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Circular Letter No.4028  
13 September 2019

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 third 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 eight audits completed in 2017 and nine audits completed in 2018.

2 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. 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.

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## 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 third CASR of eight mandatory audits completed in 2017 and nine mandatory audits completed in 2018.

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 17 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 The transposition of the IMO mandatory instruments into national legislation was made by incorporation by reference; however, this did not provide effective monitoring of the amendments coming into force internationally. In addition, referencing to IMO instruments did not ensure that the texts of the mandatory instruments are available for the maritime sector and the stakeholders. In addition there were not sufficient 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; TONNAGE 1969, article 1; COLREG 1972, article I; III Code, paragraph 4; and III Code, paragraph 8).

### **Root cause**

7 There was a lack of financial and human resources, including lack of adequate training, lack of awareness and knowledge on IMO conventions, and responsibilities were not adequately assigned.

### **Corrective action**

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

- .1 a dedicated unit for IMO issues will be established with appropriate qualified personnel with maritime expertise to assist in the promulgation of necessary legislations and to discharge all the responsibilities of the State. Roles and responsibilities will be defined and assigned to ensure a systematic follow-up of the amendments to the pertinent mandatory IMO instruments. In addition, training and awareness programmes will be periodically conducted for the personnel to update their knowledge on IMO instruments and their amendments;
- .2 measures to allocate necessary yearly budget will be taken to obtain soft copy of the mandatory IMO instruments and for the publication of amendments to the IMO instruments and national legislation through the official website, for the use of maritime sector and stakeholders; and
- .3 a quality management system (QMS) will be developed with appropriate policy and will define various processes and procedures for key functions. In addition, MoUs will be signed with other entities of the State to ensure effective coordination.

This corrective action will be completed by 31 December 2021.

### **FD**

9 There was no objective evidence that the State complied with all the requirements for reporting as required by the mandatory IMO instruments to which the State is a Party (e.g. information on text of laws, orders, decrees and regulations; details of recognized organizations (ROs); provision of reception facilities). Besides, there was not a mechanism in place, including policies, to assign responsibilities and issue instructions, as necessary, to ensure collection of relevant information and communication of mandatory reports to IMO (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; TONNAGE 1969, article 15; LL 1966, article 26; and III Code, paragraph 9).

### **Root cause**

10 There was a lack of personnel with appropriate training, knowledge and skills, clear responsibilities were not assigned, and there was a lack of a QMS.

### **Corrective action**

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

- .1 a dedicated unit for IMO issues will be established and personnel with knowledge, expertise and clear responsibilities will be appointed. Information that has to be communicated to IMO under the relevant IMO instruments and means of communication will be determined and all required information will be provided; and

- .2 a QMS will be developed with appropriate policy, which will define various processes and procedures for communication of information to IMO. In addition, QMS will include the coordination with other State entities with responsibilities for communication of information to IMO, as well as periodical training activities for the personnel involved.

This corrective action will be completed by 31 December 2021.

#### **FD**

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

#### **Root cause**

13 There was insufficient personnel and clear responsibilities were not assigned. Besides, lack of awareness of the requirements and absence of a QMS contributed to this finding.

#### **Corrective action**

- 14 The State's responsible entity will implement the following actions:
  - .1 a dedicated unit for IMO issues will be established and provisions for record keeping will be defined;
  - .2 a QMS will be developed with appropriate policy and procedure for record keeping; and
  - .3 coordination with other State's entities will be established in relation to the records to be maintained under the mandatory IMO instruments.

This corrective action will be completed by 31 December 2021.

#### **FD**

15 There was no objective evidence to demonstrate that the State continually improves the adequacy of the measures which are taken to give effect to those conventions and protocols to which it is a Party. Besides, measures to identify and eliminate the cause of non-conformities to prevent their recurrence had not been taken (III Code, paragraphs 11, 13 and 14).

#### **Root cause**

16 There was a lack of a national strategy, lack of defined responsibilities and methodologies for periodical evaluation of performance and monitoring in respect of meeting the State's obligations under the applicable IMO instruments. Lack of QMS also contributed to this finding.

### **Corrective action**

- 17 The State's responsible entity will implement the following actions:
- .1 a QMS will be developed with appropriate policy, which will define procedures for evaluation of adequacy of measures taken to give effect to IMO instruments to which the State is Party and to identify and eliminate the cause of non-conformities to prevent their recurrence, based on monitoring and defined performance indicators; and
  - .2 to ensure continual improvement, the Maritime Council will be reformed to include participation of all relevant organizations, through the responsible Ministry, with defined responsibilities for ensuring continuous cooperation of all involved organizations in the evaluation, review and analysis of non-conformities and for identifying and eliminating their causes to prevent recurrence.

This corrective action will be completed by 31 December 2021.

### **FD**

18 The transposition of amendments to the mandatory IMO instruments was not always carried out prior to their entry into force. A system for monitoring the amendments to ensure that the national legislation was up to date was recently adopted; therefore, its effectiveness could not be verified. 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; TONNAGE 1969, article 1; COLREG 1972, article I; and III Code, paragraphs 8.1 and 8.3).

