IMO instruments;
- .2 request technical assistance from IMO on the assessment of the legal status and on enactment of the applicable IMO instruments;
- .3 draft a road map and action plan for the transposition, implementation and enforcement of appropriate amendments to the applicable mandatory IMO instruments and the establishment of mechanisms to monitor new amendments; and
- .4 recruit personnel with the requisite maritime/legal background and/or provide scholarships for staff members to study maritime law or maritime administration (e.g. at WMU or IMLI).

This corrective action will be completed by 30 December 2022.

FD

78 There was no system in place for monitoring the transposition of amendments to the applicable IMO instruments into national legislation, including amendments to the mandatory codes, and these were not fully enacted into national law prior to their entry into force internationally. 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 insufficient (SOLAS 1974, article I; 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

79 The lack of technical and legal capacity to effectively manage the functions of the maritime administration, including the promulgation of the necessary national laws to give full effect to all the applicable mandatory IMO instruments contributed to this finding.

Corrective action

80 The State will implement the following actions:

- .1 assess the amendments to the mandatory IMO instruments that have already entered into force, in order to determine the State's status of amendments and to identify those that need to be incorporated into national legislation; new legislation will be drafted and sent to the Parliament to follow the legal process for the purposes of further enactment. In addition, technical

assistance will be requested from IMO to provide recommendations on enactment of those mandatory IMO instruments to which the State is Party;

- .2 develop and implement a system for tracking amendments to the applicable mandatory IMO instruments in order to ensure their transposition into national legislation before their entry into force internationally. The relevant department of the maritime administration will be tasked with the implementation of this system and follow-up actions;
- .3 recruit personnel with the requisite maritime/legal background and/or provide scholarships for staff members to study maritime law or maritime administration (e.g. at WMU or IMLI). In addition, training of existing staff of the maritime administration in maritime law, as well as maritime safety and environmental administration, will be provided.

This corrective action will be completed by 30 December 2022.

FD

81 The State had not communicated the mandatory information to IMO, as required by the relevant IMO instruments to which it is Party (e.g. information on text of laws, orders, decrees and regulations; details of ROs, specimen of certificates and initial communications under STCW 1978) (SOLAS 1974, article III; STCW 1978, article IV; STCW 1978, regulation I/7; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

82 There was a lack of policies and procedures to ensure that the responsibilities assigned for the purpose of reporting relevant information to IMO through GISIS was effectively carried out by the responsible agencies.

Corrective action

83 The maritime administration will implement the following actions:

- .1 analyse the status of communication of information to IMO; develop and implement a procedure/mechanism to identify all mandatory information under the applicable IMO instruments and all entities of the State responsible for communication of such information to IMO; and communicate all missing mandatory information; and
- .2 designate a national focal point responsible for collecting information from all involved entities and uploading it onto GISIS or communicating to IMO by other means. The focal point will be accountable for updating the procedure/mechanism and for implementing periodic reviews to ensure continuous compliance with the requirements of the mandatory IMO instruments.

This corrective action will be completed by 31 July 2022.

FD

84 Although there was a national policy on records, such policy did not adequately cover the provisions of identification, storage, protection, retrieval, retention and the disposition of

the records necessary to provide evidence of conformity to the requirements and of the effective operation of the State, as required by the III Code (III Code, paragraph 10).

Root cause

85 The lack of coordination among entities of the State responsible for the implementation and enforcement of the applicable mandatory IMO instruments contributed to this finding.

Corrective action

86 The maritime administration will develop and implement a documented procedure to define the controls needed for the identification, storage, protection, retrieval, retention time and disposal of records by all involved entities of the State. In addition, the nodal entity of the State will coordinate with other entities responsible for the implementation and enforcement of the applicable mandatory IMO instruments regarding the development and implementation of the record-keeping procedure. This procedure will be submitted to the Cabinet for approval and inclusion in the national records policy. This corrective action will be completed by 30 December 2022.

FD

87 There was no objective evidence to demonstrate that the State had established a mechanism for monitoring and reviewing the measures taken to effectively implement and enforce the mandatory IMO instruments and to identify and eliminate causes of non-compliance and determine actions needed to prevent their occurrence (III Code, paragraph 11; III Code, paragraph 13; III Code, paragraph 14).

Root cause

88 The lack of an adequate system to foster coordination among entities of the State responsible for the implementation and enforcement of the applicable mandatory IMO instruments, contributed to this finding.

Corrective action

89 The State will develop and implement a maritime strategy and a national transportation policy which will provide a framework for creating a system that will foster coordination among all State entities responsible for maritime affairs. This will enable them to identify and eliminate the causes of actual or potential non-compliance through corrective actions, actions to prevent their occurrence and risk analyses. A methodology will also be developed to monitor the strategy, as well as a system for its continuous review, thus ensuring that measures are taken for the effective implementation and enforcement of the applicable mandatory IMO instruments. This corrective action will be completed by 30 December 2022.

FD

90 There was no evidence to demonstrate that the Administration had enacted any legislation nor had it enforced the requirements of SOLAS 1974 in respect of 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

91 There was a lack of technical and legal capacity, inadequate manpower and the absence of a system to monitor amendments to the mandatory IMO instruments.

Corrective action

92 The maritime administration will implement the following actions:

- .1 assess the amendments to the mandatory IMO instruments that have already entered into force internationally, in particular those related to VGM, and incorporate them into national legislation;
- .2 request technical assistance from IMO to provide recommendations for the enactment of those mandatory IMO instruments to which the State is Party;
- .3 develop and implement a system for tracking amendments to the applicable mandatory IMO instruments in order to ensure their timely transposition into national legislation, before their entry into force internationally. The relevant department of the maritime administration will be tasked with the implementation and follow-up of this system; and
- .4 recruit personnel with the requisite maritime/legal background and/or provide scholarships for staff members to study maritime law or maritime administration (e.g. at WMU or IMLI).

This corrective action will be completed by 30 December 2022.

FD

93 The transposition of applicable amendments to mandatory IMO instruments into national legislation, including those amendments entering into force under the tacit amendments procedure, had not been carried out by the State. In addition, 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; 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

94 The legislative process for the enactment of the various amendments to the mandatory IMO instruments into national legislation is a complex process in the State which involves different Ministries.

Corrective action

95 The State, through the Ministry, will ensure that all mandatory IMO instruments included in the scope of the Scheme will be properly incorporated into national legislation, and a process to ensure faster communication and coordination between involved Ministries and other relevant State entities will be established. Sufficient personnel will be provided and trained to implement guidance for monitoring amendments adopted by IMO and a legal procedure will be developed and implemented for enactment of national law for various mandatory IMO instruments, related codes and amendments and dissemination to all involved

Ministries and other relevant State entities. This corrective action will be completed by 1 February 2021.

FD

96 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 (e.g. text of laws, decrees and regulations; details of ROs; provision of reception facilities, contact points, casualty investigation reports, reports under MARPOL) (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; LL 1966, article 26; LL PROT 1988, article III; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

97 Absence of mechanism and procedure on communication to IMO and lack of awareness of the requirements of the III Code and of the mandatory IMO instruments contributed to this finding.

Corrective action

98 The Administration will assign responsibility for communication of information to IMO and a formal mechanism and supporting procedures will be developed and implemented in order to fulfil the requirements on communication of information to IMO. The information and mandatory reports to be transmitted to IMO will be identified by the established unit and a continuous coordination mechanism among the various entities of the State will be established to collect and communicate the mandatory information through GISIS and using the standard IMO forms for reporting. Using the established procedures for communication, all involved authorities and governmental entities will report to the appointed unit by 30 October of each calendar year. All reports will be communicated to IMO through the unit by 30 November of each calendar year or at any time when changes in the communicated information has occurred. This corrective action will be completed by 1 October 2019.

FD

99 No independent evaluation had been carried out and reported to IMO in accordance with STCW 1978, regulation I/8, since 2009 (STCW 1978, regulation I/8.3; III Code, paragraph 9).

Root cause

100 There were insufficient financial resources to carry out independent evaluation.

Corrective action

101 The Administration will perform the required independent evaluation, under the STCW 1978 Convention, as amended, and communicate the report to IMO. Sufficient budgetary allowances to perform the independent evaluation will be allocated at least every 5 years. This corrective action will be completed by 1 December 2019.

FD

102 There was no objective evidence of an overall system, mechanism or documented procedure in place to monitor and review the measures taken to implement and enforce the mandatory IMO instruments, including:

- .1 effective application and enforcement of national legislation, as appropriate, and monitoring of compliance;
- .2 actions to be taken to identify and eliminate causes of non-compliance; and
- .3 actions needed to eliminate the causes of potential non-conformities in order to prevent their occurrence

(III Code, paragraph 11; III Code, paragraph 13; III Code, paragraph 14).

Root cause

103 Lack of awareness of the requirements of the III Code and lack of documented procedure to monitor and review the measures to implement and enforce the mandatory IMO instruments to which the State is Party.

Corrective action

104 The maritime administration will implement a policy of continuous improvement of measures taken within the framework of the mandatory IMO instruments and will clearly define the responsibilities of the various entities regarding implementation and enforcement of the mandatory IMO instruments to which the State is Party. This corrective action will be completed by 1 July 2020.

FD

105 There was no evidence that the State stimulated a culture which provides opportunities for improvement of performance, for example through regional and national drills on safety and no coordination was established among the entities which share responsibility in the maritime field (III Code, paragraph 12.2).

Root cause

106 Lack of awareness of the requirements of the III Code and lack of communication and coordination between various entities of the maritime administration contributed to this finding.

Corrective action

107 The new decree for the reorganization of the Administration included the establishment of Search and Rescue Centre. The decree defined the mandate and responsibilities of the Maritime Rescue Coordination Centre. The Administration will be working on establishing the centre after allocating the budget required and recruiting the personnel and procuring the equipment. Once this centre is established, the Administration will develop and implement documented procedures to conduct safety drills on regional and national levels. A national committee for integrated maritime policy will be established and will be composed of representatives from all involved State entities. The Committee will be the main coordinator between the involved State entities responsible for maritime sector. It will also be the key to develop a policy which will involve all relevant entities to ensure that joint

drills on safety and pollution prevention are carried out within specific intervals. This corrective action will be completed by 1 September 2020.

FD

108 The State had not promulgated all the mandatory IMO Instruments, including their amendments entering into force under the tacit amendments procedure. The maritime administration did not have sufficient legal and technical personnel with maritime expertise available for the promulgation of national legislation and for discharging all the responsibilities of the State under the mandatory IMO instruments to which it is Party (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; III Code, paragraph 8).

Root cause

109 The State had insufficient technical and legal personnel to prepare adequate national laws on time. Furthermore, the lack of resources of the entities involved delayed the updating of national legislation.

Corrective action

110 The State will implement the following actions:

- .1 the responsible ministry will liaise closer with the appropriate unit of the Attorney-General's Chambers. A documented procedure defining roles and responsibilities will be developed and implemented, to enable the nodal entity to monitor and incorporate the mandatory IMO instruments into national legislation in a timely manner;
- .2 review the national legislation to identify gaps and bring them into line with the applicable mandatory IMO instruments, including their amendments adopted through the tacit acceptance procedure;
- .3 the responsible ministry, in coordination with other involved entities of the State, will assess the need for technical and legal personnel to enact national legislation, and will recruit additional staff accordingly;
- .4 utilize the technical assistance to resolve some of the audit findings and observations, including the lack of capacity, and to bring the maritime sector of the State in line with the requirements of the applicable mandatory IMO instruments; and
- .5 put in place appropriate resources, processes and mechanisms for enacting legislation in order to ensure compliance with the mandatory IMO instruments in the future.

This corrective action will be completed by 31 December 2021.

FD

111 There was no evidence that the State communicated all the mandatory information to IMO (SOLAS 1974, article III; MARPOL, article 8; MARPOL, article 11; III Code, paragraph 9).

Root cause

112 There was a lack of documented procedure for the communication of mandatory information to IMO and insufficient human resources.

Corrective action

113 The State will implement the following actions:

- .1 identify all reporting requirements and assign responsibilities to the entities involved in order to communicate mandatory information to IMO;
- .2 the maritime administration will work closely with the Ministry of External Affairs, where applicable, to ensure that the State communicates mandatory information to IMO;
- .3 develop and implement a documented procedure for communicating mandatory information to IMO and monitoring of its implementation; and
- .4 the need for human resources will be assessed and additional staff recruited, as necessary. Responsibilities will be assigned to relevant personnel to ensure that the required information is communicated to IMO, including uploading and keeping it up to date in GISIS.

This corrective action will be completed by 1 July 2020.

FD

114 The State did not have a system in place to fulfil the obligation of giving full and complete effect to all the relevant IMO instruments by transposing them into the national legislation (SOLAS 1974, article I; MARPOL, article 1; III Code, paragraph 4; III Code, paragraph 8).

Root cause

115 There was a lack of experienced personnel in the State to develop systems to give full and complete effect to the mandatory IMO instruments, particularly to monitor related amendments and to transpose them into the existing maritime legal framework in a timely manner.

Corrective action

116 The responsible ministry will re-assess the current roles and responsibilities of existing personnel and engage appropriately experienced legal experts to transpose the mandatory IMO instruments, as well as their amendments that enter into force through tacit acceptance procedure, into national legislation. Appropriate training programmes on the subject will be identified and arranged for the relevant personnel on developing national legislation through IMO and/or regional cooperation. This corrective action will be completed by 31 December 2020.

FD

117 The State did not fulfil its obligations for communication of information to IMO and other relevant entities, and did not establish a system to ensure that communications

requirements under relevant IMO instruments are fulfilled (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; STCW 78, Regulation I/10; LL 1966, article 26; TONNAGE 1969, article 15; STCW 1978, regulation I/8.3; III Code, paragraph 9).

Root cause

118 There was insufficient knowledge and awareness on the mandatory requirements on communication of information to IMO and related provisions of the III Code in the maritime administration.

Corrective action

119 The responsible ministry will communicate to IMO its existing legislation governing maritime activities in the State. The Ministry will develop a system to identify all reporting requirements under the mandatory IMO instruments and communicate relevant information to IMO. Personnel in the maritime administration will receive training through suitable training programmes via IMO or regional cooperation This corrective action will be completed by 30 November 2020.

FD

120 The entities in 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, as appropriate. Furthermore, the records were not readily identifiable and retrievable (III Code, paragraph 10).

Root cause

121 There was insufficient knowledge and awareness of the III Code requirement on a documented procedure for maintenance of records.

Corrective action

122 The responsible ministry will develop guidelines to retain evidence of conformity to requirements and of the effective operation of the State in respect of implementation of obligations under the mandatory IMO instruments. These guidelines will set out clear procedures to be followed for the identification, storage, protection, retrieval, retention time and disposition of records. This corrective action will be completed by 30 June 2021.

FD

123 The State did not take measures to monitor compliance with, or to effect continuous improvement, of, the measures taken to give full and complete effect to relevant IMO instruments (III Code, paragraph 11).

Root cause

124 There was an absence of a mechanism to monitor implementation and enforcement of the mandatory IMO instruments. This was attributed to the lack of relevant skills and knowledge within the nodal entity to design appropriate tools or measures to monitor compliance.

Corrective action

125 The responsible ministry will undertake a gap analysis of human resources during the annual review, ensure that specific personnel with targeted skills are recruited, and establish a system to effect continuous improvement. Appropriate training programmes on the subject will be identified and arranged for the relevant personnel through IMO or through regional cooperation. This corrective action will be completed by 30 November 2020.

FD

126 The State had not taken necessary measures to give full and complete effect to the mandatory IMO instruments to which it is Party, in accordance with the general provisions of the treaty law and IMO conventions (III Code, paragraph 4).

Root cause

127 The absence of sufficient personnel with maritime (technical and legal) expertise to draft legislation and the lack of coordination between the State entities responsible for the implementation of the applicable mandatory IMO instruments, contributed to this finding.

Corrective action

128 The responsible State entities will implement the following actions:

- .1 carry out an analysis of the national legislation to identify where additional legislation needs to be developed and promulgated for the effective implementation and enforcement of the applicable mandatory IMO instruments;
- .2 draft legislation, for onward submission to Parliament, for its promulgation according to the respective legislation process;
- .3 review and amend current procedures regarding coordination between the State entities responsible for the implementation and enforcement of the applicable mandatory IMO instruments, as well as for any subsequent mandatory IMO instruments to which the State might become a party in the future; and
- .4 conduct a thorough analysis of required expertise and of all personnel to identify those staff members with maritime expertise required to give effect to all the applicable mandatory IMO instruments through enacting relevant national legislation. In addition, provisions will be made to recruit external resources, as required, through contracts or outsourcing.

This corrective action will be completed by 30 September 2022.

FD

129 The transposition of amendments to the mandatory IMO instruments, including those amendments that came into force through the tacit acceptance procedure, had not been carried out. A system for monitoring amendments to ensure that national legislation was up to date was not in place and there was insufficient personnel with maritime expertise to assist in the promulgation of necessary national laws (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

130 The absence of sufficient personnel with maritime (technical and legal) expertise to track amendments to the applicable mandatory IMO instruments and the lack of awareness about the need to have a system in place for monitoring amendments, contributed on this finding.

Corrective action

131 The responsible State entities will implement the following actions:

- .1 develop and implement a system for tracking amendments to the applicable mandatory IMO instruments in order to ensure, going forward, their timely transposition into national legislation before their entry into force internationally. This system will be included in the overall strategy, to be developed;
- .2 set up a legislative review committee, comprised of the responsible State entities, to conduct an analysis of the amendments to the applicable mandatory IMO instruments that have already entered into force, in order to establish the status of amendments and identify those that need to be incorporated into national legislation;
- .3 the aforementioned committee will recommend changes in national legislation to be effected by the relevant authorities. Additional legislation will be compiled by such authorities with respect to the applicable mandatory IMO instruments and their amendments, and subsequently adopted and enacted into national law; and
- .4 conduct an analysis of required expertise and of all personnel to identify staff members with appropriate maritime experience to track amendments to the applicable mandatory IMO instruments for transposition into national legislation. In addition, provisions will be made to recruit external resources through contracts or outsourcing.

This corrective action will be completed by 30 September 2022.

FD

132 The State had not communicated information to IMO, as required by the relevant IMO instruments to which it is Party (e.g. text of laws, decrees and regulations, specimen of certificates and initial communications of information under STCW 1978) (SOLAS 1974, article III; MARPOL, article 11; SOLAS 1974, article III; STCW 1978, regulation I/7; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

133 There was a lack of awareness about the requirements regarding the communication of information to IMO.

Corrective action

134 The nodal responsible entity of the State will develop and implement a mechanism to manage the requirements stemming from the applicable mandatory IMO instruments regarding the communication of information; the status of information communicated to IMO; as well as the identification of required information and coordination with other State entities responsible for communication. Such mechanism will ensure that information is sent to the focal point for onward transmission to IMO and that the means of communication are established. Information that has not yet been communicated to IMO will be transmitted. The aforementioned mechanism will be included in the overall strategy and relevant records will be kept by the focal point. This corrective action will be completed by 30 September 2022.

FD

135 The State did not have a record-keeping procedure in place to assign and coordinate responsibilities among the different entities of the State and to define the type of records to be maintained and the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records (III Code, paragraph 10).

Root cause

136 The lack of coordination among different State entities and the lack of experience in implementing requirements emanating from the III Code, hindered the production of a documented procedure for control of records.

Corrective action

137 The nodal responsible entity of the State will develop and implement a documented procedure for the communication of mandatory information to IMO, which will include related record-keeping instructions. In addition, coordination among all the responsible State entities will be established to determine the relevant records to be maintained along with the necessary controls as required by the III Code, as well as to define related responsibilities, which will be documented in a form of a procedure for the control of records. A government entity will be appointed as focal point responsible for the follow-up of the procedure for the control of records and to coordinate with other entities to ensure its implementation. This corrective action will be completed by 30 September 2022.

FD

138 The State had not established a mechanism for monitoring and reviewing the measures taken to effectively implement and enforce the applicable IMO instruments. This included the examination and analysis of non-compliances and the implementation and analysis of the adopted corrective actions in order to eliminate the causes of non-compliances to avoid recurrence (III Code, paragraph 11; III Code, paragraph 13; III Code, paragraph 14).

Root cause

139 The absence of an overall strategy that would include mechanisms to evaluate the measures undertaken by State entities responsible for implementing and enforcing the applicable mandatory IMO instruments, contributed to this finding.

Corrective action

140 The development of an overall strategy will allow the State to create a mechanism for monitoring and reviewing the measures adopted to effectively implement and enforce the IMO instruments to which the State is Party. This will be done with the participation of all responsible entities, based on set objectives and KPIs. This mechanism will ensure the identification and elimination of the causes of non-compliance with the requirements of the applicable mandatory IMO instruments and will aim to prevent recurrences. The nodal responsible State entity, acting as focal point, will be responsible for the follow-up of the mechanism and its effectiveness. This corrective action will be completed by 30 September 2022.

FD

141 There was no evidence to demonstrate that the State developed any policy through issuing national legislation, nor had the requirements of SOLAS 1974 in respect of VGM of containers been implemented and enforced (SOLAS 1974, regulation VI/2.4.2; III Code, paragraph 8.1; III Code, paragraph 8.2).

Root cause

142 Maritime affairs were not prioritized at a national level and there was a lack of financial resources for implementing and enforcing requirements stemming from the applicable mandatory IMO instruments, including related amendments.

Corrective action

143 The nodal responsible entity of the maritime administration has been given more priority at a national level so additional personnel will be recruited and trained. The responsible government entity will establish a documented procedure and a central electronic system, which will record, document and provide reports on steps undertaken for preparing and enacting national legislation that will be issued to implement and enforce the requirements stemming from the applicable mandatory IMO instruments, including on 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 implementation. This corrective action will be completed by 30 September 2022.

FD

144 The State did not have a mechanism in place to ensure that national legislation is promulgated for all mandatory IMO instruments, in order to provide a legal basis for their implementation and enforcement. Furthermore, periodical amendments to these instruments have not been included in national legislation (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; III Code, paragraph 8.1).

Root cause

145 The following factors contributed to this finding:

- .1 promulgation and updating of national maritime legislation was not given due priority;
- .2 absence of a system to conduct periodical reviews of the performance of maritime administration and to take timely and appropriate corrective actions; and

- .3 lack of coordination among the various government entities responsible for the drafting and promulgation of maritime legislation.

Corrective action

146 The responsible entity of the State will implement the following actions:

- .1 carry out a complete review of the current national maritime legislative framework to identify gaps and shortcomings, and amend existing legislation or promulgate new legislation, as deemed necessary;
- .2 establish and implement a system to conduct periodic performance reviews of the maritime administration, including maritime legislative framework, and to identify shortcomings; and
- .3 constitute stakeholder engagement in order to create the required synergy for compliance and conduct periodic reviews.

This corrective action will be completed by 30 May 2022.

FD

147 It was evident that sufficient personnel with maritime expertise were not available with the maritime administration to discharge all the responsibilities of the State under the mandatory IMO instruments (III Code, paragraph 8.3).

Root cause

148 The following factors contributed to this finding:

- .1 absence of a system to identify and provide the resources needed for performing the functions of the maritime administration; and
- .2 absence of a plan to recruit sufficient personnel with maritime expertise.

Corrective action

149 The responsible entity of the State will implement the following actions:

- .1 establish and implement a recruitment plan and training policy based on a needs assessment study;
- .2 develop a strategy defining recruitment criteria for staff in the maritime administration and restructure the Administration, as necessary;
- .3 recruit sufficient and suitably qualified staff; and
- .4 assess the adequacy of resources during the periodical reviews and take action as necessary.

This corrective action will be completed by 30 May 2021.

FD

150 The State had not communicated to IMO the information required under the mandatory IMO instruments. There was no system in place to ensure that the information required to be communicated to IMO is identified and periodically communicated. Besides, no independent evaluation had been carried out and reported to IMO in accordance with STCW 1978, regulation I/8.3 (MARPOL, article 11; LL 1966, article 26; STCW 1978, regulation I/7; STCW 1978, regulation I/8.3; III Code, paragraph 9).

Root cause

151 The following factors contributed to this finding:

- .1 lack of resources, coupled with the lack of assignment of responsibilities; and
- .2 absence of a planned arrangement and a documented procedure.

Corrective action

152 The responsible entity of the State will implement the following actions:

- .1 assign responsibilities for reporting to IMO, with adequate managerial oversight and periodical review;
- .2 establish a documented procedure to identify and fulfil all reporting requirements under the mandatory IMO instruments; and
- .3 provide adequate logistics and resources, and requisite training for staff, to ensure implementation of the above-mentioned steps.

This corrective action will be completed by 30 December 2020.

FD

153 A documented procedure was not established to define the controls needed for the identification, storage, protection, retrieval, retention and disposition of records necessary to provide evidence of conformity with applicable requirements (III Code, paragraph 10).

Root cause

154 The following factors contributed to this finding:

- .1 the lack of regulatory requirement to have a documented system for records management; and
- .2 inadequate resources to support the integration of information technology into the records management system.

Corrective action

155 The responsible entity of the State will implement the following actions:

- .1 develop and implement administrative procedures for the identification, storage, protection, retention and disposition of records. These procedures

- will form a part of the proposed quality management system (QMS), complying with ISO 9001:2015 standard. Additionally, necessary regulatory requirements or administrative instructions will be issued to ensure compliance by all other entities in the maritime administration;
- .2 provide adequate resources and training for staff to implement the above-mentioned actions; and
 - .3 include a review of the new record-keeping system during periodical review meetings and take corrective actions, as necessary.

This corrective action will be completed by 31 May 2021.

FD

156 There was no objective evidence to demonstrate that the State had taken steps to continually improve the adequacy of the measures taken to give effect to relevant IMO Instruments by conducting reviews of their flag, coastal and port State performance. Besides, no evidence was available about the measures adopted to identify and to eliminate the causes of non-conformities to prevent their recurrence (III Code, paragraph 11; III Code, paragraph 13).

Root cause

157 The following factors contributed to this finding:

- .1 the maritime administration did not adopt measures to recruit sufficient personnel with technical expertise at strategic and operational levels in order to implement the State's maritime obligations;
- .2 lack of a strong framework to establish performance standards and effect continuous improvement; and
- .3 inadequate resources to plan and conduct periodic self-assessments and reviews covering all areas of the maritime administration.

Corrective action

158 The responsible entity of the State will implement the following actions:

- .1 establish and implement a system for periodic evaluation and review of the overall performance of the State in implementing the mandatory IMO instruments;
- .2 establish appropriate policies and framework to identify and address the shortcomings in implementing the mandatory IMO instruments; and
- .3 provide sufficient resources with the required technical expertise at strategic and operational levels.

This corrective action will be completed by 30 May 2022.

FD

159 There was no objective evidence to demonstrate that the State had taken measures to stimulate a culture which provided opportunities for improvement of performance in maritime safety and environmental protection activities. The State did not have a practice of providing continual training programmes relating to safety and pollution prevention to its personnel (III Code, paragraph 12).

Root cause

160 The following factors contributed to this finding:

- .1 the organizational culture did not support continuous capacity-building, career development and progression within the maritime administration;
- .2 lack of a training policy for staff and unavailability of in-country maritime training institutions for training in the maritime discipline; and
- .3 the required resources to support capacity-building initiatives and programmes were not allocated.

Corrective action

161 The responsible entity of the State will implement the following actions:

- .1 develop a training policy for staff in the maritime administration based on a needs assessment study and provide necessary training to staff;
- .2 establish a structured system for capacity-building and career progression to encourage a positive working culture within the maritime administration;
- .3 introduce and maintain a QMS to identify opportunities for improvement and to develop a strategy for the improvement of performance;
- .4 encourage the establishment of maritime training institutions within the State; and
- .5 source necessary means from the government to support the implementation of the above actions.

This corrective action will be completed by 30 May 2022.

FD

162 The State had not promulgated into national legislation, all mandatory IMO instruments to which it is Party, including their amendments entering into force under the tacit amendment procedures. In addition, no sufficient evidence was available to establish the legal basis for the arrangements made to implement and enforce the applicable mandatory IMO instruments (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 8.2).

Root cause

163 The State had insufficient personnel with technical and legal expertise to assist in the promulgation of the necessary national laws and a lack of documented procedures for follow-up of amendments to the relevant IMO instruments, that needed to be incorporated into national legislation in time, to ensure that appropriate measures are in place for the transposition and implementation before their entry into force internationally.

Corrective action

164 The State will implement the following actions:

- .1 the responsible entity of the maritime administration will carry out an assessment of all the amendments, protocols and other instruments that had already entered into force while not transposed into national legislation, with a view to their transposition and promulgation as national laws;
- .2 all concerned entities will provide sufficient personnel with the necessary maritime expertise to assist in the process of promulgation of the necessary national laws;
- .3 develop and implement a mechanism, through a dedicated unit within the responsible ministry, to track all new amendments to the applicable IMO instruments in order to ensure their transposition into national legislation in a timely manner;
- .4 develop and implement a legal procedure for the enactment of national laws for various mandatory IMO instruments; and
- .5 establish a system to ensure that texts of newly adopted national legislation are periodically communicated to IMO.

This corrective action will be completed by 30 September 2020.

FD

165 The State had not fulfilled its obligations regarding communication of 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, annual reports under MARPOL and details of recognized organizations) (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

166 The lack of technical capacity, the inadequate organization, the lack of coordination among responsible entities and insufficient personnel for reporting to IMO, including reporting through GISIS, contributed to this finding.

Corrective action

167 The maritime administration will implement the following actions:

- .1 assign the responsibilities for reporting directly to IMO and/or through relevant modules in GISIS and ensure that all mandatory reports are sent to IMO;
- .2 organize periodic inter-institutional meetings for coordination of work on communication of information and mandatory reporting to IMO;
- .3 a specific unit will be designated to coordinate various tasks in the collection and communication of information to IMO from all relevant entities of the State; and
- .4 issue working instructions for communication of information and mandatory reporting to IMO and develop a documented procedure and a central recording system to keep records on all communication to IMO.

This corrective action will be completed by 30 September 2019.

FD

168 Although there was a general governmental instruction dealing with the records of the State; there was no record-keeping system, based on documented procedure, which would define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records (III Code, paragraph 10).

Root cause

169 The lack of regulatory requirements and documented procedures for record management, insufficient human resources capable of administering a record-keeping system, and a lack of written procedures defining the duties, responsibilities and authority of personnel, contributed to this finding.

Corrective action

170 The maritime administration will develop a documented procedure for the handling, storage and disposal of records, which will be made available to all relevant State entities and will include a monitoring mechanism to ensure compliance. In addition, the relevant State entities will strengthen their human resources and establish written job descriptions, defining roles and responsibilities of all personnel who manage, perform and verify records. This corrective action will be completed by 31 August 2020.

FD

171 There was no system in place for monitoring and reviewing the obligations and responsibilities of the State and for improving the effectiveness of the measures which are taken to give effect to mandatory IMO instrument to which the State is Party. Furthermore, the State had not put in place measures to stimulate a culture which would provide opportunities for improvement of performance of the State in maritime safety and environmental protection, e.g. through regional and national drills on safety and pollution prevention, and to identify and eliminate causes of non-conformities to prevent their recurrence (III Code, paragraph 11; III Code, paragraph 12; III Code, paragraph 13; III Code, paragraph 14).

Root cause

172 The lack of a culture for continuous improvement based on identifying and analysing the cause of nonconformities and an absence of performance measurement criteria contributed to this finding. In addition, the State did not set targets nor verify by evaluation if it was meeting its IMO obligations and entities within the maritime administration were not aware of their responsibilities.

Corrective action

173 The State will implement the following actions:

- .1 the State's overall maritime strategy will be developed. A system for monitoring and evaluation of performance will be established, based on objectives and KPIs to evaluate the effectiveness of the implementation and enforcement in the areas of flag, port and coastal State activities;
- .2 based on periodic evaluation and analysis of objectives and KPIs, process will be reviewed at the national level by the relevant State entities for continuous improvement according to the specific roles and division of responsibilities that had been assigned to them; and
- .3 maritime culture will be stimulated through educational and sensitization programmes, and joint national and regional drills on safety and pollution prevention will be carried out periodically.

This corrective action will be completed by 31 July 2020.

FD

174 Since the ratification of STCW 1978 and its entry into force for the State, the State had not communicated to the Organization within the suggested period of 1 calendar year after the date of entry into force of the Convention, the information required with regard to other measures taken to give full and complete effect to the Convention (STCW 1978, regulation I/7; STCW Code, section A-I/7, paragraph 2; III Code, paragraph 9).

Root cause

175 There was insufficient legal provisions relating to STCW 1978 and a lack of personnel with knowledge of the relevant IMO instruments. The absence of procedures, guidance and a comprehensive system to meet the obligations to communicate relevant information to IMO, as required by the mandatory IMO instruments, also contributed to this finding.

Corrective action

176 The maritime administration will undertake the development and implementation of STCW 1978 regulations, make available a sufficient number of competent personnel and develop and implement a documented procedure for communicating required information to IMO. This corrective action will be completed by 30 June 2020.

FD

177 The State had not given full and complete effect to the mandatory IMO instruments to which it was Party, by transposing into its national legislation the mandatory provisions

stemming from the Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969, article 1; III Code, paragraph 4).

Root cause

178 The lack of personnel at the maritime administration and the absence of a procedure for monitoring the transposition of the ratified mandatory IMO instruments were at the origin of this finding.

Corrective action

179 The State will implement the following actions:

- .1 a presidential decree ratifying the International Convention on Tonnage Measurement of Ships 1969 (TONNAGE 1969) will be established and the Convention will be incorporated into national legislation;
- .2 a process for monitoring the transposition of international conventions ratified by the State, will be put in place as part of the QMS of the Administration; and
- .3 the responsible entity will be provided with additional competent personnel with sufficient maritime legal knowledge to assist in the incorporation of the mandatory IMO instruments, including their amendments, into national law.

This corrective action will be completed by 31 December 2022.

FD

180 The mandatory IMO instruments and their amendments, including the amendments entering into force under the tacit acceptance procedure and the amendments to the international codes had not all been transposed into national legislation before they came into force. In addition, there were not sufficient specialized personnel with maritime expertise to facilitate the enactment of the necessary national legislation and to enable the State to fulfil 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 8.1; III Code, paragraph 8.3).

Root cause

181 The following factors contributed to this finding:

- .1 there was a lack of specialized maritime personnel with assigned responsibility for tracking new amendments to the mandatory IMO instruments and verifying that they are transposed into national law before their entry into force;
- .2 there was a lack of coordination among the government entities concerned in the implementation of the mandatory IMO instruments and a lack of procedures for monitoring amendments; and
- .3 the Maritime Code had not been reviewed.

Corrective action

182 The State will implement the following actions:

- .1 the mandatory IMO instruments and their amendments, including those that entered into force under the tacit acceptance procedure, including amendments to mandatory codes and international standards, will be transposed into national law as part of the next revision of the Maritime Code or the promulgation of the related regulatory texts;
- .2 a regulatory monitoring procedure will be developed and implemented within the QMS of the Administration to ensure the tracking and systematic follow-up of new mandatory IMO instruments and amendments to existing instruments adopted by the tacit acceptance procedure; and
- .3 the maritime administration will be strengthened with specialized personnel, who will be responsible for monitoring amendments to the mandatory IMO instruments entering into force under the tacit acceptance procedure. This staff will be trained in implementing the aforementioned regulatory monitoring procedure.

This corrective action will be completed by 31 December 2022.

FD

183 The State had not provided IMO with all the information required by the mandatory IMO instruments to which it was Party (e.g. laws and decrees, details of port reception facilities, mandatory reporting under MARPOL, specimen certificates, exemptions and equivalences issued, etc.) (SOLAS 1974, article III; MARPOL, article 11; LL 1966, article 26; III Code, paragraph 9).

Root cause

184 The following factors contributed to this finding:

- .1 there was an absence of an official trained and designated by the Administration for the management of the communication of mandatory information to IMO and updating of the GISIS modules; and
- .2 there was a lack of procedure for monitoring the communication of all mandatory information to IMO.

Corrective action

185 The State will implement the following actions:

- .1 a procedure describing the measures to be applied to identify and communicate all mandatory information to IMO will be developed and implemented;
- .2 an inventory of regulatory texts and other information required by the mandatory IMO instruments will be sent to IMO through the relevant GISIS modules and other means, and will be updated accordingly by the Administration; and

- .3 once validated, the overall national strategy for the implementation and enforcement of the mandatory IMO instruments will be transmitted to the various interested parties and consistently implemented.

This corrective action will be completed by 31 December 2022.

FD

186 At the time of the audit, it was noted that the relevant entities comprising the maritime administration did not have a documented procedure for defining the controls necessary to store, protect and retrieve records in paper or electronic format (III Code, paragraph 10).

Root cause

187 There was a general absence of documented procedures at the level of the government entities concerned.

Corrective action

188 Documented procedures will be developed and implemented by relevant government entities to define the controls needed to identify, store, protect and retrieve the records in paper or electronic form at the level of all the government entities concerned. This corrective action will be completed by 31 December 2022.

FD

189 There was no evidence to demonstrate that the State had established a mechanism for the continuous improvement of measures taken to give effect to the conventions and protocols to which the State was Party for flag, coastal and port State activities. In addition, State entities had not taken any steps to identify and remove the cause of non-conformities and to prevent their recurrence (III Code, paragraph 11; III Code, paragraph 13).

Root cause

190 There was a lack of human resources and a lack of strategy.

Corrective action

191 The State will implement the following actions:

- .1 validate the overall national strategy for the implementation and enforcement of the mandatory IMO instruments aimed at ensuring compliance with its international obligations and responsibilities as flag, port and coastal State. It includes the objectives to be achieved, the evaluation measures and the performance indicators that the government entities are required to implement, as well as assessment and provision of necessary resources;
- .2 a progress report on the implementation of this strategy will be sent every 6 months by the government entities concerned to the coordinating body or to the Administration; and
- .3 as an improvement measure, this strategy will be reviewed annually based on the assessments of each entity. The assessment report will then be sent to the Minister responsible for the merchant marine and ports.

This corrective action will be completed by 31 December 2022.

FD

192 The State had not developed and implemented a continual safety and pollution prevention training programme to promote a culture that provides the possibility to improve the performance of activities in the field of maritime safety and protection of the marine environment (III Code, paragraph 12.1).

Root cause

193 There was a lack of understanding of the provisions of the III Code to stimulate a culture which provides opportunities for improvement of performance in maritime safety and environment protection activities.

Corrective action

194 The government entities concerned will develop and implement continual training programmes relating to safety and pollution prevention. This corrective action will be completed by 31 December 2022.

FD

195 The State did not have a system for promulgating into national legislation laws and regulations to give full and complete effect to all mandatory IMO instruments to which the state was Party (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

196 The absence of a legislature in 2001 and the lack of qualified and competent personnel partially hampered the transposition of the applicable mandatory IMO instruments into national legislation and their implementation.

Corrective action

197 The maritime administration will implement the following actions:

- .1 the Ministry of Foreign Affairs will establish a procedure outlining the ratification process by Parliament for the mandatory IMO instruments, as well as their promulgation and publication in the Official Journal of the State;
- .2 this procedure will be applied by the Ministries of Transport and Environment, to transpose SOLAS 1974, MARPOL 73/78, STCW 1978, LL 1966, COLREG 1972 and TONNAGE 1969 into national legislation; and
- .3 a legal service consisting of qualified and competent personnel will be created and implemented by the Ministry of Transport, at the level of the Administration, to ensure regulatory monitoring, as well as to finalize ratification of the applicable mandatory IMO instruments.

This corrective action will be completed by 31 December 2022.

FD

198 The State had not taken measures to prevent, reduce and control pollution of the marine environment, and to prevent transferring, directly or indirectly, damage or hazards from one area to another or to transform one type of pollution into another (III Code, paragraph 5).

Root cause

199 There was a lack of qualified personnel in the maritime administration as well as an absence of technical and financial resources to prevent, receive and treat waste in accordance with the provisions of the applicable mandatory IMO instruments.

Corrective action

200 The maritime administration will implement the following actions:

- .1 develop and implement regulatory text, circulars and procedures for the prevention and protection of the marine environment, especially those outlining recovery mechanisms and treatment of waste from accidental oil spills; recovery mechanisms for ship-generated waste and waste from the demolition of ships in the port area;
- .2 develop and implement a training programme for personnel responsible for the execution and enforcement of these texts; and
- .3 establish a capacity-building programme in order to provide appropriate equipment while encouraging the collaboration of entities involved in environmental issues.

This corrective action will be completed by 31 December 2022.

FD

201 There was no objective evidence that the State had incorporated into its national legislation the amendments to the applicable mandatory IMO instruments. In addition, there were no policies implemented, through issuing national legislation and guidance, which would assist in the implementation and enforcement of requirements stemming from the relevant mandatory IMO instruments, in respect of flag, port and coastal State activities. The State had insufficient personnel with maritime expertise to assist in enacting national legislation and in fulfilling all the responsibilities under the applicable IMO instruments (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

202 The following factors contributed to this finding:

- .1 the absence of a mechanism to deal with the amendments to the applicable mandatory IMO instruments;
- .2 the lack of guidance to facilitate the implementation and compliance with the requirements stemming from the applicable mandatory IMO instruments; and

- .3 within the concerned entities of the maritime administration, there was a lack of specialized and qualified personnel with the required knowledge for the identification and transposition of amendments to the mandatory IMO instruments to which the State was Party, and the development of national legislation in order to apply and monitor compliance with the requirements of the applicable mandatory IMO instruments.

Corrective action

203 The State will implement the following actions:

- .1 strengthen the entities of the maritime administration concerned with specialized personnel and train existing personnel in international conventions;
- .2 a mechanism for identifying and transposing amendments, as well as mandatory codes and resolutions, will be developed and established by the Administration to facilitate their transposition into national legislation and to identify the different responsibilities of the entities concerned;
- .3 identify and transpose into national legislation amendments to the applicable mandatory IMO instruments, including codes and resolutions; and
- .4 revise the Merchant Shipping Code and the Law on Environmental Framework and develop and establish decrees, orders and guidelines necessary for the implementation and enforcement of the applicable mandatory IMO instruments.

This corrective action will be completed by 31 December 2022.

FD

204 The State had not communicated to IMO the information required by the mandatory IMO instruments to which it was Party (e.g. laws and decrees, details of reception facilities, casualty investigation reports, mandatory reports under MARPOL, details of recognized organizations, models of certificates, exemptions and/or equivalents issued, etc.) (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

205 The maritime administration had not developed any documented procedures or appointed an entity to be responsible for communicating information required by the applicable mandatory IMO instruments to IMO. In addition, there was a lack of understanding of the mandatory information to be communicated to IMO and no training programmes had been provided on the use of the GISIS modules.

Corrective action

206 The maritime administration will establish a documented procedure for the communication of information to IMO on the requirements stemming from the applicable mandatory IMO instruments through the relevant department of the Administration. This department will be reorganized, and a contact point will be appointed to guarantee the communication of information to IMO and the management of the national GISIS accounts.

Training will be provided within the Administration on the use of GISIS modules and the mandatory information to be communicated. All mandatory information and reports will be identified and communicated to IMO either through GISIS or by email and/or post, as appropriate. This corrective action will be completed by 31 December 2020.

FD

207 There was no evidence to demonstrate that the independent evaluation required by STCW 1978, regulation I/8, had been undertaken and that the results had been communicated to IMO (STCW 1978, regulation I/8.3; STCW Code, section A-I/7, paragraph 4; III Code, paragraph 9).

Root cause

208 There was a lack of documented procedures and insufficient human resources to ensure the effective implementation of the provisions stemming from STCW 1978, regulation I/8.

Corrective action

209 The maritime administration will build its capacity, define relevant responsibilities and develop and implement a documented procedure for conducting the independent evaluations required by STCW 1978, within the set time frame (5 years), and communicate the mandatory report to IMO. This corrective action will be completed by 31 December 2022.

FD

210 With the exception of data related to PSC activities and those related to training and certification of seafarers, there were no documented procedures in place to define the controls necessary for the identification, storage, protection and retrieval of records and to determine their retention time (III Code, paragraph 10).

Root cause

211 There were no documented procedures in place for identifying and recording information and for managing records. In addition, there was a lack of knowledge of the provisions of the III Code on this subject.

Corrective action

212 The maritime administration will implement the following actions:

- .1 each of the government entities comprising the maritime administration will develop and implement a system for maintaining documented records (regarding storage, protection, liability, etc.) as well as for identifying the period during which they should be kept;
- .2 identify and monitor (according to the system), the records and the information necessary for the proper management of the maritime administration within the framework of the implementation and enforcement of the mandatory IMO instruments to which the State was Party; and
- .3 identify and train personnel responsible for the follow-up.

This corrective action will be completed by 31 December 2020.

FD

213 There was no mechanism in place for continual improvement of the measures taken to give effect to the conventions and protocols to which the State was Party. Furthermore, relevant entities of the State had not taken any measures to identify and eliminate the causes of non-conformities in order to prevent recurrence (III Code, paragraph 11; III Code, paragraph 13; III Code, paragraph 14).

Root cause

214 There was a lack of understanding of the provisions of the III Code and a lack of a culture for improvement within the maritime administration.

Corrective action

215 The maritime administration will develop a documented procedure for monitoring, coordinating and periodically evaluating actions undertaken by all public and private maritime entities within the framework of the implementation and enforcement of the mandatory IMO conventions and protocols to which the State was Party. In addition, a mechanism will be implemented within each entity to identify and eliminate the causes of nonconformities to prevent their recurrence. This corrective action will be completed by 31 December 2020.

FD

216 The State had no mechanism to stimulate a culture that provided opportunities for improvement of performance in maritime safety and environmental protection activities, in particular via continuous training programmes, regional and national exercises on pollution prevention, and regional exercises on maritime safety (III Code, paragraph 12.1; III Code, paragraph 12.2).

Root cause

217 There were insufficient resources within the maritime administration to carry out a training and exercise programme.

Corrective action

218 The maritime administration will provide the resources to develop and implement a training and exercise programme to improve the measures undertaken under the mandatory IMO instruments to which the State was Party. Moreover, it will guarantee the promotion of a maritime culture by participating in regional exercises and by organizing national exercises on maritime safety and protection of the marine environment. This corrective action will be completed by 31 December 2022.

FD

219 Transposition of amendments to the applicable mandatory IMO instruments into national legislation had not been carried out prior to their entry into force and the system in place for tracking and reviewing new amendments adopted by IMO in order to ensure their timely transposition into national legislation was not efficiently applied. In addition, 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; STCW 1978, article I; LL 1966, article 1; COLREG 1972, article I; III Code, paragraph 8.1; III Code, paragraph 8.3).

Root cause

220 The lack of a coordinated strategy for tracking, reviewing and implementing new amendments to the mandatory IMO instruments, as well as insufficient personnel assigned to the tasks, in several ministries and agencies, contributed to this finding.

Corrective action

221 The State will implement the following actions:

- .1 a working group will be established, comprising all responsible entities of the State with the mandate of enhancing cooperation between the relevant maritime entities to ensure an effective implementation of the mandatory IMO instruments and amendments thereto into national legislation, as appropriate, and identifying and proposing new legislation to be developed and drafted by each government agency according to their responsibilities; reviewing all existing amendments to the mandatory IMO instruments that have not yet been incorporated into national legislation and proposing effective procedures, where these are lacking, for monitoring new mandatory IMO instruments and related amendments; and evaluating the need for resources to assist in the process of enactment of necessary national legislation and proposing means to deploy additional personnel, including through reallocation within the structure of the different agencies; and
- .2 based on proposals by the joint working group, national legislation will be brought in line with the mandatory IMO instruments; additional legislation will be drafted by relevant government entities and sent to Parliament for further enactment through the existing legal process; and a tracking mechanism for new amendments will be implemented, based on procedures proposed by the working group.

This corrective action will be completed by 31 December 2021.

FD

222 The State did not fully communicate information to IMO, as required by the applicable mandatory IMO instruments to which it is Party (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

223 Insufficient coordination and unclear assignment of responsibilities among several ministries and agencies within the State contributed to this finding. In addition, the number of personnel with appropriate training, knowledge and skills to follow the procedure on communication was not adequate.

Corrective action

224 The State will implement the following actions:

- .1 a working group will be established, comprising all responsible entities of the State with the mandate of identifying relevant requirements for communication of information in the mandatory IMO instruments and propose to the relevant Ministries the assignment of responsibilities for communicating any mandatory requirement to IMO; identifying the current status of the communication of information to IMO by the State aiming to regularize all missing communications/reports to date; and establishing a coordination procedure for the relevant entities to gather the required information for onward transmission to IMO, through GISIS and/or by other means; and
- .2 based on proposals by the joint working group, responsibilities for communication of information to IMO will be assigned by relevant entities, key personnel will be familiarized with the coordination procedure, and all mandatory information will be communicated to IMO.

This corrective action will be completed by 31 December 2021.

FD

225 The State had not established a mechanism for monitoring and reviewing the measures taken to effectively implement and enforce the requirements stemming from the mandatory IMO instruments and to identify and eliminate causes of non-compliance in order to prevent recurrence (III Code, paragraph 11; III Code, paragraph 13).

Root cause

226 The lack of a coordinated strategy for monitoring and improving the adequacy of measures undertaken to give effect to the mandatory IMO instruments and unclear division of responsibilities between the State entities contributed to this finding.

Corrective action

227 A working group will be established, comprising of all responsible entities of the State with the following mandate:

- .1 define the division of tasks and responsibilities for monitoring, implementing and enforcing the mandatory IMO instruments, including the requirements regarding communication of information stemming from the mandatory IMO instruments;
- .2 identify the causes of any non-conformities and appropriate measures will be established to prevent their recurrence; and
- .3 assign clear responsibilities to the relevant entities of the State. Based on the outcome of the work of the working group, responsibilities of various government entities will be stipulated in national legislation, and an effective monitoring mechanism will be implemented to ensure continuous compliance with the requirements stemming from the mandatory IMO instruments.

This corrective action will be completed by 31 December 2021.

FD

228 The State had not transposed the mandatory IMO instruments and their amendments into national legislation in a timely manner, in order to provide the necessary legal basis for implementation and enforcement. There was insufficient personnel with maritime and legal expertise to assist in the promulgation of national legislation and to discharge all the responsibilities of the State (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

229 The following factors contributed to this finding.

- .1 lack of technical knowledge and awareness, as well as lack of financial, material and human resources;
- .2 lack of priority accorded to maritime affairs at the national level;
- .3 lack of competent personnel for the development and promulgation of national legislation; and
- .4 lengthy and time-consuming legislative process.

Corrective action

230 The responsible entity of the State will implement the following actions:

- .1 develop and implement formal procedures to ensure that the mandatory IMO instruments and their amendments are transposed into national legislation and promulgated in a timely manner, and appoint experts to manage these tasks for each of the mandatory IMO instruments;
- .2 carry out a review of the mandatory IMO instruments and their amendments with a view to their transposition into national laws, where applicable;
- .3 carry out a review to assess the need for personnel with maritime or legal expertise to assist in the promulgation of national laws. Based on the review, additional human resources will either be hired or relocated;
- .4 accord higher priority for maritime affairs at the national level, with appropriate resources; and
- .5 mobilize human and financial resources in all relevant government entities and train personnel for the development, finalization and promulgation of appropriate national legislation incorporating mandatory IMO instruments.

This corrective action will be completed by 31 July 2022.

FD

231 The State had not fulfilled its obligations regarding communication of information to IMO under the mandatory IMO instruments (SOLAS 1974, article III; STCW 1978, regulation I/8.3; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

- 232 The following factors contributed to this finding:
- .1 lack of awareness and understanding of the scope and the level of the reporting requirements to IMO;
 - .2 the responsibility for submitting mandatory reports to IMO was not clearly defined;
 - .3 lack of documented procedures to identify and address the requirements for communication of information stemming from the mandatory IMO instruments; and
 - .4 there was no mechanism in place to collect and translate relevant data in order to communicate mandatory information to IMO.

Corrective action

- 233 The responsible entity of the State will implement the following actions:
- .1 maritime affairs will be accorded higher priority at the national level. In addition, a documented procedure for the communication of information and mandatory reporting to IMO will be developed in coordination with the various entities involved, which will include reporting of periodic independent evaluation under regulation I/8.3 of STCW 1978. A unit will be designated to coordinate various tasks for collection and communication of information to IMO from all relevant entities of the State, including keeping the information in GISIS up to date; and
 - .2 responsibility for reporting to IMO will be assigned and arrangements will be made to ensure its continuous monitoring and review; and continuous compliance with this requirement will be ensured by including the requirements of the III Code in the QMS manual and in the induction training material for new recruits.

This corrective action will be completed by 31 December 2020.

FD

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

Root cause

- 235 The following factors contributed to this finding:
- .1 lack of adequate resources and technical know-how to ensure efficient data management; and
 - .2 lack of close working relationship with, and coordination between, relevant ministries for the purpose of keeping the required records.

Corrective action

236 The responsible entity of the State will implement the following actions:

- .1 a documented procedure will be developed and implemented for the handling, storage, control and disposal of records, in accordance with the relevant laws and regulations of the State (including the mandatory IMO instruments). This procedure will be followed by all relevant entities and will include a monitoring mechanism to ensure compliance;
- .2 training and capacity-building programmes, along with internal audits, will be undertaken with the primary aim of establishing an efficient document management system, covering all areas of operation relating to the implementation and enforcement of the requirements stemming from the mandatory IMO instruments; and
- .3 a national maritime working group will be established under a National Maritime Policy, which will draft a strategy (and procedures) for close working relationships and coordination between relevant ministries in order to keep the required records.

This corrective action will be completed by 31 December 2020.

FD

237 There was no system in place to monitor, review and improve the adequacy of the measures which were taken to give effect to the mandatory IMO instruments. Furthermore, there were no measures in place to establish a culture that would provide opportunities for improvement of performance in maritime safety and environmental protection activities. The State did not take corrective actions to eliminate the causes of identified non-conformities and the causes of potential non-conformities to prevent their occurrence (III Code, paragraph 11; III Code, paragraph 12; III Code, paragraph 13; III Code, paragraph 14).

Root cause

238 The following factors contributed to this finding:

- .1 lack of a national strategy, which assigns responsibilities and outlines methodologies and standards for periodical evaluation of overall performance of the State in exercising its rights and meeting its obligations under the mandatory IMO instruments;
- .2 absence of a national platform that allows inter-agency cooperation on maritime issues;
- .3 lack of understanding of the obligations of the III Code, lack of culture and lack of appropriate tools to analyse, identify and eliminate causes of any non-conformities; and
- .4 absence of a policy to coordinate and provide oversight for continuous improvement in the implementation, enforcement, evaluation and monitoring activities and responsibility was not assigned to carry out these tasks.

Corrective action

239 The responsible entities of the State will undertake the following actions:

- .1 a national maritime working group will be established under a National Maritime Policy, which will make proposals on the assignment of responsibilities to the involved government entities, and outline methodologies and standards for periodical evaluation of overall performance of the State in respect of exercising its rights and meeting its obligations under the mandatory IMO instruments;
- .2 performance indicators will be defined and tailored to evaluate the implementation and enforcement in the areas of general, flag, port and coastal State activities. The process will be monitored and reviewed at the national level to ensure continuous improvement;
- .3 implement a mechanism for periodic monitoring and evaluation of the overall performance of general, flag, coastal and port State activities, including the assignment of dedicated personnel to undertake periodic evaluations;
- .4 a national platform will be established to ensure continuous cooperation of all entities involved in the evaluation, review and analysis; and
- .5 a training programme will be established for all personnel in order to instil a culture of continuous improvement in the performance of maritime safety and pollution prevention activities.

This corrective action will be completed by 31 December 2021.

FD

240 The State had not carried out transposition of amendments to the applicable mandatory IMO instruments into national legislation, including those amendments entering into force under the tacit amendments procedure. In addition, 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; STCW 1978, article I; COLREG 1972, article I; Ill Code, paragraph 8.1; Ill Code, paragraph 8.3).

Root cause

241 There was an absence of a legal basis for the process of transposition into national legislation of the mandatory IMO instruments to which the State was Party, including their amendments. In addition, there was a lack of human resources with maritime technical and legal expertise, insufficient division of responsibilities within the maritime administration, as well as an absence of a system for monitoring the aforementioned amendments to ensure that national legislation was up to date.

Corrective action

242 The existing maritime legislation will be amended to include all mandatory IMO instruments to which the State is Party, including their amendments. A system for monitoring of the maritime conventions will be developed and implemented and the responsible government entity will carry out an analysis of the current status of amendments. Recruitment of additional personnel in the maritime administration will be considered along with the

development and implementation of a training programme. Division of responsibilities of government entities participating in the implementation and enforcement of the applicable mandatory IMO instruments will be clearly defined and documented. This corrective action will be completed by 31 December 2022.

FD

243 Requirements related to communication of information to IMO under the applicable IMO instruments were not met. This includes texts of national legislation, specimen of certificates, information under MARPOL, details on port reception facilities, details on recognized organizations, including the initial communication of information as required by STCW 1978 (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulation I/7; III Code, paragraph 9).

Root cause

244 Responsibility for the communication of relevant information to IMO, according to the requirements of the applicable mandatory IMO instruments, was not assigned. Moreover, there was a lack of a documented procedure identifying and addressing the requirements for communication of information to IMO.

Corrective action

245 The Administration will develop a documented procedure and assign the responsibility for the identification and communication of all mandatory information and reports to IMO. Responsible organizational unit will update the relevant modules in GISIS and prepare other reports required under the applicable mandatory IMO instruments for submission to IMO. This corrective action will be completed by 31 December 2020.

FD

246 There was no mechanism in place to monitor and review the measures taken to effectively implement and enforce the mandatory IMO instruments, including mechanism to ensure that actions to be taken to identify and eliminate causes of non-compliance in order to prevent recurrences was adequate (III Code, paragraph 11; III Code, paragraph 13; III Code, paragraph 14).

Root cause

247 There was a lack of culture of monitoring and reporting, as well as an absence of relevant procedures for monitoring and review.

Corrective action

248 The maritime administration will develop and implement a documented procedure to review the effectiveness of the implementation and enforcement of the mandatory IMO instruments to which the State is Party. A mechanism will also be established to ensure that appropriate actions are undertaken to identify and eliminate causes of any non-conformity to avoid recurrence. In addition, KPIs will be identified for overall periodical monitoring of the performance of government entities involved in maritime administration's activities, including regular evaluation meetings between involved entities. A training and familiarization programme tailored for all involved State entities to enhance their knowledge of maritime conventions will be developed and implemented, including training on the QMS. This corrective action will be completed by 31 December 2020.

FD

249 The State had not taken all the necessary measures to monitor its legal system and processes in order to give full and complete effect to the mandatory IMO instruments to which it is Party, in accordance with the general provisions of the treaty law and of IMO conventions (III Code, paragraph 4).

Root cause

250 Insufficient resources and expertise within the maritime administration had delayed the incorporation, updating and monitoring of the requirements stemming from the applicable mandatory IMO instruments into national legislation. In addition, the frequency of updates and amendments to the applicable mandatory IMO instruments imposed a heavy burden on the maritime administration since the process of ratifying a new convention or an amendment to an existing one is lengthy.

Corrective action

251 The responsible State entities will implement the following actions:

- .1 jointly set up a committee to frame and implement a newly developed institutional plan, aiming at establishing an administrative and technical structure for revision of national maritime legislation for the State, as well as ensuring its effectiveness regarding provisions of the applicable mandatory IMO instruments and related amendments. The committee will oversee the process of monitoring and timely transposition into national legislation of the requirements stemming from the applicable mandatory IMO instruments, including their amendments, and will also adopt a new procedure for cross-referencing and/or giving legal effect to the amendments to the applicable mandatory IMO instruments through issuing shipping notices. This will give immediate effect to the amendments to the applicable mandatory IMO instruments entering into force under the tacit acceptance procedure;
- .2 the establishment of an in-house legal section will be explored, and sufficient maritime legal staff recruited in the nodal Ministries within 3 years' time to speed up the legislating process for transposition of the applicable mandatory IMO instruments and their amendments into national legislation;
- .3 an assessment of amendments to the applicable mandatory IMO instruments that came into force in the 5 years prior to the audit will be carried out to verify their current status in relation to their implementation through national legislation and compliance of ships, companies and port facilities already certified by the competent State entity; and
- .4 the State entities participating in the implementation and enforcement of the applicable mandatory IMO instruments will review their current legal status aiming at achieving efficient cooperation between the two competent entities of the maritime administration, in order to build a mechanism for tracking amendments to the applicable mandatory IMO instruments. This mechanism will be supported by a computerized system for the monitoring, verification and updating of the status of the applicable mandatory IMO instruments, in relation to their respective amendments, as well as by acquisition of the IMO Vega.

This corrective action will be completed by 30 September 2022.

FD

252 Although there were procedures in place for the transposition of amendments to the mandatory IMO instruments into the national legislation, those procedures had not been used and therefore, the mentioned amendments had not been transposed into the legal system. In addition, a mechanism for monitoring amendments to ensure that the national legislation 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 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

253 The insufficient expertise within the maritime administration hampered the development of a documented mechanism for tracking amendments to the applicable mandatory IMO instruments prior to their entry into force.

Corrective action

254 The responsible State entities will implement the following actions:

- .1 following the creation of the committee aimed at establishing and updating the maritime legal framework, a mechanism to follow-up the amendments to applicable mandatory IMO instruments will be developed and implemented by the two nodal Ministries of the State to ensure their timely transposition. The mechanism will also seek to revise the existing amendments and their transposition into national legislation;
- .2 new national legal instruments will be communicated to IMO. In addition, a training programme will be implemented for existing staff in order to improve their competence in monitoring of amendments; and
- .3 the establishment of an in-house legal section will be explored and sufficient maritime legal staff will be recruited in the nodal Ministries within 3 years' time.

This corrective action will be completed by 30 September 2022.

FD

255 The State did not fully 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 details and agreement for recognized organizations (ROs), details of reception facilities, available SAR facilities, IMDG competent authorities, designated national competent authorities responsible for the safe carriage of grain and solid bulk cargoes and mandatory annual MARPOL) (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

256 The following factors contributed to this finding:

- .1 the responsibilities related to the mandatory reporting to IMO have not been clearly defined under national legislation and/or internal procedures; and
- .2 a follow-up mechanism and coordination between the responsible entities of the maritime administration were insufficiently developed.

Corrective action

257 The responsible State entities will implement the following actions:

- .1 two relevant entities will jointly develop and implement a documented procedure for communication of information and mandatory reporting to IMO, in coordination with the various entities involved. Moreover, responsibilities for reporting will be clearly defined and a unit will be appointed as a focal point;
- .2 the focal point unit will coordinate various tasks in the collection and communication of information to IMO from all the relevant State entities, including keeping all relevant modules in GISIS up to date. It will identify which communication need to be sent by mail and will regularize the State's status of communication to IMO; and
- .3 a management system and/or procedure will be developed and implemented in order to communicate all the required information and reports to IMO. In addition, the responsible entities will build capacity in communication of information to IMO, including training and/or recruitment of relevant staff.

This corrective action will be completed by 31 December 2021.

FD

258 Although a national policy on records were in place, the State did not have specific procedures in place regarding definition, maintenance, identification, storage, protection, retrieval, retention time and disposition of records (III Code, paragraph 10).

Root cause

259 The insufficient qualified personnel and the lack of a system for record-keeping to comply with the requirements stemming from the III Code contributed to this finding.

Corrective action

260 The responsible State entities will implement the following actions:

- .1 a template for a record-keeping procedure will be developed by the nodal responsible Ministries and then made available to all government entities involved. These entities will also develop and implement a general procedure for a centralized system of record-keeping in each government entity;
- .2 specific personnel will be recruited/trained within the various government entities to deal with the record-keeping and backup arrangements will be defined and put in place for electronic records; and

- .3 implementation of the procedures for the record-keeping systems in all government entities involved will be verified through internal audits to be performed by a focal unit, to be appointed.

This corrective action will be completed by 30 December 2021.

FD

261 The newly developed mechanism could not ensure effectiveness for monitoring and reviewing the measures taken to effectively implement and enforce the mandatory IMO instruments, including the examination and analysis of non-compliances; the implementation of the necessary corrective actions and the analysis of the adopted corrective actions in order to eliminate the causes of possible non-compliances to avoid recurrences (III Code, paragraph 11; III Code, paragraph 13; III Code, paragraph 14).

Root cause

262 The following factors contributed to this finding:

- .1 insufficient resources (competent and dedicated human resources, and database) to monitor and continually improve the implementation and enforcement of various requirements stemming from the applicable mandatory IMO instruments, including tracking of the amendments and their incorporation into national legislation; and
- .2 inadequate data collection and evaluation mechanism to monitor the extent of the implementation and enforcement of the relevant mandatory requirements by the maritime administration.

Corrective action

263 The responsible State entities will implement the following actions:

- .1 the existing mechanism will be reviewed to assign responsibilities among all involved government entities to improve the measures undertaken for the effective implementation and enforcement of the national legislation that incorporates the applicable mandatory IMO instruments. This mechanism will also ensure the identification and elimination of the causes of non-compliance with the said mandatory requirements;
- .2 KPIs will be established and included in the new overall strategy, to be developed, in order to evaluate the degree of compliance with the aforementioned measures through internal audits carried out in coordination with the nodal responsible Ministries. These audits will be part of the monitoring and evaluation system for the strategy; and
- .3 human resource needs will be assessed, and additional personnel will be recruited and/or trained accordingly to monitor and oversee the implementation and enforcement of the requirements stemming from the applicable mandatory IMO instruments.

This corrective action will be completed by 31 March 2022.

FD

264 The procedures established by the State did not ensure that all the amendments to the mandatory IMO instruments are transposed into national legislation. It was established that national legislation was not promulgated by the State for certain amendments to mandatory IMO instruments (SOLAS 1974, article I; III Code, paragraph 8.1).

Root cause

265 Certain procedural gaps in the existing process (i.e. responsibility to initiate action was not specifically assigned) led to delays in domesticating periodical amendments to the mandatory IMO instruments and keeping national legislation up to date vis-à-vis the mandatory IMO instruments.

Corrective action

266 The existing process for promulgation of national legislation will be reviewed and procedures will be updated by the State, as necessary, to address the problem. In addition, an entity under the Ministry of Transport will be designated as a focal point to notify relevant entities for timely transposition of periodical amendments to the mandatory IMO instruments, as well as other binding resolutions, into national legislation. This corrective action will be completed by 31 December 2021.

FD

267 Measures taken by the State were not adequate to ensure that the obligations for communication of information to IMO and stakeholders are fulfilled in all cases (SOLAS 1974 V/3.3; III Code, paragraph 9).

Root cause

268 The State did not have an appropriate system in place to oversee fulfilment of obligations for communication of information to IMO under the mandatory IMO instruments and to coordinate this matter between different entities of the maritime administration.

Corrective action

269 The State will review and update the existing system for communication of information to IMO, and an entity will be designated as the focal point to coordinate between relevant entities in the maritime administration and to monitor the communication of information to IMO. In addition, entities responsible for directly reporting to IMO will develop and implement specific procedures to ensure timely and coordinated reporting to IMO, within their QMS. This corrective action will be completed by 31 December 2021.

Observations (OB)

270 There was no evidence of an overall strategy, intended to ensure compliance with the State's international obligations and responsibilities as a flag, port and coastal State, under the mandatory IMO instruments to which it is Party (III Code, paragraph 3).

Root cause

271 The overall strategy, having been adopted shortly before the audit, had not been implemented and a methodology to verify and evaluate the effectiveness of this strategy had

not been developed due to lack of time. In addition, national legislation to make the strategy applicable to the relevant government entities was not developed and the budgets necessary for its implementation had not been allocated.

Corrective action

272 The State will establish and implement the following actions:

- .1 institutionalize the national maritime strategy and have the decrees of approval and implementation adopted in order to ensure compliance with its international obligations and responsibilities as flag, coastal and port State stemming from the mandatory IMO instruments;
- .2 establish a methodology for periodically reviewing and evaluating the activities carried out by all the entities responsible for the implementation and monitoring of compliance, in order to ensure continuous improvement; and
- .3 review the strategy on an ongoing basis to ensure improvement of performance in all relevant activities of all State entities involved in the implementation and monitoring of compliance with the mandatory IMO instruments.

This corrective action will be completed by 31 December 2021.

OB

273 Although the State had a general strategy for national sea policies, it did not constitute an overall strategy of the State to fully meet its obligations and responsibilities under the applicable mandatory IMO instruments (III Code, paragraph 3).

Root cause

274 Absence of a strategic national plan for the maritime sector and the lack of awareness of the requirements of the III Code contributed to this observation.

Corrective action

275 The State will implement the following actions:

- .1 establish an inter-institutional working group consisting of all the entities participating in the maritime administration, which will be tasked to develop a national overall maritime strategy that will define the responsibilities of each entity involved in the implementation and enforcement of the applicable mandatory IMO instruments, and
- .2 appoint a coordinating government entity as a 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 set objectives and KPIs. The methodology will include a system for continuous review of the strategy through regular follow-up meetings among the entities involved.

This corrective action will be completed by 30 September 2022.

OB

276 The State had not developed an overall strategy to ensure compliance with its obligations stemming from the relevant mandatory IMO instruments as a flag, coastal and port State (III Code, paragraph 3).

Root cause

277 The overall strategy, as prescribed in the III Code, and the scope and level of the provisions of paragraph 3 of the III Code were not fully known.

Corrective action

278 The State will implement the following actions:

- .1 strengthen human resources within the maritime administration to ensure compliance with its treaty obligations and assign specific and clear responsibilities to personnel engaged in related tasks;
- .2 develop, publish and implement a comprehensive marine strategy under which specific responsibilities will be assigned to each of the responsible government entities. The strategy, including the responsibilities of the entities involved, will be subject to periodic evaluation reviews; and
- .3 include performance indicators and an annual performance evaluation in the conduct of flag, coastal and port State activities as part of the overall maritime strategy.

This corrective action will be completed by 31 March 2021.

OB

279 The State had not developed an overall strategy in order to ensure that its international obligations and responsibilities were met (III Code, paragraph 3).

Root cause

280 Due to the lack of qualified personnel and limited financial resources, no overall strategy for compliance with the mandatory IMO instruments was developed.

Corrective action

281 The State will implement the following actions:

- .1 establish an inter-institutional working group consisting of all the State entities participating in the maritime administration, led by the nodal responsible entity, to develop an overall strategy that will define the responsibilities to be fulfilled by each institution involved in the implementation and enforcement of the applicable mandatory IMO instruments, and to serve as a mechanism to ensure that the international obligations and responsibilities of the State as a flag, port and coastal State are met; and

- .2 develop and implement a methodology to monitor and periodically review its performance, based on objectives and KPIs in order to measure the effectiveness of its compliance with the mandatory IMO instruments. In addition, the said methodology will include a system for continuous reviewing of the strategy by regular follow-up meetings among the representatives of all the entities involved.

This corrective action will be completed by 30 December 2021.

OB

282 The State had not developed an overall strategy in order to ensure that its international obligations and responsibilities were met (III Code, paragraph 3).

Root cause

283 The lack of coordination and assignment of responsibilities among the different entities of the State contributed to this finding.

Corrective action

284 The State will develop a national transportation policy and establish an overall maritime strategy to ensure that its international obligations as a flag, coastal and port State are met. The strategy will focus on cooperation and coordination among entities of the State and will define clear lines of responsibility, monitoring mechanisms, a provision for follow-up meetings among State entities, as well as risk analyses, in order to monitor the effectiveness of the implementation and enforcement of the relevant mandatory IMO instruments. In addition, KPIs will be defined for each involved entity to aid their performance evaluation which will be carried out in conjunction with a joint meeting of all the involved entities to be held every 6 months. The State will designate a nodal entity to coordinate the aforementioned actions between the involved entities. This corrective action will be completed by 30 December 2022.

OB

285 It could not be established that the State had an overall strategy in place for covering all its obligations and responsibilities under the applicable mandatory IMO instruments addressing flag, coastal and port State activities, including a methodology to monitor and assess the effectiveness of the implementation and the enforcement of applicable mandatory instruments, and to continuously review the strategy to ensure the improvement of the overall organizational performance and capability (III Code, paragraph 3).

Root cause

286 Lack of awareness of the provisions of the III Code.

Corrective action

287 The State will establish a national committee for integrated maritime policy for developing, monitoring, reviewing, updating and implementing the State's overall maritime strategy, taking into account the requirements of the mandatory IMO instruments in accordance with paragraph 3 of the III Code. This corrective action will be completed by 1 May 2020.

OB

288 The State had not developed an overall strategy in order to ensure that its international obligations and responsibilities were met (III Code, paragraph 3).

Root cause

289 There was insufficient understanding of the scope and the level of the provisions of paragraph 3 of the III Code, and inadequate consultation and agreement with all stakeholders.

Corrective action

290 The State will:

- .1 appoint an entity responsible for coordinating the development of the overall maritime strategy;
- .2 establish a group consisting of all the entities involved, which will be tasked to develop a national overall maritime strategy that will define the responsibilities of each entity involved and serve as a mechanism to ensure that the international obligations and responsibilities of the State are met; and
- .3 establish a methodology for monitoring and evaluating the performance in the conduct of all State activities, based on set objectives and performance indicators. The methodology will include a system for a continuous review of the strategy.

This corrective action will be completed by 31 July 2020.

OB

291 The State did not have an overall strategy for meeting its obligations and responsibilities under relevant IMO instruments, and for its monitoring, assessment and review, as required under paragraph 3 of the III Code (III Code, paragraph 3).

Root cause

292 There was insufficient knowledge and awareness on the requirement for a documented overall strategy for the State stemming from the III Code.

Corrective action

293 The responsible ministry will develop an overall strategy to guide the State for full implementation and enforcement of the obligations stemming from the mandatory IMO instruments, in consultation with all relevant entities of the State. The overall strategy will be applicable to all entities of the maritime administration in accordance with the III Code, and specific KPIs will be defined for all relevant activities of the State as a basis for monitoring and assessing the effectiveness of implementation and enforcement of relevant IMO instruments. The overall strategy will be kept under continuous review in order to achieve, maintain and improve the level of performance by the State. This corrective action will be completed by 31 December 2020.

OB

294 The State had not developed an overall strategy in order to ensure that its international obligations and responsibilities under the applicable IMO instruments were met (III Code, paragraph 3).

Root cause

295 The lack of priority given to maritime affairs at a national level and the lack of coordination among government entities to review the existing strategy, contributed to this finding.

Corrective action

296 The State will review and expand the existing strategy to ensure that its international obligations as a flag, coastal and port State are met. The new overall strategy will be based on a policy of cooperation and coordination between the State entities involved and will define clear lines of responsibility, monitoring mechanisms and risk analyses in order to identify and eliminate the cause of any non-conformities and to ensure continual improvement. In addition, KPIs will be defined for each involved entity and overall performance evaluation will be carried out in conjunction with a joint meeting of all the involved entities, to be held every 6 months. This corrective action will be completed by 30 September 2022.

OB

297 The State did not have in place an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State were met (III Code, paragraph 3).

Root cause

298 The following factors contributed to this finding:

- .1 the maritime administration did not use the provisions of the III Code as a guide to fulfil its obligations under the mandatory IMO instruments. Furthermore, adequate attention was not given to strategic aspects of implementation, or to develop an overall strategy; and
- .2 lack of coordination between all stakeholders to fulfil the obligations and responsibilities stemming from the mandatory IMO instruments.

Corrective action

299 The State will implement the following actions:

- .1 develop an overall strategy in consultation with all relevant State entities and stakeholders, taking into account the provisions of the III Code; and
- .2 establish a system for monitoring and assessing, on a periodic basis, the fulfilment of obligations and responsibilities of stemming from the mandatory IMO instruments, and for communicating the implementation progress and the associated challenges to a designated authority of the government.

This corrective action will be completed by 30 December 2020.

OB

300 The strategy adopted by the Administration did not ensure the engagement of all government entities and stakeholders involved in meeting the obligations and exercising the responsibilities of the State under the applicable IMO instruments. Furthermore, a methodology to monitor and assess that the strategy ensures the effective implementation and enforcement of relevant mandatory IMO instruments, as well as the mechanism for continuous review of the strategy, had not been established (III Code, paragraph 3).

Root cause

301 There was a lack of understanding of the full scope and level of requirements of paragraph 3 of the III Code relating to overall maritime strategy.

Corrective action

302 The existing maritime authority strategy will be revised and amended in order to ensure its compliance with all relevant provisions of the III Code, in particular the mechanism for implementation and enforcement of the requirements of the relevant mandatory IMO instruments, including the areas of flag, port and coastal State activities. The new overall maritime strategy will establish an effective mechanism for the State to evaluate its effectiveness in meeting its international obligations under the mandatory IMO instruments to which the State is Party. The State will adopt this amended strategy and communicate it to all concerned national entities to ensure its effective implementation. This corrective action will be completed by 31 July 2020.

OB

303 At the time of the audit, the State had not institutionalize the overall maritime strategy, to ensure compliance with its international obligations and responsibilities under the applicable mandatory IMO instruments as flag, coastal and port State (III Code, paragraph 3).

Root cause

304 The overall strategy was developed before the audit but was not validated by the government entities concerned due to lack of human resources.

Corrective action

305 The overall national strategy for the implementation and enforcement of the mandatory IMO instruments has been sent to the government entities concerned for review and validation. The strategy will be implemented by all entities concerned and necessary resources will be assessed and provided. This corrective action will be completed by 31 December 2020.

OB

306 The State did not have an overall strategy to ensure compliance with its international obligations and responsibilities as a flag, port and coastal State, under the applicable mandatory IMO instruments (III Code, paragraph 3).

Root cause

307 There were insufficient resources to develop a comprehensive strategy as recommended by the III Code.

Corrective action

308 The maritime administration will develop and institutionalize a comprehensive maritime strategy, using international expertise, to ensure compliance with its international obligations and responsibilities stemming from the applicable mandatory IMO instruments regarding flag, port and coastal State activities. This strategy will cover all the relevant activities of all the entities involved in the implementation and monitoring of compliance with the mandatory IMO instruments to which the State is Party. This corrective action will be completed by 31 December 2021.

OB

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

Root cause

310 The absence of coordination between the relevant maritime entities contributed to this finding. Consequently, there was a lack of focus to develop a maritime strategy encompassing the diverse agencies comprising the maritime administration although a strategy for transport affairs had been developed.

Corrective action

311 A working group will be established, consisting of representatives from all the State entities participating in maritime activities. The working group will be tasked to cooperate with the relevant maritime entities involved in the implementation and enforcement of the mandatory IMO instruments and to develop an overall strategy to ensure that the State's international obligations are met. The strategy will be implemented by all relevant entities and a methodology will be developed and implemented to monitor and assess that the strategy ensures effective implementation and enforcement of relevant the mandatory IMO instruments. The strategy will be continuously reviewed to achieve, maintain and improve the overall organizational performance and capability as flag, port and coastal State. A specific entity will be appointed as responsible for the follow-up and implementation of resulting actions. This corrective action will be completed by 31 December 2021.

OB

312 The State had not developed an overall strategy to ensure that all its obligations and responsibilities as a flag, port and coastal State, under the mandatory IMO instruments were met (III Code, paragraph 3).

Root cause

313 There was a lack of understanding of the scope and level of requirements for monitoring and improving the implementation and enforcement of the mandatory IMO instruments.

Corrective action

314 The State will implement the following actions:

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

This corrective action will be completed by 31 December 2021.

OB

315 A comprehensive overall maritime strategy could not be presented during the audit. The State had developed measures to implement the relevant IMO instruments, however it could not be fully demonstrated how the State's obligations and responsibilities under those instruments will be met; how the effectiveness of the strategy in the implementation and enforcement of requirements stemming from these instruments will be monitored and assessed; and how the strategy will be continuously reviewed to ensure improvement of performance (III Code, paragraph 3).

Root cause

316 There was an insufficient understanding of the scope and level of the overall strategy as recommended in paragraph 3 of the III Code.

Corrective action

317 The overall maritime strategy will be reviewed and updated, defining the responsibilities of involved government entities, including monitoring, assessment and continuous reviewing processes as prescribed in the III Code. This corrective action will be completed by 31 December 2020.

OB

318 The documents submitted as the strategies did not constitute a unique overall strategy of the State and were not comprehensive enough to provide a basis for the State to fully meet its obligations and responsibilities under the applicable mandatory IMO instruments as per requirements of the III Code (III Code, paragraph 3).

Root cause

319 The inadequate knowledge of the requirements stemming from the III Code regarding the overall strategy and insufficient experience in developing this kind of documents contributed to this finding.

Corrective action

320 The responsible State entities will implement the following actions:

- .1 an inter-institutional working group will be established, consisting of all the entities participating in the maritime administration, with the aim of elaborating a national overall strategy that will be further cascaded and harmonized among the two States' jurisdictions responsible for the maritime affairs in their area of responsibility. Each strategy should define the responsibilities of each entity linked to the implementation and enforcement of the applicable mandatory IMO instruments. Both strategies will serve as a mechanism to ensure that the international obligations and responsibilities as flag, coastal and port State are met;
- .2 a coordinating entity and focal point will be appointed for the development of the overall strategy. In addition, a methodology for monitoring and evaluation of performance in carrying out flag, coastal and port State activities will be established, based on objectives and KPIs. The methodology will include a system for continuous review and regular follow-up meetings among the representatives of all the entities involved; and
- .3 capacity-building will be promoted for the implementation of the III Code and, in particular, the overall strategy. In addition, experience will be shared with other audited Member States regarding developing and implementing the overall strategy.

This corrective action will be completed by 31 October 2022.

FLAG STATE ACTIVITIES

Findings (FD)

321 The Administration had not implemented flag State policies through issuing national legislation and guidance to facilitate the implementation and enforcement of the conventions and protocols to which the State is Party (III Code, paragraph 15.1).

Root cause

322 There was a lack of trained personnel as well as an absence of an effective mechanism and organization within the Administration to develop, establish and revise the relevant policies for the purpose of the effective implementation and monitoring of compliance with the requirements of the mandatory IMO instruments. In addition, the legislative process in place did not allow for the timely incorporation into national legislation of the many successive amendments to the mandatory IMO instruments.

Corrective action

323 The Administration will undertake the following actions:

- .1 identify applicable technical rules arising from the mandatory IMO instruments, in particular mandatory IMO codes and resolutions, and ensure their full transposition into national legislation, including by developing and implementing guidelines to facilitate the implementation of the requirements

of all conventions and protocols to which the State was Party, which relate to the flag State activities;

- .2 establish a documented mechanism and procedures for the implementation of policies through the development, updating and regular review of relevant national legislation, rules, regulations relating to the flag State activities, and develop a strategy to ensure training of existing staff; and
- .3 establish and apply a system of quality standards for regulatory monitoring as well as the promulgation of legislation and directives to facilitate the implementation and control of compliance with the provisions arising from the mandatory IMO instruments.

This corrective action will be completed by 31 December 2021.

FD

324 The scope of application of certain regulations of SOLAS 1974, Chapter V, and MARPOL Annexes I, V and VI, on fishing vessels and other ships engaged on domestic voyages, irrespective of their size, had not been promulgated into national legislation (SOLAS 1974, regulation V/1.4; MARPOL, Annex I, regulation 14.3; MARPOL, Annex I, regulation 14.4; MARPOL, Annex I, regulation 14.6; MARPOL, Annex V, regulation 6.3.2; MARPOL, Annex VI, regulation 5; III Code, paragraph 15.1).

Root cause

325 The requirements stemming from the mandatory IMO instruments applicable to fishing vessels and other ships engaged on domestic voyages, regardless of their size, were not known. In addition, there was insufficient personnel to enact laws and regulations as a basis to effectively enforce and monitor compliance with the requirements stemming from the mandatory IMO instruments.

Corrective action

326 National legislation, policies and guidelines to facilitate the transposition and implementation of specific regulations of SOLAS 1974, Chapter V, and MARPOL Annexes I, V and VI, will be developed and implemented for all ships, regardless of their type and size. Moreover, the Administration will recruit and train staff on the technical and legal requirements of the mandatory IMO instruments in order to facilitate and assist in the promulgation, implementation and enforcement of technical provisions applicable to ships authorized to fly the flag of the State, in particular those engaged on domestic voyages. This corrective action will be completed by 31 December 2022.

FD

327 The Administration had not developed measures to establish and enforce the requirements of STCW 1978 relating to fitness for duty and watchkeeping, which include the prevention of drug and alcohol abuse, as well as rest periods and fatigue prevention (STCW 1978, regulation VIII/1.1; STCW 1978, regulation VIII/1.2; STCW 1978, regulation VIII/2.1; STCW 1978, regulation VIII/2.2; III Code, paragraph 16.3).

Root cause

328 There was a lack of knowledge on the standards and rules of STCW 1978; an absence of national regulations; insufficient human, financial and technical resources; and delays in the work aimed at establishing a process for compliance with the provisions of STCW 1978.

Corrective action

329 The Administration will undertake the following actions:

- .1 develop and implement administrative instructions and national regulations, as well as organize relevant training for key personnel of the Administration, to effectively apply the provisions of the STCW 1978, including related amendments;
- .2 ensure that human, financial and technical resources, as well as organize relevant training for the key personnel of the Administration, for implementing and enforcing the provisions of STCW 1978 are made available;
- .3 conduct periodic independent evaluation required by STCW 1978, communicate the report to IMO and establish documented procedures for the conduct of this evaluation; and
- .4 establish a mechanism for the supervision of educational institutions and maritime training centres for compliance with the requirements of STCW 1978, and develop and apply quality standards, which will include the management of training of seafarers and a system for issuing certificates within the Administration.

This corrective action will be completed by 31 December 2021.

FD

330 The delegation of authority to ROs and independent surveyors was not adequately regulated and was inconsistent in determining whether ROs were adequately resourced. The agreements with three ROs did not fully comply with the mandatory provisions of the RO Code. In addition, the Administration had not provided specific instructions to ROs and independent surveyors and it had not put in place a monitoring programme nor provided qualified personnel to carry out effective oversight of ROs (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 20; III Code, paragraph 21).

Root cause

331 There was no legal basis, policy or criteria to assess, empower and supervise ROs due to the insufficient number of duly trained and qualified technical officials, and the lack of knowledge on the provisions of the RO Code.

Corrective action

332 The Administration will undertake the following actions:

- .1 develop and implement national legislation governing the delegation of authority for the purpose of issuing statutory certificates and empowering ROs, which consists, at a minimum, in transposing the RO Code into national legislation;
- .2 develop and implement documented procedures for the oversight of, and communication with, ROs and for conducting supplementary surveys to ensure that ships flying the flag of the State meet the requirements stemming from the mandatory IMO instruments;
- .3 review existing agreements with ROs and ensure that they meet the mandatory provisions, stemming from the RO Code, regarding authorization of ROs; and communicate to IMO the details of ROs and the delegated functions; and
- .4 strengthen its human resources by recruiting qualified and trained staff.

This corrective action will be completed by 31 December 2021.

FD

333 The Administration had not developed or implemented a control and monitoring programme to provide for prompt and thorough casualty investigations, including reporting to IMO, and to collect statistical data so that trend analyses could be conducted to identify problem areas (III Code, paragraph 23.1; III Code, paragraph 23.2).

Root cause

334 There was a lack of awareness about the obligations of the III Code related to the establishment of a control and monitoring programme for flag State activities. The provisions of the Casualty Investigation Code were also poorly understood and not transposed into national legislation.

Corrective action

335 The Administration will undertake the following actions:

- .1 transpose the provisions of the Casualty Investigation Code into national legislation and establish an accident investigation office comprised of duly qualified and trained staff in order to ensure the impartiality and objectivity of investigators;
- .2 put a mechanism in place for the prompt investigation of accidents and communication of the investigation reports to IMO;
- .3 develop a methodology for monitoring and evaluating flag State activities, which will include the collection of statistical data on the fleet, seafarers and nautical activities, for the purpose of analysing trends and identifying problem areas, as well as ensuring that they are addressed and resolved; and
- .4 establish KPIs to assess the quality of the fleet as part of the new overall maritime strategy.

This corrective action will be completed by 31 December 2020.

FD

336 The Administration did not define and document the responsibilities and authority of all personnel who managed, performed and verified activities related to safety and pollution prevention, as well as interrelations of relevant personnel. In addition, the Administration did not have a documented system for surveyors' qualifications and updating of their knowledge; the minimum level of education and training of other personnel assisting in performing the tasks was not defined; and identification documents were not issued to flag State surveyors (III Code, paragraph 28; III Code, paragraph 33; III Code, paragraph 35; III Code, paragraph 37).

Root cause

337 The Administration was not aware of the need to define and record the responsibilities, authority and interrelation of personnel who manage, perform and verify work relating to and affecting safety and pollution prevention. There was also no legal basis for issuing an identification document to each flag State inspector.

Corrective action

338 The Administration will develop and implement provisions for establishing the profile of flag State inspectors, in terms of their required qualifications and experience, as well as for issuance of their identification document; establish a documented system for qualification and continuous updating of their knowledge, based on identified individual needs of flag State inspectors; and define and record in writing the responsibilities and authority of all personnel who manage, perform and verify activities related to safety and pollution prevention, in particular those involving flag State inspectors. In addition, the Administration will determine the level of education, training and supervision required for staff who assist flag State inspectors in the performance of their duties. This corrective action will be completed by 31 December 2020.

FD

339 The Administration had not fully implemented the provisions of the Casualty Investigation Code and the organizational structures and processes for conducting casualty investigations did not ensure their impartiality and objectivity. In addition, there were no provisions for cooperation in the investigations with the substantially interested States and the final investigation reports had not been released to the public (SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 10.1; III Code, paragraph 38; III Code, paragraph 41).

Root cause

340 The Casualty Investigation Code was not transposed into national legislation and the staff lacked the technical and legal knowledge to assist in the development of related procedures and to apply the requirements stemming from the Code.

Corrective action

341 The Casualty Investigation Code will be transposed into national legislation, which it will apply to smaller vessels as well. In order to ensure the impartiality and objectivity of investigators, an independent office responsible for investigations into accidents will be established within the ministry in charge of maritime affairs. This office will be staffed by officials who will have the necessary qualifications and training in the investigation of marine

accidents. A training, including refresher training, programme for investigators will be drawn up and implemented. Documented guidelines and procedures for the conduct of investigations and reporting of the results thereof to IMO and to the public will be established and implemented. This corrective action will be completed by 31 December 2021.

FD

342 The Administration had not put in place a system to periodically assess its performance with regard to the implementation of methods, procedures and resources required for the State to fulfil its flag State obligations and responsibilities under the mandatory IMO instruments (III Code, paragraph 42; III Code, paragraph 43).

Root cause

343 There was no legal basis for the periodic evaluation and review of flag State activities; the provisions of the III Code were poorly known; there was a lack of competent staff and identified structure for the evaluation of activities; and the financial resources were insufficient to take adequate measures to carry out the periodic evaluation.

Corrective action

344 The Administration will implement the following actions:

- .1 regulations for the evaluation and periodic review of performance in the conduct of flag State activities will be developed and implemented;
- .2 a documented procedure will be developed and a centralized electronic system established, which will record and report on actions taken to periodically assess its performance; and
- .3 the necessary human and financial resources will be made available, relevant training provided to key staff will be provided, responsibilities for the electronic system will be assigned, and arrangements will be made to ensure continuous monitoring and review.

This corrective action will be completed by 31 July 2022.

FD

345 The Administration had not implemented policies through issuing national legislation and guidance which would assist in the implementation and enforcement of the requirements of the applicable IMO instruments. In addition, responsibilities to update and revise any relevant policies, had not been assigned (III Code, paragraph 15).

Root cause

346 The lack of maritime culture and insufficient personnel with maritime expertise (technical and legal) hampered effective implementation of the applicable mandatory IMO instruments.

Corrective action

347 The Administration will appoint a working group responsible for formulating policies and criteria, through the development and issuance of national legislation; executive decrees;

developing procedures, administrative instructions or guidelines; as well as for defining how the interrelation and coordination with other entities of the State responsible for the implementation and/or enforcement of the applicable IMO instruments will be structured. Furthermore, the working group will also be responsible for updating and revising any adopted policy, if requested. Personnel will be relocated within the different entities of the State and new positions will be created to meet the needs for technical and legal personnel in the respective areas. In addition, international cooperation will be requested for hiring of experts in order to provide technical and legal assistance and training, when necessary, to furnish the maritime administration with specialized personnel. This corrective action will be completed by 30 September 2022.

FD

348 The Administration had not established resources and processes capable of administering a safety and environmental protection programme, which includes:

- .1 administrative instructions to effectively implement the mandatory IMO instruments to which the State is Party and their amendments;
- .2 an independent audit and inspection programme covering the entity which issues the required certificates and documentation to ships entitled to fly the flag of the State; and
- .3 policies and/or guidelines to address those requirements that are left "to the satisfaction of the Administration" and criteria for type approval of materials and equipment, as required in the applicable mandatory IMO instruments

(III Code, paragraph 16.1; III Code, paragraph 16.2 ; III Code, paragraph 16.5).

Root cause

349 The absence of assigned responsibilities delayed the establishment of a safety and environmental protection programme.

Corrective action

350 The Administration will request additional funds to implement the new maritime law, upon its adoption, and to develop and implement a maritime safety and environmental protection programme, which will include the criteria to be followed when drafting administrative instructions and subsidiary regulations in order to effectively implement the applicable mandatory IMO instruments, respective amendments and national legislation. A responsible technical unit will be established and policies will be documented in relation to materials and equipment that should be of a type approved by the Administration, equivalents and alternative arrangements, as well as in relation to interpretations that are left "to the satisfaction of the Administration" in the applicable mandatory IMO instruments. In addition, independent audits of certification processes carried out by the Administration will be undertaken to verify compliance with the requirements of the respective mandatory IMO instruments. This corrective action will be completed by 30 September 2022.

FD

351 The Administration had not established policies, guidelines or procedures for issuing safe manning certificates in order to ensure that ships flying the flag of the State were sufficiently and efficiently manned, taking into account existing measures such as the

Principles of Safe Manning adopted by the Organization (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

352 Absence of assigned responsibility for monitoring amendments to the mandatory IMO instruments, complex legislative processes and insufficient personnel with maritime (technical and legal) expertise contributed to this finding.

Corrective action

353 Following the development of the new tracking system for amendments to the applicable mandatory IMO instruments, those amendments related to the minimum safe manning will be incorporated into national legislation, including the application of principles for issuing related Minimum Safe Manning certificates for ships flying the flag of the State, taking into account relevant IMO guidelines. In addition, executive decrees, policies, guidelines and procedures will be developed to ensure the effective implementation of said principles. Furthermore, personnel will be relocated within the different entities of the State and new positions will be created to meet the needs for technical and legal personnel in the respective areas. In addition, international cooperation will be requested for hiring of experts in order to provide technical and legal assistance and training, when necessary, to furnish the maritime administration with specialized personnel. This corrective action will be completed by 30 September 2022.

FD

354 The Administration had not determined that ROs had adequate technical, managerial and research capabilities to accomplish the delegated tasks. In addition, formal written agreements concluded with ROs did not meet the minimum requirements established in the relevant 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 18.1; III Code, paragraph 18.2; III Code, paragraph 18.3; III Code, paragraph 18.4).

Root cause

355 Insufficient personnel with maritime expertise (technical and legal) and the lack of awareness of the provisions of the RO Code and the III Code on delegation of authority contributed to this finding.

Corrective action

356 The Administration will implement the following actions:

- .1 incorporate the RO Code through an executive decree to ensure full compliance with the principles of the delegation of authority. In addition, existing agreements with ROs will be revised and updated according to requirements of the RO Code;
- .2 develop and implement documented procedures to improve and maintain communication with ROs in order to provide them with the new relevant national legislation, corresponding interpretations and any additional provisions of the Administration, including measures to be taken in the event that a ship is found unfit to proceed to sea; and

- .3 relocate personnel within the different entities of the State and create new positions to meet the needs for technical and legal expertise in respective areas. In addition, international cooperation will be requested for the hiring of experts in order to provide technical and legal assistance and training, when necessary, to furnish the maritime administration with specialized personnel.

This corrective action will be completed by 31 July 2022.

FD

357 The Administration had not established an oversight programme with adequate resources for monitoring of ROs. Furthermore, provisions for conducting supplementary surveys to ensure that ships entitled to fly the flag of the State effectively comply with the requirements of the applicable mandatory IMO instruments had not been developed and implemented (III Code, paragraph 20).

Root cause

358 Insufficient personnel with maritime (technical and legal) expertise and the lack of awareness of the provisions of the RO Code and the III Code on delegation of authority contributed to this finding.

Corrective action

359 The Administration will implement the following actions:

- .1 establish, upon incorporation of the RO Code into national legislation, an oversight programme for monitoring of ROs, in accordance with the provisions of the RO Code and of the III Code. The oversight programme will also include supplementary surveys for ships flying the flag of the State;
- .2 develop a training programme for flag State surveyors on rules and regulations of the flag State; and
- .3 relocate personnel within the different entities of the State and create new positions to meet the needs for technical and legal expertise in the respective areas. In addition, international cooperation will be requested for hiring of experts in order to provide technical and legal assistance and training, when necessary, to furnish the maritime administration with specialized personnel.

This corrective action will be completed by 31 July 2022.

FD

360 The Administration had not established a legal framework to provide penalties, including fines of adequate severity to discourage violation of international rules, regulations and standards by ships entitled to fly the flag of the State (III Code, paragraph 22.5).

Root cause

361 Absence of a comprehensive legal framework to ensure enforcement of the requirements stemming from the mandatory IMO instruments and insufficient personnel with maritime (technical and legal) expertise capable of drafting national legislation, contributed to this finding.

Corrective action

362 The Administration will implement the following actions:

- .1 once the relevant authority enacts the primary law, the Administration will have a solid legal framework for enforcing the requirements stemming from the mandatory IMO instruments. The aforementioned law will serve as a deterrent, providing penalties consistent with the severity of the offense; and
- .2 assess the required technical and legal expertise, relocate personnel within the different entities of the State accordingly and create new positions to meet the needs of respective areas. In addition, international cooperation will be requested for hiring of experts in order to provide technical and legal assistance and training, when necessary, to furnish the maritime administration with specialized personnel.

This corrective action will be completed by 30 September 2021.

FD

363 The Administration had not developed or implemented a control and monitoring programme, nor it had taken necessary measures to ensure compliance with its international obligations, as appropriate, in order to:

- .1 collect statistical data on the fleet, so that trend analyses can be conducted to identify problem areas;
- .2 ensure compliance with the applicable mandatory IMO instruments through national legislation;
- .3 provide an appropriate number of qualified personnel to implement and enforce national legislation, including resolutions, administrative instructions or guidance to assist in the implementation of the applicable mandatory IMO instruments, including personnel for performing investigations and surveys

(III Code, paragraph 23.2; III Code, paragraph 24.1; III Code, paragraph 24.2).

Root cause

364 The lack of human and financial resources hindered the implementation of a monitoring programme to ensure effective enforcement of the requirements stemming from the applicable mandatory IMO instruments.

Corrective action

365 The Administration will implement the following actions:

- .1 submit a request to the relevant authority for the issuance of an executive decree as a basis for formalizing a monitoring programme for the effective enforcement of the applicable mandatory IMO instruments. This programme will be established through procedures to ensure the consistent enforcement of measures and a methodology to assess continuous improvement of the said programme. The monitoring programme will also be included in the evaluation of performance in conducting flag State activities; and

- .2 the executive decree to be issued will also be a basis for provision of additional financial resources for appointing new flag State surveyors at port captaincies. In addition, personnel will be relocated within the different entities of the State and new positions will be created to meet the needs for technical and legal expertise in respective areas.

This corrective action will be completed by 30 September 2021.

FD

366 The Administration had not defined and documented 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. In addition, the Administration had not implemented a documented system for qualification and continuous updating of knowledge of flag State surveyors, with regard to the tasks they were authorized to undertake, and no identification document had been issued for surveyors (III Code, paragraph 28; III Code, paragraph 35; III Code, paragraph 37).

Root cause

367 The absence of a solid legal basis and a documented system for the training, qualification and monitoring of personnel affected to flag State duties contributed to this finding.

Corrective action

368 The Administration will develop a documented system for the qualification of flag State surveyors and continuous updating of their knowledge. The system will comprise a permanent documented training programme that will upgrade existing levels of qualifications and training of flag State surveyors, the provision of human and financial resources needed, identification of the type of training needed for individual flag State surveyors based on their specific competence (i.e. qualification and experience), and schedule for continuous updating of the knowledge of flag State surveyors. Job descriptions will also be issued for all flag State surveyor's posts, as well as for supporting personnel to ensure that responsibilities, authority and interrelation of all personnel are established. Detailed records on training provided will be maintained and provisions for training will also be taken into account for other personnel that manage tasks related to safety and environmental protection. This corrective action will be completed by 28 February 2022.

FD

369 The arrangements for conducting marine safety investigations did not comply with the Casualty Investigation Code. Procedures that would guide the investigation process for very serious marine casualties were not in place. In addition, the objectivity and impartiality of investigators was not ensured, and investigation reports were not released to the public and communicated to IMO (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 1.3; 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

370 The following factors contributed to this finding:

- .1 the Casualty Investigation Code had not been incorporated into national legislation; therefore, related requirements had also not been implemented; and
- .2 lack of awareness of the requirements of the Casualty Investigation Code and the III Code.

Corrective action

371 The Administration will implement the following actions:

- .1 incorporate the Casualty Investigation Code into national legislation through an executive decree; implement related procedures and guidelines to assist in the investigation process, particularly for very serious casualties; and establish a legal basis for the effective implementation, in accordance with the mandatory provisions; and
- .2 through the aforementioned decree, an independent unit will be established within the Administration, responsible for investigating marine casualties in an impartial and objective manner, as well as for finalizing investigation reports without organizational interference, releasing them to the public and communicating them to IMO.

This corrective action will be completed by 30 September 2022.

FD

372 There was no system in place for the Administration to periodically evaluate its performance with respect to administrative processes, procedures and resources, necessary to meet its flag State obligations and responsibilities under the mandatory IMO instruments (III Code, paragraph 42; III Code, paragraph 43).

Root cause

373 The absence of an overall strategy hampered the coordination between State entities in order to develop a performance evaluation methodology.

Corrective action

374 The development of an overall strategy will allow the Administration to coordinate with all the entities of the State who share responsibilities for flag State activities and to develop a mechanism for evaluation of flag State performance with clear lines of authority, assigned responsibilities, as well as defined objectives and KPIs. The performance evaluation will be carried out annually and respective records will be maintained to monitor the implementation of the defined improvement actions. The Administration will be responsible for the implementation and follow-up of the mechanism. This corrective action will be completed by 30 September 2022.

FD

375 The Administration had neither developed nor implemented policies through enacting national legislation and guidelines that would facilitate the enforcement and monitoring of compliance with the requirements of the mandatory IMO instruments. In addition, the

responsibilities for carrying out different activities within the Administration were not clearly defined (III Code, paragraph 15).

Root cause

376 Absence of a legal basis, as the mandatory IMO instruments to which the State was Party were not incorporated into national legislation. The staff of the Directorate of Maritime Affairs were not familiar with the requirements of the mandatory IMO instruments and did not follow-up on the latest amendments to these instruments.

Corrective action

377 The Administration will implement the following actions:

- .1 identify and compile the applicable mandatory IMO instruments and resolutions to be incorporated into national legislation;
- .2 assign responsibilities and develop and implement new maritime legislation incorporating the requirements of the mandatory IMO instruments to which the State was Party, including policies for their implementation and enforcement;
- .3 develop and implement clear guidelines and instructions for the implementation and enforcement of the promulgated texts; and
- .4 establish mechanisms to familiarize staff with the mandatory IMO instruments, to follow-up the latest amendments of these instruments, to develop or update related policies, and to keep national legislation up to date.

This corrective action will be completed by 31 March 2022.

FD

378 There were no specific requirements in national legislation and guidelines to ensure that the provisions of SOLAS 1974 and MARPOL Annexes I and V were made applicable to ships entitled to fly the flag of the State, irrespective of their size and area of operation. In addition, the Administration had not developed and implemented measures to enforce the requirements of STCW 1978 relating to fitness for duty, arrangements for watchkeeping, fatigue prevention and prevention of drugs and alcohol abuse (SOLAS 1974, regulation V/1.4; MARPOL, Annex I, regulation 2.1; MARPOL, Annex I, regulation 14.4; MARPOL, Annex V, regulation 6.3.2; STCW 1978, regulation VIII/1.1; STCW 1978, regulation VIII/1.2; STCW 1978, regulation VIII/2.1; STCW 1978, regulation VIII/2.2; III Code, paragraph 16.1; III Code, paragraph 16.3).

Root cause

379 There was a lack of knowledge and insufficient qualified personnel to promulgate laws and by-laws for effective implementation and enforcement of the requirements of SOLAS 1974 and MARPOL on board all ships, irrespective of their size.

Corrective action

380 The Administration will implement the following actions:

- .1 establish and implement regulations, guidelines and procedures to ensure that requirements of the mandatory IMO instruments are applied on board all ships, regardless of their size;
- .2 develop a monitoring mechanism to ensure that masters, officers and seafarers on board all ships flying the flag of the State are competent and certified; and
- .3 the requirements of STCW 1978 on fitness for duty, organization of watchkeeping, prevention of fatigue and prevention of drugs and alcohol abuse on board ships will be enacted, strictly enforced and monitored aboard all ships flying the flag of the State.

This corrective action will be completed by 31 December 2021.

FD

381 The Administration had not developed, and documented interpretation of the requirements contained in the relevant mandatory IMO instruments that were "left to the satisfaction of the Administration", nor had it developed any related policy or guidance (III Code, paragraph 16.5).

Root cause

382 There was a lack of understanding on specific requirements and absence of national legislation and procedures to develop guidelines on the requirements of relevant mandatory IMO instruments that are "left to the satisfaction of the Administration".

Corrective action

383 The Administration will develop and implement instructions and administrative arrangements to ensure effective implementation of the rules and standards of the applicable mandatory IMO instruments, including interpretations "left to the satisfaction of the Administration". This corrective action will be completed by 31 March 2021.