### **Root cause**

19 Responsibility had not been assigned for the adoption of amendments; and in addition, there was insufficient personnel with maritime and legal expertise available.

### **Corrective action**

20 The State's responsible entities will establish a mechanism comprising specific and interrelated units, which will be in charge of elaborating and implementing procedures for monitoring the amendments to the applicable IMO instruments, including mandatory codes, and their adoption or incorporation into national legislation. These aforesaid units will carry out a joint analysis of those amendments that had already entered into force to ensure their transposition or adoption; as well as to determine the responsible entities of the State involved in their implementation. The mechanism will ensure coordination among the State's different entities regarding the communication of information to IMO of the texts of new legal instruments that will incorporate or adopt the amendments (existing or new) to the applicable IMO instruments. The responsible entities will establish their respective training, qualification and specialization plans, in order to ensure sufficient qualified personnel, for the implementation of the mechanism for the adoption and monitoring of the amendments to the applicable IMO instruments. This corrective action will be completed by 30 June 2021.

## FD

21 The State did not fulfil all its obligations concerning communication of 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) (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; LL 1966, article 26; TONNAGE 1969, article 15; and III Code, paragraph 9).

### Root cause

22 There was a lack of specific procedure for regulating the obligation of communication of information to IMO emanating from the applicable IMO instruments to which the State is Party, including uploading of pertinent information onto the relevant GISIS modules.

### Corrective action

23 The responsible government entity will be appointed as the focal point for communicating mandatory information to IMO and will develop a procedure and mechanism aiming to:

- .1 identify all communication of information requirements in the applicable IMO instruments and current status of the communication of information by the State;
- .2 identify other entities of the State responsible for communication of information under applicable IMO instruments and establish effective coordination among them so that required information is forwarded to the nodal entity for onward transmission to IMO; and
- .3 identify the method for communication of specific information to IMO and grant the respective authorizations and passwords for uploading relevant information through GISIS.

This corrective action will be completed by 1 December 2021.

## FD

24 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 action to be taken to identify and eliminate causes of non-compliance in order to prevent recurrences was adequate (III Code, paragraphs 11, 13 and 14).

### Root cause

25 There was an absence of specific procedures for continual improvement of the adequacy of the measures which are taken to give effect to the applicable IMO instruments and insufficient human resources.

### Corrective action

26 The responsible government entity will:

- .1 develop and implement policies through a mechanism for monitoring and reviewing the measures which are adopted to effectively implement and

enforce the IMO instruments to which the State is Party, which will include participation of all government entities with responsibilities in the implementation and enforcement of the said instruments. Within the mechanism, objectives and key performance indicators will be established. A dedicated unit will be responsible for establishing the mechanism; for coordinating all involved State entities; and for its implementation and follow up; and

- .2 develop and implement a procedure to ensure the identification and elimination of the causes of non-compliance with the applicable IMO instruments.

This corrective action will be completed by 1 July 2021.

27 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**

28 There was an outdated legal process in place for the ratification of international instruments, which was carried out at the ministerial and not at a higher level of the State.

#### **Corrective action**

29 The responsible government entity will prepare a draft legislation for regularizing the status of ratification of the mandatory IMO instruments. The draft will then be submitted to the responsible State entities in order to trigger the legal mechanisms for the enactment of the draft into national law. Upon the publication of the Law in the Official Gazette, respective information will be communicated to IMO. A procedure will be established among the responsible State entities for any subsequent international instruments that the State intends to ratify or accede to. This corrective action will be completed by 1 December 2020.

#### **FD**

30 The transposition of amendments to the mandatory IMO instruments, including those amendments that came into force through the tacit amendment procedure, was not always carried out. A system for monitoring the aforementioned amendments to ensure that the national legislation was up to date was not in place and there was insufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; LL 1966, article 1; LL PROT 1988, article I; TONNAGE 1969, article 1; COLREG 1972, article I; and III Code, paragraphs 8.1 and 8.3).

#### **Root cause**

31 There was an absence of a dedicated unit to monitor and ensure that the amendments to IMO instruments were transposed into national legislation prior to their entry into force internationally; and, in addition, there was insufficient personnel with maritime (technical and legal) expertise available.



### **Corrective action**

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

- .1 a mechanism for tracking amendments to the mandatory IMO instruments will be developed to ensure timely transposition or adoption of the amendments into national legislation, and it will include carrying out an analysis of the amendments that have already entered into force internationally;
- .2 the tracking mechanism will include coordination among the different entities of the State with responsibility for the implementation and enforcement of said amendments, as well as provisions to ensure coordination regarding communication to IMO of new legal texts through which the amendments are adopted. It will be included in the overall strategy to be developed; and
- .3 a legal department will be established comprising competent personnel with sufficient maritime legal knowledge. In addition, induction and training programmes for the new personnel and support staff will be developed and implemented regarding the mechanism for tracking amendments to the mandatory IMO instruments.

This corrective action will be completed by 15 November 2020.

### **FD**

33 The State did not communicate information to IMO as required by the relevant international instruments to which it is Party (e.g. text of laws, decrees and regulations, specimen of certificates and independent evaluation under STCW 1978) (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulation I/7.4; STCW 1978, regulation I/8.3; LL 1966, article 26; TONNAGE 1969, article 15; and III Code, paragraph 9).

### **Root cause**

34 There was a lack of knowledge on the obligations related to the communication of information to IMO stemming from the mandatory IMO instruments to which the State is Party, as well as lack of a system in place for uploading of pertinent information to the relevant GISIS modules.

### **Corrective action**

35 The nodal government entity will appoint its legal department as the responsible focal point for communicating mandatory information to IMO and will develop a mechanism, which will be included in the overall strategy, aiming to:

- .1 identify all communication of information requirements in the applicable IMO instruments and current status of communication of information by the State;
- .2 identify other entities of the State responsible for communication of information under applicable IMO instruments and to establish an effective coordination among them, so that required information is forwarded to the State's entity responsible for onward transmission to IMO; and

- .3 establish necessary communication of information through GISIS and assign requisite authorizations and passwords.

This corrective action will be completed by 1 February 2020.

#### **FD**

36 There was no documented procedure in place to regulate which records were to be maintained and the necessary methods for the identification, storage, protection, retrieval, retention time and disposition of the records (III Code, paragraph 10).

#### **Root cause**

37 There was an outdated procedure on record keeping, which did not include the requirements of the III Code.

#### **Corrective action**

38 The responsible government entity will develop a procedure for record keeping in accordance with the requirements of paragraph 10 of the III Code and will coordinate with other entities of the State to determine the type of records that are necessary to be maintained. New record keeping procedure will be implemented by all relevant State entities for their activities stemming from the relevant IMO instruments. This corrective action will be completed by 1 February 2020.

#### **FD**

39 There were no mechanisms in place to monitor and review the measures taken to effectively implement and enforce the mandatory IMO instruments, including:

- .1 mechanisms to stimulate a culture in order to improve the performance of its maritime safety and environmental protection activities; and
- .2 mechanism to ensure action to be taken to identify and eliminate causes of non-compliance

(III Code, paragraphs 11, 12 and 13).

#### **Root cause**

40 There was a lack of guidelines and internal regulations and insufficient human resources

#### **Corrective action**

41 The responsible government entity will:

- .1 develop and implement a mechanism, including necessary coordination and follow-up measures, to stimulate a safety culture, taking into account the provisions of the III Code. In addition, such mechanism will include provisions for monitoring and reviewing the measures which are adopted to effectively implement and enforce the applicable IMO instruments, and the participation will be ensured of all government entities with responsibilities in the

implementation and enforcement of the said instruments, based on set objectives and key performance indicators.

- .2 develop and implement a procedure to ensure the identification and elimination of the causes of non-compliance with the requirements of the mandatory IMO instruments. The aforementioned mechanism will be part of the monitoring and evaluation system that will be established as part of the new overall strategy.

This corrective action will be completed by 1 December 2020.

## **FD**

42 Several of the applicable IMO instruments were not promulgated. In addition, the State had not given full and complete effect to applicable IMO instruments, including their amendments, through enacting appropriate national legislation. There was no evidence of an effective system of monitoring of amendments and their entry into force in order to keep national legislation up to date (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; TONNAGE 1969, article 1; COLREG 1972, article I; and III Code, paragraph 8).

### **Root cause**

43 The following factors contributed to this finding:

- .1 it was not considered a high priority to promulgate and incorporate the applicable IMO instruments into national legislation, due to the fact that, since 1997, there was no convention size ship entitled to fly the flag of the State; and
- .2 there was a lack of conviction of the need to monitor amendments to the applicable IMO instruments adopted through the tacit amendment procedure and to incorporate them expressly into national legislation.

### **Corrective action**

44 The State will implement the following actions:

- .1 as international treaties become part of the constitutional order of the State upon their promulgation in the Collection of International Treaties, the required legal processes will be completed and the following applicable IMO instruments will be promulgated: COLREG 1972, LL 1966, TONNAGE 1969 and SOLAS 1974;
- .2 the relevant national laws (primary or secondary legislation) will be amended in order to include national provisions related to those areas where the applicable IMO instruments are silent (e.g. responsibilities for implementation, enforcement provisions, sanctions, areas left to the satisfaction of administration);
- .3 a system for tracking amendments to the applicable IMO instruments will be put in place and related responsibilities assigned, as a basis for the incorporation of amendments entering into force under the tacit amendments procedure into national legislation;

- .4 all applicable IMO instruments included in the scope of the Scheme, including their amendments, will be given full and complete effect through their transposition/incorporation into national legislation. The coordination of all involved departments/entities of the State will be established in order to meet the target deadlines; and
- .5 sufficient resources will be provided for translation and implementation, including additional personnel supplementing the Maritime Division, if necessary, to ensure this process is effectively carried out.

This corrective action will be completed by 31 December 2023.

## **FD**

45 The State had not fulfilled all of its communication of information obligations under applicable IMO instruments (SOLAS 1974, article III; MARPOL, article 11; and III Code, paragraph 9).