FD

384 The Administration had not documented procedures and criteria to ensure that the ships flying the flag of the State are sufficiently and efficiently manned and to facilitate the implementation of the principles for determining the minimum manning levels as adopted by the Organization (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

385 The following factors contributed to this finding:

- .1 there was no national text stipulating the issuance of minimum safe manning documents taking into account resolution A.1047(27); and
- .2 the national fleet was mainly composed of non-convention ships, which do not meet the requirements of the mandatory IMO instruments, and issuing of documents specifying minimum safe manning by the Administration had not been applied.

Corrective action

386 The Administration will implement the following actions:

- .1 develop and apply guidelines to determine the minimum safe manning levels in accordance with SOLAS 1974, Regulation V/14 and taking into account resolution A.1047(27);
- .2 ensure that all ships flying the flag of the State are sufficiently and efficiently manned; and
- .3 issue documents to each ship flying the flag of the State, specifying the minimum safe manning in accordance with the requirements of national legislation and the provisions of the mandatory IMO instruments.

This corrective action will be completed by 31 March 2021.

FD

387 There was no evidence that the Administration regulated the delegation of authority to ROs or applied the relevant requirements of the mandatory IMO instruments governing the delegation of authority (SOLAS 1974, regulation I/6; SOLAS 1974, regulation XI-1/1; MARPOL, Annex I, regulation 6; LL 1966, article 13; RO Code, part 1, section 4.2; RO Code, part 2, section 8; III Code, paragraph 18).

Root cause

388 The following factors contributed to this finding:

- .1 insufficient technical and financial resources and lack of qualified personnel within the Administration; and
- .2 lack of a regulatory base and follow-up procedures to evaluate and monitor ROs.

Corrective action

389 The Administration will implement the following actions:

- .1 develop and incorporate into national legislation a new text governing the delegation of authority and authorization of ROs;
- .2 review existing delegation of authority agreements with ROs to ensure compliance with the requirements of the mandatory IMO instruments on the delegation of authority and recognition of ROs;
- .3 exercise its authority to conduct additional surveys and ensure that ships entitled to fly the flag of the State comply with the requirements of the mandatory IMO instruments; and
- .4 develop and implement specific additional instructions to ROs, including instructions on actions to be taken in the event that a ship is found unfit to proceed to sea, and communicate these instructions to all ROs, companies and stakeholders.

This corrective action will be completed by 31 March 2021.

FD

390 The Administration had not taken the necessary measures to ensure that ships entitled to fly the flag of the State complied with the requirements of the mandatory IMO instruments and, in particular, it had not established a programme of periodical inspections. In addition, penalties provided for in national legislation were not of adequate severity to discourage violation of international rules and standards (III Code, paragraph 22).

Root cause

391 There was a lack of transposition of the mandatory IMO instruments into national legislation and the lack of monitoring of evolution of the requirements set by of the mandatory IMO instruments.

Corrective action

392 The Administration will implement the following actions:

- .1 develop and implement required legislation and documented procedures for the purpose of conducting periodic surveys of ships flying the flag of the State;
- .2 establish and implement a legal and administrative mechanism, including penalties of adequate severity, to prohibit ships from breaching regulations and to ensure that they proceed to sea without danger to the ship, persons on board, or a threat of harm to the marine environment;
- .3 establish a mechanism for instituting proceedings, after an investigation has been conducted, against ships entitled to fly the flag of the State and individuals holding certificates or endorsements when it is established that they have violated the rules and standards, irrespective of where the violation has occurred; and
- .4 regarding violation of rules, seafarers, shipowners and operators of ships flying the flag of the State will be informed of the penal and disciplinary clauses they incur in the event of non-compliance with the national legislation and the provisions of the mandatory IMO instruments to which the State was Party.

This corrective action will be completed by 31 March 2021.

FD

393 The Administration had not defined and documented the responsibilities and authority of the surveyors and the personnel who manage, perform and verify the safety and pollution prevention activities, and the relationships between them. In addition, the Administration had not put in place a documented system for qualification of flag State surveyors and continuous updating of their knowledge (III Code, paragraph 28; III Code, paragraph 35; III Code, paragraph 36).

Root cause

394 The maritime legislation was outdated in terms of accreditation of ship safety surveyors, and there was no documented procedure in place to update the knowledge of flag State surveyors.

Corrective action

395 The Administration will develop and implement the following actions:

- .1 a procedure for defining the responsibilities and authority of all personnel who manage, perform and verify safety and pollution prevention related activities, and relations among them;
- .2 a training programme for flag State surveyors and personnel involved in carrying out surveys, inspections and audits based on the training needs identified for individual surveyors; and
- .3 a documented system for qualification of personnel and continuous updating of their knowledge.

This corrective action will be completed by 31 March 2021.

FD

396 The Administration had not implemented the provisions of the Casualty Investigation Code and did not take into account the guidelines developed by IMO (resolution A.1075(28)). The current casualty investigation system and the structure of the responsible entity did not guarantee the impartiality and objectivity of the investigators (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 11.1; III Code, paragraph 38; III Code, paragraph 41).

Root cause

397 The Administration used flag State surveyors for conducting accident investigations without ensuring the impartiality and objectivity of the investigators.

Corrective action

398 The Administration will implement the following actions:

- .1 incorporate the provisions of the Casualty Investigation Code into national legislation, taking into account the guidelines in resolution A.1075(28);
- .2 establish and implement a commission for casualty investigations with qualified staff with technical knowledge of ships and their operations; and
- .3 develop a mechanism to ensure impartiality and objectivity of investigators who will benefit from an ongoing training programme on the conduct of casualty investigations.

This corrective action will be completed by 31 March 2022.

FD

399 The Administration did not periodically assess its performance with regard to the implementation of methods, procedures and resources required to fulfil its flag State obligations under the instruments to which the State is Party (III Code, paragraph 42; III Code, paragraph 43).

Root cause

400 There were insufficient human resources and a lack of a culture to periodically evaluate and review the performance in the conduct of flag State activities.

Corrective action

401 The Administration will recruit suitably qualified personnel to strengthen its institutional capacity to administer flag State activities and develop and implement a legal framework to institutionalize a documented system of periodic assessment and review of its performance in accordance with the applicable mandatory IMO instruments using identified KPIs. This corrective action will be completed by 31 March 2022.

FD

402 The Administration had not implemented policies through the issuance of national legislation and guidance which would assist in the implementation and enforcement of the requirements of the applicable IMO instruments to which the State is Party (III Code, paragraph 15).

Root cause

403 Due to the lack of knowledge of the requirements emanating from the applicable mandatory IMO instruments and the lack of assignment of responsibilities for developing policies on the implementation and enforcement of those instruments, there were no documented policies through the issuance of national legislation and guidelines.

Corrective action

404 Following the transposition of the applicable IMO instruments into national legislation and the development of related amendments procedure, the Administration will assign responsibility for formulation of policies and carry out an assessment of the need for additional national legislation to assist in the effective implementation and enforcement of the requirements stemming from the mandatory IMO instruments. The responsibility will also be assigned for coordination with other State entities responsible for the implementation or enforcement of the requirements stemming from the mandatory IMO instruments within their jurisdiction. This corrective action will be completed by 30 December 2020.

FD

405 The Administration had not established resources and processes capable of administering a safety and environmental protection programme, which includes:

- .1 administrative instructions to effectively implement the mandatory IMO instruments to which the State is Party and their amendments;

- .2 an independent audit and inspection programme covering the entity which issues the required certificates and documentation to ships entitled to fly the flag of the State;
- .3 adequate resources, in particular adequate technical expertise, to effectively discharge their responsibilities and obligations as a flag State, including the conduct of investigations; and
- .4 policies and/or guidelines to address those requirements that are left "to the satisfaction of the Administration" and criteria for type approval of materials and equipment as required in the relevant mandatory IMO instruments to which the State is Party

(III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.5; III Code, paragraph 16.4).

Root cause

406 The lack of financial, human and material resources contributed to this finding.

Corrective action

407 The Administration will implement the following actions:

- .1 identify cases where no administrative instructions had been issued and establish corresponding legal provisions accordingly;
- .2 establish an external audit and inspection programme and develop a mechanism for monitoring audit follow-ups, which will be included in the flag State performance evaluation;
- .3 submit request to the government for additional funds and recruit and train surveyors, investigators and auditors through updated and specialized training programmes. Job descriptions for related positions will also be developed; and
- .4 define and develop criteria or interpretations for the provisions that are left "to the satisfaction of the Administration" in the applicable mandatory IMO instruments, as well as those related to type approval of materials and equipment.

This corrective action will be completed by 30 December 2020.

FD

408 The Administration had not taken measures to establish and enforce requirements related to fitness for duty and watchkeeping arrangements. This include prevention of drug and alcohol abuse, as well as fatigue prevention and rest periods (STCW 1978, regulation VIII/1.1; STCW 1978, regulation VIII/1.2; STCW 1978, regulation VIII/2.1; STCW 1978, regulation VIII/2.2; III Code, paragraph 16.3).

Root cause

409 The lack of knowledge of the requirements of STCW 1978 and a lack of qualified personnel and financial resources contributed to this finding.

Corrective action

410 Following transposition of the applicable IMO instruments into national legislation and the development of related amendments procedure, the Administration will legislate the requirements of STCW 1978, in particular fitness for duty and watchkeeping matters. Measures for compliance with the requirements related to fatigue prevention and the prevention of drug and alcohol abuse on board ships. In addition, enforcement measures will be enacted for non-compliance with national regulations. The Administration will also submit a request to the government for additional funds for training and updating of qualifications and knowledge of its personnel. This corrective action will be completed by 30 December 2020.

FD

411 The Administration issued safe manning certificates to ships flying the flag of the State without having a legal basis and not taking into account existing measures such as the Principles of Safe Manning adopted by the Organization (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

412 There was the lack of financial and material resources and insufficient personnel with maritime expertise.

Corrective action

413 Following the development of a procedure to monitor amendments to the applicable mandatory IMO instruments, specific amendments related to safe manning will be enacted into national legislation and administrative instructions will be implemented taking into account relevant IMO resolution. Consequently, related forms of safe manning certificates to be issued to ships flying the flag of the State will also be amended according to newly established principles. Additional funds will be requested from the government and the Administration's workforce will be increased with specialized personnel. This corrective action will be completed by 30 December 2020.

FD

414 The delegation of authority was not regulated, and the RO Code had no legal basis for its implementation. In addition:

- .1 formal written agreements that were in place with the RO, did not contain minimum elements in accordance with the mandatory requirements;
- .2 the Administration did not provide the RO with the appropriate instruments of national law, guidelines and interpretations thereof, giving effect to the provisions of the IMO instruments;
- .3 an oversight programme had not been established for monitoring survey and certification activities delegated to the RO; and

- .4 staff with a good knowledge of the rules and regulations of the flag State and those of the RO to carry out effective oversight of the RO

(SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 4.2; RO Code, part 2, section 8; RO Code, part 2, section 1.2 and appendix 3; III Code, paragraph 18.1; III Code, paragraph 18.2; III Code, paragraph 18.4; III Code, paragraph 20).

Root cause

415 The absence of legal basis and insufficient personnel with maritime expertise contributed to this finding.

Corrective action

416 The Administration will adopt the RO Code through issuing national legislation and will revise existing agreements with ROs and bring them in line with the mandatory IMO instruments. Procedures to improve communication with ROs, and to provide them with the appropriate national legislation, interpretations thereof or other instructions, as well as requirements on records to be maintained by ROs will be established. Subsequently, the government will secure the necessary funds for training of flag State surveyors and auditors and for the establishment of an oversight programme of ROs, which will be implemented accordingly. This corrective action will be completed by 30 December 2020.

FD

417 The Administration had not established necessary measures to ensure effective enforcement and to secure observance of international rules and standards, through periodic inspections, providing for penalties in national legislation and instituting proceedings, to guarantee that ships entitled to fly the flag of the State, entities and persons under its jurisdiction complied with mandatory requirements. In addition, the Administration did not develop and implement a control and monitoring programme, with adequate resources, to provide for a timely response to deficiencies and alleged pollution incidents (III Code, paragraph 22; III Code, paragraph 23; III Code, paragraph 24).

Root cause

418 The lack of national legislation for the enforcement of the requirements stemming from the mandatory IMO instruments and the absence of qualified personnel contributed to this finding.

Corrective action

419 Once the State incorporates into its legal system a specific primary law that regulates the maritime sector, under the general provisions of treaty law and the applicable mandatory IMO instruments, enforcement provisions will be established in order to provide a penalty framework of adequate severity to discourage violations in different areas. The Administration will carry out an assessment of necessary new national legislation, subsidiary legislation and related regulations, as well as draft and submit any identified legislation, through the legislative processes of the State, to Parliament for enactment. Furthermore, additional funds will be requested from the government, sufficient qualified personnel recruited, and existing staff trained in application of national enforcement requirements. This corrective action will be completed by 30 December 2020.

FD

420 The arrangements for conducting marine safety investigations did not comply with the Casualty Investigation Code and it had not been transposed into national legislation. Procedures that would guide the investigation process for investigation of all serious marine casualties were also not in place. In addition, no flag State investigators were available to carry out the investigations (SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); LL 1966, article 23; III Code, paragraph 38; III Code, paragraph 41).

Root cause

421 The absence of national legislation adopting the casualty investigation Code, the absence of a system/procedure for tracking and incorporating related amendments and the lack of qualified personnel contributed to this finding.

Corrective action

422 The Administration will develop and implement national legislation incorporating the Casualty Investigation Code to regulate the investigation process and implement related mandatory requirements. After the government secures the necessary funds, investigators will be trained through updated and specialized training programmes and job descriptions for relevant positions will be developed. In addition, the Administration will seek technical assistance from IMO and consider establishing a system of internships with other Administrations so that investigators can obtain experience in matters related to marine casualties. This corrective action will be completed by 30 December 2020.

FD

423 There was no system in place for the Administration to periodically evaluate its performance with respect to administrative processes, procedures and resources necessary to meet its flag State obligations and responsibilities under the mandatory IMO instruments (III Code, paragraph 42; III Code, paragraph 43).

Root cause

424 Insufficient human, financial and material resources hampered the development of a system to measure the flag State performance.

Corrective action

425 Following the development of the overall strategy, the Administration will implement the following corrective actions:

- .1 coordinate with other entities of the State involved in flag State activities to establish an evaluation and review system where responsibilities will be clearly defined and assigned. In addition, KPIs and provisions for the annual collection and compilation of data will be part of the performance evaluation; and
- .2 establish a joint audit team between the relevant government entities, led by the Administration, and the verification of the conduct of the performance evaluation will be included in the scope of the audit. The audit, which will include all the areas under flag State activities, will be carried out at least once a year.

This corrective action will be completed by 30 December 2021.

FD

426 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. In addition, responsibilities within the Administration to update and revise any relevant policies adopted, had not been assigned (III Code, paragraph 15).

Root cause

427 The lack of technical and legal capacity to draft national legislation and insufficient personnel within the Administration to update and revise relevant policies, contributed to this finding.

Corrective action

428 The Administration will implement the following actions:

- .1 request technical assistance from IMO in respect of training for legal drafters;
- .2 hire and train personnel to fulfil the responsibilities of the Administration in coordination with the Ministry of Legal Affairs; and
- .3 adopt policies and develop and maintain a QMS, which will ensure the effective implementation of the mandatory IMO instruments through corresponding national legislation. QMS will also define responsibilities and set a methodology to evaluate update and revise adopted policies.

This corrective action will be completed by 30 December 2022.

FD

429 The Administration did not establish resources and processes capable of administering a safety and environmental protection programme, which includes:

- .1 the necessary administrative instructions or any interpretative national regulations, in order to implement applicable international rules and regulations;
- .2 an independent audit and inspection programme of the administrative body issuing the required certificates and relevant documentation to the ships flying the flag of the State; and
- .3 provision of guidance concerning those requirements found in the relevant IMO instruments that are left to the satisfaction of the Administration and type approval criteria for materials and equipment

(III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.5).

Root cause

430 Insufficient personnel and a lack of procedures to monitor compliance with the requirements of the applicable mandatory IMO instruments, contributed to this finding.

Corrective action

431 The Administration will implement the following actions:

- .1 implement a safety and environmental protection programme, comprising a QMS, and establish policies to fulfil requirements of the applicable mandatory IMO instruments. QMS will include applicable requirements of the III Code and will be certified by an external accredited certification body;
- .2 conduct an assessment to identify the need for drafting new instructions/regulations, which will be sent to the Minister responsible for shipping, for further promulgation;
- .3 establish policies for issuing administrative instructions/regulations, interpretations and guidelines regarding those areas left "to the satisfaction of the Administration" in the relevant mandatory IMO instruments; for type approvals of material and equipment; and for provisions related, but not limited to, evaluating, testing and approving life-saving appliances and arrangements; and
- .4 carry out an assessment of necessary expertise and personnel to perform, on a continual basis, the tasks in the implementation of relevant requirements of the applicable mandatory IMO instruments. In addition, an assessment of required training for existing staff will be carried out and related training provided accordingly.

This corrective action will be completed by 30 December 2022.

FD

432 There was no evidence to demonstrate that the Administration had established measures to enforce requirements related to fitness for duty and watchkeeping arrangements. This includes prevention of fatigue, prevention of drug and alcohol abuse and hours of work and rest (STCW 1978, regulation VIII/1.1; STCW 1978, regulation VIII/1.2; STCW 1978, regulation VIII/2.1; STCW 1978, regulation VIII/2.2; III Code, paragraph 16.3).

Root cause

433 Insufficient personnel to monitor ships' crew arrangements contributed to this finding.

Corrective action

434 The Administration will develop and implement policies, through issuing national legislation and procedures, to monitor ships' crew and their watchkeeping arrangements, including measures for prevention of fatigue, drug and alcohol abuse, as well as hours of work. These legislation and procedures will be promulgated to all concerned. In addition, an assessment will be carried out to determine necessary expertise and personnel to perform, on a continual basis, the tasks in the implementation of said requirements as well as required

training for existing staff in the matter. This corrective action will be completed by 30 December 2022.

FD

435 The Administration had not developed policies, guidelines or procedures for issuing safe manning certificates in order to ensure that ships entitled to fly the flag of the State were sufficiently and efficiently manned (III Code, paragraph 17).

Root cause

436 There was a lack of technical and legal capacity, inadequate manpower and the absence of a system to monitor amendments to the mandatory IMO instruments.

Corrective action

437 Following the development and implementation of a new system for tracking amendments to the applicable mandatory IMO instruments the Administration will develop and implement national legislation and a safety and environmental protection programme, which will include policies and procedures related to safe manning and the issuance of the respective certificates. The policies will take into consideration the latest guidelines on the Principles of Safe Manning adopted by IMO and by other organizations/administrations. In addition, personnel with the requisite maritime/legal background will be recruited and/or provide scholarships for staff members to study maritime law or maritime administration (e.g. at WMU or IMLI). This corrective action will be completed by 30 December 2022.

FD

438 The Administration did not regulate the authorizations of its ROs in accordance with the applicable requirements of the mandatory IMO instruments. There was also no evidence of an oversight programme for monitoring the survey and certification activities delegated to the RO acting on behalf of the Administration (SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 4.2; RO Code, part 2, section 8; III Code, paragraph 18; III Code, paragraph 20).

Root cause

439 There was a lack of policy on the authorisation of ROs, and no national legislation was enacted as a result.

Corrective action

440 The Administration will implement the following actions:

- .1 transpose and enact the provisions of the RO Code into national legislation in order to regulate authorization of ROs, including but not limited to, the evaluation of ROs before granting authorization and formal agreement between the Administration and the RO;
- .2 establish policies and procedures, following the development and implementation of the safety and environmental programme, taking into consideration the Shipping Act, the RO Code and the requirements of the III Code (e.g. the issuance of specific instructions and providing the RO with national laws, interpretations, guidelines and criteria); and

- .3 develop and implement an oversight programme of ROs in line with the applicable mandatory IMO instruments.

This corrective action will be completed by 30 December 2022.

FD

441 Although the Administration had the underlying legal framework establishing measures for the enforcement of the relevant IMO instruments, there were insufficient detailed documented processes and procedures to execute those measures to ensure compliance with its international obligations (III Code, paragraph 22; III Code, paragraph 23; III Code, paragraph 24).

Root cause

442 The lack of technical and legal capacity to effectively manage the functions of the maritime administration, including the promulgation of the necessary national laws for the enforcement of requirements stemming from the applicable mandatory IMO instruments, contributed to this finding.

Corrective action

443 The Administration will implement the following actions:

- .1 review existing national legislation in order to draft necessary subsidiary legislation, processes, procedures and instructions related to the enforcement of the requirements stemming from the applicable mandatory IMO instruments.
- .2 evaluate competence of all personnel to identify those existing staff members that require training. Necessary resources will be assessed, and additional qualified personnel recruited accordingly to implement and enforce national legislation;
- .3 review and revise penalties in the respective acts to ensure they are of adequate severity to discourage violations of international treaties;
- .4 include in national law all new measures that will be undertaken to ensure effective enforcement of national provisions; and
- .5 recruit personnel with the requisite maritime/legal background and/or provide scholarships for staff members to study maritime law or maritime administration (e.g. at WMU or IMLI). In addition, training of existing staff of the maritime administration in maritime law, as well as maritime safety and environmental administration, will be provided.

This corrective action will be completed by 30 December 2022.

FD

444 The Administration had not defined or documented the responsibilities, authority and interrelation of flag State surveyors. A documented system for the continuous updating of their knowledge, as appropriate to the tasks they were authorized to undertake was not in place. In addition, an identification document for the flag State surveyors to carry when performing their

tasks had not been issued (III Code, paragraph 28; III Code, paragraph 35; III Code, paragraph 37).

Root cause

445 The lack of defined responsibilities and authority of flag State surveyors including job descriptions contributed to this finding.

Corrective action

446 The Administration will implement the following actions:

- .1 develop job descriptions for surveyors, including their responsibilities;
- .2 review and revise relevant national legislation to ensure that authority of flag State surveyors is adequately defined;
- .3 conduct a study to assess the individual training needs of all flag State surveyors, taking into account their qualifications, experience and assigned tasks, which will be documented and maintained as a system for continuous updating of knowledge of flag State surveyors. Appropriate training programmes will be developed and provided to flag State surveyors covering theoretical topics on ships, their operation and provisions of the relevant national and international instruments;
- .4 assess the possibility of arranging training programmes for its personnel through their participation in regional training courses and workshops organized by IMO or other organizations/administrations, professional bodies and associations within the region or worldwide; and
- .5 issue appropriate identification documents for flag State surveyors to carry when conducting surveys.

This corrective action will be completed by 30 December 2022.

FD

447 There was no documented policy or procedure in place to demonstrate that the arrangements for conducting casualty investigations ensured the independence and impartiality of investigators. In addition, reporting to IMO and the release of reports to the maritime sector and public had not been implemented (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

448 The existing legal basis for conducting casualty investigations was outdated and did not fully incorporate the Casualty Investigation Code and relevant requirements of the III Code.

Corrective action

449 The Administration will implement the following actions:

- .1 transpose the Casualty Investigation Code into national legislation, through the national legislative process and in collaboration with other responsible entities of the State and establish relevant regulations/procedures for its implementation. In addition, guidelines to assist investigators, will be considered and the release of investigation reports to the public will be implemented through the Administration's website;
- .2 new legislation will include amended system for marine safety investigation and reporting to ensure objectivity and impartiality of investigators and to avoid any conflict of interest or organizational interference into investigations; and
- .3 assign reporting responsibilities within the framework of the "communication of information to IMO" system, to be developed.

This corrective action will be completed by 30 December 2022.

FD

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

Root cause

451 The lack of assigned oversight responsibility to an existing inter-agency Committee into the functioning of the Administration contributed to this finding.

Corrective action

452 The Administration will develop a new strategy, as part of the overall maritime strategy, to assess its effectiveness in fulfilling flag State obligations under the applicable mandatory IMO instruments. The performance will be based on KPIs, to be developed, related to port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics and other performance indicators, as may be appropriate. Based on such evaluation, it will be determined whether staffing, resources and administrative procedures are adequate to meet flag State obligations, and requisite actions will be implemented, as appropriate. This corrective action will be completed by 30 December 2022.

FD

453 The Administration had not implemented any policies through the issuance 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 15.1).

Root cause

454 There were no policies 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. Also, there was a lack of awareness of the requirements of the III Code and the applicable IMO instruments.

Corrective action

455 The Administration will develop policies, through issuing national legislation and guidance, circulars, documented procedures and interpretations for the effective implementation and enforcement of the safety and pollution prevention requirements emanating from the mandatory IMO instruments to which the State is Party. The Administration will establish a mechanism to formulate, update and review the relevant national legislation covering flag State activities. This corrective action will be completed by 1 July 2020.

FD

456 It was established that there were no specific requirements to extend the implementation of the provisions of SOLAS 1974 and MARPOL 73/78 to ships entitled to fly the flag of the State, regardless of their size and area of operation (SOLAS 1974, regulation V/1.4; MARPOL, Annex I, regulation 2.1; MARPOL, Annex I, regulation 14.3; MARPOL, Annex I, regulation 14.4; MARPOL, Annex V, regulation 10.1; MARPOL, Annex V, regulation 10.2; III Code, paragraph 16.1).

Root cause

457 There was no specific requirement in the existing legislation which would extend the implementation of the provisions of the conventions to which the State is Party to all ships irrespective of their size due to a lack of awareness of the requirements of the relevant IMO instruments.

Corrective action

458 The Administration will develop and implement relevant policies and support the issuance of national legislation for the implementation and enforcement of the convention's 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 1 July 2021.

FD

459 The Administration had not established resources and processes capable of administering a safety and environmental protection programme, which includes:

- .1 administrative instructions to effectively implement the mandatory IMO instruments and their amendments. This includes documenting policies and instructions on issuing equivalents, alternative arrangements and type approvals of materials and equipment, as well as addressing those requirements that are left "to the satisfaction of the Administration" in the relevant mandatory IMO instruments; and
- .2 an independent audit and inspection programme covering the entity which issues the required certificates and documentation to the ships entitled to fly the flag of the State, in order to ensure compliance with the requirements of the applicable mandatory IMO instruments

(III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.5).

Root cause

460 No procedures for equivalence, alternative arrangements or type approval of materials and equipment has been established due to a lack of awareness of the requirements of the III Code and the relevant IMO instruments to which the State is Party.

Corrective action

461 A documented procedure for equivalence and alternative arrangements will be developed and implemented by the Administration, and type approvals of materials and equipment will be delegated to the recognized organizations (ROs). In addition, requirements for an independent audit and inspection programme for entities granted to carry out ships' surveys, inspections and audits to ensure compliance with the mandatory IMO instruments will be included in the procedure. Procedures for interpretations and equivalents will be included into the RO agreements with a detailed hierarchy of rules and guidance. A procedure addressing requirements of the applicable IMO instruments that are left "to the satisfaction of the Administration" will be developed and implemented by the Administration. This corrective action will be completed by 1 June 2020.

FD

462 The Administration had not determined, before granting authorization, if the ROs had adequate resources and managerial or research capabilities. The written agreement between the Administration and the ROs did not, as a minimum include, the elements set out in the applicable mandatory IMO instruments. In addition, an oversight programme for monitoring the survey and certification of activities delegated to the ROs acting on behalf of the Administration was not established (SOLAS 1974, regulation I/6; SOLAS 1974, regulation XI-1/1; MARPOL, Annex I, regulation 6; LL 1966, article 13; 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 18.4; III Code, paragraph 20).

Root cause

463 The legal basis for delegation of authority to recognized organization (RO) was insufficient and not in line with the mandatory IMO instruments, particularly the RO Code. Also, there was a lack of awareness and knowledge of the requirements of the relevant IMO instruments for authorizing a RO to act on behalf of the flag State.

Corrective action

464 The Administration will develop and implement legislation governing the authority of the State and authorization of ROs based on the requirements of the applicable IMO instruments, including the III Code. A documented procedure for monitoring of ROs will be developed, implemented and managed by the Administration. The oversight programme of the ROs will include annual meetings, joint and supplementary surveys and audits of the QMS put in place by the Ros, in particular its application in the surveys of the ships flying the flag of the State. This corrective action will be completed by 1 February 2020.

FD

465 The Administration had not established a periodic inspection programme of ships entitled to fly its flag to verify that the actual condition of the ship and its crew was in conformity with the certificates it carries and had not put a mechanism in place to institute proceedings, after an investigation has been conducted, against the ships entitled to fly the flag of the State,

which have violated international rules and standards (III Code, paragraph 22.2; III Code, paragraph 22.6).

Root cause

466 There was lack of knowledge of the requirements of the III Code. Also, the existing legislation only established very limited sanctions and penalties to discourage violation of international rules and standards set by the mandatory IMO instruments.

Corrective action

467 The Administration will develop, implement and manage a programme for periodic inspections of ships flying the flag of the State with detailed criteria for inspections, and will establish guidelines, instructions and checklists for flag State surveyors. Records will be filed and monitored by the Administration after each inspection. In addition, detailed provisions for penalties will be included in laws and regulations to discourage violation of national and international requirements. The mechanism to institute proceedings against ships that violated international rules and standards, which is stipulated in the surveyor's manual, will be rewritten and improved to be more detailed and stringent. These changes will be communicated to all stakeholders through a circular. This corrective action will be completed by 1 November 2019.

FD

468 The Administration had not developed and implemented an appropriate control and monitoring programme to ensure compliance with the applicable international instruments through national legislation and the training and oversight of the activities of flag State surveyors and investigators (III Code, paragraph 24.1; III Code, paragraph 24.5).

Root cause

469 There was a lack of knowledge of the obligations stipulated by the mandatory IMO instruments and lack of awareness of provisions of the III Code.

Corrective action

470 The Administration will develop and implement a control and monitoring programme through an accurate and up-to-date national legislation to ensure compliance with the international obligations by ships entitled to fly the flag of the State and by entities and persons under its jurisdiction. Designated investigators will undergo formalized training programme specific for the conduct of marine casualty investigations. This corrective action will be completed by 1 January 2020.

FD

471 The Administration had not implemented a documented system for the continuous updating of the knowledge of the flag State surveyors with regard to the task they were authorized to undertake (III Code, paragraph 35).

Root cause

472 There was a lack of awareness of the need for documented system for qualification of flag State surveyors and continuous updating of their knowledge, including the lack of dedicated training programme for the surveyors.

Corrective action

473 The Administration will develop and implement a formal documented procedure for qualification and continuous updating of the knowledge of flag State surveyors. This documented procedure will be incorporated into the upcoming QMS of the Administration and will include a methodology for identifying, documenting and providing for personal training needs of individual surveyors, corresponding to the tasks they are authorized to undertake. In addition, the Administration will hold monthly meetings or training sessions, during which participants to specific training courses will be required to share the knowledge they have gained from these courses. This corrective action will be completed by 1 December 2019.

FD

474 The Administration did not implement the provisions of the Casualty Investigation Code. The current casualty investigation system and structure did not ensure impartiality and objectivity. In addition, final investigation reports were not communicated to IMO and made available to the public (SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); LL 1966, article 23; Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 38; III Code, paragraph 41).

Root cause

475 There was a failure to transpose the requirements of the mandatory IMO instruments into national legislation governing the safety investigation into a marine casualty or marine incident, including impartiality and objectivity of investigators engaged in maritime accident investigation.

Corrective action

476 The Administration will develop and implement legislation transposing the requirements of the Casualty Investigation Code and procedures for conducting safety and pollution accident investigations. Two casualty investigators will be appointed, and a mechanism will be put in place to ensure their objectivity and impartiality. This corrective action will be completed by 1 January 2020.

FD

477 There was no system in place for the Administration to periodically evaluate its performance with respect to administrative processes, procedures and resources necessary to meet its obligations and responsibilities under the mandatory IMO instruments as a flag State (III Code, paragraph 42; III Code, paragraph 43).

Root cause

478 A lack of understanding pertaining to the periodic evaluation and review of the performance lead to the absence of procedures to evaluate processes or resources needed to meet flag State obligations under the mandatory IMO instruments.

Corrective action

479 The Administration will establish and implement a QMS that will include procedures to periodically evaluate performance with respect to administrative processes, procedures and resources necessary to meet the obligations and responsibilities under the mandatory IMO instruments as a flag State. A set of KPIs will be defined, developed and maintained in order

to identify trends and problematic areas. The KPIs will be monitored and reviewed annually by the Administration. This corrective action will be completed by 1 July 2020.

FD

480 The Administration did not develop, document and implement policies through issuing national legislation and guidance, which would assist in the implementation and enforcement of the requirements of the applicable mandatory IMO Instruments. In addition, responsibilities for carrying out certain activities within the Administration were not clearly defined (SOLAS 1974, regulation V/1.4; MARPOL, Annex I, regulation 14.3; III Code, paragraph 15).

Root cause

481 There was a lack of adequate human resources and delegation of roles and responsibilities for the development of policies and guidelines that would assist in the implementation and enforcement of the applicable mandatory IMO instruments.

Corrective action

482 The responsible ministry will define roles and assign responsibilities, as well as develop and implement a comprehensive process for the formulation and revision of policies through the development of processes, procedures, guidelines and standard checklists. The process will be incorporated into the Administration's QMS to ensure, through the issuance of national legislation and guidance, full and complete implementation of the applicable mandatory IMO instruments. This corrective action will be completed by 30 June 2020.

FD

483 There were no evidence provided to confirm that the Administration developed interpretation and guidance concerning those requirements left to the satisfaction of the Administration in the mandatory IMO Instruments (SOLAS 1974, regulation III/4; SOLAS 1974, regulation V/18.1; COLREG 1972, annex I, paragraph 14; III Code, paragraph 16.5).

Root cause

484 There was a lack of national legislation, clear policies, regulations and guidelines to address the areas left "to the satisfaction of the Administration" in the applicable mandatory IMO instruments.

Corrective action

485 The Administration, under the direction of the relevant ministry and in collaboration with the relevant unit of the Attorney General's Chambers, will develop and implement a procedure for interpreting and providing guidance with regard to those requirements left "to the satisfaction of the Administration" in the applicable mandatory IMO instruments. This corrective action will be completed by 31 August 2020.

FD

486 There were no documented procedures and criteria put in place to assist in the application of the principles of safe manning adopted by the Organization (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

487 There was a lack of national legislation for determining the minimum safe manning levels and issuing Minimum Safe Manning Documents in accordance with resolution A.1047(27). A draft regulation, which included such requirements, had not been enacted to give effect to the amended policy and procedure.

Corrective action

488 The State will enact a shipping STCW regulation and will implement all related policies and procedures in meeting the requirements as stated therein. Under the direction of the relevant ministry, the Administration will put in place a process and provide sufficient resources for issuing Minimum Safe Manning Documents to ships based on the model form included in resolution A.1047(27). The Administration will conduct inspections of ships that had been issued with coastal minimum safe manning certificates and issue them with appropriate Minimum Safe Manning Certificates, based on the new policy and regulations. This corrective action will be completed by 31 December 2020.

FD

489 The Administration did not ensure that the international certificates are issued to ships entitle to fly the flag of the State only after it had determined that the ship meets all applicable requirements. The formats of issued certificates were not in line with the requirements of the applicable conventions (SOLAS 1974, regulation I/12; MARPOL, Annex I, regulation 7; MARPOL, Annex I, regulation 9; LL 1966, article 18; III Code, paragraph 26).

Root cause

490 There were insufficient supporting national legislation and documented procedures defining the regulatory standards for carrying out ship inspections and for issuing statutory certificates. In addition, there was a lack of necessary technical and legal expertise and knowledge of the requirements of the applicable mandatory IMO instruments.

Corrective action

491 The responsible entities of the maritime administration will implement the following actions:

- .1 an inspection campaign will be carried out by the Administration on board ships flying the flag of the State, which will include all applicable requirements, ensuring that statutory certificates are issued only to those ships that meet all applicable requirements, following the models specified by the applicable mandatory IMO instruments;
- .2 the responsible ministry, in collaboration with other entities involved, will assess the need for technical and legal expertise in enacting national legislation, preparing the necessary administrative instructions, procedures and guidelines for the effective conduct of surveys, inspections and audits, and will recruit additional staff accordingly; and
- .3 the responsible ministry and the relevant unit of the Attorney General's Chambers will develop and implement national legislation, including necessary administrative instructions, procedures and guidelines, covering

surveys, inspections, audits, marking and issuance of certificates in accordance with the applicable mandatory IMO instruments.

This corrective action will be completed by 31 December 2021.

FD

492 There was no evidence that the Administration established resources and processes capable of administering a safety and environmental protection programme through issuing administrative instructions to implement requirements of the applicable IMO instruments to which the State is Party (III Code, paragraph 16.1).

Root cause

493 There were insufficient resources and, in particular, suitably qualified and competent legal, technical and administrative personnel for transposing the applicable mandatory IMO instruments into national legislation and developing guidance as deemed necessary.

Corrective action

494 The State will implement the following actions:

- .1 the responsible ministry, in collaboration with other entities involved, will evaluate the need for qualified and competent legal, technical and administrative personnel for transposing the applicable mandatory IMO instruments into national legislation and developing guidance as deemed necessary, and will recruit additional staff accordingly;
- .2 the responsible ministry, in collaboration with the relevant unit of the Attorney-General's Chambers, will prioritise the enactment of missing maritime legislation;
- .3 national legislation on the implementation of applicable mandatory IMO instruments, including, but not limited to, issuing exemptions, equivalents and national interpretative requirements, will be issued and implemented; and
- .4 the Administration will develop and implement related administrative instructions and put into place an independent audit and inspection programme covering flag State activities of the State, to ensure effective implementation of the rules and standards made mandatory by the applicable mandatory IMO instruments.

This corrective action will be completed by 31 December 2021.

FD

495 No evidence could be established that the Administration ensured that marine safety investigations were conducted in an impartial and objective manner. Under national provisions, conduct of, and reporting on investigations, were not in accordance with the Causality Investigation Code and reports of investigations were not made public (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.1; Casualty Investigation Code, paragraph 14.2; III Code, paragraph 38; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 41).

Root cause

496 There were insufficient human resources to issue and implement national legislation and documented procedures for conducting accident investigations in accordance with the Casualty Investigation Code. Additionally, due to the lack of resources, the Administration had no administrative structure to ensure the impartiality of investigations.

Corrective action

497 The Administration will implement the following actions:

- .1 a recruitment plan will be developed and implemented, and a training programme will be established for relevant personnel to build up appropriate expertise and knowledge on issues related to accidents investigation, before July 2021;
- .2 the responsible ministry and the relevant unit of the Attorney-General's Chambers will develop and implement regulations and procedures for conducting marine safety investigations and for reporting their results in accordance with the Casualty Investigation Code; and
- .3 the Administration will examine different administrative structures and practises, including, but not limited to, the establishment of an independent body, to adopt and implement a suitable arrangement ensuring the impartiality of investigations, before July 2020.

This corrective action will be completed by 31 December 2021.

FD

498 There was no documentary evidence to establish that the Administration had undertaken periodic evaluation of its performance in order to determine whether staffing, resources and administrative processes were adequate to meet its flag State obligations (III Code, paragraph 42; III Code, paragraph 43).

Root cause

499 There were insufficient human resources to perform a formal and systematic evaluation of performance in the conduct of flag State activities.

Corrective action

500 The responsible ministry and the relevant entities will implement the following actions:

1. assess, the need for qualified and competent technical and administrative personnel for the evaluation of the performance in the conduct of flag State activities, and recruit additional staff, as necessary; and
2. set up a mechanism for carrying out a yearly evaluation of the performance of the administrative processes, taking into account the measures and areas for review stated in paragraphs 43 and 44 of the III Code, in order to determine whether staffing, resources and administrative procedures are adequate to meet all flag State obligations. A plan for further development will be drafted annually.

This corrective action will be completed by 31 July 2020.

FD

501 There was no evidence of a documented system in place for the qualification of flag State surveyors and continuous updating of their knowledge as appropriate to the tasks they were authorized to undertake (III Code, paragraph 35).

Root cause

502 The following factors contributed to this finding:

- .1 insufficient number of technical and administrative personnel within the maritime administration to develop a documented system for the qualification of flag State surveyors and auditors and for continuous updating of their knowledge; and
- .2 lack of legislation requiring the establishment of a documented system for the qualifications of flag State surveyors and auditors and for continuous updating of their knowledge.

Corrective action

503 The State will implement the following actions:

- .1 assess the need for qualified and competent technical and administrative personnel for handling matters relating to the training of flag State surveyors and continuous updating of their knowledge, and recruit additional staff, as necessary;
- .2 enact national legislation requiring the establishment of a documented system for the qualifications of flag State surveyors and auditors and for continuous updating of their knowledge;
- .3 provide the required budgetary allocations to ensure the development and effective implementation of a documented system for the qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorised to undertake;
- .4 develop a documented system that will cover the recruitment processes, qualification criteria, nomination, employment and continuous training and updating of knowledge of flag State surveyors; and
- .5 develop a formal surveyor's continuous training matrix based, in particular, on the evaluation of surveyors' individual knowledge and experience, and the need to continuously upgrade their knowledge in all relevant areas of the mandatory IMO instruments.

This corrective action will be completed by 31 December 2021.

FD

504 The Administration did not put in place the necessary measures to secure observance of the requirements of national legislation stemming from the applicable IMO instruments by

fishing vessels entitled to fly the flag of the State. The State did not have penalties of adequate severity stipulated in national legislation to discourage violation of MARPOL provisions by ships entitled to fly its flag (III Code, paragraph 22; III Code, paragraph 24.1; III Code, paragraph 24.2).

Root cause

505 There were no provisions to compel the responsible entities of the maritime administration to regularly review the penalties provided in national legislation. Furthermore, there was a lack of national legislation giving effect to all MARPOL Annexes, as well as the lack of penal provisions and enforcement mechanism with clearly defined responsibilities of various entities involved. Lack of human resources also contributed to this finding.

Corrective action

506 The ministries responsible for merchant shipping and for fishing vessels, through the relevant unit of the Attorney-General's Chambers, will develop and implement national regulations and guidelines that will assist in the implementation and monitoring of compliance with flag State obligations of the State. Human resources will be assessed in all entities involved, and additional personnel with adequate expertise will be recruited accordingly. Additionally, responsibilities for enforcement of the requirements stemming from the applicable mandatory IMO instruments on ships flying the flag of the State, including fishing vessels, will be documented and assigned to appropriate personnel. This corrective action will be completed by 31 December 2021.

FD

507 The Administration did not take all the necessary measures to secure observance of international rules and standards by ships entitled to fly the flag of the State as periodic inspection of ships were not carried out to verify conformity with applicable requirements, and appropriate measures were not taken to prohibit non-compliant ships from sailing (SOLAS 74, Article I; MARPOL 73, Article I; III Code, paragraph 22.1; III Code, paragraph 22.2).

Root cause

508 The responsible ministry had not carried out a comprehensive and substantial review of its principal legislation governing maritime activities in the State in order to reinforce and strengthen flag State responsibilities to comply with international rules and standards.

Corrective action

509 The responsible ministry will carry out a review of the principal legislation governing maritime activities in the State in order to ensure that flag State responsibilities are clear among implementing agencies and, in particular, a programme of enforcement measures and related training for key staff will be developed and implemented to ensure that ships entitled to fly the flag of the State fully comply with international rules and standards. This corrective action will be completed by 30 June 2021.

FD

510 The Administration did not develop any guidance concerning those requirements found in the relevant international instruments that are "left to the satisfaction of the Administration" (III Code, paragraph 16.5).

Root cause

511 This finding was largely due to the lack of legal experts within the maritime administration. The principal legislation had not been reviewed since it was enacted in 1998; hence the absence of guidance in respect of those matters which are "left to the satisfaction of the Administration".

Corrective action

512 The responsible ministry will engage suitably experienced experts to review and update the principal legislation and to provide supplementary guidance as required, specifically to develop guidance on all the matters that are left to the satisfaction of the Administration. The Administration further undertakes to provide the resources needed within the Administration and to build expertise using technical assistance through regional cooperation or from IMO. This corrective action will be completed by 31 July 2020.

FD

513 Responsibilities were not assigned within the Administration to review, update and revise relevant policies adopted for flag State implementation, as necessary (III Code, paragraph 15.2).

Root cause

514 There was insufficient personnel in the Administration to carry out reviews of relevant policies and legislation adopted. Furthermore, current personnel lacked experience to undertake policy reviews given their technical maritime background.

Corrective action

515 The responsible ministry undertakes to appoint or depute suitably experienced personnel to review the existing organisational and divisional structure of the Maritime Division and to identify the key roles required to carry out policy development and periodical reviews. The Administration further undertakes to review and provide the resources needed within the Administration and to build expertise for this purpose using technical assistance through regional cooperation or from IMO. This corrective action will be completed by 30 November 2020.

FD

516 The Administration did not develop or implement policies to ensure that the statutory certificates issued to ships were in accordance with the requirements of the corresponding mandatory IMO instrument (MARPOL, Annex I, regulation 9; TONNAGE 1969, article 9; III Code, paragraph 15.1).

Root cause

517 The lack of personnel in the areas of policy development, implementation and review within the Administration contributed to the absence of an effective system for development, review and implementation of policies stemming from the principal legislation.

Corrective action

518 The responsible ministry undertakes to review the existing organizational and divisional structure of the Administration to identify the key roles required to carry out policy development and reviews, and to recruit qualified policy specialists to specifically manage the development, implementation and review of policies, guidelines, systems, as well as to monitor their implementation, in particular in relation to statutory certification. Specifically, directives will be issued to verify before issuance of every statutory certificate that it is in accordance with the mandatory IMO instrument concerned. This corrective action will be completed by 30 November 2020.

FD

519 The Administration did not have a documented system for the qualification of surveyors and the continuous updating of their knowledge, as appropriate, to the tasks they were authorized to undertake (III Code, paragraph 35).

Root cause

520 The State's national policy on human resources development priorities did not reflect maritime technical fields to create and facilitate a system for qualification of surveyors, and to allow for continuous updating of their knowledge and skills. This was a result of the lack of appeal of maritime fields of expertise as a career choice.

Corrective action

521 The responsible ministry will advocate for maritime fields of studies to be treated among priority areas in the State's national policy on human resources development needs and priorities. Also, the responsible ministry will work with relevant agencies and associations to improve awareness and appeal of maritime careers and professions and training opportunities. A documented system will be developed and implemented for capturing the qualification and training programmes for surveyors and continuous updating of their knowledge as appropriate to the tasks they are authorised to undertake and based on the identification of their individual needs. This corrective action will be completed by 30 November 2020.

FD

522 The Administration did not undertake periodic evaluation of its performance in order to determine whether staffing, resources and administrative procedures were adequate to meet flag State obligations (III Code, paragraph 42).

Root cause

523 Due to limited resources, low priority accorded to periodic reviews and non-availability of suitable experts, an organisational review and performance evaluation of the Administration could not be undertaken to monitor the level of implementation of administrative processes, procedures and resources needed to fulfil flag State responsibilities.

Corrective action

524 The responsible ministry will conduct annual reviews to determine the overall level of performance in the implementation of administrative processes, procedures and resources to meet its flag State obligations under the mandatory IMO instruments. This arrangement will

determine and address the resources and staffing issues for effective implementation of flag State responsibilities on a continuous basis, and it will be implemented based on the identified KPIs as defined in the III Code. This corrective action will be completed by 30 November 2020.

FD

525 Marine safety investigations were not carried out in accordance with the relevant IMO instruments and Casualty Investigation Code. In particular, procedures were not in place to ensure that investigations are conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty (SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); LL 1966, article 23; III Code, paragraph 38; III Code, paragraph 41).

Root cause

526 There was insufficient knowledge and awareness of the requirements of the Casualty Investigation Code, although the principal maritime legislation had provisions for conducting investigations. There was also a lack of qualified and competent marine investigators to conduct marine safety investigations.

Corrective action

527 The responsible ministry will ensure that the Casualty Investigation Code and related provisions of the mandatory IMO instruments are implemented through regulations specifically promulgated for the conduct of marine safety investigations. This will provide for specific processes as well as for the appointment of competent and impartial investigators to carry out marine safety investigations and for reporting to IMO. These processes will be included as a part of the annual review of the maritime administration. If qualified resources are not available within the State, outsourcing arrangements with private firms possessing necessary competence will be adopted. This corrective action will be completed by 31 December 2020.

FD

528 The State had not taken measures to ensure that ships entitled to fly the flag of the State are sufficiently and efficiently manned and relevant guidelines such as the resolution on Principles of Safe Manning adopted by the IMO were not taken into account (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

529 There was insufficient knowledge and awareness of resolution A.1047(27) on the Principles of Safe Manning, which contributed to the lack of adequate measures in place for safe manning of ships flying the flag of the State.

Corrective action

530 The responsible ministry will incorporate the resolution A.1047(27) on the Principles of Safe Manning into the national regulations on safe manning of ships and ensure its full implementation. This corrective action will be completed by 30 November 2020.

FD

531 The State did not provide its recognized organizations with all the necessary national laws, interpretations thereof or instructions giving effect to the provisions of the mandatory IMO

instruments, including the instructions detailing actions to be followed in the event that a 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

532 There was a lack of understanding and awareness of the requirements of the RO Code, resulting in having no prior, careful analysis of the conditions for delegation of authority to ROs.

Corrective action

533 The responsible ministry will develop guidelines on the delegation of authority to ROs, including signing appropriate agreements with them. The responsible ministry will designate suitably experienced legal and technical experts and develop and implement national laws, necessary instructions, guidance and interpretations for ROs. This corrective action will be completed by 30 November 2020.

FD

534 The State did not develop or implement a control and monitoring programme in order to provide casualty investigation reports to IMO, and to collect statistical data, so as to identify problem areas through trend analysis (III Code, paragraph 23.1; III Code, paragraph 23.2).

Root cause

535 The absence of a system for performance evaluation of the existing maritime legal regime, as well as the framework and structure governing maritime activities in the State contributed to this finding.

Corrective action

536 The responsible ministry will incorporate into national regulations and implement guidelines on a control and monitoring programme in respect of casualty investigation reports and the collection and analysis of statistical data. These areas will be included for review during the proposed annual review of performance. This corrective action will be completed by 31 December 2020.

FD

537 Evaluation of ROs in accordance with the RO Code was not carried out, before authority was delegated to them to conduct surveys, inspections and audits, issue certificates and documents, and perform other statutory work required under the mandatory IMO instruments. Furthermore, organizations were authorized by the State to issue statutory certificates and documents on its behalf without having a formal written agreement (SOLAS 1974, regulation XI-1/1; III Code, paragraph 18.1; III Code, paragraph 18.2).

Root cause

538 There was insufficient knowledge and awareness on the requirements of the RO Code governing the relationship between the Administration and an RO.

Corrective action

539 The responsible ministry will develop and implement guidelines based on the RO Code for selection of ROs and delegation of authority to them by entering into appropriate agreements. This corrective action will be completed by 30 November 2020.

FD

540 The Administration did not establish the processes for administering a safety and environmental protection programme to ensure that ships entitled to fly the flag of the State are in compliance with the requirements of relevant IMO instruments. No procedures were established for issuance of administrative instructions and interpretative national regulations, and no instructions were developed for granting exemptions, equivalents, type approvals or alternative arrangements (SOLAS 1974, regulation III/4; III Code, paragraph 16.1).

Root cause

541 There was insufficient knowledge and awareness of the requirements to develop and establish processes for administering safety and environmental protection programmes.

Corrective action

542 The responsible ministry will develop and implement administrative instructions and interpretative regulations for granting exemptions, type approvals, equivalents or alternative arrangements. The responsible ministry will further undertake a review of the available technical capacity within the division and determine the need for technical assistance from regional partners or from IMO. This corrective action will be completed by 31 December 2020.

FD

543 No system was in place to conduct independent evaluation and communicate its outcome to IMO as required by STCW 1978 regulation I/8, and to inform IMO about the measures taken to ensure compliance with STCW 1978 regulation I/10 (STCW 1978, regulation I/10; III Code, paragraph 16.3).

Root cause

544 There was a lack of personnel to carry out a thorough review of the requirements of regulations I/8 and I/10 of STCW 1978, and to develop a system to conduct periodic independent evaluations. There was also a lack of knowledge and awareness of these regulations to design a system for periodic independent evaluation.

Corrective action

545 The responsible ministry will develop a system for periodic independent evaluations to implement regulation I/8 of STCW 1978 and take measures to ensure compliance with regulation I/10 of STCW 1978. Key personnel will also be appointed to organize periodic independent evaluations. Appropriate training programmes on the subject will be identified and arranged for the relevant personnel on the implementation of STCW 1978, through IMO or through regional cooperation. This corrective action will be completed by 31 December 2020.

FD

546 The Administration had not implemented any policies through the promulgation of national legislation and guidance, which would assist in the implementation and enforcement of the requirements of the mandatory IMO instruments to which the State is Party. In addition, responsibilities had not been assigned within the Administration to develop such policies (III Code, paragraph 15).

Root cause

547 The absence of a robust legal framework as a basis for the implementation and enforcement of the requirements stemming from the applicable mandatory IMO instruments hindered the formulation of policies and contributed to this finding.