### **Root cause**

46 There was a lack of national legislation, policies and instructions providing the basis for the establishment of mechanisms for reporting to IMO under the applicable IMO instruments, as required.

### **Corrective action**

- 47 The State will implement the following actions:
- .1 the mandatory information will be communicated to IMO after the incorporation and promulgation of the applicable IMO instruments, as amended, into the national legal framework; and
  - .2 the reporting requirements under all applicable IMO instruments will be identified and procedures will be drafted, approved and implemented, which will describe the responsibilities assigned and actions to be taken in submitting mandatory reports to IMO.

This corrective action will be completed by 31 December 2023.

## **FD**

48 There was evidence that a process was not in place to monitor amendments to the applicable IMO instruments and to give effect to them in a timely manner so as to keep the national legislation up to date (SOLAS 1974, article I; MARPOL, article 1; and III Code, paragraph 8).

### **Root cause**

49 The Administration did not have a mechanism to monitor the amendments to mandatory IMO instruments and could not transpose these amendments into national legislation in a timely manner since the current procedures were lengthy.

### **Corrective action**

50 The existing procedure for obtaining approval from the Government for application of amendments to IMO instruments as well as for promulgation of national legislation in the official gazette will be reviewed. In addition, a new procedure will be adopted by which responsibilities will be assigned to monitor the amendments to the applicable mandatory IMO instruments and to promulgate corresponding national legislation in a timely manner. This corrective action will be completed by 31 December 2019.

#### **FD**

51 There was no evidence that the State had developed and promulgated regulations to incorporate amendments to applicable IMO instruments into national legislation, as a basis for enforcement of related requirements (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; LL 1966, article 1; and III Code, paragraph 8.1).

#### **Root cause**

52 The law that amended the Maritime Code did not contain any provision incorporating the requirements of the applicable, new or amended, mandatory IMO instruments and no procedure had been established for developing laws and regulations for the purpose of incorporating the requirements of the mandatory IMO instruments into national legislation.

#### **Corrective action**

53 The State will review and amend the current Maritime Code to incorporate all the amendments to the mandatory IMO instruments to which it is Party, including the mandatory codes and recommended guidelines, as appropriate. The State will develop and document the procedures to provide guidance on the steps to be taken and to define the responsibilities of each of the entities comprising the maritime administration, in order to incorporate new or amended mandatory IMO instruments into national legislation within the relevant time frame. This corrective action will be completed by 31 December 2020.

#### **FD**

54 The State did not fulfil its obligations to provide IMO with information regarding legislation, model certificates and annual reports under MARPOL, and there was no system in place to collect relevant data for the submission of mandatory reports to IMO and to monitor compliance (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; LL 1966, article 26; and III Code, paragraph 9).

#### **Root cause**

55 There was a lack of understanding of the scope of information and mandatory reports to be communicated to IMO and their references in the mandatory IMO instruments, as well as the absence of the assignment of responsibility for the communication of these reports to IMO between the entities of the State. There was no documented procedure to identify and address the requirements related to communication of information and mandatory reports to IMO.

### **Corrective action**

56 The maritime administration will implement the following measures:

- .1 create a department within the Maritime and Port Agency to, inter alia, identify, compile and communicate to IMO the mandatory information and reports, including through GISIS; and
- .2 develop and establish a documented procedure for the communication of mandatory information to IMO and assign relevant duties and obligations to responsible entities of the maritime administration.

This corrective action will be completed by 31 December 2019.

### **FD**

57 There was no documented procedure in place for defining the controls necessary to identify, store, protect and retrieve records and to determine the retention time (III Code, paragraph 10).

### **Root cause**

58 There was no regulatory provisions for the management of records and for the associated procedures to be documented. There was a lack of awareness of the related requirements of the III Code.

### **Corrective action**

59 The maritime administration will establish a system for managing documents, in accordance with the relevant laws and regulations of the State for archiving, which will provide electronic storage and retrieval of documents or files. Rules and procedures will be determined and implemented, and the system will be evaluated and reviewed on a regular basis. This corrective action will be completed by 31 December 2019.

### **FD**

60 The State had no mechanism or documented procedure in place to monitor, review and improve the measures taken to give effect to the mandatory IMO instruments to which it is Party and to take measures to identify and remove causes of non-conformities (III Code, paragraphs 11 and 13).

### **Root cause**

61 There was a lack of awareness of the requirements of the III Code and lack of analysis tools to identify and eliminate the cause of non-conformities.

### **Corrective action**

62 The overall maritime strategy that will be developed and established by the State will institutionalize a system of evaluation and review of the activities of the ministerial departments involved in the implementation and enforcement of the mandatory IMO instruments. In addition, each entity of the State comprising the maritime administration will develop and implement a documented procedure for the analysis and monitoring of non-conformities, which will be accompanied, among other actions, by the training of its personnel in quality management. This corrective action will be completed by 31 December 2019.

**FD**

63 There was no evidence to establish that the independent evaluation required by regulation I/8 of the 1978 STCW Convention had been carried out and that the results had been communicated to IMO (STCW 1978, regulation I/8.3; and III Code, paragraph 9).

**Root cause**

64 The Administration had not established a procedure for the independent evaluation and for communication of results to IMO within the time frame required by the 1978 STCW Convention.

**Corrective action**

65 An independent evaluation of the implementation of the 1978 STCW Convention was carried out in January 2018 and the report was sent to IMO. In addition, the Administration will develop and implement a documented procedure for the conduct of an independent evaluation and its communication to IMO at five-year intervals. This corrective action will be completed by 31 December 2019.

**FD**

66 There was no evidence that the State had fulfilled its obligation to communicate the mandatory information to IMO, including texts of laws, decrees and regulations; information on ROs and details of port reception facilities (SOLAS 1974, article III; MARPOL, article 11; LL 1966, article 26; TONNAGE 1969, article 15; and III Code, paragraph 9).

**Root cause**

67 Reporting requirements had not been effectively incorporated into national legislation. In addition, the maritime administration did not define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to ship safety and pollution prevention. There was also a general lack of administrative mechanism in place to ensure formal communication to IMO of the instruments promulgated by the State.

**Corrective action**

68 The responsible entity of the State will both develop a formal written procedure and a central recording system in order to record communication to IMO of the text of laws, orders, decrees, regulations and other instruments which are promulgated on various matters within the scope of the relevant IMO instruments. All reporting requirements under the mandatory IMO instruments will be identified and appropriate legislation will be included in the new Shipping Act to ensure they are complied with. A dedicated official will be appointed to liaise with all involved entities of the State and to manage all communication of information to IMO, including through the relevant GISIS modules. This corrective action will be completed by 31 December 2020.

## FD

69 The State had not promulgated all mandatory IMO instruments including their amendments entering into force under the tacit amendment procedures. 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; LL 1966, article 1; TONNAGE 1969, article 1; and III Code, paragraphs 4 and 8).

### Root cause

70 There was a lack of technical capacity, insufficient organization and financing for development of the strategy for the implementation and enforcement of the mandatory IMO instruments. There was also a lack of will to allow inter-agency cooperation on maritime issues. Qualified and experienced personnel were not moved to join the maritime administration as the remuneration for these posts was not attractive.

### Corrective action

71 The State will:

- .1 expedite the process of enacting its new Shipping Act, which will take into account the mandatory IMO instruments and will include appropriate legislation for their implementation and enforcement;
- .2 develop and implement a process to monitor amendments to the mandatory IMO instruments and to draft implementing legislation, where necessary. This process will be documented as part of an overall QMS of the nodal responsible entity of the State;
- .3 develop a strategy to ensure training of existing staff, as well as recruiting additional skilled personnel;
- .4 incorporate amendments to SOLAS 1974, the Annexes to MARPOL, STCW 1978, LL 1966, COLREG 1972 and TONNAGE 1969 into national legislation;
- .5 develop a mechanism through which the responsible Ministry will monitor and evaluate the regulatory activity of relevant entities of the maritime administration relating to the fulfilment of the obligations under the mandatory IMO instruments. Relevant entities of the maritime administration will submit an annual report to the Minister on their assessment of maritime safety and protection of the marine environment activities, based on approved criteria for their performance; and
- .6 foster inter-agency strengthening by conducting meetings on a regular basis to deal with maritime safety and marine pollution prevention from ships. They will facilitate efficient drafting and incorporation of IMO instruments into national legislation.

This corrective action will be completed by 31 December 2021.



## **FD**

72 No documented procedure was in place to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records. Records were found not to be always legible nor appropriately stored and protected (III Code, paragraph 10).

### **Root cause**

73 The following factors contributed to this finding:

- .1 a retention and disposition schedule were not developed to control the records and files were not handled in an appropriate way, including recording their movement and creation of temporary files; and
- .2 there was a shortage of personnel.

### **Corrective action**

74 The responsible government entities will:

- .1 review and issue or update, as appropriate, documented procedures defining control of records in accordance with the requirements of the III Code;
- .2 create a retention and disposition schedule to control and account for the records, in accordance with the laws and regulations that govern all shipping records;
- .3 revamp the current filing system and create a system to control the opening, movement and proper handling of files, including the introduction of electronic record keeping; and
- .4 train involved staff on the registry system and procedures.

This corrective action will be completed by 31 December 2018.

## **FD**

75 There was no evidence that the responsible entity of the State had maintained a quality standard system nor its independent periodical evaluation. Also, the results of the evaluation and information on implementation of mandatory amendments to the STCW Convention were not communicated to IMO (STCW 1978, regulation I/7; STCW 1978, regulation I/8.3; and III Code, paragraph 9).

### **Root cause**

76 The Administration was in the process of developing its QMS, however, it was not completed due to insufficient funding and shortage of resources. Due to the same cause, information on the implementation of mandatory amendments to STCW 1978 was not communicated to IMO in the prescribed intervals.

### **Corrective action**

77 The Administration will develop a quality standards system as required under STCW 1978. All reporting requirements and amendments to the 1978 STCW Convention will be reviewed and necessary procedures will be developed and included in QMS. Upon completion of QMS, an independent evaluation, as required under STCW 1978, will be organized and the results thereof reported to IMO. Information on the implementation of amendments to STCW 1978 will be communicated to IMO in accordance with regulation I/7 of the Convention. This corrective action will be completed by 31 December 2019.