Corrective action

548 A restructuring of the Administration will be proposed to the responsible ministry in order to establish a unit in charge for the formulation of policies and to perform a comprehensive review of existing national maritime legislation as a basis for the implementation and enforcement of the provisions stemming from the applicable mandatory IMO instruments and related amendments. This unit will also oversee the process of monitoring and timely transposition into national legislation of the requirements stemming from the applicable mandatory IMO instruments, including their amendments, as well as the implementation of the overall strategy, to be developed. Its tasks will also include the identification of the need for any additional guidance documents, notification or directives, in order to assist in the implementation and enforcement of the applicable mandatory IMO instruments. Coordination among other State entities involved in maritime affairs will be carried out by this unit to bring all of them in line with the new policies and to collaborate in their formulation and implementation. This corrective action will be completed by 30 September 2022.

FD

549 The Administration had not established resources and processes capable of administering a safety and environmental protection programme, which includes:

- .1 administrative instructions to effectively implement the mandatory IMO instruments to which the State is Party and their amendments;
- .2 an independent audit and inspection programme covering the entity which issues the required certificates and documentation to the ships entitled to fly the flag of the State; and
- .3 provisions to address those requirements that are left "to the satisfaction of the Administration" and criteria for type approval of materials and equipment as required in the relevant mandatory IMO instruments to which the State is Party

(III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.5).

Root cause

550 The insufficiency of personnel with maritime (technical and legal) expertise within the Administration and a lack of awareness of the requirements of the III Code, contributed to this finding.

Corrective action

551 Following the update of national legislation, the Administration will appoint a working group, responsible for analysing and proposing necessary resources (human and financial), to establish a safety and environmental protection programme consisting, as a minimum, of necessary administrative instructions; interpretations of requirements left "to the satisfaction of the Administration" in the applicable mandatory IMO instruments; and processes for "type approval" of materials and equipment. In addition, internal audits will be implemented by other State entities, covering the Administration activities in issuing certificates and documentation to the ships flying the flag of the State. Additional funds will be requested from the government to implement the mentioned safety and environmental protection programme. This corrective action will be completed by 30 September 2022.

FD

552 The Administration had not established any measures to implement and enforce requirements related to the issuance of certificates and endorsements, dispensations and recognition of certificates of foreign seafarers. In addition, no provisions had been put in place related to fitness for duty and watchkeeping arrangements, including fatigue prevention, prevention of drug and alcohol abuse and hours of work and rest (STCW 1978, article VIII; STCW 1978, regulation I/10; STCW 1978, regulation VIII/1.1; STCW 1978, regulation VIII/1.2; STCW 1978, regulation VIII/2.1; STCW 1978, regulation VIII/2.2; III Code, paragraph 16.3).

Root cause

553 The lack of awareness of the STCW 1978 requirements, the absence of qualified personnel and insufficient financial resources, and the fact that maritime affairs were not prioritised, contributed to this finding.

Corrective action

554 Following the update of the national legislation to give full effect to the IMO instruments to which the State is Party, and the development and implementation of related amendments monitoring procedures, the Administration will legislate for the requirements of STCW 1978, in particular fitness for duty and watchkeeping matters; the development of measures for compliance with fatigue prevention; and prevention of drugs and alcohol abuse on board ships. Consequently, adequate enforcement measures will be established for non-compliance with national regulations. In addition, the Administration will submit a request to the government for additional funds for training and updating of qualifications and knowledge of its personnel. This corrective action will be completed by 30 September 2022.

FD

555 The Administration issued safe manning certificates for ships flying the flag of the State, without taking into account existing measures, such as the principles of safe manning adopted by the Organization (III Code, paragraph 17).

Root cause

556 The incorporation of provisions on safe manning principles into national legislation could not be carried out in a timely manner due to insufficient personnel with maritime expertise.

Corrective action

557 Following the development of a procedure for monitoring amendments to the applicable mandatory IMO instruments, specific measures related to safe manning will be adopted by responsible State entities and administrative instructions will be developed and implemented by the Administration considering IMO resolution on the Principles of Safe Manning. Consequently, related formats of safe manning certificates issued to ships flying the flag of the State will also be amended according to such guidelines adopted by IMO. The Administration will request additional funds from the government to train existing staff. This corrective action will be completed by 30 September 2022.

FD

558 The Administration had not adopted nor developed necessary enforcement measures to secure observance of the mandatory IMO instruments through issuing legislation, rules and standards, as a basis for ensuring that ships entitled to fly the flag of the State, entities and individuals under its jurisdiction, comply with international obligations (III Code, paragraph 22; III Code, paragraph 23; III Code, paragraph 24).

Root cause

559 There was a lack of national legislation for the enforcement of requirements stemming from the applicable mandatory IMO instruments and an absence of qualified personnel.

Corrective action

560 The Administration will carry out an assessment of the need for additional national legislation, and related regulations related to the enforcement of the requirements stemming from the applicable mandatory IMO instruments, including a penalty framework of adequate severity to discourage violations in different areas. The Administration will draft the required legislation, accordingly, and send it to Parliament for adoption and subsequent enactment. The assessment will consider the responsibilities and obligations of the State as a flag, coastal and port State. Furthermore, the Administration will request additional funds from the government in order to recruit sufficient qualified personnel and train existing staff in monitoring compliance and applying the national enforcement provisions. This corrective action will be completed by 30 December 2022.

FD

561 The Administration had not defined and documented the responsibilities, authority and interrelation of the flag State surveyors. In addition, there was no evidence of a documented system in place for the qualification of flag State surveyors and continuous updating of their knowledge, as appropriate to the tasks that they were authorized to undertake (III Code, paragraph 28; III Code, paragraph 35).

Root cause

562 There was a lack of knowledge of the requirements of the III Code regarding flag State surveyors.

Corrective action

563 The Administration will develop and implement a documented system for qualification of personnel and continuous updating of knowledge of the flag State surveyors, based on identification of training needs of individual surveyors, taking into account their qualification, training and experience. In addition, it will define and document the responsibility, authority and interrelation of the flag State surveyors. This corrective action will be completed by 30 September 2022.

FD

564 The arrangements for conducting marine safety investigations did not ensure the impartiality and objectivity of investigators. In addition, the Administration could not provide evidence that investigators had appropriate qualifications and knowledge in matters relating to casualty and marine casualty reports were not communicated to IMO and released to the public (SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); LL 1966, article 23; Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.4; Casualty Investigation Code, paragraph 14.1; III Code, paragraph 38; III Code, paragraph 41).

Root cause

565 Due to the fact that the Casualty Investigation Code had not been incorporated into national legislation, the existing Shipping Act was inadequate to cover all the requirements of the aforementioned Code.

Corrective action

566 The Administration will implement the following actions:

- .1 incorporate the Casualty Investigation Code into national legislation and initiate necessary amendments of the existing Shipping Act. In addition, an accident investigation board will be created, and it will include representatives from relevant government entities. The Board will 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;
- .2 update the knowledge of existing investigators through training programmes and recruitment of additional qualified personnel in order to fulfil the obligations of the State; and
- .3 forward casualty investigation reports to IMO, along with "the lessons learned" and root cause analyses. Details of all reports, analyses and any recommendations made to prevent future occurrence will be published on the Administration's website and disseminated to the public.

This corrective action will be completed by 30 September 2022.

FD

567 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

568 The following factors contributed to this finding:

- .1 a lack of culture to periodically evaluate or review the flag State performance;
- .2 a lack of understanding of the procedure to be followed for evaluation with respect to the implementation of administrative processes, procedures and resources; and
- .3 inadequate training.

Corrective action

569 The Administration will develop and implement a legal framework to institutionalize a documented system for evaluation and periodic review of the flag State performance by identifying evaluation methods and KPIs, in accordance with the requirements of the applicable mandatory IMO instruments. KPIs will include parameters related to flag State surveys, results of PSC inspections of ships flying the flag of the State, staff competence and procedures of the Administration to carry out flag State activities. Focal points will be appointed to follow-up and coordinate their activities, including evaluation of performance. This evaluation system will be a part of the revised overall strategy, to be developed. This corrective action will be completed by 30 September 2022.

FD

570 The Administration did not implement a safety and environmental protection programme consisting, as a minimum, of:

- .1 administrative instructions to implement applicable international rules and regulations, as well as of developing and disseminating any interpretative national regulations that may be needed, including those for issuing type approvals, exemptions, equivalent and alternative arrangements;
- .2 an independent audit and inspection programme to ensure that the Administration and the ROs complied with the applicable requirements when issuing required certificates and relevant documentation; and
- .3 measures to develop, document and provide guidance concerning those requirements that are left to the satisfaction of the Administration in the mandatory IMO instruments

(SOLAS II-1/3-1; MARPOL, Annex I, regulation 6; III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.5).

Root cause

571 The following factors contributed to this finding:

- .1 various processes required for an Administration were not identified or established due to the lack of technical, legal and administrative resources;
- .2 due priority was not accorded to develop and support the technical capability of the Administration; and
- .3 lack of awareness and understanding of the measures to be taken by the Administration for the effective implementation of the mandatory IMO instruments.

Corrective action

572 The Administration will implement the following actions:

- .1 identify and implement various processes and procedures for the effective implementation of the mandatory IMO instruments;
- .2 establish a QMS covering all the functions of the Administration;
- .3 engage in awareness and capacity-building programmes for the staff in the Administration; and
- .4 allocate sufficient funds to undertake the Administration's obligations and responsibilities.

This corrective action will be completed by 30 May 2022.

FD

573 The determination of safe manning complement was not in accordance with the legal provisions in the national law and there was no evidence that the Principles of Safe Manning adopted by the Organization (resolution A.1047(27)) were taken into account while issuing Safe Manning Documents to ships entitled to fly the flag of the State (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

574 The following factors contributed to this finding:

- .1 absence of a clear policy and guidelines in the Administration for the oversight of the operations of the extraterritorial office;
- .2 lack of adequate funds to support technical capacity-building programmes; and
- .3 lack of awareness and understanding of the measures needed for the implementation of the resolution A.1047(27) on Principles of Safe Manning.

Corrective action

575 The Administration will implement the following actions:

- .1 establish a policy for delegating functions to extraterritorial office, with clear lines of authority, methods of oversight and periodical reporting requirements;
- .2 develop and implement associated procedures, regulations and directives for all delegated functions and associated technical requirements;
- .3 develop and implement safe manning regulations and procedures, giving due consideration to the Principles of Safe Manning adopted by IMO and other applicable international standards; and
- .4 engage in awareness and capacity-building programmes for staff.

This corrective action will be completed by 30 December 2020.

FD

576 The Administration did not determine whether the ROs had adequate resources in terms of technical, managerial and research capabilities, before granting them authorizations to perform survey and certification of ships under the mandatory IMO instruments. In addition, agreements between the Administration and the ROs did not contain the minimum elements required by the RO Code and the Administration did not issue specific instructions detailing actions to be followed in case a ship is found unseaworthy (SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 4.2; III Code, paragraph 18.1; III Code, paragraph 18.2; III Code, paragraph 18.3).

Root cause

577 The following factors contributed to this finding:

- .1 absence of a clear policy and guidance to assist the Administration for the oversight of the operations of the extraterritorial office;
- .2 lack of awareness of technical matters that needed due attention and priority;
- .3 lack of effective communication between the Administration and the extraterritorial office; and
- .4 lack of adequate resources to monitor the delegated functions.

Corrective action

578 The Administration will implement the following actions:

- .1 establish a policy to delegate functions to extraterritorial office, with clear lines of authority, methods of oversight and reporting, and periodical reporting requirements;
- .2 develop and implement associated procedures, regulations and directives for all delegated functions and associated technical requirements;

- .3 review all current authorizations of ROs to ensure that they are consistent with the III Code, the RO Code and the standards established by the Administration;
- .4 issue clear directives for selection and authorization of ROs; and
- .5 undertake an assessment in order to identify resources needed for the Administration.

This corrective action will be completed by 30 May 2021.

FD

579 The monitoring of ROs was not carried out fully in compliance with the applicable requirements of the mandatory IMO instruments (SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; III Code, paragraph 20).

Root cause

580 The following factors contributed to this finding:

- .1 absence of a clear policy and guidance to assist the Administration for the oversight of operations of the extraterritorial office;
- .2 lack of written policies, directives and procedures for the selection, authorisation and monitoring of ROs and their delegated functions;
- .3 lack of uniformity between the procedures followed within the Administration and those at its extraterritorial office, for authorization of ROs; and
- .4 lack of trained staff in the Administration to carry out oversight functions.

Corrective action

581 The Administration will implement the following actions:

- .1 establish a policy to delegate functions with clear lines of authority, oversight and reporting, and develop written procedures, regulations, directives and associated technical requirements;
- .2 establish an oversight programme to ensure that the performance of ROs is in accordance with the RO Code and the standards established by the Administration; and
- .3 provide training for staff in accordance with the recruitment and training policy.

This corrective action will be completed by 30 May 2021.

FD

582 Enforcement measures adopted by the Administration were not applied in cases of violations and failure of observance of international rules and standards by the ships flying the flag of the State, and the enforcement mechanism was ineffective (III Code, paragraph 22.1;

III Code, paragraph 22.5; III Code, paragraph 22.6; III Code, paragraph 22.7; III Code, paragraph 22.8).

Root cause

583 The following factors contributed to this finding:

- .1 the extraterritorial office did not have the authority to enforce the legal provisions in national legislation;
- .2 lack of communication and coordination within the Administration, and with its extraterritorial office and other stakeholders;
- .3 lack of periodic reviews and updating of the penal provisions in national legislation; and
- .4 inadequate resources for an effective oversight programme.

Corrective action

584 The Administration will implement the following actions:

- .1 develop a robust mechanism to deal with violations and non-compliance in accordance with the national law;
- .2 identify and address operational constraints that exist in the Administration and its extraterritorial office in reporting violations and taking enforcement measures;
- .3 examine the adequacy of existing penal provisions and enforcement mechanism during the periodical review meetings, and incorporate penalties of adequate severity, where necessary, and take timely actions to strengthen the enforcement mechanism; and
- .4 provide resources and training in accordance with the proposed recruitment and training policy.

This corrective action will be completed by 30 May 2022.

FD

585 The Administration did not establish a system to follow-up PSC detentions of ships flying the flag of the State and to oversee that appropriate corrective actions are taken to bring the ship into compliance with the applicable IMO instruments (III Code, paragraph 25).

Root cause

586 The following factors contributed to this finding:

- .1 the Administration or its extraterritorial office did not establish policy, regulation or guidance to deal with PSC inspections and detentions;
- .2 the Administration did not follow the practice of evaluating reports of PSC inspections/detentions and other reports from the extraterritorial office; and

- .3 lack of resources for follow-up and oversight programmes.

Corrective action

587 The Administration will implement the following actions:

- .1 develop and implement policies and procedures to deal with PSC inspections and detention of ships flying the flag of the State; and
- .2 provide adequate resources for the implementation of the above measures.

This corrective action will be completed by 30 December 2020.

FD

588 There was no documented system implemented for qualification of flag State surveyors and other personnel in the Administration and for updating their knowledge as appropriate to the tasks they are authorized to undertake (III Code, paragraph 33; III Code, paragraph 35).

Root cause

589 The following factors contributed to this finding:

- .1 lack of an appropriate system for the recruitment and training of staff;
- .2 lack of awareness of the qualification criteria applicable to surveyors under the III Code; and
- .3 lack of adequate resources within the Administration to develop and establish systems and practices for identifying resource needs.

Corrective action

590 The Administration will implement the following actions:

- .1 conduct a human resource needs assessment and, based on its outcome, a policy will be implemented for the recruitment and training of staff in the Administration and other entities associated with the implementation and enforcement;
- .2 establish a documented system of training, based on the identification of individual needs for training for each surveyor's/other staff, to ensure continuous updating of knowledge of staff. Gaps will be documented, and training provided to ensure bringing all staff to the required level, as per the III Code; and
- .3 ensure that resources identified through the assessment are provided and that training programmes are organized as per the recruitment and training policy. The adequacy of resources will be reviewed during periodic review meetings.

This corrective action will be completed by 30 June 2021.

FD

591 There was evidence to demonstrate that ship casualties were not being investigated and reported in accordance with the requirements of the relevant IMO instruments and the Casualty Investigation Code (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 41).

Root cause

592 The following factors contributed to this finding:

- .1 policy directives and regulations were not developed for reporting of marine casualties and the requirement to conduct marine safety investigations was not transposed into national legislation;
- .2 lack of coordination and communication among the entities of the maritime administration; and
- .3 lack of resources and sufficiently trained technical staff within the Administration to conduct marine safety investigations.

Corrective action

593 The Administration will implement the following actions:

- .1 incorporate appropriate legal provisions for conducting marine safety investigations, during the proposed review and updating of national maritime legislation;
- .2 adopt policies and procedures for conducting marine safety investigations and reporting to IMO in accordance with the mandatory IMO instruments;
- .3 develop sufficient technical expertise to conduct marine safety investigations and establish a robust oversight mechanism to guarantee compliance in casualty investigations and reporting; and
- .4 provide adequate qualified resources for conducting marine safety investigations, based on the proposed recruitment and training policy.

This corrective action will be completed by 30 December 2021.

FD

594 Although some provisions existed in 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 (III Code, paragraph 22.5; III Code, paragraph 22.7).

Root cause

595 The penalty clauses included in the relevant laws were outdated and the Maritime Law of 2010 established very limited sanctions and penalties to discourage violations of international rules and standards stipulated in the mandatory IMO instruments.

Corrective action

596 The Administration will initiate the updates of penalty clauses in different laws related to maritime sector and adequate penal provisions will be enacted to discourage violations of international rules and standards. In addition, the enforcement of penalty clauses will be monitored by an entity to be appointed by the Administration This corrective action will be completed by 30 June 2020.

FD

597 The Administration did not develop, document and implement policies, through the issuance 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. In addition, the responsibilities for carrying out flag State activities were not clearly defined and documented (III Code, paragraph 15).

Root cause

598 There was a lack of legal basis, technical capacity and knowledge, inadequate organization and absence of a mechanism to follow-up the amendments to the mandatory IMO instruments to which the State was Party and their transposition into national legislation.

Corrective action

599 The Administration will implement the following actions:

- .1 analyse and review the existing maritime legislation, as well as develop and implement a primary law that incorporates all mandatory IMO instruments to which the State is Party and their amendments;
- .2 develop and implement subsidiary national regulations and guidelines to facilitate the implementation and monitoring of compliance of the requirements of all the applicable conventions, their amendments, and protocols related to flag State activities; and
- .3 establish and implement a documented procedure for the follow-up and monitoring of amendments to the relevant IMO instruments and assign and document division of responsibilities within the relevant departments of the Administration. Staff's technical capacity and ability will be assessed and strengthened through training and continuous improvement programme.

This corrective action will be completed by 31 July 2020.

FD

600 The Administration did not establish a safety and environmental protection programme comprising of administrative instructions for the application of international rules and an audit and inspection programme. In addition, there was no evidence of any guidance or interpretations issued for the implementation of the requirements of the mandatory IMO instruments which were left to the satisfaction of the Administration (III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.5).

Root cause

601 There were no policies in place on issuing written procedures and administrative instructions within the Administration. In addition, no responsibilities were assigned, and there was a lack of understanding of the mandatory provisions of the III Code and an absence of regulation and administrative instructions for implementing an independent audit and inspection programme.

Corrective action

602 National legislation will be amended in order to allocate resources and establish processes capable of administering a safety and environmental protection programme. The Administration will develop and implement administrative instructions and will put in place an independent system for audit and inspections in order to ensure an effective implementation of the rules and standards made mandatory by the relevant IMO instruments, including the interpretations of those provisions of the mandatory IMO instruments "left to the satisfaction of the Administration". This corrective action will be completed by 30 June 2020.

FD

603 The Administration had not taken any measures to recognize certificates issued under the authority of another Party to STCW 1978, even though seafarers holding such certificates had been serving on board seagoing ships flying the flag of the State (STCW 1978, regulation I/10; III Code, paragraph 16.3).

Root cause

604 The lack of understanding of the regulations and the lack of legal basis, documented procedures and personnel training to ensure effective implementation of the provisions of STCW 1978, contributed to this finding.

Corrective action

605 The Administration will develop and implement necessary legislation and a documented procedure setting the conditions for issuing certificates of recognition in order to ensure that the mandatory provisions of STCW 1978 have been observed. A training programme for personnel dealing with seafarers will be established. A process for conclusion of agreements with other Parties to STCW 1978 for mutual recognition of certificates of competencies will be put in place. This corrective action will be completed by 31 August 2020.

FD

606 There was no evidence that certificates, issued to ships flying the flag of the State, were in the formats required under the applicable IMO instruments (SOLAS 1974, regulation I/15; MARPOL, Annex I, regulation 9; LL 1966, article 18; TONNAGE 1969, article 9; III Code, paragraph 16.1).

Root cause

607 The lack of a documented procedure for controlled issuance of ships' certificates as required by the applicable IMO instruments and the lack of follow-up on the amendments to these instruments contributed to this finding.

Corrective action

608 The Administration will develop and implement a documented procedure on the issuance of ships certificates and documents, describe the process of issuance and ensure the use of the latest models stipulated by the applicable IMO instruments. An inspection campaign will be carried out on board all ships flying the flag of the State and to ensure that the statutory certificates issued to ships follow the required models. This corrective action will be completed by 30 June 2020.

FD

609 There was no evidence that the Administration had:

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

(SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; III Code, paragraph 18; III Code, paragraph 20).

Root cause

610 The lack of legal basis for the delegation of authority to recognized organization (RO) and for carrying out monitoring of RO contributed to this finding.

Corrective action

611 The Administration will implement the following actions:

- .1 develop an action plan and draft legislative initiatives on the establishment of a current government entity as a RO for ships flying the flag of the State. Material will be prepared for enacting the RO Code into national law, and a regulation on authorization of ROs will be issued;
- .2 conclude a formal written agreement between the Administration and the ROs, including all elements as stated in the RO Code; and
- .3 establish an oversight programme with adequate resources for monitoring of, and communication with the ROs, including auditing of the ROs by the Administration.

This corrective action will be completed by 31 August 2020.

FD

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

Root cause

613 There was a lack of an appropriate mechanism to prohibit ships flying the flag of the State from sailing in case of non-compliance with the requirements of international rules and standards.

Corrective action

614 A legal and administrative mechanism will be established to prohibit ships from sailing when they are found not complying substantially with the requirements of international rules and standards. The Administration will develop and implement a procedure defining necessary communications between the ROs and the Administration on deficiencies that present a basis to prohibit a ship from sailing, as well as steps to follow by both parties. This corrective action will be completed by 30 June 2020.

FD

615 It was established that the responsibilities and functions of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention were not clearly defined and documented (III Code, paragraph 28).

Root cause

616 The responsibilities and authority of the staff concerned have not been determined and the existing legislation was incomplete. In addition, there was a lack of regulations defining the responsibilities and powers of all maritime management personnel.

Corrective action

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

- .1 responsibilities, authority and interrelation of personnel who manage, perform and verify work related to and affecting safety and pollution prevention;
- .2 ships' inspection procedures and records of inspection results, in particular with regard to verification of work of relevant personnel; and
- .3 relations between different entities.

This corrective action will be completed by 30 June 2020.

FD

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

Root cause

619 There was a lack of qualified personnel to carry out flag State inspections and to establish a documented system and a lack of specialized training programme for ship surveyors.

Corrective action

620 The Administration will implement a documented system for qualification of surveyors and continuous updating of their knowledge and skills to strengthen their capacity and will recruit personnel with basic maritime background. As a basis for the development of the documented system and a training programme, individual qualifications, training and experience will be assessed and appropriate training provided and documented appropriate to the tasks they are authorized to undertake, including initial and refresher training. This corrective action will be completed by 31 August 2020.

FD

621 Casualty investigations were not carried out in accordance with the requirements of the Casualty Investigation Code, in particular those relating to designation of a marine safety investigation authority, the impartiality of investigators, including the decision to open an investigation, reporting to IMO and releasing the reports to the public (SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); Casualty Investigation Code, paragraph 4.1; Casualty Investigation Code, paragraph 11.1; III Code, paragraph 38).

Root cause

622 There was a lack of regulations and documented procedures for conducting accident investigations. The management had no administrative structure to ensure impartiality and objectivity of investigators and personnel responsible for conducting accident investigations was insufficiently trained. There was also an absence of a mechanism to ensure impartiality and objectivity of investigations.

Corrective action

623 The Administration will undertake the following actions:

- .1 develop and implement regulations and procedures for conducting marine safety investigations, as well as investigations into pollution incidents. The regulations will ensure impartiality and objectivity in the conduct of the investigations and will be developed in accordance with the requirements of the Casualty Investigation Code; and
- .2 develop a recruitment plan and put in place a training programme for its personnel to build appropriate expertise and knowledge on issues related to accident investigation.

This corrective action will be completed by 30 June 2020.

FD

624 There was no system in place for the Administration to periodically evaluate its performance with respect to administrative processes, procedures and resources necessary

to meet the flag State obligations and responsibilities under the mandatory IMO instruments (III Code, paragraph 42).

Root cause

625 The absence of a culture to periodically evaluate and review performance and lack of human resources contributed to this finding. Also, there was no internal performance evaluation system.

Corrective action

626 The Administration will undertake the following actions:

- .1 develop and implement a regulatory framework to institutionalize a documented programme for periodical assessment and review of its performance in the conduct of flag State activities;
- .2 establish a database covering flag State activities and a monitoring committee with defined terms of reference; and
- .3 establish a mechanism for periodic performance evaluation (QMS) in the conduct of flag State activities, in accordance with the applicable mandatory IMO instruments.

This corrective action will be completed by 30 August 2020.

FD

627 The Administration did not develop and implement a control and monitoring programme in order to ensure compliance of ships on domestic voyages and fishing vessels with the applicable requirements stemming from the mandatory IMO instruments. In particular, there were no measures established to ensure that such comply with the applicable provisions of Annex I of MARPOL (SOLAS 1974, regulation V/1.4; MARPOL, Annex I, regulation 14.3; MARPOL, Annex V, regulation 10; III Code, paragraph 24.2; III Code, paragraph 24.5).

Root cause

628 The Administration did not carry out an evaluation of the number of ships entitled to fly the flag of the State to establish the required number of flag State surveyors necessary to conduct surveys. Transposition of the relevant IMO instruments, including provision of adequate basis for enforcement of national legislation, had not been given institutional priority due to a lack of awareness, as well as technical and legal knowledge of the requirements of the relevant IMO instruments, including insufficient qualified and competent human and financial resources.

Corrective action

629 The Administration will conduct an evaluation and review to establish the number of trained and qualified flag State surveyors required for carrying out regular flag State inspections, including inspections of ships on domestic voyages and fishing vessels. Adequate basis for enforcement of the requirements stemming from the applicable IMO instruments and a comprehensive control and monitoring programme will be established and implemented to ensure compliance with applicable provisions, including Annex I of MARPOL. This corrective action will be completed by 31 July 2020.

FD

630 The Administration had not adopted or implemented policies by enacting national legislation and guidelines to facilitate the implementation and enforcement of the requirements of all conventions related to safety and pollution prevention, to which the State was Party. In addition, the division of responsibilities of entities involved in implementing and enforcing compliance of the applicable mandatory IMO instruments was not formally established (III Code, paragraph 15).

Root cause

631 The following factors contributed to this finding:

- .1 the Casualty Investigation Code had not been transposed into national law;
- .2 there was a lack of specialized human resources in the maritime domain; and
- .3 national legislation defining the powers and responsibilities of the two concerned governmental entities exists, but it does not include the distribution of the tasks relating to the issuance of ship certificates between the various services in charge of the flag State activities.

Corrective action

632 The Administration will implement the following actions:

- .1 a recruitment and training plan for personnel specialized in the maritime sector will be developed and implemented;
- .2 an inventory of flag State activities, which are not covered by existing legislative and regulatory texts will be made. These identified missing legislation will then be developed or existing legislation modified. In addition, the legislation relating to the responsibilities of the government entities involved in the implementation and enforcement of the mandatory IMO instruments will be modified to define and record the responsibilities and authority of the personnel of each entity; and
- .3 directives and procedures will be developed as part of the implementation of the overall national strategy and incorporated into the QMS of the Administration, to facilitate the implementation and enforcement of the requirements stemming from all conventions relating to safety and pollution prevention to which the State is Party.

This corrective action will be completed by 31 December 2022.

FD

633 The Administration had not established any procedures to administer a safety and environmental protection programme that included:

- .1 administrative instructions for the effective implementation of the mandatory IMO instruments to which the State was Party and the amendments thereto, particularly regarding the form of certificates used, the instructions for issuing exemptions, equivalence, type approvals of material and equipment;

- .2 an independent audit and inspection programme of the entity issuing the required certificates and documents to the ships entitled to fly the flag of the State, to ensure compliance with the requirements of the applicable international instruments; and
- .3 provisions relating to the requirements contained in the relevant mandatory IMO instruments that were "left to the satisfaction of the Administration"

(SOLAS 1974, regulation I/6; LL 1966, article 18; III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.5).

Root cause

634 The following factors contributed to this finding:

- .1 there was a lack of safety and environmental protection programme;
- .2 there was a lack of qualified personnel in the maritime sector; and
- .3 QMS implemented at the level of the Administration did not include procedures for issuing ship certificates or evaluating the performance of the government entities that issue them.

Corrective action

635 The Administration will implement the following actions:

- .1 staff specialized in the maritime domain will be recruited and trained to strengthen the Administration;
- .2 an inventory of the mandatory IMO instruments and their amendments will be compiled, including specific provisions which were left "to the satisfaction of the Administration", as well as provisions concerning the forms of the certificates used, the issuance of exemption certificates, equivalences, type approvals and similar;
- .3 the interpretations of the provisions left "to the satisfaction of the Administration" in the mandatory IMO instruments; directives for the implementation of the forms of the certificates used, the issue of exemption certificates, process for approval of equivalent arrangements and type approvals will be developed and disseminated to flag State inspectors and recognized organizations (ROs);
- .4 documented directives resulting from the overall national strategy will be developed and implemented in order to facilitate the implementation and enforcement of the requirements stemming from the mandatory IMO instruments to which the State is Party and to establish a safety and environmental protection programme through their effective implementation;
- .5 directives relating to the independent evaluation of the Administration and ROs will be incorporated into the QMS of the Administration, in order to ensure the effective implementation of the mandatory rules and standards arising from the mandatory IMO instruments; and

- .6 the statutory certificates already issued to ship flying the flag of the State, will be checked against the models prescribed in the mandatory IMO instruments to which the State is Party.

This corrective action will be completed by 31 December 2022.

FD

636 The Administration had not developed and implemented measures to establish and enforce the requirements of STCW 1978, regarding fitness of duty and watchkeeping arrangements, which include preventing drug and alcohol abuse, as well as periods of rest and preventing fatigue (STCW 1978, regulation VIII/1.1; STCW 1978, regulation VIII/1.2; STCW 1978, regulation VIII/2.1; STCW 1978, regulation VIII/2.2; III Code, paragraph 16.3.5).

Root cause

637 The following factors contributed to this finding:

- .1 the human resources were insufficient to follow the evolution of regulations; and
- .2 there was a lack of implementation of certain provisions of STCW 1978.

Corrective action

638 The Administration will implement the following actions:

- .1 administrative instructions will be developed and implemented taking into account the provisions, principles and recommendations set out in the STCW Code concerning fitness for duty and watchkeeping arrangements, including the prevention of fatigue, as well as drug and alcohol abuse on board ships flying the flag of the State;
- .2 these instructions will be incorporated into the QMS and disseminated to flag State inspectors, recognized organizations as well as shipowners whose ships fly the flag of the State; and
- .3 a verification of the implementation of these measures on board ships flying the flag of the State will be carried out.

This corrective action will be completed by 31 December 2022.

FD

639 The flag State should ensure that ships entitled to fly its flag are sufficiently and efficiently manned, taking into account relevant existing measures, such as the principles to be followed to determine the minimum safe manning that the Organization has adopted (SOLAS 1974, regulation II-1/46.2; SOLAS 1974, regulation II-1/46.3; SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

640 The following factors contributed to this finding:

- .1 there was an absence of personnel specialized in the maritime domain and adequately trained to follow the regulations and develop the administrative directives necessary for their implementation; and
- .2 there was a lack of procedures to determine minimum safe manning, and issue Minimum Safe Manning documents in accordance with IMO resolutions.

Corrective action

641 The Administration will implement the following actions:

- .1 develop and implement relevant procedures taking into account the latest version of the principles to be observed in determining the minimum safe manning and in the issuance of Minimum Safe Manning documents, in order to ensure that manning is sufficient, in number and in quality;
- .2 incorporate into the Administration's QMS a procedure on evaluation and review and update it accordingly;
- .3 instruct the flag State surveyors to check on board the conformity of the Minimum Safe Manning certificates issued for ships flying the flag of the State and replace them if necessary;
- .4 inform the shipowners whose ships fly the flag of the State of the new provisions; and
- .5 recruitment and train staff responsible for the implementation of these actions.

This corrective action will be completed by 31 December 2022.

FD

642 At the time of the audit, the Administration had not established a process for the evaluation of recognized organizations (ROs), prior to the signing the authorization agreements. In addition, the RO's oversight programme, established by the Administration, was not institutionalized and two of the established agreements, were not in accordance with the provisions of the RO Code (SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; III Code, paragraph 18; III Code, paragraph 20).

Root cause

643 The following factors contributed to this finding:

- .1 the RO Code was not transposed into national law and its requirements in terms of delegation of authority to recognized organizations were not well known; and
- .2 the existing staff was insufficient and not trained to effectively regulate the delegation of authority and monitoring of the ROs.

Corrective action

644 The Administration will implement the following actions:

- .1 the RO Code will be transposed into national legislation;
- .2 the Decree relating to the recognition of classification societies in the field of merchant marine will be modified to bring it into conformity with the mandatory provisions of the RO Code;
- .3 the procedures for the implementation of the mandatory provisions of the RO Code will be developed and implemented, including those relating to the assessment of ROs before signature, as well as the control and supervision of ROs. The monitoring programme will be reviewed and incorporated into the existing QMS; and
- .4 existing staff will be trained to monitor ROs and the need for additional resources will be assessed and personnel provided accordingly.

This corrective action will be completed by 31 December 2022.

FD

645 The Administration had not defined and documented the responsibilities and authority of all personnel who managed, performed and verified activities related to safety and pollution prevention, or the relationships between the personnel involved (III Code, paragraph 28).

Root cause

646 The following factors contributed to this finding:

- .1 existing legislation did not provide for the tasks, responsibilities and powers of the personnel who manage, perform and verify work relating to safety and pollution prevention, as well as the relations between the staff members are defined and recorded; and
- .2 there was a lack of qualified personnel to interpret and apply maritime regulations.

Corrective action

647 The Administration will implement the following actions:

- .1 the existing legislation will be amended or supplemented so that the responsibilities and authority of all personnel who manage, perform and verify work relating to safety and pollution prevention, as well as the relations between these members of staff, are defined and recorded; and
- .2 assessment of the need for resources will be conducted and the existing human resources will be reinforced accordingly.

This corrective action will be completed by 31 December 2022.

FD

648 The Administration had not put in place a documented system for qualification of personnel who participate in flag State surveys and updating their knowledge according to the tasks they were authorized to perform (III Code, paragraph 35; III Code, paragraph 36).

Root cause

649 The following factors contributed to this finding:

- .1 there was a lack of human resources to establish a documented system for the qualification of flag State inspectors and for continuous updating of their knowledge; and
- .2 the requirements of the III Code, concerning the establishment of a documented system for the qualification of flag State inspectors and for continuous updating their knowledge, were poorly understood.

Corrective action

650 The Administration will implement the following actions:

- .1 identify the individual training needs of flag State inspectors, according to their assigned tasks, and develop and implement knowledge updating programmes;
- .2 develop and implement a documented system for qualification of flag State inspectors and continuous updating of their knowledge. This system will be incorporated into the QMS of the Administration; and
- .3 recruit additional staff to strengthen existing resources and provide them with relevant training in the maritime field.

This corrective action will be completed by 31 December 2022.

FD

651 The Administration had not established any documented requirements for the qualification of casualty investigators and had not defined criteria for conducting maritime safety investigations, and the impartiality and objectivity of the investigators could not be demonstrated (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 11.1; III Code, paragraph 38).

Root cause

652 The following factors contributed to this finding:

- .1 due to the lack of specialized personnel, the Casualty Investigation Code was not transposed into national law; the investigations were only carried out in accordance with the provisions of the Maritime Code, which was deemed adequate; and

- .2 a lack of a specialized and independent commission to carry out investigations into maritime accidents in accordance with the provisions of the Casualty Investigation Code.

Corrective action

653 The Administration will implement the following actions:

- .1 the Casualty Investigation Code will be transposed into national law and the Maritime Code will be revised accordingly;
- .2 procedures applicable to the conduct of accident investigations will be developed and implemented. An independent accident investigation department will be created under the Minister responsible for the merchant marine and ports, in order to ensure the impartiality and objectivity of accident investigators; and
- .3 a recruitment plan and a documented programme for training and updating of investigators' knowledge will be developed and implemented in collaboration with the maritime training institute.

This corrective action will be completed by 31 December 2022.

FD

654 The Administration had not developed or implemented a system to periodically assess its performance with regard to the implementation of methods, procedures and resources required to fulfil its flag State obligations and responsibilities under the mandatory IMO instruments (III Code, paragraph 42; III Code, paragraph 43).

Root cause

655 The following factors contributed to this finding:

- .1 national legislation did not provide for periodic evaluation of the performance in the conduct of flag State activities related to compliance with the mandatory IMO instruments to which the State is Party; and
- .2 there was a lack of personnel specialized in the maritime field to carry out such periodic assessments.

Corrective action

656 The Administration will implement the following actions:

- .1 a procedure for annual evaluation of the performance in the conduct of the flag State activities will be developed as part of the implementation of the overall national strategy for the implementation and enforcement of the mandatory IMO instruments, which will define the responsibilities of each government entity, the objectives to be achieved and the performance indicators;
- .2 procedure for annual performance evaluation, to be developed, will be incorporated into the QMS of the Administration and implemented;

- .3 the Administration will ensure coordination between the different entities, as well as monitor and report to the Minister responsible for the merchant marine and ports, accordingly; and
- .4 staff specialized in the maritime domain will be recruited and trained.

This corrective action will be completed by 31 December 2022.

FD

657 The scope of application of certain regulations of SOLAS 1974, chapter V, and MARPOL Annexes I, and V, to ships irrespective of their size and area of operation, had not been incorporated into national legislation (SOLAS 1974, regulation V/1.4; MARPOL, Annex I, regulation 14.3; MARPOL, Annex I, regulation 14.4; MARPOL, Annex I, regulation 14.6; III Code, paragraph 15.1).

Root cause

658 There was insufficient personnel with technical expertise to transpose SOLAS 1974, chapter V, regulations 15 to 28, and MARPOL, Annexes I and V, into national legislation.

Corrective action

659 The Administration will develop a capacity-building programme, strengthening its existing human capacity and developing and implementing a specific training programme on ships of all sizes. The provisions of SOLAS 1974, chapter V and MARPOL, Annexes I and V, applicable to ships regardless of their size, will be incorporated into national legislation, and mechanisms will be established to ensure their enforcement and to monitor compliance. This corrective action will be completed by 31 December 2022.

FD

660 There were no processes and resources established by the Administration for timely issuance of administrative instructions and interpretative national regulations to give full effect to the requirements of applicable instruments. Instructions on issuing exemptions, equivalents, alternative arrangements and type approvals of materials and equipment, as required by conventions, were insufficient (III Code, paragraph 16.1).

Root cause

661 There was an absence of a process for the preparation and dissemination of administrative instructions and a lack of qualified and competent personnel necessary to facilitate the implementation of the amendments to the applicable mandatory IMO instruments.

Corrective action

662 The Administration will list all of the amendments to the applicable mandatory IMO instruments for the purpose of disseminating the necessary administrative instructions to facilitate their implementation. It will also develop a safety and environmental protection programme and strengthen its human capacity in order to fully meet the obligations of the applicable mandatory IMO instruments. This corrective action will be completed by 30 November 2022.

FD

663 The Administration had not established resources and processes capable of administering a safety and environmental protection programme, using an independent audit and inspection programme of the entity which issued the required certificates and documentation to the ships entitled to fly the flag of the State (III Code, paragraph 16.2).

Root cause

664 Despite the commitment and determination of the Administration, there was a lack of qualified and competent personnel and specialized units, hindering the implementation of the safety and environmental protection programme as well as the development of an audit programme.

Corrective action

665 The Administration will develop an audit and inspection programme independent of the services of the Administration, in charge of issuing certificates and relevant documents to ships flying the flag of the State and establish a plan to strengthen its personnel. This corrective action will be completed by 31 October 2021.

FD

666 The Administration had not developed and implemented measures to:

- .1 ensure that seafarers who present for recognition certificates issued under the provisions of regulations II/2, III/2 or III/3, or issued under regulation VII/1 of STCW 1978, have appropriate knowledge of maritime legislation of the State; and
- .2 establish and enforce the requirements of STCW 1978 relating to fitness for duty and watchkeeping, which include the prevention of drug and alcohol abuse, as well as rest periods and fatigue prevention

(STCW 1978, regulation I/10.2; STCW 1978, regulation VIII/1.1; STCW 1978, regulation VIII/1.2; STCW 1978, regulation VIII/2.1; STCW 1978, regulation VIII/2.2; III Code, paragraph 16.3.5).

Root cause

667 There was a lack of documented procedures and qualified and competent personnel to guarantee the effective implementation of the provisions of STCW 1978.

Corrective action

668 The Administration will develop and establish the necessary legislation in order to identify the documented procedures applicable for the issuance of certificates to fulfil the mandatory provisions of STCW 1978 and to ensure there is sufficient qualified personnel with the appropriate qualifications, knowledge and experience. In addition, the Administration will transpose into national legislation and implement the criteria for the recognition of certificates and conditions for the prevention of fatigue, alcohol abuse and prohibition of drugs. This corrective action will be completed by 31 December 2021.

FD

669 The State had not developed interpretations or made decisions to address the mandatory requirements of the relevant IMO instruments that were left "to the satisfaction of the Administration" (e.g. there were no measures to provide ships entitled to fly the flag of the State with documentary evidence of its fitness to operate with periodically unattended machinery spaces) (SOLAS 1974, regulation II-1/46.2; SOLAS 1974, regulation II-1/46.3; MARPOL, Annex I, regulation 14.3; MARPOL, Annex I, regulation 14.6; III Code, paragraph 16.5).

Root cause

670 There was a lack of knowledge of the provisions of the mandatory IMO instruments to which the State was Party and the requirements of the III Code. Moreover, there was insufficient personnel with specialized knowledge in this area and a lack of established procedures testifying that ships can be operated without the permanent presence of personnel in the machinery spaces.

Corrective action

671 The Administration will implement the following actions:

- .1 establish recruitment and/or training programmes to ensure availability of specialized and qualified personnel;
- .2 identify all relevant provisions and put in place national interpretations and guidelines to meet the requirements of the applicable mandatory IMO instruments which are "left to the satisfaction of the Administration"; and
- .3 develop and implement procedures as well as technical and administrative guidelines in order to provide ships, entitled to fly the flag of the State, with evidence attesting that they can be operated without the permanent presence of personnel in machinery spaces.

This corrective action will be completed by 31 December 2020.

FD

672 The Administration had not documented procedures and criteria for issuing Safe Manning Certificates in order to ensure that the ships flying the flag of the State are sufficiently and efficiently manned, taking into account relevant and existing measures such as resolution A.1047(27) (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

673 The procedures manual was incomplete and there was insufficient knowledge to determine the manning requirements on board ships.

Corrective action

674 The entity responsible for defining the minimum number of ships will be identified and staffed with specialized personnel. The Administration will develop and implement procedures to define minimum safe manning for each ship flying the flag of the State, in accordance with

the guidelines contained in resolution A.1047(27). This corrective action will be completed by 31 December 2020.

FD

675 Agreements concluded between the Administration and ROs were not found to be in compliance with the mandatory requirements of the RO Code and the III Code and were not kept up to date. In addition, the Administration had not provided ROs with relevant national laws and interpretations thereof giving effect to the provisions of the mandatory IMO instruments, and with instructions detailing actions to be followed in the event that a ship is found unfit to proceed to sea (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 18.2; III Code, paragraph 18.3; III Code, paragraph 18.4).

Root cause

676 The following factors contributed to this finding:

- .1 lack of knowledge of the provisions of the RO and III Codes;
- .2 absence of a procedure to manage the follow-up and the updating of the agreements with the ROs; and
- .3 absence of a coherent and comprehensive national legislation to be transmitted to ROs.

Corrective action

677 The Administration will implement the following actions:

- .1 review agreements with ROs in order for them to comply with the provisions of the RO Code;
- .2 revise national legislation to make the RO Code applicable and define the provisions to follow in recognizing an RO;
- .3 develop and establish instructions outlining the measures to be undertaken in the event that a ship is declared unseaworthy and transmit them to the ROs; and
- .4 provide the ROs with the necessary national legislation as soon as it is revised and completed.

This corrective action will be completed by 31 December 2020.

FD

678 There was no evidence to demonstrate that the Administration had established or participated in an oversight programme using adequate resources to monitor the ROs, in order to ensure that specific requirements stemming from the applicable mandatory IMO instruments were met (III Code, paragraph 20).

Root cause

679 There was a lack of awareness of the provisions of the III and RO Codes; a lack of criteria for selecting and empowering ROs and supervising them; and insufficient personnel with technical experience.

Corrective action

680 The Administration will take the following measures:

- .1 strengthen the human resources of the Administration by recruiting specialized and qualified personnel to manage RO-related matters;
- .2 revise existing agreements with ROs and appointment letters of designated surveyors to ensure that they meet the mandatory provisions applicable to the delegation of authority and authorization of ROs; and
- .3 develop and implement documented procedures for the purpose of supervision of the ROs and for the communication with these entities, as well as to carry out additional surveys to ensure that ships flying the flag of the State fulfil the requirements stemming from the IMO instruments to which the State is Party.

This corrective action will be completed by 31 December 2020.

FD

681 The deputy commissioners in charge of ship registration were authorized by the Administration to issue ship's certificates on behalf of the State, although there were no supporting national regulations or instructions issued to ensure compliance with the mandatory requirements (III Code, paragraph 26).

Root cause

682 There was a lack of understanding of the provisions regarding the delegation of authority as well as a lack of a legal basis, guidelines and criteria for selecting and authorizing designated surveyors and supervising them due to insufficient personnel with technical expertise.

Corrective action

683 The Administration will undertake the following actions:

- .1 develop and implement national legislation and documented procedures governing the survey and certification of ships flying the flag of the State, including designation and authorization of surveyors;
- .2 provide designated surveyors with clear and precise instructions on specific areas, including the appropriate texts of national legislation and their interpretations which give effect to the provisions of the mandatory IMO instruments to which the State is Party;

- .3 provide designated surveyors with specific instructions describing measures to be undertaken in the event that a ship is found unseaworthy and review former contracts with designated surveyors; and
- .4 train the relevant staff members of the Administration on the subject of survey and certification.

This corrective action will be completed by 31 December 2022.

FD

684 The Administration did not take all the necessary measures, including:

- .1 prohibiting ships flying the flag of the State from sailing until such ships can proceed to sea in full compliance with the requirements of international rules and standards; and
- .2 the surveyors and independent inspectors to ensure, during the periodic inspection, that seafarers assigned to the ship were familiar with their specific duties and ship arrangements, installations, equipment and procedures

(III Code, paragraph 22.1; III Code, paragraph 22.2; III Code, paragraph 22.3).

Root cause

685 There was a lack of understanding of the provisions of the III Code and insufficient trained flag State surveyors.

Corrective action

686 The Administration will undertake the following actions:

- .1 develop and implement an initial and continuous training programme for surveyors on the applicable mandatory IMO instruments, including survey techniques and ship inspections, based on type, size, construction date and operating area;
- .2 establish a legal and administrative mechanism enabling surveyors to prohibit the ships flying the flag of the State from sailing if they do not meet the requirements of the mandatory IMO instruments to which the State is Party; and
- .3 establish documented procedures for surveyors in order to ensure, during ship inspections, that seafarers assigned to the sea service are familiar with their specific duties and the ship's arrangements, installations, equipment and operational procedures.

This corrective action will be completed by 31 December 2020.

FD

687 The Administration had not developed or implemented a control and monitoring programme to provide for prompt and thorough casualty investigations, including reporting to IMO; to collect statistical data so that trend analyses could be conducted to identify problem

areas; and to provide for a timely response to deficiencies and alleged pollution incidents reported by port or coastal States (III Code, paragraph 23).

Root cause

688 There was a lack of qualified personnel with knowledge of the obligations stemming from the applicable mandatory IMO instruments, particularly from the III Code.

Corrective action

689 The Administration will undertake the following actions:

- .1 strengthen the Administration's human resources with qualified and properly trained personnel who will be in charge of developing and implementing a control and monitoring programme;
- .2 establish a mechanism to quickly identify and analyse maritime accidents and incidents or pollution incidents in waters under the jurisdiction of the State;
- .3 develop and implement a control and monitoring procedure to carry out prompt and thorough casualty investigations and report to IMO as required;
- .4 establish a mechanism within the Administration for the collection of statistical data and their analysis; and
- .5 establish a mechanism for the timely response to deficiencies and alleged pollution incidents reported by port or coastal State authorities.

This corrective action will be completed by 31 August 2022.

FD

690 The Administration did not define and document the responsibilities and authority of all personnel who managed, performed and verified activities related to safety and pollution prevention, as well as interrelations of relevant personnel. In addition, the Administration did not have in place a documented system for qualification of flag State surveyors and independent inspectors and continuous updating of their knowledge. Also, identification documents were not issued to the surveyors and inspectors (III Code, paragraph 28; III Code, paragraph 35; III Code, paragraph 37).

Root cause

691 There was a lack of an established and formalized skills management strategy for the Administration staff members in charge of the management, execution and verification of the activities of flag State surveyors.

Corrective action

692 The Administration will develop and implement procedures relating to the responsibilities, authority and interrelation of all Administration's personnel, including deputy commissioners, who manage, execute and verify activities related to safety and pollution prevention. In addition, a documented system for monitoring the qualifications of flag State surveyors and designated surveyors, as well as for continuous updating of their knowledge will

be developed and implemented, based on the identification of their individual needs and as appropriate to the tasks they are authorized to undertake. An identification document for flag State inspectors will be developed, institutionalized and delivered to surveyors meeting the qualification and competency requirements. This corrective action will be completed by 31 December 2022.

FD

693 The Administration did not have in place documented requirements for the qualification of casualty investigators and defined criteria for conducting marine safety investigations. In addition, impartiality and objectivity of investigators could not be demonstrated (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 11.1; III Code, paragraph 38).

Root cause

694 There was a lack of understanding of the provisions of the III and Casualty Investigation Codes.

Corrective action

695 The Casualty Investigation Code will be transposed into national legislation and the Administration will strengthen the capacity of its officers, responsible for casualty investigations, by ensuring they have the necessary qualifications and training to undertake casualty investigations. In addition, the impartiality and objectivity of surveyors will be guaranteed through the creation of an independent service. Moreover, the criteria and procedures for the conduct of marine safety investigations will be developed and implemented. This corrective action will be completed by 31 December 2022.

FD

696 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 I/21; MARPOL, article 12(1); Casualty Investigation Code, paragraph 6.2; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 41).

Root cause

697 As the Administration had not officially been informed of the incident sampled in the audit, therefore no investigation was initiated. In addition, there was no mechanism in place to promptly identify this incident and immediately inform the Administration for action to be undertaken.

Corrective action

698 The Administration will undertake the following actions:

- .1 establish a permanent mechanism within the Administration, for matters relating to casualty investigations on board ships flying the flag of the State, in order to promptly initiate marine safety investigations;
- .2 outline the criteria that systematically lead to the initiation of a casualty investigation;

- .3 develop and implement a control and monitoring procedure for prompt and thorough casualty investigations and reporting to IMO;
- .4 develop and implement a documented procedure for the appointment of investigators as well as the conduct of investigations in accordance with the Casualty Investigation Code and the guidelines assisting investigators in their implementation (resolution A.1075(28)); and
- .5 identify the individual responsible for communicating investigation reports to IMO as well as for communicating, through GISIS, any pending investigation to IMO.

This corrective action will be completed by 31 December 2022.

FD

699 The Administration had not put in place a system to periodically assess its performance with regard to the implementation of methods, procedures and resources required for the State to fulfil its flag State obligations and responsibilities under the mandatory IMO instruments (III Code, paragraph 42; III Code, paragraph 43).

Root cause

700 There was a lack of a culture of improvement within the Administration and insufficient qualified personnel.

Corrective action

701 The Administration will develop and implement a training plan for its staff promoting the culture of continuous improvement, as well as develop and implement national legislation to establish a documented programme for periodic evaluation and review of its performance in the conduct of flag State activities. This corrective action will be completed by 31 December 2021.

FD

702 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 the State is Party. In addition, division of responsibilities of government entities participating in the implementation and enforcement of the applicable mandatory IMO instruments to update and revise any adopted policy was not defined and documented (III Code, paragraph 15).

Root cause

703 There was a lack of awareness of the need for documenting policies through the issue of national legislation and guidance. There was a lack of coordination in the system, e.g. in assigning responsibilities among government entities that participate in the implementation and enforcement of the mandatory IMO instruments.

Corrective action

704 The Administration will implement the following actions:

- .1 clarify the division of responsibilities of government entities participating in the implementation and enforcement of the mandatory IMO instruments through the establishment of a working group, comprising of representatives from all State entities involved in maritime affairs. Division of tasks and responsibilities will be defined for monitoring, implementing and enforcing the mandatory IMO instruments, as well as incorporated into national legislation; and
- .2 in cooperation with the nodal ministry, the Administration will adopt and implement policies through national legislation, as well as develop new and review existing procedures and guidance. The enforcement of requirements stemming from the mandatory IMO instruments will be ensured by annual revision. In addition, special effort in developing policies and procedures for the effective implementation of legislation and guidance by stakeholders will be carried out.

This corrective action will be completed by 31 December 2021.

FD

705 There was no evidence that the Administration had established processes and resources capable of administering a safety and environmental protection programme, which as a minimum consisted of the development of administrative instructions to support effective implementation of applicable international rules or regulations and provision of guidance concerning those requirements found in the applicable mandatory IMO instruments that are "to the satisfaction of the Administration" (III Code, paragraph 16.1; III Code, paragraph 16.5).

Root cause

706 The insufficient understanding and awareness of the need to develop an overall policy or procedure for the issuance of administrative instructions or interpretative national regulations contributed to this finding. In addition, due to the lack of resources and coordination, the Administration did not have in place a formalized or documented QMS and operational manuals in order to implement the applicable international rules and regulations and to provide interpretation of the requirements of the mandatory IMO instruments that are left "to the satisfaction of the Administration".

Corrective action

707 The Administration will implement the following actions:

- .1 procedures for defining and addressing those requirements that are left "to the satisfaction of the Administration" and provisions for their interpretations will be established. This system will also include a continuous improvement programme to ensure that all systems and procedures are up to date and that the respective departments are kept informed and coordinated;
- .2 add a clause to the agreements with ROs, which requires them to consult with the Administration before taking action regarding a provision left "to the satisfaction of the Administration";
- .3 each agency will be tasked with reviewing and amending any administrative instruction, procedures and guidance aiming to support the effective

implementation of provisions of the relevant mandatory IMO instruments to identify the need for additional guidance; and

- .4 allocate/redistribute additional resources to accomplish the aforementioned actions.

This corrective action will be completed by 31 December 2021.

FD

708 The Administration had not developed policies, guidelines or procedures for issuing Safe Manning Certificates in order to ensure that ships entitled to fly the flag of the State were sufficiently and efficiently manned, taking into account relevant and existing measures such as the Principles of Safe Manning adopted by the Organization (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

709 Although principles of safe manning had been addressed in an existing regulation, this regulation had not been effectively applied while issuing Safe Manning Certificates and, therefore, these principles had not been followed.

Corrective action

710 The Administration will implement the following actions:

- .1 specific guidelines and procedures for issuing Safe Manning Certificates will be finalized and included in the QMS to ensure that ships entitled to fly the flag of the State are sufficiently and efficiently manned;
- .2 procedure on the issuance of Safe Manning Certificates, which contains provisions of resolution A.1047(27) on Principles of Safe Manning, had been developed following the audit. This procedure is included in the scope of the QMS and will be audited during external audits of the STCW 1978 quality standards system; and
- .3 the Principles of Safe Manning adopted by IMO, which had been transposed into the national legislation related to Education Training and Certification of Seafarers, will be effectively applied in issuing Safe Manning Certificates. Key personnel will be trained on the application of the national and international requirements.

This corrective action will be completed by 31 December 2021.

FD

711 The delegation of authority to ROs was not fully regulated and implemented in accordance with applicable requirements of the IMO instruments. In addition, an oversight programme had not been established (SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 1.2 and appendix 3; RO Code, part 2, section 4; RO Code, part 2, section 8; III Code, paragraph 18.1; III Code, paragraph 18.2; III Code, paragraph 20).

Root cause

712 The Administration had not assigned adequate resources for monitoring ROs due to a lack of prioritization and a lack of qualified personnel in this subject. The oversight programme, including related guidelines, had not been formalized nor fully developed. Furthermore, the formal agreements with the ROs had not been updated recently, therefore, the related requirements of the III Code have not been fully complied with.

Corrective action

713 The Administration will implement the following actions:

- .1 review existing agreements with the ROs;
- .2 formalize an oversight programme for ROs;
- .3 improve the resources assigned for the oversight of ROs; and
- .4 conduct an assessment regarding the incorporation of the RO Code in existing national legislation/regulations and amend the legislation accordingly.

This corrective action will be completed by 31 December 2021.

FD

714 The Administration had not developed or implemented a control and monitoring programme, in order to ensure compliance with the applicable mandatory IMO instruments through national legislation and there was a lack of sufficient personnel to implement and enforce such legislation including personnel for performing investigations and surveys (III Code, paragraph 24.1; III Code, paragraph 24.2).

Root cause

715 There was a lack of focus, policy and awareness in relation to ensuring compliance with the mandatory IMO instruments. Prioritization of the subject was not adequate, partly due to the composition of the national fleet. Adequate capacity analysis was not in place, resulting in a lack of systematic arrangement of resources for the implementation of the new requirements and their effective enforcement. This applies to all relevant government entities.

Corrective action

716 The Administration will implement the following actions:

- .1 develop a control and monitoring programme with relevant ministries and government agencies, which will include working relationship, responsibilities, procedures);
- .2 implement actions to raise awareness regarding international obligations and appropriate prioritization;
- .3 capacity analysis for the execution of different responsibilities will be conducted by administrative bodies and additional resources provided accordingly;

- .4 conduct an analysis of the national legislation to identify areas where enforcement provisions should be developed; and
- .5 develop and implement relevant measures to support the above.

This corrective action will be completed by 31 December 2021.

FD

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

Root cause

718 A lack of focus and resources in the Administration hindered the implementation of a properly documented system to reflect the provisions of paragraph 35 of the III Code. Therefore, the existing system for specifying qualifications of flag State surveyors had not been finalized in all details or fully documented.

Corrective action

719 The Administration will review and update, as necessary, the existing system, which documents the qualification and training of flag State surveyors. The system addresses the qualification of surveyors, training needs, training received, and updating of knowledge, records, and specific authorizations. As a result of the review, current authorizations for the appointment of flag State surveyors to perform particular tasks, e.g. surveys/audits, according to requirements stemming from the mandatory IMO instruments after undergoing the relevant training/updating of knowledge will be updated. Furthermore, additional resources will be allocated/redistributed to accomplish the aforementioned actions. This corrective action will be completed by 31 December 2021.

FD

720 There was no evidence to establish that the Administration had undertaken periodic evaluation of its performance in order to determine whether staffing, resources, and administrative processes were adequate to meet its flag State obligations (III Code, paragraph 42; III Code, paragraph 43).

Root cause

721 Due to a lack of personnel and resources in the Administration, some procedures and processes were missing, while those in place in the management system were not used adequately for determining the needs for staffing, resources and administrative processes, in order to evaluate performance in the conduct of flag State activities.

Corrective action

722 The Administration will amend the existing management system, related to performance evaluation and improvement, to include the assessment of effectiveness in fulfilling flag State obligations under the mandatory IMO instruments. The degree of compliance will be based on KPIs, to be developed as may be appropriate, in order to determine whether staffing resources and administrative procedures are adequate to meet the

flag State obligations. The development of KPIs will be carried out with reference to paragraph 44 of the III Code. This corrective action will be completed by 31 December 2021.

FD

723 The arrangements for conducting casualty investigations did not comply with the requirements of the Casualty Investigation Code, and the national regulatory framework, including regulations, guidelines and procedures to assist the investigators, was found outdated (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 1.3; III Code, paragraph 41).

Root cause

724 The lack of awareness of the requirements stemming from the mandatory IMO instruments related to casualty investigation, the absence of a legal basis as well as the lack of personnel with appropriate knowledge and skills contributed to this finding.

Corrective action

725 The Administration and the respective entities of the State involved will adopt, transpose and incorporate into the national legislation the mandatory provisions of the Casualty Investigation Code (resolution MSC.255(84)) and related guidelines (resolution A.1075(28)). The Casualty Investigation Board will develop procedures to assist in the implementation of the Casualty Investigation Code and incorporate these into their QMS. In addition, personnel assigned to tasks related to casualty investigation will be trained accordingly to acquire appropriate knowledge and skills. This corrective action will be completed by 31 December 2021.

FD

726 National regulations and procedures for carrying out marine safety investigations, and reporting therefrom, were not in compliance with all the requirements of the Casualty Investigation Code (Casualty Investigation Code, paragraph 6.2; III Code, paragraph 41).

Root cause

727 The following factors contributed to this finding:

- .1 lack of awareness about the mandatory status of the Casualty Investigation Code; and
- .2 lack of understanding of the obligations under the Casualty Investigation Code and related IMO guidelines.

Corrective action

728 The State will implement the following actions:

- .1 appropriate administrative measures will be taken to issue an official order for mandatory implementation of the Casualty Investigation Code with immediate effect. National legislation will then be suitably amended to incorporate the Casualty Investigation Code;

- .2 all casualty investigations will be conducted and reported in accordance with the Casualty Investigation Code and related IMO guidelines; and
- .3 appropriate processes and procedures will be developed for implementing the Casualty Investigation Code.

This corrective action will be completed by 31 December 2021.

FD

729 There was no formal system or methodology in place for the Administration to periodically evaluate its performance in the implementation of administrative processes, procedures and resources necessary to meet its obligations under the mandatory IMO instruments (III Code, paragraph 42; III Code, paragraph 43).

Root cause

730 The following root causes contributed to this finding:

- .1 the State did not have a national policy for assigning responsibilities and outlining methodologies and standards for periodical evaluation of flag State performance;
- .2 lack of understanding of the mandatory IMO instruments, particularly with respect to the promotion of a maritime safety culture, due to which the Administration did not identify or set targets in order to verify that the State was fulfilling its flag State obligations; and
- .3 lack of records of flag State activities, as required under the mandatory IMO instruments, to identify deficiencies through analysis and address them promptly.

Corrective action

731 The responsible entities will undertake the following actions:

- .1 establish a national platform to ensure continuous cooperation of all involved entities in the evaluation of flag State performance, and review and analysis of non-conformities under the mandatory IMO instruments;
- .2 establish a national maritime working group under a National Maritime Policy, which will assign responsibilities and develop methodologies and standards for periodical evaluation of flag State performance of the State in respect of exercising its rights and meeting its obligations under the mandatory IMO instruments;
- .3 develop and implement a policy of continuous analysis and improvement of the measures taken to implement the mandatory IMO instruments, covering flag State activities;
- .4 develop processes and procedures to ensure that records are maintained and kept updated in order to evaluate flag State performance and compliance with the requirements of the mandatory IMO instruments; and

- .5 establish a training programme specifically for personnel of relevant government entities in flag State evaluation process.

This corrective action will be completed by 31 July 2022.

FD

732 The Administration had not adopted nor 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 it is Party (SOLAS 1974, regulation II-1/5-1.1; SOLAS 1974, regulation III/4; SOLAS 1974, regulation V/18.1; SOLAS 1974, regulation V/18.5; SOLAS 1974, regulation VII/5; MARPOL, Annex I, regulation 14.6; III Code, paragraph 15).

Root cause

733 The following factors contributed to this finding:

- .1 maritime affairs were not a priority area at the national level;
- .2 lack of competent personnel and lack of inter-agency cooperation;
- .3 insufficient financial resources;
- .4 high dependency on overseas consultants in drafting maritime legislation and regulations, which was time consuming and expensive; and
- .5 lengthy legislative processes.

Corrective action

734 The responsible entities will implement the following actions:

- .1 maritime affairs will be accorded a higher priority at the national level as the establishment of a new ministry for transport (separate from the current ministry that deals with transport as well as infrastructure) has already been proposed to the Cabinet. Furthermore, additional financial resources will be made available for maritime administration;
- .2 additional personnel will be recruited, and appropriate training will be provided to them prior to being assigned their responsibilities;
- .3 appropriate regulations will be developed and implemented in order to give effect to the mandatory IMO instruments, based on an analysis of all mandatory IMO instruments and their amendments that have entered into force internationally, but had not been incorporated into national law;
- .4 as a temporary measure to address the gaps identified during the audit, the use of guidelines, codes of practice, standing orders and similar measures will be used where enabling provisions exist in the principal legislation for such measures; and
- .5 a documented procedure will be developed for evaluating, testing and approving materials and equipment used on ships.

This corrective action will be completed by 31 July 2022.

FD

735 The Administration had not developed or disseminated any interpretative national regulations that may be needed when issuing a certificate that demonstrated compliance with the requirements of the mandatory IMO instruments or related national regulations and when granting exemptions (III Code, paragraph 16.1).

Root cause

736 The following factors contributed to this Finding:

- .1 lack of understanding of the obligations under the III Code and the mandatory IMO instruments;
- .2 lack of culture and lack of suitable tools to analyse, identify and eliminate causes of non-conformities; and
- .3 absence of a policy or a mechanism in place, including the designation of an entity, to coordinate and provide oversight of the implementation and enforcement of the mandatory IMO instruments.

Corrective action

737 The responsible entities will implement the following actions:

- .1 establish a national maritime working group, under the nodal entity, with the mandate to identify processes and develop procedures and tools to periodically review and evaluate the implementation and enforcement of the mandatory IMO instruments, based on specific performance indicators;
- .2 provide resources and processes to administer a safety and environmental protection programme, and develop administrative instructions and interpretative national regulations, as necessary; and
- .3 conduct a training programme to train all staff on the measures needed for the implementation and enforcement of the mandatory IMO instruments.

This corrective action will be completed by 31 December 2021.

FD

738 Administrative arrangements in place for the recognition of certificates of seafarers whose assessment and certification had been conducted under the purview of another State were not in compliance with the requirements (STCW 1978, regulation I/10.1; III Code, paragraph 16.3).

Root cause

739 The following factors contributed to this finding:

- .1 lack of understanding of the requirements of STCW 1978, regulation I/10;

- .2 national laws had not been updated to give full effect to the 2010 amendments to STCW 1978; and
- .3 administrative arrangements with other parties were not in place to recognize the training, assessment and certification of seafarers.

Corrective action

740 The Administration will implement the following actions:

- .1 review and amend the shipping regulations to include the 2010 amendments to STCW 1978;
- .2 establish procedures and guidelines for the recognition of Certificates of Competencies issued by other parties;
- .3 conduct close consultations with other "White List" countries for making administrative arrangements in accordance with STCW 1978; and
- .4 conclude administrative arrangements and MoUs and communicate them to IMO.

This corrective action will be completed by 31 December 2021.

FD

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

Root cause

742 The following were the root causes of the finding:

- .1 absence of a system to monitor the amendments to the mandatory IMO instruments;
- .2 the Shipping (STCW 1978) Regulations were not updated to include the issuance of safe manning documents; and
- .3 lack of policies, guidelines and procedures for issuing safe manning documents.

Corrective action

743 The responsible government entity will implement the following actions:

- .1 create a dedicated position at management level to monitor and implement amendments to the mandatory IMO instruments and implement them promptly;

- .2 review and update the regulations for the issuance of safe manning documents; and
- .3 develop and implement policies, guidelines and procedures for safe manning of ships in pursuant to resolution A.1047(27) and any subsequent amendments.

This corrective action will be completed by 31 December 2020.

FD

744 Although the Administration had a documented manual which stated the qualifications and knowledge required of its personnel, it did not specify the number of posts and no assessment had been carried out in this regard. In addition, there was a lack of qualified personnel to implement and enforce national legislation (III Code, paragraph 24).

Root cause

745 The following factors contributed to this finding:

- .1 lack of understanding of the requirements of paragraph 24 of the III Code;
- .2 lack of legislation in place to provide for the requirements of paragraph 24 of the III Code; and
- .3 due priority was not given to the maritime sector at the national level which affected allocation of sufficient resources.

Corrective action

746 The maritime administration will implement the following actions:

- .1 maritime affairs will be accorded higher priority and increased resources to establish new policy and plans;
- .2 responsibilities will be assigned to keep the staff up to date with the III Code and amendments to the mandatory IMO instruments;
- .3 resource requirement will be assessed, and appropriate number of qualified personnel will be provided in order to implement and enforce maritime legislation, including those for performing investigations and surveys; and
- .4 a training programme will be established, and regular refresher training will be provided for flag State surveyors. In addition, appropriate oversight of the activities of flag State investigators, surveyors and PSC activities will be ensured.

This corrective action will be completed by 31 December 2020.

FD

747 The Administration did not regulate the delegation of authority to organizations in accordance with the requirements of the mandatory IMO instruments. Organizations which conducted statutory certification activities were not duly evaluated and authorized based on

written agreements (SOLAS 1974, regulation XI-1/1; MARPOL, Annex I, regulation 6; MARPOL, Annex II, regulation 8; RO Code, part 2, section 8; III Code, paragraph 18).

Root cause

- 748 The following factors contributed to this finding:
- .1 lack of maritime expertise and resources to regulate delegation of authority in accordance with the requirements of the RO Code;
 - .2 lack of documented procedures to implement the RO Code; and
 - .3 delay in reaching an agreement with the ROs through negotiations.

Corrective action

- 749 The Administration will implement the following actions:
- .1 review the procedure for delegation of authority to, and monitoring of ROs, and amend it, as necessary, to comply with the RO Code and with paragraph 18 of the III Code;
 - .2 create a dedicated position (policy and planning officer) to manage the administrative matters of the mandatory IMO instruments, and to ensure that RO agreements are concluded promptly and the RO Code is properly implemented; and
 - .3 conclude RO agreements in accordance with the RO code and the revised procedure.

This corrective action will be completed by 31 December 2020.

FD

750 The Administration did not establish or participate in an oversight programme to verify the adequacy of work performed by organizations who conducted statutory certification activities, and to ensure that ships flying the flag of the State effectively comply with the requirements of the mandatory IMO instruments. Furthermore, the Administration had insufficient staff with adequate knowledge of the rules and regulations to carry out effective oversight (III Code, paragraph 20).

Root cause

- 751 The following factors contributed to this finding:
- .1 lack of trained personnel having knowledge of the rules and regulations of the flag State and ROs in order to carry out effective oversight of ROs; and
 - .2 lack of systematic procedures and resources for monitoring of, and communication with, ROs to ensure that international obligations of the State are fully met.

Corrective action

752 The Administration will implement the following actions:

- .1 assess the needs for specific competence, and recruit and train sufficient staff to administer an oversight programme of ROs;
- .2 establish or participate in an oversight programme in order to monitor activities of ROs in accordance with the requirements of the RO Code and the III Code; and
- .3 review the procedure for the delegation of authority to, and monitoring of, ROs and update it as necessary in accordance with the provisions of the RO Code and the III Code.

This corrective action will be completed by 31 December 2020.

FD

753 The Administration did not take necessary measures to secure observance of provisions of the mandatory IMO instruments. Moreover, adequate measures were not adopted to ensure that seafarers assigned to ships entitled to fly the flag of the State were familiar with their specific duties and ship arrangements, and that ship's complement can effectively coordinate activities in an emergency situation and in the performance of functions vital to safety or to the prevention or mitigation of pollution. Furthermore, the Administration did not provide penalties of adequate severity to discourage violation of international rules and standards (III Code, paragraph 22.3; III Code, paragraph 22.4; III Code, paragraph 22.5).

Root cause

754 The following factors contributed to this finding:

- .1 lack of resources for the enforcement and monitoring of compliance with the mandatory IMO instruments;
- .2 lack of a coordination mechanism owing to the lack of knowledge on the matter;
- .3 lack of procedures and guidelines for flag State surveyors; and
- .4 national laws were not reviewed periodically for adequacy of penalty provisions.

Corrective action

755 The Administration will implement the following actions:

- .1 adequate financial resources will be provided in order to train flag State surveyors in conducting effective flag State inspections;
- .2 a directive, supported by appropriate instructions, will be issued to clearly establish the scope of flag State inspections (i.e. covering areas such as familiarization of crew with specific duties and ship arrangements, conduct of mandatory drills and their frequency), as well as to verify compliance with

- new regulations that may enter into force under the mandatory IMO instruments;
- .3 an implementation unit will be established within the Administration to carry out this task and to provide instructions for conduct of audits under the International Safety Management (ISM) Code; and
- .4 penalties will be revised, as required, in consultation with the relevant ministry.

This corrective action will be completed by 31 December 2020.

FD

756 The Administration did not institute proceedings against ships entitled to fly the flag of the State, which had violated international rules and standards, and did not enforce penalty provisions against individuals for acts of violation (III Code, paragraph 22.6; III Code, paragraph 22.8).

Root cause

757 The following factors contributed to this finding:

- .1 lack of an adequate enforcement system and lack of procedures in place to institute proceedings against violations;
- .2 insufficient monitoring of flag State surveyors' activities resulting in complacency; and
- .3 a safety culture was not practiced as a priority.

Corrective action

758 The Administration will implement the following actions:

- .1 legal mechanisms and procedures will be established to ensure that violation of international rules and standards are dealt with in accordance with the law, irrespective of where the violation has occurred; and
- .2 training will be provided to flag State surveyors and other officials associated with the enforcement to adopt and practice a safety culture in all their activities.

This corrective action will be completed by 31 December 2020.

FD

759 No specific guidance or internal procedures were developed for the Administration to oversee that appropriate corrective measures were undertaken when a ship entitled to fly the flag of the State had been detained by a port State (III Code, paragraph 25).

Root cause

760 The following factors contributed to the finding:

- .1 lack of specific guidance or internal procedures for overseeing corrective measures when a ship flying the flag of the State is detained by a port State; and
- .2 absence of agreement with ROs, due to which the Administration could not authorize ROs to act on behalf of the State to inspect the detained ship and to ensure that appropriate corrective measures are taken to bring the ship in question into immediate compliance.

Corrective action

761 The responsible entity will implement the following actions:

- .1 develop and establish specific guidance or internal procedures for requesting and overseeing appropriate corrective measures to be taken by a company when a ship flying the flag of the State is detained by a port State, as well as for communicating with, and overseeing the actions of, the involved RO; and
- .2 include a suitable provision in the agreements with ROs authorized to act on behalf of the State, that will enable them to take appropriate measures to bring the ship into immediate compliance when a ship flying the flag of the State is detained by a port State.

This corrective action will be completed by 31 December 2020.

FD

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

Root cause

763 The following factors contributed to this finding:

- .1 insufficient resources in the Administration; and
- .2 lack of a policy or a structured programme for training of new surveyors/inspectors and retraining of existing flag State inspectors for continuous updating of their knowledge and skills as appropriate to the tasks they are authorized to undertake.

Corrective action

764 The Administration will implement the following actions:

- .1 maritime affairs will be given higher priority and additional resources will be allocated to plan and provide structured training programmes for staff; and
- .2 a documented system will be developed and implemented as a basis for enhancing the qualification of personnel and continuous updating of their skills and knowledge as appropriate to the tasks that they are authorized to

undertake and providing initial training for newly recruited officers. Individual training needs will be assessed and any gaps in training addressed.

This corrective action will be completed by 31 December 2020.

FD

765 Marine safety investigations were not always conducted by impartial and objective investigators (Casualty Investigation Code, paragraph 11.1; III Code, paragraph 38).

Root cause

766 The following factors contributed to this finding:

- .1 insufficient number of qualified independent casualty investigators and a lack of procedures for conducting marine safety investigations; and
- .2 lack of explicit legal provisions to ensure the impartiality and objectivity of investigators for conducting marine safety investigations.

Corrective action

767 The Administration will implement the following actions:

- .1 establish a list of qualified investigators, both local and overseas, and develop a template for an agreement with the investigators covering impartiality and objectivity aspects of marine safety investigations;
- .2 develop and implement administrative procedures in accordance with the Casualty Investigation Code and the III Code, with due consideration given to the impartiality and prevention of the conflict of interest of investigators; and
- .3 amend the principal legislation, or enact a new legislation, to provide an explicit reference to the use of qualified casualty investigators and to the impartiality and objectivity of investigations.

This corrective action will be completed by 31 July 2022.

FD

768 The Administration had not developed or documented guidance, administrative instructions or interpretations concerning those requirements that are left "to the satisfaction of the Administration" found in the mandatory IMO instruments (III Code, paragraph 16.5).

Root cause

769 The following factors contributed to this finding:

- .1 lack of an administrative and management system to develop and provide interpretations concerning those requirements that are left to the satisfaction, discretion or opinion of the Administration, and for granting exemptions; and

- .2 lack of procedures and legal processes to measure the performance of the State in fulfilling its obligations stemming from the mandatory IMO instruments, in the conduct of flag State activities.

Corrective action

770 The Administration will implement the following actions:

- .1 coordinate among government entities sharing flag State responsibilities to develop an evaluation mechanism that forms a part of the overall evaluation of performance under the new overall strategy, to be developed;
- .2 establish procedures or legislation to measure the performance in conducting flag State activities under the mandatory IMO instruments; and
- .3 establish and implement a standard procedure for identifying areas and providing guidance or interpretations in relation to those requirements that are left "to the satisfaction, discretion or opinion of the Administration" in the mandatory IMO instruments, for issuing appropriate interpretations and for granting exemptions.

This corrective action will be completed by 31 December 2021.

FD

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

Root cause

772 There was a lack of knowledge and technical capacity for the drafting of policies which would facilitate the implementation and enforcement of the maritime safety and pollution prevention conventions and protocols to which the State is Party. There was a lack of administrative instructions to define and devise responsibilities between various departments of the Administration for flag State activities.

Corrective action

773 The Administration will develop and implement a training programme on maritime safety, pollution prevention and protection of the marine environment to enhance technical skills and knowledge of its personnel. It will also define responsibilities to formulate policies, procedures and criteria to be followed in the promulgation of national guidance regarding flag State activities. In addition, the Administration will develop and implement policies, through issuing national legislation, guidelines and documented procedures to assist in the implementation and enforcement of the applicable mandatory IMO instruments, particularly the requirements regarding flag State activities. This corrective action will be completed by 31 December 2021.

FD

774 The Administration had not established resources and processes capable of administering a safety and environmental protection programme, which includes:

- .1 administrative instructions to effectively implement the mandatory IMO instruments to which the State was Party, including their amendments; and
- .2 policies and/or guidelines to address those requirements that are left "to the satisfaction of the Administration" and criteria for type approval of materials and equipment, as required in the applicable mandatory IMO instruments

(III Code, paragraph 16.1; III Code, paragraph 16.5).

Root cause

775 There were insufficient human resources and lack of awareness of the requirement to administer a safety and environmental protection programme in order to effectively implement and enforce the applicable mandatory IMO instruments. There was insufficient understanding of the term "to the satisfaction of the Administration" left in the applicable mandatory IMO instruments.

Corrective action

776 The Administration will develop and implement documented administrative procedures, and train relevant staff accordingly, in order to improve the implementation and enforcement of the applicable mandatory IMO instruments, particularly the requirements regarding the safety and environmental protection programme. Responsibilities and tasks will be clearly assigned within the Administration. The Administration will develop policies and instructions to address those requirements that are left "to the satisfaction of the Administration" in the applicable mandatory IMO instruments, as well as criteria for type approval of materials and equipment. It will also provide ROs with relevant interpretations This corrective action will be completed by 31 May 2021.

FD

777 The delegation of authority to ROs was not regulated and was inconsistent in determining whether ROs had adequate resources. The agreement with a RO did not fully comply with the mandatory provisions of the RO Code. In addition, the Administration had not provided specific instructions to the RO and it had not established or participated in an oversight or monitoring programme nor provided staff with adequate knowledge to carry out effective oversight of the RO (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 20).

Root cause

778 There was a lack of awareness and adequate expertise which hindered the development of a procedure.

Corrective action

779 The Administration will 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 applicable mandatory IMO instruments. In addition, the Administration will develop and implement national legislation and procedures to regulate delegation of authority to ROs and will revise the existing agreements with ROs in order to ensure their compliance with the requirements stemming from the applicable mandatory IMO instruments regarding the delegation of authority and recognition of ROs. Finally, the Administration will strengthen its expertise through a training and familiarization programme on delegation of authority. This corrective action will be completed by 31 December 2021.

FD

780 The Administration did not take all the necessary measures to secure observance of international rules and standards by prohibiting ships entitled to fly its flag from sailing until such ships can proceed to sea in compliance with the requirements of international rules and standards. In addition, a control and monitoring programme was not developed and implemented by the Administration, including the collection of statistical data, so that trend analyses can be conducted to identify problem areas (SOLAS 1974, regulation I/6; MARPOL, Annex I, regulation 6; III Code, paragraph 22.1; III Code, paragraph 23.2).

Root cause

781 There was a lack of documented procedures within the Administration regarding the measures to secure compliance with international rules and standards by prohibiting ships entitled to fly the flag of the State from sailing until such ships can proceed to sea in compliance with the requirements of international rules and standards. In addition, there was an absence of adequate expertise, which hindered the development of documented procedures defining a system to collect statistical data for trend analyses and identification of problem areas.

Corrective action

782 The Administration will implement the following actions:

- .1 develop and implement a legal mechanism to secure observance of international rules and standards, which will define measures to be taken when ships flying the flag of the State are detained by port States; and ensure compliance with the requirements stemming from the applicable mandatory IMO instruments before such ships can safely proceed to sea; and
- .2 develop and implement a documented procedure to collect statistical data on the fleet, for analysis purposes, in order to identify problem areas and ensure that they are addressed.

This corrective action will be completed by 31 December 2021.

FD

783 Legal arrangements defining the responsibilities, authority and interrelationship of surveyors were not complete or adequately structured. Furthermore, the Administration had not implemented a documented system for qualification and continuous updating of knowledge of flag State surveyors with regard to the tasks they were authorized to undertake (III Code, paragraph 28; III Code, paragraph 35; III Code, paragraph 36).

Root cause

784 There was a lack of qualified personnel and an absence of a legal basis defining the responsibilities and interrelationship of surveyors. Moreover, there was no documented system for the qualification and continuous updating of knowledge of the flag State surveyors.

Corrective action

785 The Administration will undertake the following measures:

- .1 personnel will be trained to develop legal arrangements and to review existing legislation of government entities involved in the implementation and enforcement of the applicable mandatory IMO instruments, in terms of requirements relevant to flag State surveyors. The relevant national legislation will be reviewed and developed/updated accordingly in order to define clear responsibilities of all personnel involved in the work relating to and affecting safety and pollution prevention; and
- .2 establish and implement a documented programme for qualification of flag State surveyors and continuous updating of their knowledge based on identification of training needs of individual surveyors, taking into account their qualification, training and experience.

This corrective action will be completed by 31 December 2021.

FD

786 The Administration had not put in place a system to periodically assess its performance with regard to the implementation of methods, procedures and resources required for the State to fulfil its flag State obligations and responsibilities under the applicable mandatory IMO instruments (III Code, paragraph 42; III Code, paragraph 43).

Root cause

787 There was a lack of culture for periodical evaluation of flag State activities.

Corrective action

788 The Administration will develop and implement a policy to train the relevant staff of the Administration in evaluation and review. In addition, the Administration will develop a documented procedure to periodically assess its performance in respect of flag State activities according to the applicable mandatory IMO instruments, in order to ensure compliance with such instruments through its administrative processes, procedures and resources. This corrective action will be completed by 31 March 2021.

FD

789 The Administration did not implement policies through 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 to which the State is Party (III Code, paragraph 15).

Root cause

790 Due to a prolonged legislative process, promulgation of the main shipping acts and subsidiary legislation within the State were delayed. Consequently, this hindered the timely transposition of numerous and successive amendments to the applicable mandatory IMO instruments into national legislation. In addition, there was a lack of a system to consistently deal with the aforementioned amendments and the issuance of guidance to assist in the implementation and enforcement of the requirements stemming from the applicable mandatory IMO instruments.

Corrective action

791 The Administration will implement the following actions:

- .1 based on arrangements to be outlined in the overall strategy, to be developed, a comprehensive review of existing national maritime legislation will be performed. In addition, a specialized permanent committee will be established in order to lead the revision of national legislation and to ensure its effective implementation regarding provisions of the applicable mandatory IMO instruments and related amendments; and
- .2 the aforementioned committee will oversee the processes of monitoring and timely transposition into national legislation of the requirements stemming from the applicable mandatory IMO instruments, including their amendments. This committee will also oversee 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 stemming from the applicable mandatory IMO instruments for all types of ships.

This corrective action will be completed by 31 October 2022.

FD

792 The Administration had not established resources and processes capable of administering a safety and environmental protection programme, which includes:

- .1 administrative instructions to effectively implement the mandatory IMO instruments and their amendments to which the State is Party;
- .2 an independent audit and inspection programme covering the entity which issues the required certificates and documentation to the ships entitled to fly the flag of the State;
- .3 efficient handling of cases involving ships with identified deficiencies; and
- .4 provisions to address those requirements that are left "to the satisfaction of the Administration", as well as process for type approval of materials and equipment and approval of equivalents and alternative arrangements, according to relevant mandatory IMO instruments to which the State is Party

(III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.4; III Code, paragraph 16.5).

Root cause

793 The following factors contributed to this finding:

- .1 there was insufficient human resource with appropriate maritime experience and qualifications in both entities of the Administration;
- .2 there was a lack of knowledge and an absence of appropriate instructions to effectively handle cases involving ships with identified deficiencies, or the procedures to be followed upon detention by port State control (PSC) of a ship flying the flag of the State; and
- .3 there was an absence of a system to address those criteria that are left "to the satisfaction of the Administration" or processes for type approval of materials and equipment and alternative arrangements, according to the relevant applicable mandatory IMO instruments.

Corrective action

794 The Administration will implement the following actions:

- .1 personnel with maritime expertise will be recruited to develop national interpretations for the requirements stemming from the applicable mandatory IMO instruments, as well as administrative instructions and interpretations on national regulations, in particular those relating to issuing exemptions and equivalents. In addition, a list will be developed to identify topics where administrative instructions have not been issued, including on the requirements that are left "to the satisfaction of the Administration" in the mandatory IMO instruments, as well as on processes that need to be established for type approval of materials and equipment, equivalents and alternative arrangements. Both entities of the Administration will act accordingly by issuing the necessary legal provisions and working instruction. National interpretations or criteria on the use of the available external interpretations, including IACS unified interpretations and IMO interpretations, will be developed and implemented to facilitate consistent decision-making;
- .2 an audit and inspection programme will be established, independently from the entities comprising the Administration, and a robust mechanism for the follow-up of the audit outcomes will be developed; and
- .3 a group of experts will be appointed within the respective entities of the Administration to robustly deal with ships entitled to fly the flag of the State with identified deficiencies. This group will also develop and document "standard operating procedures" and instructions on follow-up of ships detained after a port State control inspection (PSC) overseas.

This corrective action will be completed by 30 June 2022.

FD

795 Although the authority for the Administration to delegate statutory certification work was provided in national legislation, procedures and instructions, the delegation of authority to ROs and nominated surveyors was not fully regulated and implemented in accordance with

applicable requirements of the IMO instruments. In addition, an oversight programme was established by the Administration but had not been implemented (SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 4.2; RO Code, part 2, section 8; RO Code, part 2, section 1.2 and appendix 3; III Code, paragraph 18; III Code, paragraph 20; III Code, paragraph 21).

Root cause

796 The lack of appropriate human resources in the entities of the Administration and the fact that the RO Code had not been incorporated into the national legislation led to an absence of awareness of the requirements stemming from the applicable mandatory IMO instruments in these matters.

Corrective action

797 The Administration will implement the following actions:

- .1 the RO Code will be incorporated into national legislation and the Administration will develop and robustly implement standards documented procedures (SOP) in accordance with the RO Code for monitoring of ROs and communicating with them. This will also allow for additional surveys/audits to be conducted in order to ensure that ships entitled to fly the flag of the State are in compliance with the requirements of the applicable international instruments, as part of an oversight programme;
- .2 human resources will be strengthened by recruiting qualified personnel to develop and implement a control and monitoring programme and oversight of ROs. The programme will provide for the collection of statistical data with full access to ROs' databases, so that trend analyses can be conducted to identify and address problem areas; and
- .3 review and amend existing agreements with ROs. In addition, new agreements in accordance with the RO Code will be signed in order to ensure their compliance with the mandatory provisions applicable to the delegation of authority and recognition of ROs.

This corrective action will be completed by 31 March 2022.

FD

798 The Administration did not adopt nor develop necessary measures to ensure effective enforcement to secure observance of IMO international instruments through legislation, rules and standards, appropriate number of personnel, training and oversight of surveyors and investigators (III Code, paragraph 24).

Root cause

799 The following factors contributed to this finding:

- .1 complex procedure for applying sanctions upon conviction;
- .2 lack of an appropriate mechanism to prohibit ships flying the flag of the State from sailing; and

- .3 insufficient resources and qualified personnel within the entities of the Administration to implement and enforce the requirements stemming from applicable mandatory IMO instruments based on national legislation.

Corrective action

800 The committee, to be established, comprising the relevant entities of the Administration and other State entities will analyse and assess the existing legal framework. This will be done in order to propose to the competent authorities drafting, enacting and implementing the necessary new pieces of legislation for the effective enforcement of the applicable mandatory IMO instruments, including a mechanism to prohibit ships flying the flag of the State from sailing and a mechanism for penalties. In addition, the relevant entities of the Administration will recruit personnel with appropriate maritime qualifications and experience to be appointed to support the aforementioned tasks. This corrective action will be completed by 31 July 2023.

FD

801 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 (III Code, paragraph 35).

Root cause

802 The following factors contributed to this finding:

- .1 limited resources and knowledge regarding the obligations stemming from the III Code concerning the need for a documented system for the qualifications of personnel and continuous updating of their knowledge and enhanced training, their subsequent evaluation of the provided training and capacity-building of personnel, especially for flag State surveyors; and
- .2 insufficient personnel available to take over the tasks if personnel are absent from work for training purposes.

Corrective action

803 The Administration will implement the following actions:

- .1 a system to identify the training need for specific roles and functions, and to ensure that the personnel are continuously given the opportunity to update their knowledge as flag State surveyors in their areas of work will be developed, documented and implemented;
- .2 two programmes will be established for training of surveyors based on their individual training needs – one for newly recruited surveyors and another for updating of knowledge. The skills of the existing flag State surveyors will include "on-the-job training" with ROs, in-house training courses and IMO sponsored training programmes in order to enhance their competence and experience; and
- .3 the need for resources will be assessed and additional personnel with suitable qualifications will be recruited by the Administration accordingly.

This corrective action will be completed by 31 March 2022.

FD

804 The arrangements for conducting casualty investigations did not comply with the Casualty Investigation Code, especially regarding:

- .1 the independence and impartiality of investigators;
- .2 formalities of the report, reporting to IMO and release of reports to the public; and
- .3 the Administration had not ensured that marine safety investigations were conducted separate from and independent of any other form of investigation

(SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 6.2; Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.1; Casualty Investigation Code, paragraph 14.2; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 38; III Code, paragraph 41).

Root cause

805 The following factors contributed to this finding:

- .1 the Casualty Investigation Code had not been fully incorporated into national legislation; and
- .2 insufficient personnel with suitable qualifications, training and practical experience for conducting impartial and objective marine safety investigations.

Corrective action

806 The Administration will implement the following actions:

- .1 the main Act governing the Administration will be amended to fully incorporate the Casualty Investigation Code in the national legislation. Moreover, 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, separate from, and independent of, any other form of investigations;
- .2 guidelines for conducting investigations and reporting the results of investigations to IMO and release of reports to the public will be developed in accordance with the requirements of the Casualty Investigation Code; and
- .3 meetings will be held with the appointed board, and seminars, in-house and external training of personnel recruited for accident investigations will be implemented.

This corrective action will be completed by 30 June 2022.

FD

807 Although there was a recent developed procedure in place for the Administrations to periodically evaluate their performance in respect of administrative processes, procedures and resources necessary to meet their obligations and responsibilities under the mandatory IMO instruments as a flag State; there was no evidence that the evaluation of performance had been carried out (III Code, paragraph 42; III Code, paragraph 43).

Root cause

808 The absence of a management system and limited resources to fully implement the existing procedure on evaluation of performance, to collect and analyse the data and to carry out a periodic evaluation of performance of the State in the conduct of flag State activities, contributed to this finding.

Corrective action

809 The Administration will implement the following actions:

- .1 coordination between the government entities sharing flag State responsibilities will be established and a mechanism will be developed containing clear lines of authority, assigned responsibilities, as well as defined objectives and KPIs for all involved entities to evaluate and measure their performance within their respective management systems. This mechanism will be a part of the evaluation of performance under the new overall strategy, to be developed;
- .2 a management system will be established in order to periodically evaluate the performance with respect to the implementation of administrative processes, procedures and resources to meet flag State responsibilities and obligations stemming from the applicable mandatory IMO instruments; and
- .3 additional personnel with appropriate qualifications and experience will be recruited to carry out these tasks.

This corrective action will be completed by 31 October 2022.

FD

810 The processes established for implementing IMO instruments on safety and pollution prevention did not cover all the areas prescribed in the mandatory IMO instruments. It was established that there were shortcomings in the policies and processes established for implementing requirements on safety of navigation, manning of ships, prevention of pollution by oil and prevention of collision, stemming from the mandatory IMO instruments on different categories of ships. Furthermore, processes were yet to be established for considering and granting equivalent arrangements or dispensations from applicable requirements (SOLAS 1974, regulation V/1.4; SOLAS 1974, regulation V/3.3; SOLAS 1974, regulation V/14; MARPOL, Annex I, regulation 6; COLREG 1972, annex I, paragraph 14; III Code, paragraph 16.1).

Root cause

811 Appropriate procedures were not established for granting exemptions, and for the review and updating of national regulations applicable to fishing vessels and ships on domestic

voyages, with a view to harmonise them with the provisions of the mandatory IMO instruments that were applicable to such categories of ships.

Corrective action

812 The Administration, in coordination with all concerned entities, will conduct periodical reviews of domestic legislation, national technical regulations and standards applicable to ships on domestic voyages, fishing vessels and seagoing ships, and update them in accordance with the provisions of the mandatory IMO instruments that are applicable to such categories of ships. In addition, the entities concerned will review and update processes and procedures as necessary, including those for considering and granting exemptions, equivalents and dispensations, in their internal QMS, to ensure consistent application. This corrective action will be completed by 31 December 2021.

FD

813 The procedures adopted by the State for conducting marine safety investigation did not ensure impartiality and objectivity as required under SOLAS 1974 and the Casualty Investigation Code (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 11.1; Ill Code, paragraph 38).

Root cause

814 The impartiality aspect stemming from the Casualty Investigation Code was overlooked while amending respective Circular on marine safety investigations. The pre-revised Circular was, however, consistent with the Casualty Investigation Code.

Corrective action

815 The State will review the Circular on marine safety investigation and amend it, as necessary, in order to comply with the requirements on impartiality and objectivity in future marine safety investigations, as required under SOLAS 1974 and the Casualty Investigation Code. This corrective action will be completed by 31 December 2020.

Observations (OB)

816 There was no evidence that the personnel responsible for performing surveys, inspections and audits on ships and companies covered by the relevant mandatory IMO instruments had appropriate practical and theoretical knowledge of ships, their operation and the provisions of relevant national and international instruments necessary to perform their duties, obtained through documented training programmes (Ill Code, paragraph 32).

Root cause

817 The absence of human resources hindered the development of a documented training programme for flag State surveyors.

Corrective action

818 The Administration will implement the following actions:

- .1 request technical assistance from IMO in developing training programmes for surveyors performing flag and port State control surveys/inspections. In addition, an assessment will be carried out to establish existing levels of

qualifications and training of flag State surveyors and port State control officers (PSCO), the need for additional human and financial resources, identification of type of additional training needed based on individual competences, schedule for continuous updating of the knowledge of flag State surveyors, auditors, PSCO, and the levelling plan for new inspectors; and

- .2 coordinate with regional organizations to include flag State surveyors, PSCOs and auditors in regional trainings, which will allow the Administration to organize in house trainings thereafter.

This corrective action will be completed by 30 September 2022.

OB

819 The Administration had not established a documented training programme to ensure that investigators who conducted investigations of marine casualties have a working knowledge and practical experience in matters relating to casualty (III Code, paragraph 39).

Root cause

820 The absence of human resources hindered the development of a documented training programme for flag State investigators.

Corrective action

821 The Administration will implement the following actions:

- .1 request for technical assistance from IMO in developing training programmes for investigators. In addition, an assessment will be carried out to establish the existing levels of qualifications and training of investigators, the need for additional human and financial resources, identification of type of additional training needed based on individual competences, schedule for continuous updating of the knowledge of investigators and the levelling plan for new ones; and
- .2 coordinate with regional organizations in order to include investigators in regional trainings, which will allow the Administration to organize in-house training thereafter.

This corrective action will be completed by 30 September 2022.

OB

822 There was no evidence to demonstrate that accidents involving personal injury necessitating absence from duty of 3 days or more were investigated (III Code, paragraph 40).

Root cause

823 The absence of national legislation adopting the Casualty Investigation Code; the absence of a system/procedure for tracking and incorporating related amendments and lack of qualified personnel contributed to this finding.

Corrective action

824 The Administration will incorporate the Casualty Investigation Code into national legislation in order to regulate the investigation process and, in addition, implement provisions to investigate accidents involving personal injury necessitating absence from duty of 3 days or more, in accordance with the provisions of the III Code. This corrective action will be completed by 30 December 2021.

OB

825 There was no objective evidence to demonstrate that the personnel responsible for performing surveys and inspections 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 obtained through a formalized documented training programme (III Code, paragraph 32).

Root cause

826 The lack of knowledge of the recommendations stemming from the III Code regarding documented training programmes for flag State surveyors, contributed to this finding.

Corrective action

827 The Administration will implement the following actions:

- .1 develop job descriptions and implement personnel training logs and practical logbooks for each surveyor with a provision for continuous professional development (CPD);
- .2 identify training needs for surveyors and inspectors, taking into account their qualifications, experience and assigned tasks in order to develop a documented training programme covering theoretical topics on ships, their operation and provisions of the relevant national and international instruments; and
- .3 assess the possibility of arranging training programmes for its personnel through their participation in regional training courses and workshops organized by IMO or other organizations/administrations, professional bodies and associations within the region or worldwide.

This corrective action will be completed by 30 December 2022.

OB

828 There was no evidence to determine that occupational accidents involving personal injury necessitating absence from duty of 3 days or more were investigated (III Code, paragraph 40).

Root cause

829 Inadequate human resources and administrative procedures hindered development of regulations for investigation of occupational accidents onboard ships.

Corrective action

830 The Administration will transpose the Casualty Investigation Code into national legislation and will define and implement provisions for investigating occupational accidents, including related criteria and procedures, as recommended by the III Code. This corrective action will be completed by 30 December 2022.

OB

831 Personnel responsible for performing surveys and inspections of ships covered by the relevant international mandatory instruments, as well as audits of companies, did not meet the minimum qualifications. In addition, documented training programmes were not put in place to enable flag State surveyors to perform their duties under all relevant national and international instruments (III Code, paragraph 29; III Code, paragraph 30; III Code, paragraph 31; III Code, paragraph 32).

Root cause

832 There were insufficient local maritime expertise and competent personnel, as well as inadequate internal guidelines regarding personnel qualifications for the implementation and enforcement of the applicable mandatory IMO instruments.

Corrective action

833 The State will develop guidelines defining the profile for personnel responsible for inspections, surveys and audits of ships and companies for each of the applicable mandatory IMO instruments. It will request IMO technical assistance on this matter and will also request support from the other IMO Member States. All inspectors' CVs will be updated with proof of qualification and a programme for continuous training and an upgrading plan for junior surveyors will be implemented. Appropriate budgetary allocations will be made to ensure the implementation of these actions. This corrective action will be completed by 1 July 2020.

OB

834 There was no system in place to ensure that knowledge of investigators was kept up to date in all relevant areas and ready access to additional expertise was not made available. Accidents involving personal injuries resulting in absence from duty for 3 or more days were not investigated and there was no requirement put in place for results of such investigations to be made public (III Code, paragraph 39; III Code, paragraph 40).

Root cause

835 There were insufficient human and financial resources, which hampered the development of a documented training programme for investigators and access to additional expertise. Additionally, the lack of legislation, in conjunction with the lack of suitably qualified and competent technical personnel, prevented investigation of accidents involving personal injuries resulting in the absence from duty for 3 or more days and publication of the results of such investigations.

Corrective action

836 The State will implement the following actions:

- .1 provide sufficient resources in terms of technical and legal expertise for establishing the legal basis, in line with the Casualty Investigation Code and the III Code, and related procedures for conducting marine safety investigations;
- .2 develop a permanent training programme for casualty investigators that will include: assessment and provision of financial resources needed, identification of the type of training and schedule for updating of investigators' knowledge, including initial training plan for new investigators;
- .3 provide sufficient financial resources that will ensure access to additional expertise as may be required; and
- .4 provide required human resources for performing the required investigations, reporting therefrom and releasing the results of such investigations to the public.

This corrective action will be completed by 31 December 2021.

OB

837 The Administration did not ensure that personnel responsible for, or performing surveys, inspections and audits had appropriate practical and theoretical knowledge necessary to perform their duties as flag State surveyors through documented training programmes (III Code, paragraph 32).

Root cause

838 There was a lack of knowledge and awareness on the requirement of the III Code to establish criteria for surveyors' recruitment and documented training programmes.

Corrective action

839 The responsible ministry will establish a system whereby personnel carrying out surveys, inspections and audits possess the appropriate practical and theoretical knowledge to perform the duties of the flag State surveyors. The responsible ministry will explore training opportunities, programmes and capacity-building initiatives in this area through technical cooperation with IMO or other international agencies or States and provide training to the personnel involved. This corrective action will be completed by 31 December 2020.

OB

840 The Administration did not ensure that flag State inspectors had appropriate experience and knowledge, both practical and theoretical, obtained through documented training programmes 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

841 There was a lack of experience and resources for establishing training programmes for flag State inspectors.

Corrective action

842 The Administration will analyse the possibility of relocation of resources to establish and develop a permanent training programme for flag State inspectors and to assign responsibility to a specific unit to carry out this task within the Administration. The programme will cover theoretical topics on ships, their operation and provisions of the relevant national and international instruments based on existing international standards, as well as new amendments to the applicable mandatory IMO instruments that will come into force and provisions of relevant national legislation and guidelines implementing the aforementioned instruments. This corrective action will be completed by 30 September 2022.

OB

843 There was no evidence to demonstrate that accidents involving personal injury necessitating absence from duty of 3 days or more were investigated (III Code, paragraph 40).

Root cause

844 There was a lack of awareness about the need to investigate occupational health matters in the casualty investigation process.

Corrective action

845 Following the incorporation of the Casualty Investigation Code into national legislation, provisions for investigating occupational accidents, including related criteria and procedures, will be defined and included in amendments to the existing Shipping Act and related regulations and procedures. This corrective action will be completed by 30 September 2022.

OB

846 There was no system in place to ensure that flag State surveyors received appropriate practical and theoretical training necessary to perform their duties (III Code, paragraph 32).

Root cause

847 Due to the lack of personnel specialized in the maritime field, it was not possible to set up a documented system for monitoring and evaluating the practical and theoretical knowledge of the flag State surveyors according to the tasks they were authorized to perform.

Corrective action

848 The Administration will implement the following actions:

- .1 directives will be developed and implemented for the monitoring and evaluation of the practical and theoretical knowledge of the flag State inspectors;
- .2 these directives will be integrated into the QMS of the Administration; and
- .3 relevant staff will be recruited and will provided with required training.

This corrective action will be completed by 31 December 2022.

OB

849 There was no system in place to ensure that knowledge of investigators was kept up to date in all relevant areas and that ready access to additional expertise was made available. Accidents involving personal injuries resulting in absence from duty of 3 or more days were not investigated and results of such investigations were not made public (III Code, paragraph 39; III Code, paragraph 40).

Root cause

850 The provisions of the Casualty Investigation Code had not been correctly transposed into national legislation and there was a lack of understanding in this regard. In addition, there was a lack of understanding of the provisions of the III Code on the experience and training of investigators and the recommendation to carry out investigations of accidents resulting in personal injury that would require 3 or more days of absence from duty.

Corrective action

851 The Administration will undertake the following actions:

- .1 define the provisions to adhere to in order to carry out occupational accident investigations, including criteria and related procedures, and incorporate into the amendments to the Merchant Shipping Code;
- .2 a list of experts whose knowledge is complementary to the competence of investigators will be drawn up so that they can, according to the category/type of accidents, assist the investigators. Moreover, a minimum level of expert knowledge will be defined;
- .3 establish a financial and organizational mechanism in order to facilitate the availability of these experts to the investigation team; and
- .4 define the criteria to initiate an investigation taking into account the provisions of paragraph 40 of the III Code.

This corrective action will be completed by 31 December 2022.

OB

852 There was no objective evidence to demonstrate that 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

853 The following factors contributed to this finding:

- .1 lack of systems in place for the recruitment of additional personnel or for the provision of training for personnel responsible for carrying out surveys, inspections and audits; and
- .2 insufficient number of qualified flag State surveyors.

Corrective action

854 The Administration will implement the following actions:

- .1 establish a formalized training programme for all surveyors, inspectors and auditors, including refresher trainings, through which surveyors will be accredited to carry out their tasks; and
- .2 recruit additional flag State surveyors and provide training to existing surveyors through an appropriate training institution.

This corrective action will be completed by 31 December 2021.