### **FD**

78 No sufficient evidence was available to establish the legal basis for the arrangements made to implement and enforce the IMO instruments to which the State is Party (III Code, paragraphs 8.1 and 8.2).

### **Root cause**

79 Due to a lack of clear understanding of the legal basis for the delegation of powers to different entities in the State for the implementation and enforcement of the mandatory IMO instruments, sufficient detailed evidences about the legal basis and delegation of authority could not be provided during the audit.

### **Corrective action**

80 In order to clarify the legal basis and the extent of the delegated authority, as well as to avoid confusion between the entities performing different roles in the State, the document indicating the delegation of authority will be suitably revised by the responsible authority and the extent of delegated authority will be clearly documented. This corrective action will be completed by 31 December 2017.

### **FD**

81 There was no mechanism in place for effecting continual improvement of the adequacy of measures taken to give effect to the mandatory IMO instruments to which the State is Party (III Code, paragraph 11).

### **Root cause**

82 The State did not have a clear policy or requirement, including designation of an entity to coordinate and provide oversight, for effecting continuous improvement in the implementation and enforcement of the requirements stemming from the mandatory IMO instruments. There was also no arrangement for evaluation and monitoring of the entities entrusted with the implementation and enforcement duties.

### **Corrective action**

83 The nodal Ministry will assign responsibilities to provide oversight for effecting continuous improvement in the implementation and enforcement of the requirements stemming from mandatory IMO instruments, as well as for the evaluation and monitoring of the entities entrusted with the implementation and enforcement duties. Furthermore, the Ministry will develop and implement policy and guidelines for evaluation and monitoring of the implementation and enforcement processes in relation to the requirements stemming from the mandatory IMO instruments. This corrective action will be completed by 30 June 2020.

## **FD**

84 Appropriate national legislation was not promulgated to give full and complete effect to all the mandatory IMO instruments to which the State is Party (MARPOL, article 1; STCW 1978, article I; and III Code, paragraph 8).

### **Root cause**

85 There was a delay in promulgating national legislation for the amendments to the mandatory IMO instruments entering into force under the tacit acceptance procedure, due to the absence of a regulatory monitoring process and lack of dissemination of information to the concerned government entities. One of the reasons was the lack of communication between competent authorities of the State in relation to drafting and promulgating amendments to maritime legislation in a timely manner. Furthermore, the responsibilities and functions within the Government for performing these tasks were not specifically assigned.

### **Corrective action**

86 The responsible entity will undertake the following actions:

- .1 establish a regulatory monitoring process to identify amendments to the mandatory IMO instruments and transpose them into national law in a timely manner;
- .2 improve the level of cooperation between the competent authorities of the State and clearly identify the division of responsibilities among competent authorities; and
- .3 amend relevant national laws in order to transpose the provisions of the mandatory IMO instruments and their amendments adopted through the tacit acceptance procedure in a timely fashion.

This corrective action will be completed by 30 June 2020.

## **FD**

87 Adequate measures were not in place to fulfil the obligations for communication of information to IMO, as required under the mandatory IMO instruments to which the State is Party. In addition, the independent evaluation as required by regulation I/8 of STCW 1978 was not carried out and submitted to IMO (SOLAS 1974, article III; STCW 1978, regulation I/8.3; TONNAGE 1969, article 15; and III Code, paragraphs 8.3 and 9).

### **Root cause**

88 The absence of written procedures and a comprehensive system in the State to fulfil the obligations to communicate and provide information as required by the mandatory IMO instruments contributed to this finding. Furthermore, the responsibility for carrying out independent evaluation as required by regulation I/8 of STCW 1978 and forwarding the evaluation report to IMO was not assigned to an appropriate competent maritime authority in the State in the absence of national regulations implementing requirements of STCW 1978.

### **Corrective action**

89 The nodal ministry will establish a documented system and a procedure to fulfil the obligations of communication of information to IMO under the mandatory IMO instruments. The responsible entities of the maritime administration will designate officers to improve the level of communication of mandatory information to IMO in accordance with the requirements. This corrective action will be completed by 31 December 2019.

### **FD**

90 The State had not communicated its national legislation to all entities involved in the implementation and enforcement of the mandatory IMO instruments (III Code, paragraph 9).

### **Root cause**

91 The absence of a documented procedure for providing national legislation to all entities concerned and inadequate cooperation and exchange of information between responsible entities led to this finding.

### **Corrective action**

92 The nodal Ministry will ensure that documented procedures will be developed and implemented through the QMS of the responsible entities of the maritime administration to ensure that the relevant national legislation is communicated to all entities involved in the implementation and enforcement. This corrective action will be completed by 30 June 2019.

### **FD**

93 The State did not establish and maintain appropriate records to provide evidence of conformity to requirements under the mandatory IMO instruments and of the effective operation of the State (III Code, paragraph 10).