OB

855 Personnel responsible for performing surveys and inspections of ships to which requirements of relevant mandatory IMO instruments apply were not accredited as surveyors through a formalized training programme (III Code, paragraph 29.3).

Root cause

856 There was a lack of general knowledge and insufficient resources.

Corrective action

857 The Administration will develop and implement a formalized training programme that leads to the same standard of surveyors' experience and competency as that required in paragraphs 29.1, 29.2 and 31 of the III Code in order to accredit its personnel as flag State surveyors. This corrective action will be completed by 31 December 2020.

OB

858 There was no objective evidence to demonstrate that the personnel responsible for performing surveys 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 accredited through a formalized training programme (III Code, paragraph 32).

Root cause

859 There were limited resources and a lack of knowledge regarding the obligations stemming from the III Code concerning the need for developing a documented training programme to enhance the practical and theoretical knowledge of flag State surveyors, as well as to provide them with relevant updates.

Corrective action

860 The Administration will implement the following actions:

- .1 a system will be developed, documented and implemented in order to identify the training need for specific roles and functions, and to ensure that the personnel are continuously given the opportunity to update their knowledge as flag State surveyors in their areas of work;

- .2 two programmes will be established for training of surveyors based on their individual training needs – one for newly recruited surveyors and another for updating of knowledge and skills of the existing flag surveyors. The latter will include on-the-job training with ROs, in-house training courses and IMO sponsored training programmes aimed at enhancing surveyors' competence and experience; and
- .3 the need for resources will be assessed and additional personnel with suitable qualifications will be recruited by the Administration accordingly.

This corrective action will be completed by 31 December 2021.

OB

861 The Administration did not establish a training programme for investigators and to update the knowledge of the only existing investigator to ensure working knowledge and practical experience in those subject areas pertaining to the casualty. In addition, no evidence was found that occupational accidents involving personal injury necessitating absence from duty of 3 days or more were investigated (III Code, paragraph 39; III Code, paragraph 40).

Root cause

862 The following factors contributed to this finding:

- .1 the Casualty Investigation Code, including its requirements and principles, had not been fully incorporated into national legislation; and
- .2 there were limited resources and a lack of knowledge of the provisions of the III Code concerning the need for developing a documented system to enhance the knowledge of investigators.

Corrective action

863 The Administration will implement the following actions:

- .1 following the incorporation of the Casualty Investigation Code into national legislation, the accident investigation board will be established, and related guidelines will be developed and implemented, including provisions regarding the investigation of occupational accidents;
- .2 following the establishment of documented training programmes for flag State surveyors, specific provisions will be included to ensure the continuous updating of knowledge of the investigators as well as working knowledge and practical experience in those subject areas pertaining to casualty investigation. The training programme will be based on relevant IMO resolutions, guidelines and model courses; and
- .3 the need for resources will be assessed and additional personnel with suitable qualifications will be recruited by the Administration accordingly.

This corrective action will be completed by 31 December 2022.

COASTAL STATE ACTIVITIES

Findings (FD)

864 The maritime administration had not taken necessary measures to provide communication and coordination in the event of distress within its area of responsibility and for the rescue of persons in distress near its coastal waters by establishing, using and maintaining available and operational search and rescue facilities (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; III Code, paragraph 47).

Root cause

865 There was a lack of national legislation, organizational structure and distribution of responsibilities among the government entities involved in implementing and monitoring compliance with the mandatory IMO instruments, including maritime SAR activities.

Corrective action

866 The relevant government entities will undertake the following actions:

- .1 identify the legislation and directives which will be enacted or updated in order to give effect to relevant requirements of SOLAS 1974 relating to the coordination of maritime SAR operations;
- .2 establish a joint secondary centre for maritime coordination and rescue, provide it with the necessary equipment and qualified and trained personnel, and communicate to IMO relevant information on existing SAR facilities;
- .3 develop and implement a national SAR plan and documented procedures for coordinating maritime SAR operations; and
- .4 establish and implement, with each passenger ship operating in waters under the jurisdiction of the State a plan for cooperation with SAR services in the event of an emergency, which will be developed in cooperation between the ship, the company and the SAR services.

This corrective action will be completed by 31 July 2022.

FD

867 The maritime administration had not put in place policies through issuing national legislation and guidance to facilitate the implementation and enforcement of the requirements of the mandatory IMO instruments to which the State is Party, in the area of coastal State activities (III Code, paragraph 46.1).

Root cause

868 There was a lack of knowledge on the provisions of Chapters IV and V of SOLAS 1974 and an absence of a legal basis, policies and directives which would facilitate the implementation and monitoring of compliance with the obligations and responsibilities of the coastal State stemming from the mandatory IMO instruments. Furthermore, the distribution of responsibilities between entities comprising the maritime administration, in relation to the coastal State activities, had not been defined and assigned and the available technical and financial means were insufficient.

Corrective action

869 The maritime administration will implement the following actions:

- .1 develop and implement an overall strategy for the coastal State activities, which will serve as a basis for developing and promoting legislation, guidelines and procedures that will facilitate the implementation and monitoring of compliance with the requirements stemming from the mandatory IMO instruments;
- .2 identify the necessary legislation and directives through which relevant requirements will be transposed into national legislation, as well as the existing legislation which needs to be revised in order to achieve compliance with the requirements for coastal State activities stemming from the mandatory IMO instruments;
- .3 the responsibilities of all entities involved in the conduct of coastal State activities will be defined and assigned to fulfil the State's obligations and responsibilities. Moreover, agreements will be concluded between all of these entities to facilitate uniform implementation;
- .4 establish a coordination mechanism between the various State entities in order to formulate, update and regularly review the relevant policies for developing national legislation, rules and regulations covering the coastal State responsibilities; and
- .5 establish a programme of training and familiarization with the relevant instruments concerning personnel responsible for various coastal State activities.

This corrective action will be completed by 31 December 2021.

FD

870 The State had not taken necessary measures to:

- .1 establish a spatial and terrestrial radiocommunication services capable of transmitting navigational warnings, danger messages, meteorological warnings and other urgent messages relating to the safety of navigation; and
- .2 provide ships with required meteorological information and forecasts by ensuring their broadcasting

(SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/4; SOLAS 1974, regulation V/5; III Code, paragraph 47).

Root cause

871 The following factors contributed to this finding:

- .1 the lack of a legal basis due to an absence of awareness about the provisions of Chapters IV and V of SOLAS 1974, and the lack of capacity to transpose the mandatory IMO instruments into national legislation; and

- .2 the responsibilities and tasks of the various State entities involved in the coastal State activities had not been defined or assigned.

Corrective action

872 The relevant government entities will undertake the following actions:

- .1 develop and implement relevant legislation as a basis to establish and operate a coastal radio station with necessary equipment, as well as qualified and trained personnel, in order to broadcast navigational warnings, danger messages, meteorological information and other urgent messages related to safety of navigation in accordance with the mandatory requirements;
- .2 install coastal radio stations with necessary equipment and qualified and trained personnel;
- .3 supply the meteorological assistance centre with equipment and materials, provide training for its personnel, and update and put into practice the agreement concluded between this centre and the directorate responsible for maritime affairs concerning the collection, processing and provision of meteorological data for dissemination to users at sea;
- .4 tasks and responsibilities will be divided among, and assigned to, the State entities responsible for coastal State activities; and
- .5 information on radiocommunication services will be communicated to IMO.

This corrective action will be completed by 31 July 2022.

FD

873 The maritime administration had not developed a control and monitoring programme, in order to:

- .1 provide statistical data so that trend analyses can be carried out to identify problem areas; and
- .2 cooperate with flag and/or port States, as appropriate, in the investigations of marine casualties

(III Code, paragraph 50.1; III Code, paragraph 50.3).

Root cause

874 The following factors contributed to this finding:

- .1 there was a lack of knowledge about the provisions of the III Code;
- .2 the existing legal framework did not oblige the relevant State entities to provide and analyse statistics;
- .3 responsibilities had not been divided between the State entities responsible for coastal State activities; moreover, there was a lack of communication and coordination of activities between these entities; and

- .4 there was no procedure in place for cooperation between flag States and/or port States in accident investigation.

Corrective action

875 The maritime administration will undertake the following actions:

- .1 develop and implement national legislation and guidelines as a basis for establishing a control and monitoring programme for coastal State activities, which will include the supervision of all coastal State activities based on established procedures for the collection and analysis of statistical data on these activities, as well as the preparation of periodic reports;
- .2 assign responsibilities to the respective State entities for the implementation of a control and monitoring programme for coastal State activities; establish a cooperation and coordination mechanism between these entities in order to collect statistics, analyse and periodically review the data on their activities, and identify and correct problem areas; and
- .3 develop and implement guidelines and procedures for cooperation with flag States and/or port States in the investigation of marine casualties.

This corrective action will be completed by 31 December 2021.

FD

876 The maritime administration had not implemented a system to periodically evaluate its performance with respect to conducting coastal State activities to verify that the State's obligations under the mandatory IMO instruments to which it is Party were met (III Code, paragraph 51).

Root cause

877 There was a lack of culture of evaluation within the maritime administration; there was no provision in national legislation for evaluation and periodical review of performance of the maritime administration in the conduct of coastal State activities, and no documented procedure had been developed. In addition, there was a shortage of competent staff and financial resources.

Corrective action

878 The maritime administration will undertake the following actions:

- .1 develop and establish a legal framework to institutionalize a documented system for the evaluation and periodic review of their performance by defining the strategy, policies and evaluation measures, as well as the performance indicators enabling the maritime administration to effectively carry out their task in the framework of the coastal State activities;
- .2 set up a programme for the evaluation and periodic review of their performance as well as an audit programme which will apply to the entities involved in the coastal State activities;

- .3 establish an electronic system that will record, document and provide periodic assessment reports on the performance of the maritime administration and allow the exchange of information and data;
- .4 endow government entities involved in the coastal State activities with financial resources and personnel trained in the application of III Code requirements for evaluation and periodic review of performance; and
- .5 set up a central electronic information and data exchange system for monitoring evaluation activities and periodic performance reviews.

This corrective action will be completed by 31 December 2021.

FD

879 The maritime administration had not taken the necessary measures to collect and compile hydrographical data and publish, disseminate and maintain all nautical information necessary for safe navigation (SOLAS 1974, regulation V/9; III Code, paragraph 47).

Root cause

880 The provisions of regulation 9, chapter V of SOLAS 1974 and the related standards of the International Hydrographic Organization (IHO) were not sufficiently known. Moreover, the State had not transposed into its national legislation the applicable international rules concerning collection and compilation of hydrographic data to keep all nautical charts and nautical publications up to date, and to disseminate all nautical information necessary for safe navigation.

Corrective action

881 The maritime administration will implement the following actions:

- .1 develop and implement national legislation, guidelines and documented procedures for the collection and compilation of hydrographic data in order to maintain up to date all nautical charts and nautical publications and to disseminate all information necessary for the safety of navigation; and
- .2 designate a national coordinator for the provision of hydrographic services and establish a national hydrography commission to ensure that designated State entities implement the documented guidelines and procedures for collecting, compiling, publishing, disseminating and maintaining updated hydrographic data.

This corrective action will be completed by 31 July 2022.

FD

882 The maritime administration had not taken appropriate measures to ensure compliance with the requirements related to the availability of aids to navigation and maritime buoyage outside the port area, including those established by private offshore operators (SOLAS 1974, regulation V/13; III Code, paragraph 49).

Root cause

883 Existing national legislation was not up to date and no documented guidelines or procedures had been put in place regarding the management of AtoN. In addition, the State's obligations regarding the establishment and maintenance of AtoN were poorly understood. The marine signalling and AtoN service was not established and there was no procedure or mechanism in place to manage and control the availability of AtoN.

Corrective action

884 The maritime administration will undertake the following actions:

- .1 implement a national census campaign to determine the operational status and availability of all the equipment in the AtoN network, including that in ports and off-shore installations;
- .2 establish and implement a plan to maintain, restart and complete the AtoN network. This exercise will be carried out according to a documented procedure, to be developed in accordance with international standards;
- .3 review existing regulations and develop and implement national legislation and guidelines for the maritime safety service, which will include updating nautical charts covering waters under jurisdiction of the State. New legislation will be developed on the basis of information gathered about AtoN and hydrographic data, and will include the obligation to disseminate relevant information to seafarers, in a timely manner, as per the recommendations concerning the functioning of AtoN; and
- .4 finalize the membership process for the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA).

This corrective action will be completed by 31 July 2022.

FD

885 The maritime administration had not implemented any policies, through issuing national legislation and guidance, in order to facilitate the implementation of coastal State obligations. In addition, no responsibilities had been assigned to the associated entities in relation to the applicable conventions and protocols (III Code, paragraph 46).

Root cause

886 The lack of coordination among government entities led to a lack of clarity in the assignment of responsibilities regarding coastal State obligations and, as a result, policies were not in place to fulfil with such obligations.

Corrective action

887 Following the development of an overall strategy, the maritime administration will assign coastal State obligations and responsibilities among government entities. Similarly, an evaluation will be conducted to identify national legislation, guidelines and policies that will need to be developed to ensure effective implementation and enforcement of requirements stemming from the applicable IMO instruments in the area of coastal State responsibilities. A specific unit of the maritime administration, to be established, will be appointed as the focal

point, responsible for coordinating with all involved government entities the assignment of responsibilities and obligations to fulfil the requirements of the applicable mandatory IMO instruments. This corrective action will be completed by 30 July 2022.

FD

888 The maritime administration had not established a mechanism for the provision of radiocommunication services, including the assignment of GMDSS identities, using digital selective calling, and transmitting maritime safety information, notice to mariners and navigational warnings (SOLAS 1974, regulation IV/5; III Code, paragraph 49).

Root cause

889 The following factors contributed to this finding:

- .1 lack of awareness of coastal State obligations;
- .2 absence of a legal basis, including regulations, guidelines and procedures;
and
- .3 lack of infrastructure, human and financial resources.

Corrective action

890 The maritime administration will establish an inter-institutional working group, comprising all entities involved in the implementation and enforcement of SOLAS 1974, Chapters IV and V, which will be tasked to define, and recommend assignment of, related responsibilities and obligations to involved entities, to develop related legal framework for adoption and promulgation, and to evaluate their performance through a mechanism to be implemented within an overall strategy, to be developed. Additional funds will be requested from the relevant authorities of the State and mandatory requirements fulfilled in relation to radiocommunication services, including broadcasting of maritime safety information and warnings. Necessary systems and equipment will be commissioned, and specific responsible units, with adequate resources, established within organizational structures of relevant government entities. This corrective action will be completed by 31 July 2021.

FD

891 The maritime administration had not adopted or implemented a policy to organize and provide SAR services and had not assigned related responsibilities. In addition, no plans had been developed for cooperation between national SAR services and passenger ships calling regularly at ports under the jurisdiction of the State in the event of an emergency (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; SOLAS 1974, regulation V/7.3; III Code, paragraph 47).

Root cause

892 The lack of awareness of coastal State obligations, in particular regarding SAR activities, and the absence of a legal basis, including regulations, guidelines and procedures, contributed to this finding.

Corrective action

893 The responsible entities of the maritime administration will establish an inter-institutional working group with participation from the responsible government entities, to draft national legislation for further enactment and to clearly document respective responsibilities for ensuring the availability of SAR services. In addition, manuals, procedures and working instructions will be developed, as necessary, including developing and implementing plans for cooperation with SAR services, based on SOLAS 1974, regulation V/7.3, and related IMO guidelines, for all passenger ships calling at the ports of the State. In addition, the nodal responsible ministry will ensure additional funds for the provision of human and material resources to ensure SAR coverage in areas under the jurisdiction of the State, as well as the necessary financial resources in order to comply with mandatory SAR requirements. Once the status of the SAR services has been regularized, mandatory information will be communicated to IMO. This corrective action will be completed by 30 September 2021.

FD

894 The maritime administration had not taken the necessary measures to ensure availability and maintenance of AtoN. Furthermore, references to nautical charts that did not meet international standards were included in the notices to mariners (SOLAS 1974, regulation V/9; SOLAS 1974, regulation V/13; III Code, paragraph 49).

Root cause

895 The following factors contributed to this finding:

- .1 lack of awareness of coastal State obligations; and
- .2 absence of a legal basis, including regulations, guidelines and procedures.

Corrective action

896 The nodal entity of the maritime administration will establish an inter-institutional working group comprising all government entities involved in the implementation and enforcement of SOLAS 1974, Chapter V, tasked to define, and recommend assignment of, related responsibilities and obligations to involved entities. Once the responsibilities have been defined and assigned among the entities involved, a decree containing technical provisions on AtoN, hydrographic services and notices to mariners will be enacted and implemented in order to ensure the availability of all services and their compliance with international standards. Subsequently, the performance of entities involved will be evaluated through a mechanism to be implemented within an overall strategy, to be developed. This corrective action will be completed by 30 September 2022.

FD

897 Although the maritime administration had developed and adopted a national oil spill contingency plan, it had not been implemented. In addition, provisions to respond to spills involving dangerous goods and noxious liquid substances, as well as policies on the use of dispersants, had not been established (III Code, paragraph 50.2; MARPOL, Annex I, regulation 4.3; MARPOL, Annex II, regulation 3.1.3).

Root cause

898 The lack of awareness of the importance of the implementation of the National Oil Spill Contingency Plan (NOSCP) and the respective appendices by the involved entities of the State, as well as of the need to expand the Plan to combat spills caused by dangerous goods and noxious liquid substances.

Corrective action

899 The nodal entity of the maritime administration will lead an inter-institutional working group, comprising all entities involved in the NOSCP, which will be tasked to coordinate and ensure its effective implementation and follow-up. The group will also draft provisions to respond to spills caused by dangerous goods and/or noxious liquid substances and develop the missing appendices A to Z of NOSCP, which will include policies for the use of dispersants, transboundary movements of equipment and personnel, and preparation of local plans and facilities. In addition, the need for additional budget to implement NOSCP will be analysed and the funds secured accordingly. This corrective action will be completed by 30 September 2022.

FD

900 The maritime administration had not implemented a system to periodically evaluate its performance in the conduct of coastal State activities, for the purpose of verifying compliance with the obligations of the State under the applicable mandatory IMO instruments (III Code, paragraph 51).

Root cause

901 The absence of an overall strategy hampered the coordination between State entities in order to develop a performance evaluation methodology

Corrective action

902 The development of an overall strategy will allow all government entities comprising the maritime administration to coordinate and assign coastal State responsibilities, to develop a mechanism with clear lines of authority, as well as define objectives and KPIs for all involved entities in order to measure and evaluate their performance. The performance evaluation will be carried out annually and respective records will be maintained to monitor the implementation of defined improvement actions. An appointed unit within the maritime administration will be responsible for the implementation and follow-up of the mechanism. This corrective action will be completed by 30 September 2022.

FD

903 The State had not made available appropriate shore-based facilities, either individually or in cooperation with other States, for the provision of radiocommunication services using MF/HF and NAVTEX radiocommunication equipment. In addition, meteorological data for maritime use were not provided (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/5; III Code, paragraph 47).

Root cause

904 There was lack of a legal and regulatory framework for the establishment of coastal radio facilities, and financial resources to support coastal State activities were insufficient.

Corrective action

905 The maritime administration will implement the following actions:

- .1 enact and implement national legislation and documented procedures necessary to ensure the availability of radiocommunication services and allocate the necessary human resources and equipment to ensure maximum coverage of the area under the jurisdiction of the State;
- .2 establish and commission land-based facilities for MF/HF and NAVTEX wave bands and request technical assistance from Member States and organizations that may assist in providing Global Maritime Distress and Safety System (GMDSS) services under SOLAS 1974; and
- .3 conclude an agreement with the entity responsible for national meteorological services to ensure the ongoing dissemination of weather forecasts.

This corrective action will be completed by 31 March 2022.

FD

906 The maritime administration did not have a mechanism to review and evaluate the existing traffic separation scheme, in accordance with the guidelines and criteria stipulated in resolution A.572(14), as amended. In addition, no action had been taken to ensure that ships using the Scheme fully comply with the requirements of rule 10 of COLREG 1972 (SOLAS 1974, regulation V/10; III Code, paragraph 49).

Root cause

907 There was a lack of knowledge of the obligations governing the organization of maritime traffic and since the introduction of existing traffic separation scheme (TSS), there have been no management consultations on maritime traffic and monitoring maritime navigation in the strait with the riparian countries, despite the high density of maritime traffic in this area.

Corrective action

908 The maritime administration will implement the following actions:

- .1 establish and implement a mechanism to review and evaluate the effectiveness of the TSS in accordance with the guidelines and criteria defined in resolution A.572(14);
- .2 mobilize necessary human and financial resources to install coastal stations in order to monitor and ensure that ships using this service fully comply with the requirements of COLREG 1972 on safety of maritime navigation;
- .3 request technical assistance in the management of TSS, in collaboration with neighbouring States and assign responsibilities to the entity responsible for managing TSS; and
- .4 in the absence of a Maritime Rescue Sub Centre (MRSC) covering specific geographical areas, the existing Control Centre for Maritime Operations

(CCOM) will provide, in addition to its duties, surveillance of maritime traffic where needed.

This corrective action will be completed by 31 March 2022.

FD

909 The maritime administration had not developed and implemented a control and monitoring programme to provide for the allocation of statistical data so that trend analyses could be conducted to identify problem areas. There was also no mechanism in place for timely response in the event of pollution in the waters under the jurisdiction of the State (III Code, paragraph 50.1; III Code, paragraph 50.2).

Root cause

910 The following factors contributed to this conclusion:

- .1 lack of intervention mechanism for major pollution events, except Tier I control means; and
- .2 the pollution prevention plan was obsolete and was still in the adoption phase.

Corrective action

911 The maritime administration will implement the following actions:

- .1 develop and implement regulatory framework for the collection and analysis of statistical data for coastal State activities;
- .2 establish standing instructions for rapid response to pollution events in inland waters, particularly at port facilities, in collaboration with relevant entities; and
- .3 update and implement the pollution prevention plan in compliance with the requirements of the mandatory IMO instruments in this area and procure the necessary means to respond and control Tier II and Tier III pollution.

This corrective action will be completed by 31 March 2022.

FD

912 The maritime administration could not demonstrate that it periodically assessed its performance with respect to the implementation of the methods, procedures and resources necessary to fulfil the coastal State obligations under the instruments to which the State is Party (III Code, paragraph 51).

Root cause

913 There were no documented procedures in place and there was a lack of culture to periodically assess and review the performance of the State in the conduct of coastal State activities.

Corrective action

914 The maritime administration will develop and implement a regulatory framework to institutionalize a performance evaluation for coastal State activities and review processes using KPIs and providing training to all involved staff as part of the QMS and will recruit staff to be in charge of the QMS. This corrective action will be completed by 31 March 2022.

FD

915 The maritime administration had not established a mechanism for effective provision of radiocommunication services; including assignment of GMDSS identities, using digital selective calling and transmitting maritime safety information, including meteorological forecasts and navigational warnings to mariners (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation IV/5-1; SOLAS 1974, regulation V/4; SOLAS 1974, regulation V/5; III Code, paragraph 49).

Root cause

916 Due to insufficient financial resources within the maritime administration, specific responsibilities for fulfilling coastal State obligations could not be assigned.

Corrective action

917 The maritime administration will establish an inter-institutional working group, comprising all entities involved in the implementation and enforcement of SOLAS 1974, Chapters IV and V, which will be tasked to define and assign related responsibilities and obligations of involved entities, and to evaluate their performance through a mechanism to be implemented within the new overall strategy. Relevant authorities of the State will request additional funds from the government and establish radiocommunication infrastructure, in compliance with the requirements of the mandatory IMO instruments. Necessary equipment will be procured and the need the establishment of specific responsible units will be assessed and organizational structures established accordingly. This corrective action will be completed by 30 December 2020.

FD

918 The maritime administration had not established SAR arrangements and facilities as required under the applicable IMO instruments to which the State is Party (SOLAS 1974, regulation V/7.1; III Code, paragraph 47).

Root cause

919 Appropriate SAR services could not be established due to insufficient financial resources.

Corrective action

920 The responsible entities of the maritime administration will implement the following actions:

- .1 an inter-institutional working group will be created with participation from responsible government entities, to draft national legislation for enactment and to document respective responsibilities of various entities to ensure the availability of SAR services. In addition, manuals, procedures and working

instructions will be developed, as necessary, and the national SAR plan and the SAR cooperation plan with ships assisting platforms and those passenger ships calling at ports of the State in case of an emergency will be established; and

- .2 the nodal responsible entity will submit a formal request to the government for additional funds and necessary human and material resources will be provided to ensure SAR coverage in the areas under the jurisdiction of the State. In addition, necessary financial resources will be made available for the establishment of SAR arrangements, including the provision of systems and equipment.

This corrective action will be completed by 30 December 2020.

FD

921 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

922 The lack of awareness regarding the obligations of the State for timely response to pollution incidents and the absence of financial and human resources contributed to this finding.

Corrective action

923 The maritime administration will implement the following actions:

- .1 responsibility for prevention of marine pollution will be assigned to a specific entity of the State, which will coordinate with other involved entities in order to comply with existing national legislation;
- .2 national and local contingency plans for response to pollution incidents caused by oil, harmful liquid substances or dangerous goods will be developed and implemented. In addition, policies on the use of dispersants and provisions for periodical drills will also be established; and
- .3 possible means of establishing a monitoring system to supervise the implementation of contingency plans of private oil terminals and fixed offshore platforms will be analysed and an adequate monitoring system will be put in place.

This corrective action will be completed by 30 December 2020.

FD

924 The maritime administration had not implemented a system for periodical evaluation of its performance as a coastal State in respect of exercising its rights and meeting its obligations under the applicable IMO instruments to which it is Party (III Code, paragraph 51).

Root cause

925 Insufficient human, financial and material resources, hampered the development of a system to measure the performance of relevant entities in the conduct of coastal State activities.

Corrective action

926 Following the development of the overall strategy, the maritime administration will implement the following actions:

- .1 the nodal entity will coordinate with other entities of the State involved in the conduct of coastal State activities to establish an evaluation and review system where responsibilities will be clearly defined and assigned. In addition, KPIs and provisions for the annual collection and compilation of statistical data, as a basis for conducting trend analyses, will be established, as part of the performance evaluation in order to improve the efficiency of the processes; and
- .2 a joint audit team will be established between the relevant government entities, led by the nodal entity of the maritime administration, and the verification of the performance evaluation will be included in the scope of the audit. The audit, which will include all the areas under coastal State activities, will be carried out at least once a year.

This corrective action will be completed by 30 December 2021.

FD

927 The State did not assign responsibilities for effective implementation of the coastal State obligations stemming from the applicable IMO instruments, including hydrographic services, aids to navigation (AtoN) and meteorological services (SOLAS 1974, regulation V/5; SOLAS 1974, regulation V/9; SOLAS 1974, regulation V/13; III Code, paragraph 46; III Code, paragraph 47).

Root cause

928 The lack of financial resources and qualified personnel prevented the assignment of respective coastal State obligations to specific responsible entities.

Corrective action

929 The maritime administration will implement the following actions:

- .1 the nodal entity of the maritime administration will be responsible for hydrographic services, AtoN and meteorological services; and
- .2 the nodal entity of the maritime administration will carry out an analysis of the status of hydrographic services, AtoN and meteorological services, including existing national legislation, procedures and instructions, and prepare an action plan to determine necessary actions to be undertaken to comply with respective provisions of SOLAS 1974, Chapter V, the need for systems and equipment for this purpose and the need for human resources. Additional

funds will be requested from the government and relevant services implemented in accordance with the mandatory requirements.

This corrective action will be completed by 30 December 2021.

FD

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

Root cause

931 There was a lack of legislation, guidance and procedures for the consistent implementation of coastal State obligations and responsibilities, in particular on SAR services.

Corrective action

932 The responsible entities of the maritime administration will implement the following actions:

- .1 promulgate necessary national legislation to ensure the obligations and responsibilities in the area of SAR activities are effectively implemented. In addition, SAR policy, procedures and SAR manual will be updated, and appropriate mechanisms will be developed and implemented to ensure manuals, procedures and working instructions are kept up to date; and
- .2 develop and implement plans for cooperation with SAR services, in accordance with SOLAS 1974, regulation V/7.3, and related IMO guidelines, for all passenger ships calling at the ports of the State.

This corrective action will be completed by 30 December 2022.

FD

933 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

934 There was a lack of a system for evaluating coastal State performance in accordance with obligations and responsibilities stemming from the III Code.

Corrective action

935 The overall maritime strategy, to be developed in line with the national transportation policy, will include procedures addressing periodic reviews and performance evaluations in the area of coastal State activities. These procedures will be based on clear objectives and KPIs defined for all involved entities, who will evaluate the effectiveness of the implementation and enforcement of the applicable mandatory IMO instruments, considering recommendations, and identify and implement actions for continual improvement. Outcomes of the periodic

reviews will be reported to the responsible entities yearly in order to evaluate the performance in the area of coastal State activities. Focal points will be appointed by all involved entities to follow-up and coordinate their activities, including evaluation of performance. This corrective action will be completed by 30 December 2022.

FD

936 The maritime administration had not implemented policies, through the issuance of national legislation and guidance to facilitate implementation of coastal State obligations, and had not clearly assigned the associated responsibilities to specific entities in relation to the applicable conventions and protocols to which the State is Party (III Code, paragraph 46).

Root cause

937 The State did not transpose the mandatory IMO instruments to which it is Party into national legislation resulting in the absence of legal basis for the conduct of various coastal State functions. The lack of knowledge of the obligations of the relevant IMO instruments incumbent upon the coastal State, and the absence 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

938 The relevant State Ministries, through a committee for maritime policy to be established, will define policies for the implementation and enforcement of the coastal State requirements stemming from the mandatory IMO instruments, through the issuance of national legislation, including division of roles, tasks and responsibilities between State entities responsible for coastal State activities. In addition, guidelines and procedures will be developed and implemented that will facilitate the implementation and enforcement of the requirements of the applicable conventions and protocols to which the State is Party. This corrective action will be completed by 1 May 2020.

FD

939 The maritime administration had not taken the necessary measures to make arrangements to ensure that the identities of the Global Maritime Distress and Safety System (GMDSS) were made available to the rescue coordination centres (SOLAS 1974, regulation IV/5-1; III Code, paragraph 47).

Root cause

940 A lack of procedures and clear division of roles and responsibilities among the various entities has contributed the inability for GMDSS identities to be made available to the rescue coordination centres.

Corrective action

941 An inter-institutional working group will be created comprising all entities involved in the implementation of SOLAS 1974, Chapter IV, in order to define and assign responsibilities and obligations of involved entities through national legislation. Subsequently, a documented procedure will be developed and implemented by the maritime administration for registering GMDSS identities and for making information on these identities available to the rescue coordination centres. The maritime administration will also allocate a dedicated person to ensure the accuracy of the collected data and to report to IMO and the International

Telecommunication Union (ITU), accordingly. This corrective action will be completed by 1 October 2019.

FD

942 The maritime administration had not:

- .1 established adequate shore-based facilities for space and terrestrial radiocommunication services for transmitting navigational warnings, danger messages, meteorological and other urgent messages relating to safety of navigation and for receiving maritime emergency radiocommunication;
- .2 made the necessary arrangements for SAR communication and coordination, including the development of sufficient guidance and procedures to guarantee the coordination of SAR operations;
- .3 mandated that plan for cooperation, developed in cooperation with the national SAR services, in the event of emergency, shall be carried on board passenger ships calling regularly at the ports under the jurisdiction of the State; and
- .4 provided for the provision of adequate meteorological data for marine use

(SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/4; SOLAS 1974, regulation V/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

943 The absence of a legal basis, policies and guidance that would facilitate the implementation and enforcement of coastal State obligations and responsibilities stipulated by the applicable IMO instruments to which the State is Party, contributed significantly to this finding.

Corrective action

944 The following actions will be implemented:

- .1 the State will install a coastal radio station to broadcast nautical and meteorological information and will develop a documented procedure for transmitting navigational warnings, danger messages, meteorological and other urgent messages related to safety of navigation and for receiving maritime radiocommunication. National legislation and guidelines on the collection and broadcasting of nautical information and meteorological reports will be developed and implemented. A Memorandum of Understanding between the concerned ministries will be concluded in order to clearly define the roles and responsibilities and to strengthen and institutionalize the inter-ministries cooperation and relation;
- .2 the State will institutionalize and establish a Maritime Search and Rescue (SAR) Centre duly equipped and manned with qualified and trained personnel and the maritime administration's new unit, namely the Search and Rescue Section, will be designated to develop documented procedures and guidelines on SAR communication and coordination to guarantee effective

coordination of SAR operations. The maritime administration will develop and implement, in collaboration with the concerned governmental entities, the National Search and Rescue Plan in which division of roles and responsibilities among all involved entities of the State will be clearly defined. The maritime administration will provide continuous updated information concerning the existing SAR facilities to IMO;

- .3 the maritime administration will ensure that passenger ships engaged in the State's territorial waters possess an approved SAR plan complying with SOLAS 1974 requirements; and
- .4 the maritime administration will establish a formal agreement with the State's Meteorological Department for the provision of maritime meteorological information for future transmission. A continuous and permanent radiocommunication service for the dissemination of danger messages, navigational and meteorological information will be implemented, in accordance with the international standards established for this purpose, covering the waters under the jurisdiction of the State.

This corrective action will be completed by 1 July 2020.

FD

945 The maritime administration had not put in place a system or mechanism to guarantee the identification, availability and maintenance of aids to navigation (AtoN). Furthermore, the maritime administration had not collected and compiled the available assets of AtoN in order to keep nautical charts up to date and to disseminate all nautical information necessary for safe navigation (SOLAS 1974, regulation V/13; III Code, paragraph 49).

Root cause

946 There was insufficient awareness of the responsibility of the State, lack of technical expertise and absence of procedures or mechanism in place for managing, maintaining and monitoring the availability of AtoN, including an evaluation mechanism. In addition, 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 absence of formalized obligations of maintaining AtoN in the agreements of port concession concluded with private port operators.

Corrective action

947 The maritime administration will implement the following actions:

- .1 the maritime administration will launch an exercise to catalogue and prepare an inventory of all AtoN, including their type, number, location and availability, and the result of this investigation will be incorporated into the information used to update and edit navigational charts. A documented procedure will be developed and implemented for a systematic dissemination of nautical information when the AtoN is found not to be available. The maritime administration will also review the current procedure for maintaining AtoN, including the monitoring of their availability and dissemination as nautical information for safe navigation;
- .2 the maritime administration will review the terms of the current contract for lighthouse maintenance, which consists on a case-by-case basis intervention

to re-establish lighthouse service in the event of a failure or unavailability. The new maintenance contract will be a preventive and corrective maintenance one in order to anticipate breakdowns and guarantee better availability of the service; 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. This procedure, including nautical chart updates, will be part of the QMS. Human and financial resources will be mobilized, responsibilities will be assigned, and arrangements will be made to ensure ongoing monitoring and reviewing of AtoN.

This corrective action will be completed by 1 February 2020.

FD

948 The maritime administration had not established a control and monitoring programme in order to:

- .1 provide for the allocation of statistical data so that trend analyses could be conducted to identify problem areas; and
- .2 cooperate with flag States and/or port States, as appropriate, in investigations of maritime casualties

(III Code, paragraph 50.1; III Code, paragraph 50.3).

Root cause

949 Absence of mechanisms in the collection and analysis of statistical data for coastal State activities and lack of awareness on the need for cooperation with flag and/or port States in investigations of maritime casualties.

Corrective action

950 The maritime administration will implement the following actions:

- .1 develop and implement a control and monitoring procedure, applicable to all State entities that are involved in coastal State activities to include the collection of statistical data, for analyses purposes, in order to identify problem areas and ensure that they are addressed. The QMS of the maritime administration will include this procedure; and
- .2 the maritime administration will develop a documented procedure and implement a mechanism for cooperation with flag States and/or port States, as appropriate, in the investigations of maritime casualties.

This corrective action will be completed by 1 September 2020.

FD

951 There was no performance evaluation mechanism to periodically evaluate and review compliance with its coastal State obligations under the applicable IMO instruments (III Code, paragraph 51).

Root cause

952 There was a lack of documented procedures for evaluation of performance of the maritime administration in the conduct of coastal State activities and absence of coordination among the involved State entities.

Corrective action

953 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 KPIs for all involved entities to measure their performance within their respective management systems. This mechanism will be coordinated by the maritime administration and will form a part of its QMS. This corrective action will be completed by 1 July 2020.

FD

954 The State did not meet its obligations as a coastal State with regards to establishment of shore-based facilities as required under SOLAS 1974, Chapter IV (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation IV/5-1; III Code, paragraph 46; III Code, paragraph 47).

Root cause

955 There was a lack of awareness about the requirements of SOLAS 1974, Chapter IV. Furthermore, a lack of national legislation, lack of agreement between the responsible ministries and the entities involved, to ensure continuous availability of meteorological information, and the absence of a coastal radio station were at the root of this finding. Additionally, there was a lack of suitably qualified and competent legal and technical personnel for transposing the requirements of SOLAS 1974, Chapter IV, into national legislation and for ensuring their implementation.

Corrective action

956 The maritime administration will implement the following actions:

- .1 assess the need for qualified and competent legal and technical personnel to transpose the requirements of SOLAS 1974, Chapter IV, into national legislation and to ensure their implementation, and recruit additional staff, as necessary;
- .2 transpose SOLAS 1974, Chapter IV, into national legislation, which will include responsibilities of various entities;
- .3 conclude formal agreements between the various entities involved; and
- .4 provide radio communication services in accordance with SOLAS 1974, Chapter IV, and for issuing navigational warnings. Related guidelines will also be developed to assist in the implementation. A coastal radio station,

conforming to the standards required for the provision of GMDSS coverage, will be established for waters under the jurisdiction of the State.

This corrective action will be completed by 31 December 2021.

FD

957 There was no evidence of a system in place, including policies, procedures and resources, for the establishment and maintenance of AtoN, as well as for the establishment of hydrographical and meteorological services. Responsibility for the provision of hydrographical services was not defined in national legislation (SOLAS 1974, regulation V/5; SOLAS 1974, regulation V/9; SOLAS 1974, regulation V/13; III Code, paragraph 46; III Code, paragraph 47).

Root cause

958 Not all entities involved were aware of the obligations of the State with regards to the provision of hydrographic and meteorological services and the maintenance of AtoN. Furthermore, there was a lack of comprehensive national legislation and lack of suitably qualified and competent legal and technical personnel, for transposing the requirements of SOLAS 1974, Chapter V, into national legislation and for ensuring its implementation.

Corrective action

959 The State will implement the following actions:

- .1 assess the need for qualified and competent legal and technical personnel to transpose the requirements of SOLAS 1974, Chapter V, into national legislation and for ensuring its implementation, and recruit additional staff, as necessary;
- .2 transpose SOLAS 1974, Chapter V, into national legislation and ensure its implementation, which will include the responsibilities of various entities involved, including in the provision of meteorological and hydrographic services, as well as in the establishment and maintenance of AtoN; and
- .3 designate a focal point for collection and compilation of hydrographic data, including their submission to the contracted hydrographic services for publication in nautical charts and, upon receipt, dispatch of relevant nautical information and documents to all parties concerned.

This corrective action will be completed by 31 December 2021.

FD

960 The maritime administration did not carry out periodic evaluation and review of its performance in conducting coastal state activities under the applicable IMO instruments. Also, there was no evidence provided confirming the existence of a control and monitoring programme in order to provide for the allocation of statistical data so that trend analyses can be conducted to identify problem areas (III Code, paragraph 50.1; III Code, paragraph 51).

Root cause

961 There were insufficient documented procedures and a lack of coordination among the government entities involved in the coastal State activities.

Corrective action

962 The following actions will be undertaken by the State:

- .1 develop a comprehensive policy on periodic evaluation of the performance of the various entities responsible for the implementation and enforcement of coastal State requirements stemming from the applicable mandatory IMO instruments;
- .2 identify the entities responsible for carrying out the evaluation and the entity responsible for coordinating the work;
- .3 allocate required resources and develop required procedures for conducting a periodic evaluation of performance in the conduct of coastal State activities; and
- .4 the government entities participating in the maritime administration will institutionalise a documented programme of periodic assessment and performance review, based on the specific KPIs for each entity, and establish an audit programme for each entity involved in coastal State activities.

This corrective action will be completed by 31 August 2020.

FD

963 There was no evidence of an effective control and monitoring programme in place for timely response to pollution incidents. Although the Oil Spill Contingency Plan (OSCP) was approved, it was not ensured that the equipment to respond to oil pollution was readily available and that planned drills in accordance with the OSCP were carried out. In addition, there was no evidence that dispersants were approved for the purpose of combatting specific pollution incidents in order to minimize the pollution damage (MARPOL, Annex I, regulation 4.3; MARPOL, Annex II, regulation 3.1.3; III Code, paragraph 50.2).

Root cause

964 There were insufficient financial and human resources, and policymakers were not fully aware of the needs and the associated risk.

Corrective action

965 The State will implement the following actions:

- .1 assess the need for qualified and competent technical personnel to implement the National Oil Spill Plan (NOSP), and recruit additional staff as necessary;
- .2 provide the required financial resources for the implementation of NOSP;
- .3 update NOSP with the location and quantities of all available equipment and emergency contacts for all involved entities;
- .4 develop a mechanism that will ensure adequacy and availability of the equipment required by NOSP at all times;

- .5 designate an entity responsible for monitoring the execution of the drills required by NOSP and ensure coordination between the involved government entities; and
- .6 designate an entity responsible for the approval of dispersants for the purpose of combatting specific pollution incidents in order to minimize pollution damage through procedures to be developed by the entity.

This corrective action will be completed by 31 March 2021.

FD

966 The hydrographic services provided by the State did not fulfil all the requirements, such as issuance of, or appropriate arrangements for the issuance of, sailing directions, lists of lights, tide tables and other nautical publications, as required by regulation V/9 of SOLAS 1974 (SOLAS 1974, regulation V/9; III Code, paragraph 47).

Root cause

967 There was a lack of expertise in the maritime administration in the area of hydrographic activities. The State was in the process of organising assistance through cooperation with another country in the region for conducting a risk assessment on the status of hydrography at the time of audit.

Corrective action

968 The responsible ministry will make appropriate arrangements for the issuance of sailing directions, lists of lights and tide tables and other nautical publications upon completion and finalisation of the ongoing survey work undertaken through technical cooperation. The surveys were completed, and data is being processed with the expectation to be provided to the maritime administration by early 2020. This arrangement will continue until the State develops expertise in this area. Appropriate training programmes on the subject will be identified and arranged for the relevant personnel on hydrography through entities such as the International Hydrographic Organization (IHO) or other States. This corrective action will be completed by 30 November 2020.

FD

969 The State did not carry out an assessment of its SAR capabilities taking into consideration density of the seagoing traffic and the navigational dangers and did not fulfil all the obligations for providing SAR services under regulation V/7 of SOLAS 1974 (SOLAS 1974, regulation V/7.1; III Code, paragraph 47).

Root cause

970 There was insufficient resources to carry out an assessment of State's SAR capabilities due to the wide scope and nature of SAR operations requiring extensive resources to conduct this assessment.

Corrective action

971 The responsible ministry will identify and provide necessary resources for SAR and carry out an assessment of the State's SAR capabilities. The information on existing SAR facilities will be communicated to IMO. Appropriate training programmes on SAR will be

identified and arranged for the relevant personnel, through IMO or through regional cooperation. This corrective action will be completed by 31 December 2020.

FD

972 The State did not establish appropriate shore-based facilities for providing space and terrestrial radiocommunication services as required by regulation IV/5 of SOLAS 1974, either on its own or in cooperation with other Parties (SOLAS 1974, regulation IV/5; III Code, paragraph 47).

Root cause

973 There was a significant lack of human and material resources for the full implementation of the requirements of regulation IV/5 of SOLAS 1974.

Corrective action

974 The responsible ministry will identify and provide human and material resources needed for full implementation of regulation IV/5 of SOLAS 1974, either on its own or in cooperation with neighbouring States. Appropriate training programmes on the subject will be identified and arranged for the relevant personnel on radiocommunication, through IMO or through regional cooperation. This corrective action will be completed by 31 December 2020.

FD

975 No assessment had been carried out to identify the extent of aids to navigation (AtoN) needed by the State, having due regard to the volume of traffic and the degree of risk. No evidence was available to show that the existing AtoN facilities were sufficient to fulfil the obligations under regulation V/13 of SOLAS 1974 (SOLAS 1974, regulation V/13; III Code, paragraph 47).

Root cause

976 An assessment to identify the extent of AtoN required by the State could not be carried out due to a shortage of capacity, knowledge and awareness of the requirement contained in regulation V/13 of SOLAS 1974.

Corrective action

977 The responsible ministry will procure assistance to conduct an assessment on the extent and condition of existing AtoN, particularly with assistance obtained through regional cooperation. This will be supplemented by a risk management plan based on a risk assessment, and AtoN will be provided as found necessary. Adequate resources will be provided for establishment and maintenance of AtoN, and appropriate training programmes on the subject will be identified and arranged for the relevant personnel on providing this service, through IMO or through regional cooperation. This corrective action will be completed by 31 December 2020.

FD

978 The Administration did not implement mechanisms for timely response to pollution incidents in its waters, as the national oil spill response plan was not approved and the adequacy of available spill response equipment was not reviewed (III Code, paragraph 50.2).

Root cause

979 At the time of audit, oil spill response equipment had been identified and procured to be transported to the State agency responsible for ports. However, these actions did not address the capacity gaps for using and applying the oil spill response equipment.

Corrective action

980 The responsible ministry will identify and provide training to relevant personnel in the use and application of the procured oil spill response equipment in accordance with the approved National Marine Spill Contingency Plan, as well as identify a suitable location for on-site storage of the equipment. The implementation of all aspects of said plan, including the conduct of periodic exercises to test its effectiveness, will be included as a part of the annual review of the overall performance of the maritime administration. This corrective action will be completed by 30 November 2020.

FD

981 The maritime administration did not established mechanisms for the provision of radio communication services, such as shore based facilities, assigning identities for GMDSS purposes, reception of satellite communications, NAVTEX, Safety – Net, digital selective calling and provisions for transmitting maritime safety information in order to make readily available to mariners (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation IV/5-1; SOLAS 1974, regulation V/4; SOLAS 1974, regulation V/5; SOLAS 1974, regulation V/31.2; III Code, paragraph 47; III Code, paragraph 49).

Root cause

982 There was a lack of coordination among various government entities that contributed to this finding.

Corrective action

983 An inter-institutional working group will be created comprising all State entities involved in the implementation of SOLAS 1974, Chapters IV and V, in order to define and recommend the assignment of responsibilities and obligations to involved entities, which will be included in relevant national legislation , and to subsequently evaluate their performance through a mechanism to be implemented within the new overall strategy. In parallel, the responsible entity of the maritime administration will evaluate and determine necessary financial resources to fulfil the responsibilities and obligations of the State stemming from SOLAS 1974, Chapters IV and V, 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 30 November 2022.

FD

984 The existing SAR arrangements and facilities did not ensure full compliance with the requirements of the IMO instruments to which the State is Party. In addition, guidance and procedures were not developed and implemented to ensure the coordination of maritime SAR operations and development of plans for cooperation between SAR services and passenger ships calling at ports within the State (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; SOLAS 1974, regulation V/7.3; III Code, paragraph 47).

Root cause

985 There was an absence of specific procedures regarding SAR operations and a lack of coordination among the government entities involved in SAR activities.

Corrective action

986 The responsible State entities will carry out a joint analysis on the available means for conducting SAR operations for onward communication to IMO. In addition, national regulation and procedures will be developed and implemented. They will also include provisions for any subsequent communication to IMO and for coordination between the responsible entities in developing and implementing SAR cooperation plans in the event of emergencies involving passenger ships calling at the ports of the State. This corrective action will be completed by 30 September 2022.

FD

987 The maritime administration had not established mechanisms for timely response to pollution incidents caused by oil, noxious liquid substances or dangerous goods. In addition, there was no evidence that any dispersant for the purpose of combating specific pollution incidents in order to minimize the damage from pollution had been approved (MARPOL, Annex I, regulation 4.3; MARPOL, Annex II, regulation 3.1.3; III Code, paragraph 50.2).

Root cause

988 There was insufficient technical capacity and an absence of clear responsibilities assigned to the different entities involved.

Corrective action

989 The responsible entities of the maritime administration will implement the following actions:

- .1 revise the existing national oil spill contingency plan in order to include provisions for pollution incidents caused by noxious liquid substances or dangerous goods; as well as assigning responsibilities to the relevant government entities. In addition, national legislation will be enacted regarding contingency plans to respond to the aforementioned pollutants, including assignment of responsibilities to the relevant government entities;
- .2 the national regulations on the Integral Port Operation Management System will be amended, in order to assign further responsibilities to the port terminal operators that handle noxious liquid substances and dangerous goods. The nodal responsible entity will conduct follow-up audits to ensure the effective implementation and enforcement of the aforementioned measures by the port terminal operators; and
- .3 the nodal responsible entity will seek training or assistance from neighbouring countries in order to ensure adequate technical capacity.

This corrective action will be completed by 30 September 2022.

FD

990 The maritime administration had not implemented a system for periodically evaluating its performance in the conduct of coastal State activities, in order to verify whether it is meeting the obligations of the State under the applicable IMO instruments (III Code, paragraph 51).

Root cause

991 The following factors contributed to this finding:

- .1 a lack of culture to periodically evaluate or review the coastal State performance;
- .2 a lack of understanding of the procedure to be followed for evaluation, with respect to the implementation of administrative processes, procedures and resources; and
- .3 inadequate training.

Corrective action

992 The maritime administration will develop and implement a legal framework to institutionalize a documented system for evaluation and periodic review of the coastal State performance by identifying evaluation methods and KPIs, in accordance with the requirements of the applicable mandatory IMO instruments. KPIs will include those related to coastal State activities, including SAR activities, radiocommunication, meteorological services and warnings, hydrographical services, AtoN and oil spill response activities. Focal points will be appointed by all involved entities to follow-up and coordinate their activities, including evaluation of performance. This evaluation system will be part of the revised overall strategy, to be developed. This corrective action will be completed by 30 September 2022.

FD

993 The maritime administration could not ensure effective implementation of the coastal State obligations stemming from the applicable IMO instruments, in particular those relating to hydrographic services, aids to navigation (AtoN) and meteorological services (SOLAS 1974, regulation V/5; SOLAS 1974, regulation V/9; SOLAS 1974, regulation V/13; III Code, paragraph 46; III Code, paragraph 47).

Root cause

994 There were no clear responsibilities assigned to the different entities that comprise the maritime administration.

Corrective action

995 The entities that comprise the maritime administration will establish a committee, chaired by the nodal responsible entity, in order to develop recommendations for assignment of clear responsibilities for coastal State activities. The need to amend the existing national legislation will be considered, and subsidiary legislation and regulations will be developed to assist in the effective implementation, as appropriate. In addition, the need for additional budget to fulfil relevant coastal State responsibilities and obligations will also be assessed and provided, as appropriate. This corrective action will be completed by 30 December 2022.

FD

996 The State did not adopt policies, through issuing national legislation and guidance, and responsibilities were not assigned for effective implementation of the coastal State obligations, such as radiocommunication services and promulgation of navigational warnings. Consequently, those services were found not effectively established in the State (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/4; III Code, paragraph 46; III Code, paragraph 47).

Root cause

997 The following factors contributed to this finding:

- .1 national legislation did not address all the coastal State obligations under the mandatory IMO instruments and responsibilities were not assigned for providing radio communication services and navigational warnings; and
- .2 lack of suitably trained staff to perform coastal State functions, such as radio communication services and navigational warnings.

Corrective action

998 The maritime administration will implement the following actions:

- .1 incorporate appropriate legal provisions into national laws and assign responsibilities for fulfilling the obligations for providing radio communication services and navigational warnings, during the proposed review and updating of national maritime legislation;
- .2 conduct periodical reviews to evaluate the level of performance of the maritime administration in providing radio communication services and navigational warnings; and
- .3 coordinate and support the training of staff, acquisition of assets and equipment for providing these services.

This corrective action will be completed by 30 December 2021.

FD

999 The State did not develop a control and monitoring programme to establish mechanisms for timely response to pollution incidents in its waters (III Code, paragraph 50.2).

Root cause

1000 The following factors contributed to this finding:

- .1 oil spill preparedness and response were not accorded due priority and the inter-agency collaboration needed to implement the responsibilities and obligations was ineffective;
- .2 absence of a legal framework to establish and maintain an oil spill response system; and

- .3 lack of resources to train personnel and to acquire the requisite equipment for oil spill preparedness and response.

Corrective action

1001 The maritime administration will implement the following actions:

- .1 revise and update the existing national oil spill contingency plan and extend its scope to other marine pollutants, as needed. A system will be established for periodic review and updating of the plan;
- .2 coordinate the provision of financial resources and procurement of pollution response equipment needed under the plan; and
- .3 coordinate systematic training programmes for personnel responsible for pollution response.

This corrective action will be completed by 30 December 2021.

FD

1002 The State did not adopt policies, through issuing national legislation and guidance, and responsibilities were not assigned for effective implementation of the obligations for providing aids to navigation (AtoN) and hydrographic services. Consequently, those services were found not effectively established in the State (SOLAS 1974, regulation V/9; SOLAS 1974, regulation V/13; III Code, paragraph 46; III Code, paragraph 47).

Root cause

1003 The following factors contributed to this finding:

- .1 national legislation did not address all the coastal State obligations under the mandatory IMO instruments and hence responsibilities were not assigned for providing AtoN and hydrographic services; and
- .2 lack of suitably trained staff to perform coastal State functions, such as AtoN and hydrographic services.

Corrective action

1004 The responsible entities of the State will implement following actions:

- .1 incorporate appropriate legal provisions into national laws and assign responsibilities for fulfilling the obligations for providing AtoN and hydrographic services, during the proposed review and updating of national maritime legislation;
- .2 conduct periodical reviews to evaluate the level of performance in providing AtoN and hydrographic services; and
- .3 coordinate and support the training of staff, acquisition of assets and equipment for providing these services.

This corrective action will be completed by 30 April 2022.

FD

1005 The State did not fulfil all the coastal State obligations with regard to SAR services. The details of national authority responsible for SAR services, or rescue coordination services had not been communicated to IMO (SOLAS 1974, regulation V/7.2; III Code, paragraph 46; III Code, paragraph 47).

Root cause

1006 National legislation did not address all the coastal State obligations under the mandatory IMO instruments. Hence, responsibilities for providing SAR services were not assigned to any entity, related policies and procedures were not developed, and the details of SAR arrangements were not sent to IMO.

Corrective action

1007 The maritime administration will implement following action:

- .1 incorporate appropriate legal provisions in national laws and assign responsibilities for fulfilling the obligations for providing SAR services, during the proposed review and updating of national maritime legislation;
- .2 conduct periodical reviews to evaluate the level of performance in providing SAR services; and
- .3 coordinate and support the training of staff, acquisition of assets and equipment for providing SAR service.

This corrective action will be completed by 30 December 2021.

FD

1008 The maritime administration had not implemented policies and guidance that would facilitate the implementation and enforcement of coastal State obligations and responsibilities contained in the applicable conventions and protocols to which the State is Party (III Code, paragraph 46).

Root cause

1009 The non-transposition into national legislation of the mandatory instruments to which the State is a Party, as well as the lack of human, material and financial resources created a void in understanding the existing international regulations, also a lack of documented procedures and a lack of effective monitoring by the maritime administration have largely contributed to this finding

Corrective action

1010 The maritime administration will develop and implement comprehensive coastal State policies as a basis for establishing and developing legislation, guidance and procedures, as well as to facilitate consistent implementation and enforcement of obligations and responsibilities stemming from the applicable IMO instruments. Responsibilities of all State entities involved in the maritime administration will be defined and assigned in order to fulfil respective obligations and responsibilities of the State. Agreements will be established between all State entities involved in the maritime administration in order to facilitate consistent

implementation and enforcement of requirements stemming from the applicable IMO instruments. This corrective action will be completed by 31 December 2020.

FD

1011 The State did not make necessary arrangements for distress communication and coordination in its area of responsibility and the information on existing SAR facilities was not made available to IMO. In addition, arrangements were not in place for the use of life-saving signals when communicating with ships or persons in distress and it was not ensured that passenger ships operating in waters under the jurisdiction of the State were in possession of a plan for cooperation with the search and rescue services of the State (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; SOLAS 1974, regulation V/7.3; SOLAS 1974, regulation V/8; ILL Code, paragraph 47).

Root cause

1012 There was a lack of legal basis and guidance for all entities responsible for SAR operations and a lack of awareness of the requirements of the relevant IMO instruments

Corrective action

1013 A legal basis and guidelines for the provision of SAR services will be developed and implemented. In addition, a marine search and rescue committee will be established with participation of representatives from government entities involved in SAR operations. The committee will, among others, be responsible to provide IMO with required information on SAR facilities, to ensure that all involved personnel in SAR operations are qualified, trained and assessed through drills and exercises, and to ensure that passenger ships engaged in the waters under the jurisdiction of the State are in the possession of an approved SAR plan, in compliance with international requirements. This corrective action will be completed by 30 September 2020.

FD

1014 The maritime administration did not ensure that mechanisms were established by the appropriate entities for timely response to pollution incidents in case of chemical spill (ILL Code, paragraph 50.2).

Root cause

1015 The maritime administration had not clearly identified roles and responsibilities of various entities involved in pollution response and there was insufficient oil spill response capability.

Corrective action

1016 The National Oil Spill Contingency Plan will be revised and amended to incorporate response to pollution incidents caused by noxious liquid substances or dangerous goods, including assignment of responsibilities to relevant government entities. The necessary arrangements will be made to train relevant staff and purchase required equipment. This corrective action will be completed by 30 August 2020.

FD

1017 The State did not make available, on a continuous basis, appropriate shore-based facilities and equipment for space and terrestrial radio-communication services and did not communicate relevant information to IMO. Furthermore, no suitable arrangements were put in place to make the GMDSS identities available to rescue coordination centres on a 24-hour basis (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation IV/5-1; III Code, paragraph 49).

Root cause

1018 The absence of the legal basis and guidance, as well as the lack of human, material and financial resources were at the origin of this finding.

Corrective action

1019 The legal basis and guidelines for the provision of radiocommunication services and to broadcast navigational and other warnings will be developed and implemented by the nodal responsible entity. A formal agreement will be established between relevant entities of the State for the broadcasting of meteorological information, and a coastal radio station in conformity with the standards required for the provision of GMDSS coverage will be established for waters within the jurisdiction of the State. In addition, 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 and the necessary human, material and financial resources will be provided by the State. This corrective action will be completed by 30 September 2020.

FD

1020 The maritime administration had not carried out any periodic evaluation or review of its performance in meeting its coastal State obligations under the applicable mandatory IMO instruments (III Code, paragraph 51).

Root cause

1021 The absence of a culture to evaluate or periodically review the performance. There was no periodic review in place for reviewing the performance in the conduct of coastal State's activities stemming from the mandatory IMO instruments.

Corrective action

1022 The maritime administration will institutionalize a documented programme to evaluate and review its performance on a periodic basis and put in place an audit programme for each entity involved in coastal State activities. This corrective action will be completed by 30 September 2020.

FD

1023 The National Office of Maritime Signals had not taken the necessary measures or established any mechanism to ensure the availability and maintenance of aids to navigation (AtoN) (SOLAS 1974, regulation V/13; III Code, paragraph 49).

Root cause

1024 The following factors contributed to this finding:

- .1 the coastal State responsibilities concerning AtoN, were not well known;
- .2 a lack of an evaluation and monitoring mechanism for the availability and maintenance of AtoN;
- .3 a lack of communication and coordination with the parties concerned by AtoN;
- .4 insufficient human and material resources (rolling and sailing); and
- .5 the current organization of responsible entity did not ensure efficient operation.

Corrective action

1025 The relevant government entities will implement the following actions:

- .1 procedures for the management of availability and maintenance of AtoN will be developed and implemented, based on the objectives, measures and performance indicators set by the overall national strategy for the implementation and enforcement of mandatory IMO instruments;
- .2 periodic meetings with ports and other relevant stakeholders relating to AtoN will be carried out;
- .3 the availability and maintenance of AtoN will be included in the annual performance evaluation of the National Office of Maritime Signals, results of which will be sent to the Minister responsible for the merchant marine and ports; and
- .4 a needs assessment study to evaluate the current organization of the National Office of Maritime Signals will be carried out to determine the efficient and optimal organization of the Office, as well as the needs for human (technical staff and seafarers) and material (land and naval) resources. Additional resources will be provided accordingly.

This corrective action will be completed by 31 December 2022.

FD

1026 The maritime administration had not implemented a system to periodically evaluate its performance with respect to conducting coastal State activities to verify compliance with the State's obligations under the applicable mandatory IMO instruments (III Code, paragraph 51).

Root cause

1027 The following factors contributed to this finding:

- .1 absence of procedures for evaluating performance in the conduct of activities at the level of government entities that do not have a QMS;
- .2 the III Code was not transposed into national legislation and the QMS implemented at the level of the concerned entity did not include the

procedures for periodic evaluation of performance in the conduct of coastal State activities; and

- .3 insufficient staff and a lack of training to carry out a periodic evaluation of performance in the conduct of coastal State activities under the mandatory IMO instruments.

Corrective action

1028 The relevant entities of the maritime administration will implement the following actions:

- .1 identify activities of each entity that needs to be evaluated within the framework of the III Code;
- .2 procedures will be developed for periodical evaluation of performance in the conduct of coastal State activities and implemented as part of the overall national strategy;
- .3 insert the results of evaluation of performance in the conduct of the coastal State activities in the annual evaluation report, which will be transmitted to the ministries concerned; and
- .4 personnel responsible for conducting evaluation of performance in the area of the coastal State activities will be trained and reinforced, as necessary.

This corrective action will be completed by 31 December 2022.

FD

1029 There were no provisions in place for approving substances containing oil and/or noxious liquid substances for the purpose of combating pollution incidents (MARPOL, Annex I, regulation 4.3; MARPOL, Annex II, regulation 3.1.3; III Code, paragraph 47).

Root cause

1030 The obligation to set up a system for approving hydrocarbon-containing substances and/or noxious liquid substances used in the context of measures to combat pollution events, in accordance with MARPOL requirements, was not known. Therefore, it was not clearly stated in national legislation.

Corrective action

1031 The maritime administration, through the nodal responsible entity, will develop and implement legislation, technical guidelines and notes to establish a system for approving substances containing oils and/or harmful liquid substances used to combat pollution incidents. The list of substances, as approved by the responsible ministry, will be annexed to the National Oil Spill Contingency Plan and disseminated to all stakeholders working to prevent and combat pollution incidents, through a maritime circular, in order to ensure compliance with MARPOL, regulation 4.3 of Annex I, and regulation 3.1.3 of Annex II. This corrective action will be completed by 31 August 2022.

FD

1032 The State had not taken necessary measures to:

- .1 establish a spatial and terrestrial radiocommunication services capable of transmitting navigational warnings, danger messages, meteorological warnings and other urgent messages relating to the safety of navigation; and
- .2 provide ships with required meteorological information and forecasts by ensuring their broadcasting

(SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/4; SOLAS 1974, regulation V/5; III Code, paragraph 47).

Root cause

1033 There was a lack of legal basis transposing into national legislation the provisions of SOLAS 1974, chapter IV, concerning radiocommunication services to be provided for the transmission of meteorological information, navigational warnings and danger messages to ships. The maritime administration did not have the necessary human, material or financial resources for the establishment of spatial and terrestrial radiocommunication for maritime use nor marine meteorological data for dissemination to seafarers.

Corrective action

1034 The maritime administration will undertake the following actions:

- .1 develop and implement national regulations for the operation and organization of maritime radiocommunication services that will clearly identify the State entity responsible for this activity;
- .2 develop guidelines for the provision of radiocommunication services and the issuance of navigational warnings consistent with the new national regulations, and procedures detailing the organization of navigational warnings to ships;
- .3 establish identified coastal radio stations as required in national legislation, to be developed, and provide them with adequate equipment and qualified personnel;
- .4 ensure that meteorological data from the nodal entity are consistent with the requirements of SOLAS 1974, regulation V/5; and
- .5 conclude a formal agreement between the harbour masters, coast guards and the nodal entity to collect marine weather information and disseminate it through the established coastal stations.

This corrective action will be completed by 31 December 2022.

FD

1035 The maritime administration had not taken the necessary measures to ensure communication and coordination in the event of distress within its area of responsibility and to rescue persons in distress at sea around its coasts by establishing, using and maintaining

available and operational search and rescue facilities (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; III Code, paragraph 47).

Root cause

1036 The legal basis for all entities responsible for maritime SAR operations had not been updated and the equipment was not operational due to a lack of resources. In addition, the national SAR plan has not yet been developed.

Corrective action

1037 The maritime administration will undertake the following actions:

- .1 fully implement the Inter-ministerial Order on the organization and functioning of search services for aircrafts and ships in distress in peacetimes, which specifies and defines the remit of the organizations participating in SAR; and update this legislation taking into account the latest amendments to the applicable mandatory IMO instruments;
- .2 operationalize the Joint Rescue Coordination Sub-Centre (JRSC), established with the Aviation Agency, by providing it with operational communications for the coordination of SAR operations and qualified and properly trained personnel;
- .3 develop and approve a national SAR plan; and
- .4 communicate the required information regarding SAR facilities to IMO.

This corrective action will be completed by 31 December 2022.

FD

1038 The State had not taken appropriate measures to ensure compliance with the requirements related to the availability of AtoN and maritime buoyage in waters under its jurisdiction. No assessment had been carried out to identify the adequacy of AtoN having due regard to the volume of traffic and the degree of risks it posed (SOLAS 1974, regulation V/13; III Code, paragraph 49).

Root cause

1039 There was a lack of necessary resources to guarantee the maintenance of AtoN and signalling as well as an absence of a documented procedure or mechanism, such as an assessment mechanism, to manage and control the availability of AtoN.

Corrective action

1040 The maritime administration will undertake the following actions:

- .1 evaluate the distribution of signalling aids on its coasts with a view to analysing whether they are sufficient in light of the density of traffic and the degree of risk;
- .2 provide the necessary human and financial resources to monitor and maintain AtoN; and

- .3 develop and implement national legislation regarding the management of AtoN as well as establish documented procedures for the maintenance of AtoN and signalling.

This corrective action will be completed by 31 December 2022.

FD

1041 The maritime administration did not implement a control and monitoring programme in order to:

- .1 provide for the allocation of statistical data so that trend analyses could be conducted to identify problem areas; and
- .2 establish mechanisms for timely response to pollution incidents in its waters

(III Code, paragraph 50.1; III Code, paragraph 50.2).

Root cause

1042 The State did not have any means of intervention in the event of an oil spill. In addition, there was a shortage of competent staff and insufficient financial resources to implement a documented system for the training, qualification and supervision of staff involved in the management and control of coastal State activities.

Corrective action

1043 The maritime administration will implement the following actions:

- .1 establish a documented procedure and a system for registering and recording statistical data, particularly those relating to accidental pollution incidents, hydrographic survey and the unavailability of AtoN in order to identify problem areas;
- .2 ensure the establishment of a rapid response mechanism in the event of a pollution incident in waters under its national jurisdiction through the National Emergency Plan. This mechanism will be revised and updated, and it will also be able to identify the entities concerned, as well as their means of communication and coordination;
- .3 the means of intervention necessary to respond rapidly in the event of a pollution incident will be identified and acquired. Pollution control equipment will be tested, periodically maintained and stored in clearly identified strategic locations; and
- .4 personnel involved in pollution response activities at sea will be regularly trained, especially in techniques to respond to pollution incidents.

This corrective action will be completed by 31 December 2022.

FD

1044 The maritime administration had not implemented a system to periodically evaluate its performance with respect to conducting coastal State activities to verify that the State's

obligations under the mandatory IMO instruments to which it was Party were met (III Code, paragraph 51).

Root cause

1045 There was insufficient coordination between government entities involved in coastal State activities and a lack of a culture of improvement within the maritime administration.

Corrective action

1046 A comprehensive strategy for annual assessments and reviews of each coastal State obligation will be developed. Moreover, documented procedures and guidelines will be implemented and enforced by all State entities involved in coastal State activities. This corrective action will be completed by 30 September 2022.

FD

1047 The maritime administration had not developed plans for cooperation between SAR services and passenger ships calling regularly at the ports of the State, in the event of an emergency (SOLAS 1974, regulation V/7.3; III Code, paragraph 47).

Root cause

1048 There was a lack of coordination among entities and responsibilities were not clearly assigned. In addition, a lack of awareness of the mandatory requirements, a lack of resources and a lack of legal basis contributed to this finding. The roles were not clearly defined regarding the development of plans for cooperation in emergency situations between SAR services and passenger ships calling regularly in the ports of the State.

Corrective action

1049 The responsible State entity will liaise with the relevant SAR services, shipping companies and passenger ships calling regularly at the ports of the State in order to develop SAR plans for cooperation in case of an emergency. In the development of the aforementioned plans with the relevant entities, circulars MSC/Circ.1000 and MSC.1/Circ.1079/Rev.1 will be considered. In addition, other SAR organizations responsible for SAR services in SAR regions on the margins of the State's SAR region will be contacted and SAR plans will be developed, or existing ones amended as part of the work on harmonization of procedures in SAR services. National legislation will be brought in line with relevant requirements of the mandatory IMO instruments and additional resources will be allocated/redistributed to accomplish the aforementioned actions. This corrective action will be completed by 31 December 2021.

FD

1050 Although a port contingency plan was in place and the National Oil Spill Response Plan was approved, there was no evidence that any dispersant for the purpose of combating specific pollution incidents had been approved (MARPOL, Annex I, regulation 4.3; MARPOL, Annex II, regulation 3.1.3; III Code, paragraph 50.2).

Root cause

1051 The absence of a national policy on the use of dispersants for the purpose of combating specific pollution incidents contributed to this finding.

Corrective action

1052 The nodal entity will prepare a proposal for a policy on the approval of dispersants to be used for combating pollution at sea and submit it to the respective ministry for approval. Existing contingency plans will be updated accordingly, and the policy will be implemented. This corrective action will be completed by 31 December 2021.

FD

1053 The State 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

1054 There was a lack of a system for periodical evaluation of the maritime administration as a whole regarding coastal State activities. The maritime administration did not have a programme or procedure in place to evaluate its performance with respect to the coastal State obligations. This was due to a lack of focus and resources to define KPIs in order to better track and measure performance against the set objectives.

Corrective action

1055 The entities participating in coastal State activities will appoint key personnel to develop a system for periodically evaluating the State's performance in respect of exercising its rights and meeting related coastal State obligations stemming from the mandatory IMO instruments. This will include determining whether staffing, resources and administrative processes are adequate to meet coastal State obligations. The tools to be used for evaluating the State's performance include:

- .1 entities' QMS, internal audits, external audits;
- .2 KPIs to be defined;
- .3 man-hour plans will be developed to evaluate whether staffing, resources and administrative processes are adequate, and additional personnel will be recruited, as appropriate;
- .4 monitoring and reviewing the outcomes of the aforementioned measures, as a basis for any corrective actions;
- .5 establishment of regular meetings among entities involved; and
- .6 the system will be included in the overall maritime strategy of the State.

This corrective action will be completed by 31 December 2021.

FD

1056 The State had not developed and implemented 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

1057 The following factors contributed to this finding:

- .1 lack of trained officials for conducting pollution response drills and evaluating them;
- .2 insufficient funds for conducting annual national oil pollution drills; and
- .3 lack of information with the responsible entity on availability of oil pollution equipment and materials, since the inventory was maintained by oil terminal operators, ports authority and the Ministry.

Corrective action

1058 The maritime administration will implement the following actions:

- .1 physical resources required to implement the national oil pollution prevention plan and to conduct annual drills on pollution response will be reviewed by the relevant ministry;
- .2 Cabinet approval will be sought to build up the pollution prevention fund within the next 7 years by suitably amending the oil pollution levy scheme, in order to avoid seeking funds for this purpose from the general revenue of the government. The new arrangement will provide sufficient resources to finance the annual national oil pollution prevention drills and build up a reserve amount in the fund. The State will continue to utilize financial assistance from the government until the new fund is fully developed;
- .3 an electronic database will be developed to identify the location, amount and type of inventory maintained by the responsible entities. As an alternative, all oil pollution prevention equipment and materials will be stocked in one warehouse, and managed and maintained by one agency; and
- .4 regional cooperation and collaboration with international agencies will be explored to deal with oil spills that are beyond the response capability of the State.

This corrective action will be completed by 31 December 2021.

FD

1059 The State did not fulfil its obligations relating to radiocommunication services, such as availability of radiocommunication identities to SAR services and digital selective calling (SOLAS 1974, regulation IV/5; III Code, paragraph 47).

Root cause

1060 The following factors contributed to this finding:

- .1 absence of regulations and the assignment of responsibilities among the government entities involved in coastal State activities;

- .2 lack of understanding of the obligations of the State relating to radiocommunication services; and
- .3 insufficient cooperation and coordination between the relevant government entities.

Corrective action

1061 The responsible government entity will implement the following actions:

- .1 develop and implement a comprehensive policy on coastal State activities, which will serve as a basis for the development and promotion of legislation, guidelines and procedures and facilitate the implementation and enforcement of the mandatory IMO instruments. Specifically, legislation on collection and dissemination of nautical information and meteorological reports will be developed;
- .2 ensure continuous and permanent radiocommunication service for dissemination of danger messages, navigational and meteorological information, in accordance with the international standards established for this purpose; and
- .3 in cooperation with all entities concerned, make recommendations for assigning tasks and responsibilities and harmonizing record-keeping among all entities of the State responsible for coastal State activities, in order to monitor fulfilment of obligations stemming from the mandatory IMO instruments.

This corrective action will be completed by 31 December 2021.

FD

1062 The maritime administration did not provide aids to navigation (AtoN) as required based on the degree of risk and did not evaluate the availability of existing AtoN on a regular basis (SOLAS 1974, regulation V/13; III Code, paragraph 47; III Code, paragraph 51).

Root cause

1063 The following factors contributed to this finding:

- .1 delay in transposing international regulations into national law, which included the provisions on AtoN in SOLAS 1974; and
- .2 lack of procedures or mechanisms in place, including an assessment mechanism (planned maintenance schedule) to manage and monitor the availability of AtoN.

Corrective action

1064 The following actions will be implemented by the responsible government entities:

- .1 national legislation will be updated, and directives will be developed and implemented for the management of AtoN;

- .2 necessary human and material resources will be provided to meet the requirements, and documented procedures will be established for the maintenance and upkeep of all AtoN in accordance with international standards; and
- .3 documented procedures will be developed and implemented, in accordance with the standards of the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) to ensure the sustainability and availability of AtoN.

This corrective action will be completed by 31 December 2021.

FD

1065 The State's SAR services were not found to be established in accordance with the provisions of SOLAS 1974 and no evaluation of performance was carried out (SOLAS 1974, regulation V/7.1; III Code, paragraph 47; III Code, paragraph 51).

Root cause

1066 The following factors contributed to this finding:

- .1 absence of national legislation on SAR and lack of technical infrastructure due to insufficient coordination among relevant authorities;
- .2 lack of understanding of SAR requirements under the mandatory IMO instruments by relevant authorities;
- .3 lack of established procedures and guidance on evaluation and review; and
- .4 lack of understanding on the scope of required record-keeping at MRCC.

Corrective action

1067 The relevant entities of the maritime administration will implement the following actions:

- .1 develop and implement national legislation and undertake suitable administrative measures on the operation and organization of SAR;
- .2 review and improve functions of MRCC, develop and implement SAR plans, and closely monitor these activities to ensure compliance with the mandatory IMO instruments. MRCC will be appropriately equipped and manned with qualified and trained personnel;
- .3 ensure that the passenger ships operating in the State's territorial waters possess approved SAR plans complying with the requirements of SOLAS 1974; and
- .4 communicate SAR related information to IMO periodically.

This corrective action will be completed by 31 July 2022.

FD

1068 Although there was an agreement with another State for the provision of hydrographic services, the State had not always fulfilled its obligations relating to hydrographic services (SOLAS 1974, regulation V/9; III Code, paragraph 47).

Root cause

1069 The following factors contributed to this finding:

- .1 lack of competent personnel, hydrographic ship and/or equipment and insufficient financing for hydrographic activities; and
- .2 lack of qualifications and training of personnel involved in coastal State management and control.

Corrective action

1070 The responsible entities of the State will implement the following actions:

- .1 revive the hydrographic unit in the State and carry out hydrographic surveys, as previously done, in critical sea areas of less than 200 meters in depth;
- .2 seek external aid to assist in conducting hydrographic surveys by carrying out airborne laser hydrographic surveys of selected sea areas used frequently by ships engaged on international voyages;
- .3 establish a documented procedure and a central electronic system to document and report on the provision of hydrographic services by the State; and
- .4 provide human and financial resources, including appropriate training for personnel, and assign responsibilities to ensure ongoing monitoring and reviews to identify deficient areas and take corrective actions.

This corrective action will be completed by 31 December 2021.

FD

1071 The maritime administration had not implemented adequate national legislation to give effect to the relevant SOLAS 1974 requirements including policies, manuals, procedures or guidelines to assist the implementation of its SAR services. The existing SAR arrangements had not been communicated to IMO and that SAR plans and exercises 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

1072 The following factors contributed to this finding:

- .1 the SAR regulations containing provisions to assist in the implementation were not in force; and

- .2 there was a lack of coherent national legislative text for organizing SAR tasks, a lack of provisions on maritime SAR planning and operations, an absence of guidance and coordination mechanism among the involved government entities responsible for maritime SAR operations, and a lack of awareness of relevant requirements stemming from the applicable mandatory IMO instruments.

Corrective action

1073 The maritime administration will implement the following actions:

- .1 the SAR regulations will be appropriately revised and implemented, including the coordination of maritime SAR operations and necessary arrangements, as well as the cooperation mechanism among relevant institutions. In addition, a maritime SAR committee will be established with participation of representatives from national entities involved in SAR operations; and
- .2 the committee will, among others, be responsible for providing IMO with the required information on SAR facilities; ensuring that all involved personnel in SAR operations are qualified, trained and assessed through drills and exercises whereby life-saving signals will be used; and ensuring that passenger ships engaged in the waters under the jurisdiction of the State are in the possession of an approved SAR plan in case of emergency, in compliance with international requirements. All aforementioned tasks will be consistently implemented.

This corrective action will be completed by 31 March 2022.

FD

1074 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 and for transmitting navigational warnings, danger messages, meteorological and other urgent messages relating to safety of navigation (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/4; III Code, paragraph 47).

Root cause

1075 The following factors contributed to this finding:

- .1 the available resources, especially in capital and technology, were inadequate to install up-to-date radio communication in the State and to provide the required maritime radio communication services;
- .2 lack of awareness of the need for the provision of effective GMDSS under SOLAS 1974, of the associated IMO reporting requirements, and of the appropriate national legislation; and
- .3 there was limited competent personnel and insufficient financing for the implementation of a documented system for training, qualification and control of personnel involved in coastal State management and control.

Corrective action

1076 The maritime administration will implement the following actions:

- .1 maritime affairs will be given higher priority at the national level, including radio-communications matters, and additional personnel will be recruited and trained. Furthermore, 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 undertaken for the establishment of appropriate shore-based facilities within GMDSS relating to safety of navigation;
- .2 potential donor countries and organizations will be determined and approached to provide capacity-building and assistance in establishing the required GMDSS facilities in order to ensure alerting shore-based rescue and communication authorities in the event of emergencies and transmitting navigational warnings; and
- .3 all relevant State entities will mobilize human and financial resources to assign responsibilities for the electronic system. In addition, arrangements will be made to ensure ongoing monitoring and review.

This corrective action will be completed by 30 September 2022.

FD

1077 The maritime administration did not take all necessary enforcement measures to ensure compliance with its international obligations on coastal State activities. In addition, control and monitoring programme in place for timely response to pollution incidents was not achieving required and expected results (III Code, paragraph 49; III Code, paragraph 50.2).

Root cause

1078 There was an absence of a legal basis, policies and guidance to facilitate the implementation and enforcement of coastal State obligations and responsibilities stemming from the applicable mandatory IMO instruments.

Corrective action

1079 The national law on Merchant Shipping and Ports will be suitably amended. Moreover, a policy on maritime transport will be developed and implemented to include all the relevant international obligations on coastal State activities as well as a cooperation mechanism among the relevant institutions. In addition, robust enforcement, control and monitoring measures, including a documented programme for timely response to pollution incidents, will be implemented. This corrective action will be completed by 31 March 2023.

FD

1080 The maritime administration had not implemented a system for periodic performance evaluation in the conduct of coastal State activities, for the purpose of verifying compliance with the obligations of the State under the mandatory IMO instruments to which it is Party (III Code, paragraph 51).

Root cause

1081 The following factors contributed to this finding:

- .1 limited resources (human resources and database) to collect and analyse the data and to carry out a periodic evaluation of performance in the conduct of coastal State activities; and
- .2 lack of a management system to measure the performance of the State in the conduct of coastal State activities and/or to collect data or reports as a basis for evaluating the performance of the maritime administration.

Corrective action

1082 The maritime administration will implement the following actions:

- .1 coordination will be established between the government entities sharing coastal State responsibilities and a mechanism will be established containing clear lines of authority, assigned responsibilities, as well as defined objectives and KPIs for all involved entities to evaluate and measure their performance within their respective management systems. This mechanism will be a part of the evaluation of performance under the new overall strategy;
- .2 coordination between different entities will be established and a system (including a database) will be developed for periodical evaluation of performance with respect to the implementation of administrative processes, procedures and resources to meet coastal State responsibilities and obligations stemming from the applicable mandatory IMO instruments; and
- .3 personnel with appropriate qualifications and experience will be recruited or redistributed by different entities to carry out the aforementioned tasks.

This corrective action will be completed by 31 October 2022.

FD

1083 The State had established a SAR arrangement to respond to maritime emergency situations. However, it did not include the development of plans for cooperation with SAR services, in the case of passenger ships to which chapter I of SOLAS 1974 applies (SOLAS 1974, regulation V/7.3; III Code, paragraph 47).

Root cause

1084 The lack of awareness of the requirements for development of a SAR plan for passenger ships, in accordance with SOLAS 1974, regulation V/7.3, contributed to this finding.

Corrective action

1085 The State will identify a focal entity in the State and assign the responsibility to coordinate with the designated SAR agency and other stakeholders (such as shipowners, companies and relevant entities) the development of a SAR plan and to take necessary action in their respective areas regarding passenger ships calling at the ports in the State, in order to fulfil the requirements of SOLAS 1974, regulation V/7.3. This corrective action will be completed by 31 December 2020.

FD

1086 The arrangements for the collection and compilation of hydrographic data and the publication, dissemination and keeping up to date all nautical information necessary for safe navigation did not fully meet the requirements (SOLAS 1974, regulation V/9; III Code, paragraph 47).

Root cause

1087 At the time of the audit, the representative of the National Hydrographic Office, responsible for conducting hydrographic surveys of sea areas outside port limits and publishing nautical charts (as indicated in SOLAS 1974, regulation V/9) was not available. As a result, full details of the national hydrographic services could not be provided.

Corrective action

1088 The National Hydrographic Office, who is authorized by law to conduct hydrographic surveys of the sea areas outside port limits, has fully implemented the obligations of SOLAS 1974, regulation V/9. Under this authority, nautical charts are produced by hydrographic offices of other States. This function is performed in coordination with the International Hydrographic Organization (IHO) and the status of hydrographic surveys and navigation charts of State's sea areas will be updated in the new edition of IHO C-55 publication. This corrective action will be completed by 31 December 2020.

FD

1089 There was evidence that evaluation of the overall performance of the State in exercising its coastal State responsibilities and fulfilling the obligations under the applicable international instruments, have not been effectively established (III Code, paragraph 51).

Root cause

1090 The State is Party to all mandatory IMO instruments included in the scope of the Scheme, and the responsibilities for the implementation of these instruments are assigned to different State entities. The lack of overall coordination between these entities resulted in this finding.

Corrective action

1091 A procedure for evaluating performance in the conduct of coastal State activities will be established by nominating a coordinating entity to act as the focal point between different State entities and to prepare an annual report on performance of the State. All related entities and units will be directed to coordinate with this focal point and provide relevant information related to the implementation and enforcement of requirements stemming from the mandatory IMO instruments, including coastal State activities, at specified intervals. This corrective action will be completed by 31 December 2021.

PORT STATE ACTIVITIES

Findings (FD)

1092 The maritime administration had not put in place policies through the issuance of national legislation and guidance to facilitate the implementation and enforcement of the

requirements of the mandatory IMO instruments to which the State is Party, in the area of port State activities (III Code, paragraph 54.1).

Root cause

1093 The lack of technical and legal knowledge concerning the provisions relating to the port State activities, the lack of coordination between the relevant State entities and the absence of the assignment of responsibilities to personnel within various entities of the maritime administration also contributed to this finding.

Corrective action

1094 The maritime administration will implement the following actions:

- .1 develop and implement a comprehensive strategy for port State activities, which will serve as the basis for developing and promoting legislation, guidelines and procedures that will facilitate the implementation and monitoring of compliance with the requirements stemming from the mandatory IMO instruments;
- .2 identify the legislation and directives through which relevant mandatory requirements will be transposed into national legislation in order to facilitate the implementation of all the conventions and protocols to which the State was Party regarding port State activities;
- .3 establish a coordination mechanism between the different State entities in order to formulate, update and review policies by promulgating national legislation, rules and regulations covering the port State responsibilities and obligations and assign appropriate responsibilities within each entity involved in the conduct of port State activities; and
- .4 identify the skills that need to be acquired and provide related technical and regulatory training for personnel responsible for port State control (PSC) and monitor the qualification and training of these personnel by means of an electronic file.

This corrective action will be completed by 30 March 2021.

FD

1095 The maritime administration had not taken the necessary measures to:

- .1 identify a competent authority for handling and storage of dangerous goods in packaged form and in bulk;
- .2 ensure that handling of dangerous goods at port facilities is carried out in accordance with the requirements of the IMDG Code, provide training for shore-based personnel involved in the handling of dangerous goods; and
- .3 establish a management system for the handling of class 7 dangerous goods (radioactive)

(SOLAS 1974, regulation VII/3; SOLAS 1974, regulation VII/7-5; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; IMDG Code, section 5.1.5; III Code, paragraph 55).

Root cause

1096 The provisions of the applicable mandatory IMO instruments related to the handling of dangerous goods were poorly understood. Moreover, there was no national legislation dealing with related mandatory requirements and there was an absence of assigned responsibilities and a mechanism for cooperation among the various entities involved in the management of dangerous goods.

Corrective action

1097 The maritime administration will undertake the following actions:

- .1 revise the existing regulations, and develop and implement additional national legislation for the management of dangerous goods based on the requirements of the mandatory IMO instruments, in particular those of the IMDG and IMSBC codes, as amended, including the designation of the "competent authority";
- .2 establish an intergovernmental committee, under the coordination of the ministry responsible for the merchant marine, for the development and supervision of the implementation of detailed instructions relating to the international requirements regarding dangerous goods;
- .3 develop and implement a training programme for shore-side personnel, as well as for all staff involved in the implementation of the IMDG and IMSBC codes, and set up a management system, at a minimum, covering activities relating to the handling of radioactive materials; and
- .4 develop and implement detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form, taking into account the guidelines developed by the Organization.

This corrective action will be completed by 31 December 2022.

FD

1098 The maritime administration had not put in place a port State control programme in accordance with resolution A.1119(30) (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; MARPOL, Annex II, regulation 16.9; MARPOL, Annex III, regulation 8; MARPOL, Annex IV, regulation 14; MARPOL, Annex V, regulation 9; MARPOL, Annex VI, regulation 10; STCW 1978, regulation I/4; III Code, paragraph 60).

Root cause

1099 National legislation on port State control (PSC) was not up to date; qualification criteria for officials responsible for PSC was not sufficiently developed; responsibilities were not clearly defined, and the control procedures recommended by IMO had not been transposed into national legislation. In addition, the provisions of the regional MoU were not fully implemented.

Corrective action

1100 The ministry responsible for the merchant marine will implement the following actions:

- .1 develop and implement regulations on PSC, which will serve as a basis for the publication of procedures for the conduct of PSC, contained in resolution A.1138 (31), as may be revised from time to time. These regulations will include criteria for qualification of PSCOs and their responsibilities;
- .2 establish a mechanism for the review of the manuals and directives drawn up by the regional MoU and ensure their consistent implementation; and
- .3 develop and implement a documented system for the training of PSCOs and for the continuous updating of their knowledge with a view to strengthening their skills.

This corrective action will be completed by 31 December 2020.

FD

1101 It could not be demonstrated that PSCOs were under no commercial, financial or other pressures and had no commercial interest either in the port of inspection or in the ship inspected, in ship repair yards or in any port support services elsewhere, nor were they employed by recognized organizations or classification societies or undertook any work for them (III Code, paragraph 62).

Root cause

1102 There was a lack of knowledge on the provisions regarding port State control (PSC) in the mandatory IMO instruments, and existing national legislation on the recruitment and qualification of PSCOs was inadequate.

Corrective action

1103 The ministry responsible for the merchant marine will implement the following actions:

- .1 update existing and promulgate new national legislation on the recruitment of PSCOs and ensure that it is in full adequacy with the mandatory IMO instruments, in particular with the criteria contained in resolution A.1138(31), as may be revised from time to time;
- .2 designate PSCOs by order of the Minister responsible for the merchant marine to ensure compliance with the qualification and designation criteria, and put measures in place to ensure that conflict of interest circumstances are avoided; and
- .3 establish a framework for the accreditation of PSCOs based on their competence and qualifications, which will include the implementation of a code of conduct for PSCOs and an evaluation mechanism aimed at improving the quality of PSC inspections and the performance of PSCOs.

This corrective action will be completed by 31 December 2020.

FD

1104 The maritime administration did not periodically evaluate its performance with respect to exercising its rights and meeting its obligations as a port State (III Code, paragraph 63).

Root cause

1105 There was no provision in national legislation which required periodic assessment and review of performance of the maritime administration in the conduct of port State activities. Moreover, no documented procedure had been developed and no entity had been designated to coordinate this task with all involved.

Corrective action

1106 The maritime administration will implement the following actions:

- .1 develop and establish a legal framework to institutionalize a documented system for periodic evaluation and review of their performance by defining a strategy, policies and evaluation measures, as well as performance indicators, as a basis for making informed decisions to ensure that port State activities are effectively executed;
- .2 put in place an audit programme that will apply to all the entities of the maritime administration involved in port State activities;
- .3 set up a centralized system which will record, document and provide periodic evaluation reports on the performance of the maritime administration, which will help in the exchange of information and data, through the National Documentation Centre; and
- .4 provide each of the government entities involved in port State activities with the human and financial resources necessary to periodically assess their performance.

This corrective action will be completed by 31 December 2022.

FD

1107 The maritime administration had not taken the necessary measures to ensure that the port reception facilities are established in accordance with the provisions of MARPOL (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; MARPOL, Annex VI, regulation 17.1; III Code, paragraph 56.1).

Root cause

1108 The requirements of MARPOL on port reception facilities were not sufficiently known. The obligation to set up port reception facilities in accordance with MARPOL requirements was not imposed and had not been clearly indicated in national legislation. Insufficient financial resources to set up reception facilities that comply with MARPOL obligations also contributed to this finding.

Corrective action

1109 The maritime administration will implement the following actions:

- .1 develop and implement legislation, technical directives and notes obliging ports in the State to set up reception facilities to receive waste from ships as referred to in MARPOL Annexes I, II, IV, V and VI;

- .2 set up a cooperation mechanism between the entities of the maritime administration involved in the management of waste from ships and define their responsibilities;
- .3 develop and implement documented procedures for granting of licenses and authorizations to providers of waste collection services regulated by MARPOL Annexes I, II, IV, V and VI; as well as put in place a mechanism for the collection, transport, treatment and disposal of all types of waste and a mechanism for monitoring and controlling service providers; and
- .4 communicate mandatory information to IMO on the available reception facilities falling under MARPOL Annexes I, II, IV, V and VI.

This corrective action will be completed by 31 July 2022.

FD

1110 The State had not designated appropriate authorities to undertake the responsibilities of implementing the obligations of MARPOL Annex VI, in particular those related to suppliers of fuel oil (MARPOL, Annex VI, regulation 18.9; III Code, paragraph 54.1; III Code, paragraph 56.3).

Root cause

1111 The requirements of MARPOL Annex VI were poorly understood, there was a failure to follow-up on the amendments to the mandatory IMO instruments, and a failure to incorporate the mandatory IMO instruments into national legislation.

Corrective action

1112 The State will incorporate the provisions of MARPOL Annex VI into national legislation. In addition, the provisions of the relevant legislation will be amended to discourage violations of the provisions stemming from MARPOL Annex VI. The relevant ministry will be assigned with responsibility for keeping records of fuel oil suppliers. The maritime administration will also put in place necessary mechanisms to ensure that sulphur content of any fuel oil used on board ships calling at the ports and on offshore platforms of the State does not exceed 0.50% m/m, as of 1 January 2020. This corrective action will be completed by 31 December 2020.

FD

1113 The maritime administration did not establish relevant policies, through issuing national legislation, administrative instructions or documented procedures, to ensure:

- .1 effective implementation of the IMDG Code, in particular designation of the competent authority and development and implementation of detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form, taking into account the guidelines developed by the Organization;
- .2 effective implementation of the IMSBC Code; and

- .3 verification of compliance of ships carrying cargo that are regulated by the International Grain Code

(III Code, paragraph 57; SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/3; SOLAS 1974, regulation VII/7-5; IMDG Code, section 1.3.1; IMSBC Code, paragraph 4.3.3; Grain Code, paragraph 3.5; III Code, paragraph 54; III Code, paragraph 55).

Root cause

1114 The absence of a legal basis and the lack of awareness and knowledge on the implementation of the IMDG Code, the IMSBC Code and the International Grain Code contributed to this finding.

Corrective action

1115 The responsible government entity will draft national legislation, to be issued by the Executive Authority, incorporating requirements of the IMDG Code, the IMSBC Code and the International Grain Code into national legislation through executive decrees. In addition, the aforementioned entity will coordinate with other State entities to establish policies, instructions and regulate procedures to ensure compliance with the aforementioned codes and develop a plan to address the handling of dangerous goods, as well as emergency and first aid measures, taking into account the guidelines developed by IMO. Specific requirements related to the assignment of the competent authority for the IMDG Code and provisions on periodical shore-based training for personnel involved in handling of dangerous goods will be fulfilled once the IMDG Code has been adopted. This corrective action will be completed by 30 September 2022.

FD

1116 The maritime administration had not implemented a system for periodic performance evaluation of its port State activities for the purpose of verifying compliance with the obligations of the State under the applicable mandatory IMO instruments (III Code, paragraph 63).

Root cause

1117 The absence of an overall strategy hampered the coordination between State entities in order to develop a performance evaluation methodology.

Corrective action

1118 As part of the development of an overall strategy, all government entities comprising the maritime administration will coordinate and assign port State responsibilities, develop a mechanism containing clear lines of authority, as well as define objectives and KPIs for all involved entities to measure and evaluate their performance. The performance evaluation will be carried out annually and respective records will be maintained to monitor the implementation of the defined improvement actions. A unit will be established within the maritime administration that will be responsible for the implementation and follow-up of the mechanism. This corrective action will be completed by 30 September 2022.

FD

1119 The maritime administration had not implemented policies through issuing national legislation and guidance and had not assigned responsibilities for updating and revising any

adopted policy, in order to assist the State in fulfilling its obligations as a port State (III Code, paragraph 54).

Root cause

1120 There was a lack of personnel with legal background necessary to implement and enforce national legislation in accordance with the requirements of the mandatory IMO instruments and a lack of personnel with technical background to conduct port State activities.

Corrective action

1121 The maritime administration will implement the following actions:

- .1 develop and implement a policy and guidelines, in collaboration with competent authorities, by adopting the necessary national legislation for port State control;
- .2 identify the legislation and guidelines that need to be developed and issued in order to facilitate implementation of the applicable port State requirements; and
- .3 establish and implement a training and familiarization programme on the applicable mandatory IMO instruments for all personnel responsible for port State activities. Similarly, staff with a legal background will be recruited to update and revise any policies adopted in the future.

This corrective action will be completed by 31 March 2022.

FD

1122 The maritime administration had not implemented the IMDG Code and the IMSBC Code, particularly with respect to the following issues:

- .1 training programmes for shore-based personnel involved in the handling of dangerous goods;
- .2 detailed instructions for emergency response and emergency medical care in the event of an incident involving dangerous goods;
- .3 special list or manifest relating to dangerous goods on board and their location, which had not been made available to the maritime administration prior to departure of the ship; and
- .4 a management system for activities related to the handling of Class 7 dangerous goods (radioactivity)

(SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/3; SOLAS 1974, regulation VII/7-5; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; IMSBC Code, paragraph 1.3; III Code, paragraph 55).

Root cause

1123 There was insufficient training and coordination and the responsibilities between the different entities responsible for the handling and management of dangerous goods were not clearly defined.

Corrective action

1124 The maritime administration will implement the following actions:

- .1 under national legislation to be enacted and in collaboration among competent entities, develop and implement regulations in order to ensure compliance with the requirements of the IMDG Code and the IMSBC Code, as amended;
- .2 develop training programmes for all personnel involved in the implementation of the IMDG Code and the handling of dangerous goods (which will include emergency response and medical first aid), and provide IMO with the required information, including contact details of the "competent authority"; and
- .3 communicate to IMO all mandatory information, including contact details of the "authorized person" designated by the State to answer questions related to handling of dangerous goods.

This corrective action will be completed by 31 March 2022.

FD

1125 Although the State is Party to MARPOL Annexes I and II, port reception facilities necessary to receive waste listed in these Annexes were not established. In addition, the equivalent arrangements that were in place for receiving ship-generated waste, in accordance with the provisions of MARPOL Annexes IV and V, were not regulated and monitored (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; III Code, paragraph 56.1).

Root cause

1126 The requirements that port reception facilities should be implemented in accordance with the provisions of MARPOL Annexes I, II IV and V had not been transposed into national legislation and clearly integrated into port rules or concession contracts for port operations.

Corrective action

1127 The maritime administration will implement the following actions:

- .1 provide port reception facilities in accordance with the requirements of MARPOL Annexes I, II IV and V, while being cognisant that the State is located in a special area where the discharge of oil and other pollutants are prohibited;
- .2 in collaboration among competent entities, the maritime administration will implement national legislation incorporating requirements of all the annexes to MARPOL to which the State is Party;

- .3 all port plans for the management of ship-generated waste will be reviewed and guidelines and technical notes will be developed to assist in issuance of any approvals for the provision of waste collection services; and
- .4 documented control and on-site verification will be established in collaboration with the entity responsible for environmental protection.

This corrective action will be completed by 31 March 2022.

FD

1128 The maritime administration did not have a system to periodically assess its performance with respect to port State activities in order to verify compliance with the State's obligations under the mandatory IMO instruments to which it is Party (III Code, paragraph 63).

Root cause

1129 The following factors contributed to this finding:

- .1 State obligations under the mandatory IMO instruments were not well known; and
- .2 although ports of the State were certified in accordance to ISO standards 9001 (QMS) and 14001 (Environmental Management System), there was a lack of culture to encourage evaluation and periodic performance reviews based on documented procedures and the evaluation of qualified personnel who periodically review port State obligations under the applicable mandatory IMO instruments.

Corrective action

1130 The maritime administration will implement the following actions:

- .1 periodically evaluate its performance in order to fulfil their relevant port State obligations and set annual performance targets; and
- .2 establish a QMS and institutionalize a documented programme of performance evaluation and periodic review of the entities involved in port State activities and develop a training programme on QMS for personnel concerned.

This corrective action will be completed by 31 March 2022.

FD

1131 The maritime administration had not transposed and implemented amendments to the IMDG Code, the competent authority for dealing with dangerous goods matters had not been designated and a programme for periodical training of shore-based personnel engaged in the handling of dangerous goods had not been established. Furthermore, national provisions, administrative instructions or guidelines assisting in the implementation of the requirements of the IMDG Code were not in place and no instructions on emergency response and medical first aid were in place (SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/3; SOLAS 1974, regulation VII/7-2.2; IMDG Code, section 1.3.1; III Code, paragraph 57).

Root cause

1132 The lack of qualified personnel and financial resources contributed to this finding.

Corrective action

1133 Following the transposition of the applicable IMO instruments into the national legal framework, and the implementation of a mechanism and procedure to monitor amendments to the respective IMO instruments, specific amendments related to IMDG Code will be incorporated into national law. In addition, a competent authority will be appointed, detailed administrative instructions on emergency response and medical first aid will be established and a periodical training programme for shore-based personnel involved in handling of dangerous goods will be developed. An inter-ministerial Committee comprised of involved ministries and port operators will be established to regulate and manage the handling of dangerous and hazardous substances. The Committee will also ensure that the entities involved establish and maintain a management system for all activities related to dangerous goods. This corrective action will be completed by 30 December 2020.

FD

1134 Although the State is Party to MARPOL Annexes I and IV, it did not ensure that the required facilities for the reception of related ship generated waste were provided in relevant ports and that waste collection from offshore structures was regulated and monitored. In addition, administrative instructions or any national provisions regulating provision and monitoring of garbage collection services were not in place (MARPOL, Annex I, regulation 38.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; Ill Code, paragraph 56.1).

Root cause

1135 Insufficient financial resources contributed to this finding.

Corrective action

1136 The responsible entity of the maritime administration will implement the following actions:

- .1 regulations, administrative instructions and procedures to strengthen the implementation and enforcement of MARPOL Annexes I, IV and V regarding port reception facilities (PRF) will be developed and implemented. These provisions will include, granting of licences for waste collection services, authorizations and monitoring of private contractors and garbage management plans. In addition, a mechanism for auditing and monitoring PRF and their performance will be developed and implemented;
- .2 feasibility analysis will be carried out at the national level that will include statistics on volume and type of waste that are received in ports in order to eventually coordinate joint solutions with neighbouring States; and
- .3 additional funds will be requested from the Government to achieve compliance with the mandatory requirements.

This corrective action will be completed by 30 December 2021.

FD

1137 The maritime administration has not carried out 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

1138 Insufficient human, financial and material resources hampered the development of a system to measure the performance of relevant entities in the conduct of port State activities.

Corrective action

1139 Following the development of the overall strategy, the maritime administration will implement the following actions:

- .1 the nodal entity will coordinate with other entities of the State involved in the conduct of port State activities to establish an evaluation and review system where responsibilities will be clearly defined and assigned. In addition, KPIs and provisions for annual collection and compilation of statistical data, as a basis for the conduct of trend analyses will be established as part of the performance evaluation in order to improve the efficiency of the processes; and
- .2 a joint audit team will be established among relevant government entities, led by the nodal entity of the maritime administration, and verification of the performance evaluation will be included in the scope of the audit. The audit, which will include all the areas under port State activities, will be carried out at least once a year.

This corrective action will be completed by 30 December 2021.

FD

1140 There were no systems 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

1141 There was a lack of a system to evaluate the performance in the conduct of port State activities in accordance with obligations and responsibilities stemming from the III Code.

Corrective action

1142 The overall maritime strategy, to be developed in line with the national transportation policy, will include procedures addressing periodic reviews and performance evaluations in the area of port State activities. These procedures will be based on clear objectives and KPIs defined for all involved entities, who will evaluate the effectiveness of the implementation and enforcement of the applicable mandatory IMO instruments, considering recommendations, in order to identify and implement actions for continual improvement. Outcomes of the periodic reviews will be reported yearly to a nodal entity, to be designated, in order to evaluate the performance in the area of port State activities. Focal points will be appointed by all involved

entities to follow-up and coordinate their activities, including evaluation of performance. This corrective action will be completed by 30 December 2022.

FD

1143 The IMDG Code has not been adopted into the national legislation. In addition, the guidance, and administrative instructions related were not robust enough to ensure the full implementation of the IMDG Code due to the absence of requirements, provisions and adoption of the latest amendments to the said code (SOLAS 1974, regulation VII/3; IMDG Code, section 1.3.1; III Code, paragraph 55; III Code, paragraph 57).

Root cause

1144 There was a lack of adequate national legislation to assist in the implementation of the provisions of the IMDG Code.

Corrective action

1145 The responsible entities of the maritime administration will review existing legislation, develop a new system for tracking amendments, and draft additional national legislation for approval of the Cabinet and Parliament. Furthermore, regulations and procedures covering the IMDG Code, including the latest amendments, will be developed to ensure its consistent implementation and enforcement, including necessary coordination among the responsible entities. Rules for handling all classes of dangerous goods under the IMDG Code in ports will be established. A competent authority responsible for handling of dangerous goods and dealing with all relevant requirements within ports will be designated. Periodic training of all shore-side personnel involved in the handling of the IMDG Code will be organized. This corrective action will be completed by 30 December 2022.

FD

1146 The State had not defined or implemented any policies on PSC through issuing national legislation, instructions and guidance. Furthermore, no process had been established to administer the PSC programme, including policies and criteria for conducting PSC inspections, collection of data on foreign ships calling at the ports of the State and their selection for inspection, procedures and instructions, as well as documented training programme to periodically update the knowledge of PSC officers (III Code, paragraph 54; III Code, paragraph 55; III Code, paragraph 60).

Root cause

1147 Inadequate national legislation to facilitate PSC activities, including procedures, instructions and guidance, contributed to this finding.

Corrective action

1148 The responsible entity of the maritime administration will implement the following actions:

- .1 develop a PSC programme comprised of national legislation, procedures, instructions and guidance. In addition, procedures related to specific PSC activities will be developed in accordance with the latest version of IMO resolution on PSC and regional MoU procedures;

- .2 identify individual training needs for all PSCOs, taking into consideration their qualifications and experience, and develop and implement a documented training programme covering topics on PSC inspections; and
- .3 assess the possibility of arranging training programmes for its personnel through their participation in regional training courses and workshops organized by IMO or other organizations/administrations, professional bodies and associations within the region or worldwide.

This corrective action will be completed by 30 December 2022.

FD

1149 The maritime administration had not implemented a system of periodic performance evaluation of its port State activities for the purpose of verifying compliance with its obligations under the mandatory IMO instruments to which the State is Party (III Code, paragraph 63).