### **Root cause**

94 The entities that were a part of the maritime administration did not establish procedures for record-keeping, due to inadequate resources and a lack of technical know-how to ensure efficient management of data.

### **Corrective action**

95 The entities that are a part of the maritime administration will establish and formalize a management system aligned with the ISO 9001 standards and will create a document management system that will allow electronic storage and retrieval of documents or files. This corrective action will be completed by 30 June 2019.

### **FD**

96 There was no evidence to establish that periodical independent evaluation required by regulation I/8 of the 1978 STCW Convention and communication of its results to IMO were effectively carried out (STCW 1978, article IV; STCW 1978, regulation I/8.3; and III Code, paragraph 9).

### **Root cause**

97 The independent evaluation as required by regulation I/8.3 of STCW 1978 was carried out but not submitted to IMO due to the lack of appropriate competent authority and absence of national regulations implementing requirements of STCW 1978.

### **Corrective action**

98 A system will be established in the QMS of the Administration for periodical evaluation and reporting in accordance with the requirements of STCW 1978. The establishment of a new regulatory authority will facilitate the upcoming adoption of national regulations implementing the requirements of STCW 1978 and will enable the independent evaluation to take place as required by regulation I/8.3 of STCW 78 and to submit to IMO on a regular basis. This corrective action will be completed by 30 June 2019.

### **FD**

99 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 pollution prevention, and no coordination was established among the entities which share responsibility in the maritime field (III Code, paragraph 12.2).

### **Root cause**

100 Although the State had agreements with relevant States in the region on safety and pollution prevention, drills were not carried out due to lack of coordination between relevant national entities in the State.

### **Corrective action**

101 The responsible entity will prioritize the development, drafting, adoption and enforcement of a comprehensive law relating to marine pollution prevention and response. This will be based on available model laws and shall comprehensively address all aspects of MARPOL, including latest amendments. Directives will be issued to the ports by the responsible authority, for them to undertake adequate measures in relation to all aspects of marine pollution preparedness and response, and these will also require that appropriate drills are conducted. A Committee consisting of representatives of all key agencies and stakeholders will be established to oversee proper functioning of this system. The newly enacted maritime legislation gives broad responsibilities and powers relating to maritime safety to the maritime administration. Accordingly, the maritime administration will ensure that drills are conducted by all relevant agencies in relation to maritime safety and will coordinate and oversee such initiatives. This corrective action will be completed by 30 September 2019.

### **FD**

102 Sufficient personnel with maritime expertise were not available to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State (III Code, paragraph 8.3).

### **Root cause**

103 Sufficient personnel with maritime expertise were not available within the maritime administration to assist in the promulgation of necessary national laws and to discharge all the responsibilities of the State.

### **Corrective action**

104 The responsible entity will undertake the following actions:

- .1 analyse resource needs and recruit sufficient personnel with maritime legal expertise, accordingly, including exploring opportunities for their further training;
- .2 seek assistance in maritime legal issues from the organization in the region; and
- .3 review national maritime legislation and develop and finalize reforms in relation to legislation.

This corrective action will be completed by 31 December 2019.

105 The State had not promulgated all mandatory IMO instruments to which it is Party, including their amendments entering into force under the tacit amendment procedures. There was insufficient 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; LL PROT 1988, article I; TONNAGE 1969, article 1; LL 1966, article 1; COLREG 1972, article I; and III Code, paragraph 8).

### **Root cause**

106 There was an inadequate implementation and enforcement infrastructure and the absence of documented policies and procedures within the maritime administration to monitor and evaluate the incorporation of the mandatory IMO instruments, including their amendments into national law. There was also a lack of awareness and insufficient resources (legal and technical) with maritime expertise.

### **Corrective action**

107 The State will implement the following actions:

- .1 the promulgation of IMO instruments and national legislation will be formalized and an officer in the responsible Ministry will be identified as the focal point for all communication relating to national legislation and other information relevant to the maritime administration;
- .2 a sub-committee chaired by the State's port was established to consider and develop a web portal through which relevant information will be shared;
- .3 legal expertise will be secured by the responsible Ministry to conduct a gap analysis of the existing legislation;
- .4 necessary action will be taken to incorporate the mandatory IMO instruments, including their amendments, into national legislation. A process will be established for tracking new amendments and their evaluation in terms of the need to revise any national legislation or develop new legislation; and

- .5 the responsible Ministry will evaluate the current organizational structure and the need for additional legal and technical expertise, and additional personnel will be recruited and trained, as necessary.

This corrective action will be completed by 31 December 2021.

## **FD**

108 There was no evidence that the State fulfilled its obligations to communicate the mandatory information to IMO, including texts of laws, decrees and regulations; details of port reception facilities; and mandatory reports under MARPOL (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulation I/7; LL 1966, article 26; and III Code, paragraph 9).

### **Root cause**

109 There was a lack of awareness and understanding of the scope of reporting requirements under the mandatory IMO instruments. In addition, the overall responsibility for ensuring that reporting was undertaken was not assigned.