Root cause

1150 Procedure was not in place to periodically evaluate and review the maritime administration's performance on port State obligations under the applicable IMO instruments.

Corrective action

1151 The maritime administration will develop and implement a QMS that includes a procedure to periodically evaluate and review the maritime administration's performance to meet the applicable port State obligations under the mandatory IMO instruments to verify compliance. The system will define a set of KPIs to measure the performance for an effective implementation of port State obligations, including port State control, port reception facilities and register of fuel oil suppliers' activities. In addition, the QMS will include robust line of communication with other involved entities to ensure the performance evaluation of the compliance of the obligations as port State outside of the maritime administration. Relevant information will be shared among entities regularly to have a clear understanding of how port State activities not included in the QMS are conducted. This corrective action will be completed by 1 July 2020.

FD

1152 The maritime administration had not implemented any policies through the issuance of national legislation and guidance, including clearly assigning responsibilities to the various entities to meet its obligations as a port State under the applicable conventions and protocols to which the State is Party (III Code, paragraph 54).

Root cause

1153 There was an absence of a legal basis due to the lack of knowledge regarding the requirements on port State activities and a lack of incorporation of the mandatory IMO instruments to which the State is Party into national legislation. In addition, the responsibilities of the personnel within the various entities of the maritime administration were not defined.

Corrective action

1154 The responsible ministries will identify and issue necessary legislation and guidelines in order to assist in the implementation of the port State requirements of all conventions and

protocols to which the State is Party. In addition, the committee for maritime policy, to be established, will be tasked to define and document, through issuing relevant national legislation, the responsibilities of governmental entities responsible for the implementation and enforcement of the requirements stemming from the mandatory IMO instruments, as well as assign adequate personnel to perform these tasks. This corrective action will be completed by 1 May 2020.

FD

1155 There was no evidence that the Ministry of Transport, through its subsidiary entities fulfilled the requirements of the IMSBC and IMDG Codes, particularly regarding the following areas:

- .1 the designation of a competent authority to regulate and monitor IMDG matters;
- .2 training programmes for shore-based personnel engaged in handling of dangerous goods;
- .3 detailed instructions on emergency response and emergency medical care required in an incident involving dangerous goods; and
- .4 a special list or manifest recording the dangerous goods on board and the location thereof were not made available to the maritime administration before the ship's departure

(SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/3; SOLAS 1974, regulation VII/7-5; IMDG Code, section 1.3.1; IMSBC Code, paragraph 1.3; III Code, paragraph 55).

Root cause

1156 The lack of awareness of the provisions of mandatory IMO instruments to which the State is Party and the absence of national legislation governing dangerous goods covered by the IMDG and IMSBC codes.

Corrective action

1157 The concerned ministry, through the maritime administration, will implement the following actions:

- .1 update and revise the existing legislation on dangerous goods and develop specific guidelines to fulfil the port State obligations, including the designation of the maritime administration as "the competent authority" and to inform IMO accordingly;
- .2 define the responsibilities among all involved entities in managing dangerous goods in ports and establish a mechanism for continuous coordination. Harbour masters will be tasked as coordinators of dangerous goods activities in their respective ports;
- .3 conduct a workshop on the implementation of the IMDG and IMSBC codes for all relevant entities in order to gain better understanding of the codes and

- to develop an action plan that will include the development of relevant policies, guidelines and documented procedures;
- .4 develop and implement a training programme for shore-side personnel in handling of dangerous goods, commensurate with their responsibilities. The training programme will be developed in cooperation with a specialized Maritime Institute;
 - .5 develop and implement instructions on emergency response and emergency medical care in case of accidents involving dangerous goods. The maritime administration will also verify the records of the training of staff in ports and availability of equipment for handling dangerous goods. A yearly inspection will be scheduled by staff with the relevant expertise; and
 - .6 develop and implement instruction on the obligation for ships to make available, to the harbour master, copy of documents on special list, manifest or stowage document setting forth, in accordance with the relevant provisions of the IMDG Code, the details of dangerous goods on board and the location thereof. These documents shall be submitted, by the ship's agents, to the harbour masters before the ship's departure.

This corrective action will be completed by 1 April 2020.

FD

1158 There were no appropriate port reception facilities or equivalent arrangements available in the ports of the State to accept ship generated waste regulated under MARPOL Annexes II and IV (MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; III Code, paragraph 56.1).

Root cause

1159 The obligation to provide port reception facilities in accordance with the requirements of MARPOL Annexes II and IV was not clearly specified in the national legislation and there was a lack of working procedures.

Corrective action

1160 The following actions will be implemented:

- .1 the concerned Ministries will develop and implement legislation obliging the ports of the State to provide reception facilities in accordance with the requirements of the MARPOL Annexes II and IV, including the division of responsibilities between the various involved entities. Documented working procedures for authorization, approval and monitoring of port reception facilities will also be developed and implemented; and
- .2 a study on the adequacy of port reception facilities in the State's ports will be commissioned by the maritime administration and port reception facilities complying with the requirements of MARPOL Annexes II and IV will be established and put in service.

This corrective action will be completed by 1 June 2021.

FD

1161 The maritime administration authorized companies for the collection and treatment of oily residues and waste from ships. However, no evidence to confirm that those companies were conducting these activities in line with MARPOL Annexes I and V, including relevant guidelines (MARPOL, Annex I, regulation 38.1; MARPOL, Annex V, regulation 8.1; III Code, paragraph 57).

Root cause

1162 The obligation to provide waste reception facilities in ports in accordance with MARPOL Annexes I and V was not clearly specified in national legislation and there was a lack of rigorous monitoring of compliance of the activities of port service providers with the requirements of MARPOL, Annexes I and V.

Corrective action

1163 The concerned Ministries will review and update the State's current Order on Port Regulations, review the existing ministerial decision on licensing private operators to receive, handle and process the collected waste, and establish technical guidelines and instructions prior to the issuance of any authorization for the collection of wastes under MARPOL, Annexes I and V. A documented monitoring and on-site verification system will be established and conducted by the harbour masters, on quarterly basis, who will report to the maritime administration accordingly. This corrective action will be completed by 1 June 2020.

FD

1164 Although PSC inspections were conducted, there were no established processes to administer a port State control programme in accordance with resolution A.1119(30) (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; LL PROT 1988, annex 1, regulation 21; STCW 1978, regulation I/4; III Code, paragraph 60).

Root cause

1165 Inadequate national legislation on PSC, lack of clarity on the qualifications of PSCOs, lack of transposition of monitoring procedures into national legislation, as well as failing to adhere to and implement the provisions of the regional MoU, contributed to this finding.

Corrective action

1166 The maritime administration will draft and implement a PSC regulation as a basis for issuing guidance on procedures for the conduct of PSC, in accordance with resolution A.1119 (30), as revised from time to time, and with regional MoU procedures. In addition, a mechanism to evaluate the performance in the conduct of PSC activities will also be established and implemented, 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 1 March 2020.

FD

1167 There was no evidence that a port State control programme consistent with IMO procedures on port State control, including adequate procedures, resources and processes had been established (III Code, paragraph 60; III Code, paragraph 61).

Root cause

1168 There were insufficient resources and a lack of an up-to-date legal basis and established processes to administer a port State control (PSC) programme consistent with resolution A.1119(30).

Corrective action

1169 The responsible ministry will implement the following actions:

- .1 assess the need for qualified and competent technical and administrative personnel to carry out PSC activities in accordance with the relevant procedures adopted by IMO and recruit additional staff, as necessary; and
- .2 review and update the Shipping Act, promulgate subsidiary legislation and establish and implement processes to ensure compliance with resolution A.1119(30), as revised from time to time. The subsidiary legislation to be enacted will contain guidelines for the PSC programme, as well as national policies and instructions for the effective conduct of PSC activities.

This corrective action will be completed by 31 December 2021.

FD

1170 There was no evidence that maritime administration implemented the provisions of the IMDG Code particularly related to:

- .1 the determination of the competent authority related to regulating and monitoring the IMDG matters;
- .2 management system covering activities related to handling of dangerous goods; and
- .3 detailed instructions on emergency response and emergency medical care required in an incident involving dangerous goods

(IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; III Code, paragraph 54; III Code, paragraph 55).

Root cause

1171 There were insufficient human resources and the lack of national legislation giving effect to the applicable mandatory IMO instruments, including the IMDG Code.

Corrective action

1172 The State will implement the following actions:

- .1 assess the need for qualified and competent legal, technical and administrative personnel for handling matters relating to dangerous goods, and recruit additional staff, as necessary;
- .2 appoint a competent authority for handling matters relating to dangerous goods;

- .3 formulate policies on the implementation of the applicable mandatory IMO requirements relating to the handling of dangerous goods, including the implementation of the IMDG Code;
- .4 enact national legislation giving full effect to the applicable mandatory IMO requirements relating to the handling of dangerous goods, including the IMDG Code; and
- .5 establish and implement processes for the implementation and enforcement of the IMDG Code in the ports of the State and provide training to shore-based personnel on the handling, stowage and transportation of dangerous goods in accordance with the IMDG Code.

This corrective action will be completed by 31 December 2021.

FD

1173 The State did not regulate the provision of port reception facilities in accordance with the applicable provisions of MARPOL and the existing companies providing partial services were not systematically authorized and monitored. There was no evidence of evaluation of adequacy of port reception facilities established for the collection of waste from ships as required under Annexes I, II, IV, V and VI (MARPOL, Annex I, regulation 38.5; MARPOL, Annex II, regulation 18.2; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.2; MARPOL, Annex VI, regulation 17.1; III Code, paragraph 54; III Code, paragraph 55; III Code, paragraph 56.1).

Root cause

1174 The obligation to provide port reception facilities in accordance with the requirements of MARPOL Annexes I, II, IV, V and VI was not clearly stipulated in national legislation and the concession contracts for port operations. Furthermore, there was insufficient awareness of these obligations, inadequate human resources and a lack of coordination between the various entities involved.

Corrective action

1175 The State will implement the following actions:

- .1 assess the need for qualified and competent legal, technical and administrative personnel for handling matters relating to reception facilities, and recruit additional staff, as necessary;
- .2 appoint a competent authority for handling matters relating to reception facilities;
- .3 enact national legislation giving full effect to mandatory requirements relating to reception facilities;
- .4 develop and implement technical guidelines to assist in the implementation of national legislation related to the provision of reception facilities as required by MARPOL Annexes I, II, IV, V and VI; and
- .5 develop and implement a process to monitor the collection of ship-generated waste and its handling up to the final disposal.

This corrective action will be completed by 31 December 2021.

FD

1176 There was no evidence that the maritime administration carried out periodic evaluation and review of its performance in conducting port State activities under the applicable IMO instruments (III Code, paragraph 63).

Root cause

1177 There was insufficient awareness of the requirement for evaluation and review of the performance in fulfilling port State obligations and responsibilities under the applicable mandatory IMO instruments. Thus, responsibilities for developing policies for monitoring of performance in fulfilling port State obligations were not clearly defined.

Corrective action

1178 The maritime administration will define a mechanism for all entities involved in the conduct of port State activities to document in their management systems the need to conduct an annual evaluation and review of their performance in relation to port State activities they perform. Furthermore, specific performance indicators will be defined, and the performance will be monitored to ensure improvement and compliance with the requirements of the applicable mandatory IMO instruments. Additionally, the entities involved will appoint an entity which will be responsible for coordinating the work to ensure that all the requirements of the relevant mandatory IMO instruments are covered. This corrective action will be completed by 31 July 2020.

FD

1179 The maritime administration did not regulate and implement mandatory provisions related to fuel oil suppliers, which include establishment of a register of fuel oil suppliers, regulating the provision of fuel and retention of bunker delivery notes by fuel oil suppliers and verification of fuel oil quality (MARPOL, Annex VI, regulation 18.9; MARPOL, Annex VI, regulation 18.10; III Code, paragraph 54; III Code, paragraph 55; III Code, paragraph 56.3).

Root cause

1180 There was a lack of marine pollution prevention legislation and lack of systematic supervision of fuel oil suppliers by the maritime administration. Additionally, there was a lack of resources, in particular suitably qualified and competent legal, technical and administrative personnel, for transposing the applicable mandatory IMO instruments into national legislation and for its implementation.

Corrective action

1181 The State will implement the following actions:

- .1 assess the need for qualified and competent technical and administrative personnel for handling matters relating to the implementation and enforcement of MARPOL Annex VI, and recruit additional staff, as necessary;
- .2 transpose of MARPOL Annex VI into national legislation, which will include responsibilities of various entities, as well as enforcement provisions;

- .3 develop subsidiary regulations and guidelines to assist in the implementation and enforcement of MARPOL Annex VI; and
- .4 regulate the retention of documents/information relevant to the bunkering operations.

This corrective action will be completed by 31 December 2021.

FD

1182 The State did not establish the legislation, guidance and procedures for consistent implementation of its obligations and responsibilities as a port State, particularly those related to the management system covering activities related to handling of dangerous goods and designating a competent authority for IMDG matters (III Code, paragraph 55).

Root cause

1183 The principal legislation governing maritime activities in the State had not been reviewed for many years since its enactment. This was largely due to the shortage of legal experts in the maritime division to develop legislative plans for amending the principal legislation. There was also a shortage of policy specialists to develop policies that would provide a framework for port State responsibilities.

Corrective action

1184 The responsible ministry will engage suitably experienced legal experts, and review and update the principal maritime legislation to ensure that all port State responsibilities, including those stemming from the IMDG Code, are incorporated into national law to ensure consistency of application. Policy experts will be appointed in the maritime division to develop an appropriate policy framework. This corrective action will be completed by 30 June 2021.

FD

1185 The State did not take all necessary measures to ensure observance of international rules and fulfilment of obligations under IMO instruments, while exercising its right to carry out port State control (PSC) inspection. No steps were taken to ensure that, before the release of a ship detained under PSC, the ship did not pose unreasonable risk to safety or the marine environment (SOLAS 1974, regulation I/19; MARPOL, article 5(2); LL PROT 1988, annex 1, regulation 21; III Code, paragraph 57).

Root cause

1186 The maritime administration did not specifically train PSCOs to conduct PSC inspections. In addition, the State was an observer member to a regional Memorandum of Understanding (MoU) on PSC, which prevented it from utilising the MoU's resources for PSC inspections. Moreover, training opportunities under the MoU were self-funded and the State had no funding allocation for such training.

Corrective action

1187 The responsible ministry will seek funding to facilitate full membership to the regional MoU on PSC in order to access training opportunities for PSCOs and will also make efforts to arrange required training of PSCOs through regional cooperation. Recruitment of additional personnel with appropriate expertise will be carried out and existing staff will be trained in PSC

inspections through IMO or regional organizations. This corrective action will be completed by 30 June 2021.

FD

1188 There was no documentary evidence to establish that the port State had undertaken a periodic evaluation of its performance in respect of its PSC activities (III Code, paragraph 63).

Root cause

1189 There was no capacity within the maritime administration to conduct performance evaluations in the conduct of port State activities due to insufficient skills, competence and knowledge in this area. Personnel who were specifically trained in PSC inspections were no longer employed in the maritime administration.

Corrective action

1190 The responsible ministry will undertake a review or gap analysis of the functions of the maritime administration to determine and provide, inter alia, the human resources needed for performing port State functions. In the interim, the responsible ministry will explore training opportunities to conduct periodic evaluations of port State functions and periodic evaluation of all port State activities will be included as one of the areas for review during the proposed annual review of performance. This corrective action will be completed by 30 November 2020.

FD

1191 The State did not establish appropriate processes to administer a port State control programme consistent with the relevant resolution adopted by the IMO. Further, the PSC inspections carried out by the State were not fully in accordance with the procedures for port State control adopted by IMO (III Code, paragraph 60; III Code, paragraph 61).

Root cause

1192 There was insufficient knowledge and awareness of the procedures and requirements of relevant resolution on PSC, adopted by IMO, as well as a lack of experienced personnel to develop and design national procedures accordingly.

Corrective action

1193 The responsible ministry will develop the legal framework and associated procedures to conduct PSC inspections, and provide for authorized and qualified PSCOs, as well as create access and avenues for training and capacity-building initiatives. Appropriate training programmes on the subject will be identified and arranged for the relevant personnel through IMO or through regional cooperation. This corrective action will be completed by 30 June 2021.

FD

1194 There was no evidence that the maritime administration implemented or enforced the obligations of shipper under regulation VI/1.2 of SOLAS 1974 (SOLAS 1974, regulation VI/1.2; III Code, paragraph 55).

Root cause

1195 There have been no reviews of the principal maritime legislation since its enactment nor has any policy been developed to identify the gaps in the maritime legislation periodically. Secondly, there has been no legal capacity to undertake these reviews and recommend domestication of provisions stemming from the mandatory IMO instruments.

Corrective action

1196 The responsible ministry will carry out a review and an update of the principal maritime legislation in order to implement all obligations as a port State and to ensure that port State responsibilities are clearly assigned to implementing agencies. In particular, provisions to implement regulation VI/1.2 of SOLAS 1974 will be incorporated into national laws. This area will be included as one of the areas for review during the proposed annual review of performance. This corrective action will be completed by 30 November 2020.

FD

1197 The maritime 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, nor had it assigned responsibilities to develop policies, as necessary, for the fulfilment of the port State obligations (III Code, paragraph 54; III Code, paragraph 55).

Root cause

1198 There was a lack of financial resources and personnel with technical expertise to define policies related to port State activities.

Corrective action

1199 A restructuring of the responsible entities of the maritime administration will be carried out to assign responsibilities and developing policies regarding port State obligations. Moreover, a unit will be created to formulate policies and procedures to specifically ensure that PSC criteria are in line with the MoU and the applicable mandatory IMO instruments on PSC. In addition, national legislation assigning clear responsibilities for PSC activities will be drafted. The need for human and financial resources will also be assessed and resources will be provided accordingly. This corrective action will be completed by 30 September 2022.

FD

1200 The maritime administration did not designate the competent authority for the purposes of the implementation and enforcement of the IMDG Code and training programme for shore-based personnel engaged in the handling of dangerous goods had not been developed. Furthermore, national provisions, administrative instructions or guidelines assisting in ensuring compliance with the requirements of the IMDG Code were not in place (SOLAS 1974, regulation VII/3; IMDG Code, section 1.3.1; IMDG Code, paragraph 2.0.0.1; III Code, paragraph 57).

Root cause

1201 The insufficient personnel with maritime (technical and legal) expertise to track amendments and lack of awareness of the amendments to the IMDG Code, contributed to this finding.

Corrective action

1202 Following the development of a procedure to monitor amendments to the applicable mandatory IMO instruments, specific amendments related to the IMDG Code will be incorporated into national legislation, implemented and enforced. In addition, the responsible entities of the maritime administration will assign the competent authority and will coordinate actions to fulfil requirements of the IMDG Code. These actions will include developing and implementing detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form, as well as ensuring that a training programme for shore-based personnel engaged in handling of dangerous goods is established and implemented. This corrective action will be completed by 30 December 2022.

FD

1203 Although the State was Party to MARPOL Annexes I, IV and V, adequate reception facilities that fulfil the relevant provisions were not provided in its ports. In addition, administrative instructions or other national provisions to regulate the effective monitoring and handling of ship generated waste collected from ships, were not in place (MARPOL, Annex I, regulation 38.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; III Code, paragraph 55; III Code, paragraph 56.1).

Root cause

1204 The State failed to provide adequate reception facilities under MARPOL Annexes I, IV and V at the ports due to a lack of financial resources

Corrective action

1205 An inter-institutional working group, chaired by the nodal entity of the State, will be established to determine and provide recommendations to the government on new legislation that need to be drafted and enacted, request and ensure financial resources and the responsibilities of relevant State entities in establishing and monitoring port reception facilities as required under MARPOL Annexes I, IV and V. The adequacy and cost analysis of the port reception facilities, to be established in accordance with MARPOL Annexes I, IV and V, will be carried out, including consideration of type of facilities and equivalents and alternative arrangements. Policies, procedures and instructions, will be developed and implemented to authorize external contractors to assist in determining what type of environmental authorization will need to be granted to service providers, 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 undertaken by entities to fulfil their obligation. This corrective action will be completed by 30 September 2022.

FD

1206 There was no evidence that the maritime administration established a PSC programme consistent with IMO procedures on PSC, including adequate procedures, resources, processes and documented programmes to ensure appropriate competences of PSCOs (III Code, paragraph 60; III Code, paragraph 61).

Root cause

1207 The lack of knowledge on the requirements of the III Code regarding port State control (PSC) inspections and PSCOs, contributed to this finding.

Corrective action

1208 The responsible entity of the maritime administration will carry out an analysis of resources needed to develop and implement a port State control programme consistent with IMO procedures on PSC, including adequate procedures, resources, processes and a document system for continuous updating of knowledge of the PSCOs, including a training programme covering requirements of the regional MoU on PSC and IMO guidelines on PSC. In addition, cooperation from the regional MoU on PSC and from IMO will be requested. This corrective action will be completed by 30 September 2022.

FD

1209 The maritime administration had not carried out periodic evaluation of its performance in the conduct of port State activities, in respect of exercising its rights and meeting its obligations under the applicable IMO instruments (III Code, paragraph 63).

Root cause

1210 The following factors contributed to this finding:

- .1 a lack of culture to periodically evaluate or review the port State performance;
- .2 a lack of understanding of the procedure to be followed for evaluation, with respect to the implementation of administrative processes, procedures and resources; and
- .3 inadequate training.

Corrective action

1211 The maritime administration will develop and implement a legal framework to institutionalize a documented system for evaluation and periodic review of the port State performance by identifying evaluation methods and KPIs in accordance with the requirements of the applicable mandatory IMO instruments. KPIs will include those related to port State activities, including PSC inspections, reception facilities and handling of dangerous goods. Focal points will be appointed by all involved entities to follow-up and coordinate their activities, including evaluation of performance. This evaluation system will be part of the revised overall strategy, to be developed. This corrective action will be completed by 30 September 2022.

FD

1212 There was no evidence of adequate legislation, guidance or procedures in place for effective implementation of port State obligations under relevant IMO instruments, including the IMDG and IMSBC codes (SOLAS 1974, regulation VII/3; IMDG Code, section 1.3.1; IMDG Code, chapter 7.9; IMSBC Code, paragraph 4.3.2; III Code, paragraph 54; III Code, paragraph 55).

Root cause

1213 The following factors contributed to this finding:

- .1 some of the provisions of SOLAS 1974, including the IMDG Code, the International Grain Code and the IMSBC Code were not transposed into national legislation;

- .2 lack of communication among the relevant stakeholders about actions to be taken by a port State in these areas; and
- .3 lack of sufficiently trained staff to support the fulfilment of port State obligations and responsibilities.

Corrective action

1214 The maritime administration will implement the following actions:

- .1 incorporate appropriate provisions into national laws and assign responsibilities for fulfilling the obligations of a port State (e.g. under the IMDG Code, the IMSBC Code, the International Grain Code, etc.) during the proposed review and updating of national maritime legislation;
- .2 periodically review the measures taken for the implementation and enforcement; and
- .3 coordinate training programmes for the personnel involved.

This corrective action will be completed by 30 December 2021.

FD

1215 The State did not regulate and establish adequate reception facilities in the ports of the State to accept all waste streams required under the MARPOL. The services provided to ships for collection of waste under MARPOL Annex I and Annex II were not monitored and evaluated (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; MARPOL, Annex VI, regulation 17.1; III Code, paragraph 56.1).

Root cause

1216 The following factors contributed to this finding:

- .1 certain provisions of MARPOL Annexes I, II, IV, V and VI, including those related to reception facilities, were not transposed into national legislation;
- .2 absence of written policies, technical guidelines, regulations and procedures for the assignment of responsibilities to relevant State entities and for implementation of MARPOL Annexes I, II, IV, V and VI requirements; and
- .3 lack of trained technical staff and resources.

Corrective action

1217 The State will implement the following actions:

- .1 incorporate appropriate legal provisions into national laws during the proposed reviews and updating of national maritime legislation, and assign responsibility to port authorities or other concerned entities to fulfil the obligations of providing appropriate reception facilities for all waste streams from ships;

- .2 develop and implement appropriate policies, guidelines and standards required for the implementation and enforcement of the provisions of MARPOL Annexes I, II, IV, V and VI;
- .3 conduct periodical reviews, which will include monitoring and evaluation of waste reception facilities in all ports servicing international ships; and
- .4 arrange appropriate training for staff.

This corrective action will be completed by 30 December 2021.

FD

1218 The State did not develop necessary legislation, guidance and procedures to ensure that provisions of the International Maritime Solid Bulk Cargoes (IMSBC) Code are consistently implemented and that systematic verification of compliance of bulk carriers carrying bulk grain cargo is carried out in accordance with the provisions of the Grain Code (SOLAS 1974, regulation VII/7-5; MARPOL, Annex I, regulation 11; IMSBC Code, paragraph 1.3; Grain Code, paragraph 3.5; Grain Code, paragraph 7.2; III Code, paragraph 57).

Root cause

1219 The following factors contributed to this finding:

- .1 lack of awareness of the applicable international requirements;
- .2 lack of human and material resources;
- .3 lack of national legislation governing port State enforcement; and
- .4 lack of provisions covering the obligations under the IMSBC and the Grain Codes.

Corrective action

1220 Necessary procedures and legislation to incorporate the requirements of the mandatory IMO instruments, including the IMSBC and the Grain codes will be developed and implemented, including a monitoring mechanism that will be established. The State will develop an appropriate legal framework for port State enforcement mechanism to ensure continuous compliance with related mandatory requirements, including provision of sufficient human and financial resources. A specialized training programme for relevant officers will be developed and implemented, taking into account the observed shortcomings in interpreting and analysing the mandatory IMO instruments, in particular the IMSBC and the Grain Codes. This corrective action will be completed by 30 October 2020.

FD

1221 There was no legal basis for carrying out port State control inspections on foreign ships calling at the ports of the State, nor necessary guidance and procedures were available for the consistent implementation of PSC activities (SOLAS 1974, regulation I/19; III Code, paragraph 55; III Code, paragraph 56.2).

Root cause

1222 There was a lack of resources, an outdated legal basis and a lack of established processes to administer a port State control programme consistent with resolution A.1138(31)

Corrective action

1223 The maritime administration will undertake the following actions:

- .1 develop the necessary legislation as a basis for the conduct of PSC activities. All international and regional guidelines will be considered and integrated into national legislation to ensure uniformity of PSC inspections; and
- .2 detailed procedures for inspections, in accordance with resolution A.1138(31), as revised from time to time, will be developed and the inspection service will be strengthened with adequate staff with technical expertise, as well as material resources, to conduct port State control inspections.

This corrective action will be completed by 30 September 2020.

FD

1224 There was no evidence to establish compliance with the requirements of the IMDG and Grain Codes, in particular:

- .1 detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form;
- .2 training programme for shore-based personnel engaged in handling and transportation of dangerous goods;
- .3 appointment of the Competent Authority for handling matters related to dangerous goods; and
- .4 guaranteed systematic verification of compliance of bulk carriers carrying bulk grain cargo under the provisions of the International Code of Safety rules for the transport of bulk grain (Grain Code)

(SOLAS 1974, regulation VII/2.4; IMDG Code, section 1.3.1; IMDG Code, chapter 7.9; III Code, paragraph 57).

Root cause

1225 The lack of awareness of the provisions of the mandatory IMO instruments and the absence of legislation governing port State enforcement, as well as insufficient qualified personnel and lack of a specialized training programme for relevant officers to verify compliance with the requirements of the International Grain Code contributed to this finding.

Corrective action

1226 The maritime administration will undertake the following actions:

- .1 develop, implement and keep updated a regulation covering mandatory requirements related to handling of dangerous goods and transposing the requirements of the IMDG Code into national legislation. In addition, the maritime administration will develop a documented procedure for implementation of relevant mandatory requirements of applicable IMO instruments and establish a training programme for all personnel involved in the implementation and enforcement of national legislation enacting the requirements stemming from the IMDG Code. Mandatory information will be communicated to IMO, including details of the "competent authority"; and
- .2 a specialized training programme for relevant officers will be developed and implemented, taking into account the shortcomings encountered in the interpretation and analysis of the mandatory IMO instruments, in particular the International Grain Code.

This corrective action will be completed by 30 September 2020.

FD

1227 The State did not establish reception facilities in its ports as required by MARPOL Annexes I, II and IV. Furthermore, there was no evidence that the garbage collection service providers were conducting their activities in accordance with MARPOL Annex V. In addition, there was no evidence of a mechanism for assessment of adequacy of port reception facilities nor any guidelines were developed in that respect (MARPOL, Annex I, regulation 38.5; MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.2; III Code, paragraph 55; III Code, paragraph 56.1).

Root cause

1228 The obligation to provide port reception facilities in conformity with the requirements of MARPOL Annexes I, II and IV was not clearly specified in national legislation

Corrective action

1229 The maritime administration will develop and implement national legislation obliging ports to establish reception facilities conforming to the requirements of MARPOL Annexes I, II and IV. Port regulations will be amended accordingly, and necessary guidance and technical instructions will be developed. A documented monitoring and on-site verification system will be established. This corrective action will be completed by 31 October 2020.

FD

1230 The maritime administration had not conducted any periodic evaluation or review of its performance in meeting the port State obligations under the applicable mandatory IMO instruments (III Code, paragraph 63).

Root cause

1231 The absence of a culture to periodically evaluate and review performance, a lack of documented procedure and insufficient qualified personnel contributed to this finding.

Corrective action

1232 The maritime administration will institutionalize a documented programme for periodic evaluation and review of its performance in conducting port State activities. In addition, a sufficient number of competent personnel will be made available to perform these tasks. This corrective action will be completed by 31 July 2020.

FD

1233 The maritime administration had not implemented a system to periodically evaluate its performance in the conduct of port State activities to ensure that the State complied with its obligations under the applicable mandatory IMO instruments (III Code, paragraph 63).

Root cause

1234 The following factors contributed to this finding:

- .1 national legislation did not provide for the assessment of performance in respect of compliance with port State responsibilities and obligations; and
- .2 lack of qualified personnel to implement a documented system to assess the performance of the maritime administration relating to port State activities.

Corrective action

1235 The relevant entities of the maritime administration will implement the following actions:

- .1 the mandatory IMO instruments and their amendments will be transposed into national law;
- .2 procedures for periodic evaluation of the performance of the maritime administration in the conduct of port State activities will be developed and implemented as part of the overall national strategy for the implementation and enforcement of the mandatory IMO instruments. This strategy, which is being validated, defines the responsibilities, objectives and performance indicators relating to the port State activities;
- .3 the result of these assessments will be included in an annual report sent to the Minister responsible for the merchant marine and ports; and
- .4 existing personnel and any additional personnel recruited, as necessary, for the evaluation of the performance in the conduct of port State activities, will be trained to carry out this task.

This corrective action will be completed by 31 December 2022.

FD

1236 National legislation and guidelines to facilitate the implementation and enforcement of the requirements of the mandatory regulation covering dangerous goods were incomplete. In addition, responsibilities for updating and revising any adopted policy, as appropriate, for the State to fulfil its obligations as a port State had not been assigned (SOLAS 1974, regulation

VII/3; SOLAS 1974, regulation VII/7-5; IMDG Code, section 1.3.1; IMSBC Code, paragraph 1.3; IGC Code, paragraph 1.1.6.1; III Code, paragraph 54).

Root cause

- 1237 The following factors contributed to this finding:
- .1 the provisions of existing Executive Decrees establishing the standard status of the port authority, were not implemented;
 - .2 the mandatory codes and regulations under SOLAS 1974 dealing with dangerous goods, as amended, were not transposed into national legislation;
 - .3 implementing instructions for certain provisions of the IMDG Code were not developed and implemented; and
 - .4 the provisions concerning the installation of port reception facilities were partially implemented.

Corrective action

- 1238 The relevant entities of the maritime administration will implement the following actions:
- .1 the existing Executive Decree, setting the rules and conditions for the transport of dangerous goods by sea, as well as their stay and transit in ports, will be analysed; the identified gaps will be filled by implementing texts which will be developed and implemented to give full effect to the provisions of the IMDG, IMSBC, IGC and IBC Codes, and to MARPOL Annex III;
 - .2 national legislation and documented procedures relating to port reception facilities will be developed and implemented;
 - .3 a procedure for monitoring the mandatory IMO instruments to which the State is Party, including the mandatory codes and, as well as their amendments, will be developed and implemented so that their transposition into national legislation is carried out in a timely manner; and
 - .4 a legal framework will be set up to assign responsibilities and define the obligations of each entity involved in the transport of dangerous goods. A monitoring and coordination committee will be created among the entities concerned for this purpose.

This corrective action will be completed by 31 December 2022.

FD

1239 There was no objective evidence to demonstrate that the ports of the State were provided with the necessary reception facilities to receive waste from ships in accordance with Annexes I, II and IV of MARPOL. In addition, the equivalent arrangements that were in place for receiving ship-generated waste in accordance with the provisions of MARPOL Annex V were not regulated and monitored (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; III Code, paragraph 55; III Code, paragraph 56.1).

Root cause

- 1240 The following factors contributed to this finding:
- .1 national legislation did not clearly indicate the obligation to set up waste reception facilities in accordance with the requirements of relevant Annexes to MARPOL 73/78 and the responsibilities relating thereto were not assigned to different entities; and
 - .2 the maritime administration did not have directives or a specific organizational structure to give full effect to the requirements of MARPOL 73/78 concerning the port reception facilities.

Corrective action

- 1241 The relevant entities of the maritime administration will implement the following actions:
- .1 the existing national legislation will be amended and supplemented to give full effect to the requirements of relevant Annexes to the MARPOL 73/78 with regard to port reception facilities;
 - .2 documented procedures, required to assist in the implementation and enforcement of the requirements of the applicable Annexes to MARPOL 73/78, will be developed and incorporated into the QMS of the concerned administration, including those procedures relating to the periodic communication of reports to IMO, as well as the conditions for the approval and monitoring of external service providers acting under the provisions equivalent to port reception facilities;
 - .3 the ports will gradually be equipped with adequate waste reception facilities as required by MARPOL Annexes I, II and IV and according to the needs of the ships calling at those ports in accordance with IMO regulations and relevant IMO guidelines and recommendations. In this context, an expert mission requested by the concerned administration was carried out from 13 to 22 August 2019 to assess the adequacy of port reception facilities and the development of waste reception plans and waste treatment at four ports. The remaining ports will be subject to a similar study;
 - .4 waste collection by private operators will be supervised and instructions and guidelines will be issued to the companies responsible for providing relevant services to ensure their compliance with the requirements of MARPOL Annex V;
 - .5 a specific organizational structure will be established for the effective management of port reception facilities. The availability of these facilities will be included in the report on annual evaluation of performance in the conduct of port State activities; and
 - .6 specialized training will be provided to the personnel concerned.

This corrective action will be completed by 31 December 2022.

FD

1242 The maritime administration had not put in place a process to administer a port State control programme in accordance with resolution A.1119(30) and PSCOs did not have access to the latest amendments to the applicable mandatory IMO instruments and resolutions adopted by IMO (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; STCW 1978, regulation I/4; III Code, paragraph 60).

Root cause

1243 The following factors contributed to this finding:

- .1 the III Code was not transposed into national law, therefore the obligations to administer a port State control (PSC) programme were not taken care of; and
- .2 national legislation did not meet the requirements of the III Code and the provisions of the procedures governing PSC inspections (resolution A.1138(31)) concerning the qualification and training of its PSCOs.

Corrective action

1244 The relevant entities of the maritime administration will implement the following actions:

- .1 national legislation will be amended to take into account the requirements of the III Code;
- .2 documented procedures will be developed and implemented concerning the administration of the PSC programme in accordance with the relevant IMO resolution, including the criteria for the designation, qualification and training of PSCOs; and
- .3 the annual evaluation of performance in the conduct of PSC activities will be carried out as part of the overall national strategy for the implementation and enforcement of the mandatory IMO instruments.

This corrective action will be completed by 31 December 2022.

FD

1245 The maritime administration had not implemented provisions of the IMDG Code, particularly those related to:

- .1 training programmes for shore-based personnel engaged in handling of dangerous goods;
- .2 the determination of a competent authority for regulating and monitoring IMDG matters; and
- .3 detailed instructions on emergency response and emergency medical care required in an incident involving dangerous goods.

(SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/3; SOLAS 1974, regulation VII/7-5; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; III Code, paragraph 55).

Root cause

1246 There was a lack of established regulations and provisions stemming from the IMDG Code were not transposed into national legislation. There was insufficient coordination between the different entities responsible for the management of dangerous goods. The transport of dangerous goods was not considered a priority at the national level and due to the lack of necessary knowledge, competent personnel and insufficient financial resources, it had not been possible to implement the requirements stemming from the IMDG Code.

Corrective action

1247 The maritime administration will develop regulations governing various activities related to dangerous goods (e.g. handling, carriage, packing, marking and labelling), which will include the requirements stemming from the applicable mandatory IMO instruments (e.g. SOLAS 1974, chapter VII; MARPOL, Annex III; and the IMDG Code), and update port regulations accordingly. In addition, it will enhance coordination among the entities involved and establish a service dealing with issues related to the handling of dangerous goods in ports, develop documented procedures for the implementation of mandatory provisions and establish a periodical training programme for all personnel participating in the implementation of the IMDG Code. This corrective action will be completed by 31 December 2020.

FD

1248 The State had not regulated the provision of port reception facilities in accordance with the requirements of MARPOL and did not have appropriate reception facilities in place or the capability to accept all waste streams required under relevant provisions of MARPOL in its ports (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; III Code, paragraph 55; III Code, paragraph 56.1).

Root cause

1249 There was a lack of resources to provide port reception facilities and the means of accepting waste streams. Moreover, there was a lack of knowledge of the provisions of MARPOL, Annexes I, II, IV and V by all the entities concerned.

Corrective action

1250 The maritime administration will undertake the following measures:

- .1 develop regulatory texts and procedures in accordance with the obligations of the State to provide reception facilities in its ports in accordance with the requirements of MARPOL Annexes I, II, IV and V;
- .2 develop and implement directives and technical notes necessary for the provision/installation of reception facilities adapted to the types and number of ships calling at commercial ports of the State; and
- .3 review and update port regulations to comply with the provisions of MARPOL Annexes I, II, IV and V.

This corrective action will be completed by 31 December 2022.

FD

1251 The maritime administration had not put in place a port State control programme, in accordance with resolution A.1119(30) and PSCOs did not have access to the latest amendments to the applicable mandatory IMO instruments, resolutions and guidelines adopted by IMO (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; MARPOL, Annex II, regulation 16.9; MARPOL, Annex III, regulation 8; MARPOL, Annex IV, regulation 14; STCW 1978, regulation I/4; III Code, paragraph 60).

Root cause

1252 The qualifications for PSCOs were not defined and there was no mechanism in place to assess and improve the quality of inspections and the performance of PSCOs. The training programmes organized by the regional MoU were inadequate and inconsistent with the needs of the State.

Corrective action

1253 The maritime administration will undertake the following actions:

- .1 implement the provisions of resolution A.1119(30), as amended, and incorporate them into national legislation;
- .2 define and apply the minimum qualification criteria for PSCOs;
- .3 develop and implement an initial and continuous training programmes for performance assessment of PSCOs. A request for technical assistance will be made to the Secretariat of the PSC regional MoU in order to organize an advanced training workshop; moreover, a PSCO performance evaluation procedure will be put in place;
- .4 the inspection report template will be defined, disseminated and kept up to-date;
- .5 develop and implement a documented procedure for the conduct of PSC inspections that will be disseminated to all PSCOs; and
- .6 subscribe to a specialized website that will allow PSCOs to have access to all the necessary technical documents in the maritime domain.

This corrective action will be completed by 30 September 2022.

FD

1254 The maritime administration had not implemented a system for periodic performance evaluation in the conduct of port State activities for the purpose of verifying compliance with the obligations of the State under the applicable mandatory IMO instruments (III Code, paragraph 63).

Root cause

1255 There were insufficient resources to conduct periodic assessments and a lack of culture of improvement within the maritime administration.

Corrective action

1256 The government entities comprising the maritime administration will develop procedures that will include a system of periodic evaluation of the responsibilities and performance in the field of port State activities. Furthermore, the entities concerned will train their staff in the conduct of evaluations and the associated corrective actions. This corrective action will be completed by 31 December 2022.

FD

1257 There was evidence that not all amendments to the IMDG Code had been implemented; in particular, the role of the competent authority for class 7 goods had not been established and a radiation protection programme had not been developed (SOLAS 1974, regulation VII/3; IMDG Code, section 1.5.2; IMDG Code, section 1.5.3; III Code, paragraph 57).

Root cause

1258 The absence of a procedure in place hindered the transposition of the latest amendments to the IMDG Code into national legislation. Therefore, the role of the competent authority for class 7 goods had not been established and a radiation protection programme had not been developed. Consequently, no personnel of the competent authority had been assigned to develop a radiation protection programme.

Corrective action

1259 The maritime administration will establish a working group consisting of representatives from the State entities participating in the implementation and enforcement of the requirements stemming from the applicable mandatory IMO instruments, including IMDG Code. The group will be tasked to recommend appointment of the competent authority for class 7 goods and establishing related roles; recommend assignment of personnel for developing and implementing a radiation protection programme; as well as to develop procedures for transposing the latest amendments to the IMDG Code into national legislation, for onward enactment and implementation by all relevant entities. In addition, an entity responsible for the follow-up of the implementation of the aforementioned measures will be appointed. This corrective action will be completed by 31 December 2021.

FD

1260 The State 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 port State activities (III Code, paragraph 63).

Root cause

1261 There was a lack of a system for periodical evaluation of the maritime administration as a whole regarding port State activities. The maritime administration did not have a programme or procedure in place to evaluate its performance with respect to the port State

obligations. There was a lack of focus and resources to define KPIs in order to better track and measure performance against the set objectives.

Corrective action

1262 The entities participating in port State activities will appoint key personnel to develop a system for periodic evaluation of the State's performance in respect of exercising its rights and meeting its obligations regarding port State activities under the applicable mandatory IMO instruments. This will include determining whether staffing, resources and administrative processes are adequate to meet port State obligations. The tools to be used for evaluating the performance include:

- .1 entities' QMS, internal audits, external audits;
- .2 KPIs to be defined;
- .3 man-hour plans will be developed to evaluate whether staffing, resources and administrative processes are adequate, and additional personnel will be recruited, as appropriate;
- .4 monitoring and reviewing the outcomes of the aforementioned measures, as a basis for any corrective actions;
- .5 establishment of regular meetings among involved entities; and
- .6 the system will be included in the overall maritime strategy of the State.

This corrective action will be completed by 31 December 2021.

FD

1263 No performance evaluation mechanism had been established to evaluate periodically and review compliance with port State obligations under the mandatory IMO instruments (III Code, paragraph 63).

Root cause

1264 The root causes for this finding were:

- .1 lack of understanding of the obligations of the State under the III Code and their critical importance regarding safety at sea protection of marine environment;
- .2 lack of financial resources for the development of suitable mechanisms; and
- .3 lack of suitable performance evaluation and monitoring mechanisms to verify compliance with the port State obligations stemming from the mandatory IMO instruments.

Corrective action

1265 The following actions will be undertaken by responsible entity:

- .1 advocate before the Cabinet for granting higher priority for marine affairs in order to justify and provide additional financial resources required by the Ministry;
- .2 develop a strategy for annual evaluation and review of performance, internally or externally with regard to fulfilment of all port State obligations stemming from the mandatory IMO instruments, including those related to port reception facilities, oil fuel suppliers and port State control (PSC); and
- .3 closely monitor the performance of entities involved in performing port State functions to ensure that intended objectives are achieved.

As part of the aforementioned steps, in the context of PSC, the State will:

- .1 become a member of the regional MoU to bolster the conduct of PSC inspections, training of PSCOs and development of related processes and procedures through cooperation and harmonization with other Members in order to meet State's obligations and responsibilities under the mandatory IMO instruments;
- .2 authorize only those officers who are qualified and trained in accordance with the guidelines as set out in the mandatory IMO instruments, as PSCOs; and
- .3 ensure that current PSCOs participate in documented training programmes and regular refresher training courses will be carried out for PSCOs to upgrade their skills to the required standard.

This corrective action will be completed by 31 December 2021.

FD

1266 The maritime administration did not implement a number of requirements of the IMDG Code, including:

- .1 detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods; and
- .2 training programmes for shore-based personnel engaged in handling of dangerous goods.

(SOLAS 1974, regulation VII/2.4; IMDG Code, section 1.3.1; III Code, paragraph 54; III Code, paragraph 55).

Root cause

1267 The following factors contributed to this finding:

- .1 due to a lack of awareness of the mandatory status of the IMDG Code, no guidelines or processes were developed or implemented for the handling of dangerous goods; and
- .2 lack of awareness within the maritime administration of the requirements concerning training for shore-based personnel engaged in the handling of dangerous goods under the IMDG Code.

Corrective action

1268 The following actions will be undertaken by the responsible government entities:

- .1 develop and implement the necessary legislation to make the IMDG Code mandatory within the State;
- .2 designate a competent authority to develop and implement guidelines and procedures for the handling of dangerous goods, and to ensure compliance with the requirements of the IMDG Code; and
- .3 develop and implement a mandatory training programme for shore-based personnel engaged in the transport of dangerous goods.

This corrective action will be completed by 31 December 2021.

FD

1269 The State did not provide adequate reception facilities or equivalent arrangements to accept ship generated waste regulated under MARPOL (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 18.2; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.2; MARPOL, Annex VI, regulation 17.1; III Code, paragraph 55; III Code, paragraph 56.1).

Root cause

1270 The following factors contributed to this finding:

- .1 lack of understanding of the obligations under MARPOL in relation to the provision of port reception facilities;
- .2 lack of financial resources to establish a new port reception facility in place of the existing one which became non-operational; and
- .3 lack of continuous monitoring of the activities of port service providers to verify compliance with the requirements of MARPOL on reception of waste from ships. In addition, existing waste reception arrangements were not fully assessed in terms of the available facilities, and quantity and type of waste received.

Corrective action

1271 The responsible government entity will implement the following actions:

- .1 develop and implement regulations and documented procedures on port reception facilities;
- .2 establish port reception facilities that comply with the requirements of MARPOL Annexes I, II, IV, V and VI, or become a member of the regional cooperation arrangement on port reception facility;
- .3 assign specific responsibility to designated officers to study the availability of port reception facilities and to seek external assistance in this matter, as necessary; and

- .4 establish a procedure to monitor the collection and disposal of ship generated waste by the ports in the State.

This corrective action will be completed by 31 July 2022.

FD

1272 Although the State is Party to MARPOL Annex I, II and IV, its ports were found not to be equipped with the appropriate reception facilities or equivalent arrangement and regulatory structure was not fully established (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; III Code, paragraph 56.1).

Root cause

1273 The following factors contributed to the finding:

- .1 absence of national legislation, procedures and detailed instructions to cover the requirements stemming from the applicable mandatory IMO instruments regarding port reception facilities and related guidelines, including an assessment of available facilities and quantities as well as types of waste received; and
- .2 absence of rigorous monitoring of compliance of the activities of port service providers with the existing national requirements.

Corrective action

1274 The maritime administration will implement the following actions:

- .1 national legislation and documented procedures on port reception facilities, based on IMO guidelines, will be developed and implemented. Moreover, appropriate port reception facilities will be established in compliance with the requirements of MARPOL Annexes I, II, IV and V;
- .2 procedures for licensing, authorization and monitoring of service providers for port reception facilities under Annexes I, II and IV will be developed and regulated, including a mechanism for collection, transport, treatment and disposal of all ship generated oil/slops/garbage; and
- .3 specific duties will be assigned to designated officers in order to undertake rigorous study on the provision and adequacy of port reception facilities and update the port reception facilities module on IMO GISIS.

This corrective action will be completed by 31 December 2023.

FD

1275 Although the maritime administration had procedures in place for implementing the IMDG Code and for handling dangerous goods in ports, the issues related with the carriage of dangerous goods were found not to be adequately regulated and implemented. In addition, there was no evidence of implementation of the IMSBC Code (SOLAS 1974, regulation VII/3; SOLAS 1974, regulation VII/7-5; IMDG Code, section 1.3.1; IMDG Code, section 1.5.2; IMDG Code, section 1.5.3; III Code, paragraph 57).

Root cause

1276 The following factors contributed to this finding:

- .1 there was an absence of subsidiary legislation to assist in the effective implementation and enforcement of the requirements stemming from the IMDG and IMSBC Codes;
- .2 inadequate understanding of the provisions of the IMDG and IMSBC Codes and their implementation by the entities concerned; and
- .3 there was an absence of coordination between the different entities responsible for the management of dangerous goods.

Corrective action

1277 The maritime administrations will implement the following actions:

- .1 following the update of national legislation, the responsible entities of the maritime administration will develop additional regulations and documented procedures covering the IMDG and IMSBC Codes, and ensure the consistent implementation and enforcement of the requirements stemming from the aforementioned international instruments and their amendments; and
- .2 the competent authority for handling of dangerous goods will be determined and a specialized periodical training of all personnel involved in the implementation of the aforementioned codes will be developed and delivered. In addition, guidelines for stakeholders will be established and implemented in relation to mandatory communication before ship arrival into a port (quantity limitations, exceptions, etc.), emergency response and medical first aid relevant to incidents involving dangerous goods, and QMS for handling dangerous goods class 7.

This corrective action will be completed by 31 March 2022.

FD

1278 The maritime administration did not establish processes to administer a PSC programme consistent with the relevant resolution adopted by the Organization, including adequate procedures and resources. In addition, a training programme in order to ensure that the PSCOs were trained and qualified in accordance with relevant procedures adopted by IMO had not been established (III Code, paragraph 60; III Code, paragraph 61).

Root cause

1279 There was a lack awareness of the scope of requirements with regards to monitoring PSC inspections and inadequate interaction with the regional MoU on PSC to which the State is a member.

Corrective action

1280 The maritime administration will implement the following actions:

- .1 existing PSC regulations will be amended by transposing the latest IMO resolution on PSC, which will include, inter alia, the minimum qualifications for PSCOs, their training programme, and the mandatory notifications to flag States in case of detention of a foreign ship in a port of the State;
- .2 the procedures for the preparation and conduct of inspections will be determined, developed and implemented as required by the latest IMO resolution on PSC. The PSC programme will be administered, including policies and criteria to be followed in carrying out PSC inspections, as well as monitoring of ships calling at the ports of the State and their selection for inspection; and
- .3 interaction and coordination with the regional MoU on PSC will be strengthened and measures will be put in place to achieve the regional PSC inspection target.

This corrective action will be completed by 31 December 2022.

FD

1281 The maritime administration had not implemented a system for periodic performance evaluation in the conduct of port State activities for the purpose of verifying compliance with the obligations of the State under the mandatory IMO instruments to which it is Party (III Code, paragraph 63).

Root cause

1282 The following factors contributed to this finding:

- .1 limited resources to collect and analyse the data and to carry out a periodic evaluation of performance in the conduct of port State activities; and
- .2 lack of a management system to measure the performance of the State in relation to port State activities and/or to collect data or reports as a basis for evaluating the performance of the maritime administration in the conduct of port State activities.

Corrective action

1283 The maritime administration will implement the following actions:

- .1 coordination will be established between the government entities sharing port State responsibilities and a mechanism will be established containing clear lines of authority, assigned responsibilities, as well as defined objectives and KPIs for all involved entities to evaluate and measure the performance within their respective management systems. This mechanism will be a part of the evaluation of performance under the new overall strategy;
- .2 coordination between different entities will be established and a system (including a database) will be developed for a periodical evaluation of performance with respect to the implementation of administrative processes, procedures and resources to meet port State responsibilities and obligations stemming from the applicable mandatory IMO instruments; and

- .3 personnel with appropriate qualifications and experience will be recruited or redistributed by different entities to carry out the aforementioned tasks.

This corrective action will be completed by 31 October 2022.

FD

1284 Although national legislation was promulgated in relation to the IMDG Code, there was no mechanism in place for supervision or verification of its implementation. In particular, there was no practice of verifying that dangerous goods shipped from the ports in the State are packed and labelled in accordance with the requirements of the IMDG Code (SOLAS 1974, regulation VII/3; SOLAS 1974 regulation VII/4.2; IMDG Code, section 5.1.1.1; III Code, paragraph 55).

Root cause

1285 National regulations related to the transport of dangerous goods by seagoing ships were not adequately reviewed before release, and the responsibility for inspection and verification of packaging in compliance with the IMDG Code was inadvertently left out.

Corrective action

1286 The responsible entities of the State will review the national legislation on transport of dangerous goods vis-a-vis all mandatory requirements stemming from SOLAS 1974 and the IMDG Code and update the legislation, as necessary, to ensure that all obligations under the IMDG Code, including verification and inspection of packaging before transportation, are incorporated into the national legislation, implemented and enforced. This corrective action will be completed by 31 December 2021.

AREAS OF POSITIVE DEVELOPMENT

Best practices

1287 The State had managed through rigorous promotions and analysis of root cause of accidents and incidences to keep the fatality incidents to zero for almost three years in a row including mandatory AIS provision on board all ships flying the flag of the State and constant monitoring measures.

1288 Exercises for possible adaption of other transport modalities best practices and improvements to the maritime sector is encouraged by the management of the Administration.