### **Corrective action**

110 The maritime administration will implement the following actions:

- .1 the Ministry will act as the focal point for receiving the reports from involved agencies and submitting them to IMO. All mandatory information will be communicated to IMO and a dedicated officer of the Ministry will be assigned and trained in all IMO reporting requirements;
- .2 agencies of the maritime administration will be made aware of the reporting requirements to IMO and will be granted access to relevant modules in GISIS;
- .3 a documented procedure for communication of mandatory information to IMO will be developed and will include all stakeholders; and
- .4 periodic evaluation of the system will be conducted by a national maritime inter-agency committee with a view to ensure continual improvements by all involved entities and to address any identified issues.

This corrective action will be completed by 30 June 2020.

## **FD**

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

### **Root cause**

112 The Administration was not aware of the scope of requirements for record keeping in accordance with the III Code. Record keeping practices of various entities were inconsistent.

### **Corrective action**

113 The maritime administration will implement the following actions:

- .1 all entities participating in the maritime administration will develop and implement written procedures, as well as review and adopt measures to improve the effectiveness and uniformity of their record keeping systems, in accordance with the requirements of the III Code; and
- .2 the responsible entity for the registry will review its Quality Assurance (QA) Procedure to ensure that all requirements of the III Code are met. It will consult with alternative providers regarding a new electronic documents system.

This corrective action will be completed by 30 September 2020.

### **FD**

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

### **Root cause**

115 There was the absence of an administrative structure which hindered the maritime administration from periodically evaluating or reviewing its performance to eliminate the causes of nonconformities and to fulfil its obligations under the applicable mandatory IMO instruments. In addition, there was a lack of culture to consistently improve results obtained in maritime safety and marine environment protection and identify, analyse and eliminate the cause of non-conformities.

### **Corrective action**

116 The maritime administration will implement the following actions:

- .1 a national maritime inter-agency committee comprising all agencies with specific responsibility in the maritime administration will be established for continuous monitoring, developing and improving of measures within the framework of the IMO instruments to which the State is Party. Safety, security and marine environment protection will be a standing agenda item of the Committee;
- .2 maritime culture will be promoted by conducting training activities, promotion of the profession, exercises and drills, and regular meetings with stakeholders; and
- .3 the Ministry responsible for maritime affairs will institutionalize a documented system for periodic review of the agencies participating in the maritime administration based on their assigned responsibilities, which will include a mechanism for analysis of root causes and development of corrective actions in case of identified non-conformities.



This corrective action will be completed by 30 June 2021.

## **FD**

117 The State could not demonstrate its ability to promulgate national laws relating to the relevant IMO instruments. The amendments to mandatory IMO instruments had not been transposed into the national legislation (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; and III Code, paragraph 8.1).

### **Root cause**

118 The following factors contributed to this finding:

- .1 the Chamber of Attorney General served all the ministries and had no dedicated/specialized staff for maritime legislation; and
- .2 the maritime administration had insufficient resources, including legal maritime expertise on its own to transpose the amendments to IMO instruments into national law.

### **Corrective action**

119 The responsible government entity will implement following actions:

- .1 setting up an in-house legal section within two years will be explored;
- .2 sufficient personnel with legal expertise will be recruited;
- .3 the drafting of national legislation will be undertaken by the legal section to incorporate the pending as well as forthcoming amendments to the mandatory IMO instruments into national law;
- .4 a new procedure for giving legal effect to tacit amendments by cross-referencing or through shipping notices will be adopted; and
- .5 maritime administration will review its current process and build a mechanism for tracking amendments to the mandatory IMO instruments.

This corrective action will be completed by 30 June 2021.

## **FD**

120 The maritime administration did not have sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions (SOLAS 1974, article I; MARPOL, article 1; and III Code, paragraph 8.3).

### **Root cause**

121 The following factors contributed to this finding:

- .1 the maritime administration was in a transitional period and had a shortage of resources, in particular personnel with maritime expertise, to perform the required tasks; and

- .2 a comprehensive system was not in place for the fulfilment of the reporting obligations to IMO under applicable IMO instruments.

#### **Corrective action**

122 The maritime administration will implement following actions:

- .1 a human resources policy will be developed for recruitment of personnel in the maritime administration and sufficient personnel with appropriate maritime qualification and expertise will be recruited; and
- .2 the procedures and systems currently in place for reporting to IMO will be reviewed and updated to ensure fulfilment of reporting obligations to IMO and brought to the attention of all relevant divisions and personnel in the maritime administration.

This corrective action will be completed by 31 December 2020.

#### **FD**

123 The State did not comply with all the requirements for reporting as required by the mandatory IMO instruments to which the State is Party (MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulation I/8.3; STCW 1978, regulation I/7; and III Code, paragraph 9).

#### **Root cause**

124 The following factors contributed to this finding:

- .1 responsibilities for reporting to IMO were not clearly assigned to personnel in the maritime administration;
- .2 a comprehensive system was not in place to keep track and fulfil the reporting obligations to IMO under the applicable IMO instruments; and
- .3 the maritime administration had resource constraints, especially human resources with maritime expertise.

#### **Corrective action**

125 The following actions will be implemented by the responsible entity:

- .1 a management system and procedures will be developed and implemented to consolidate all the requirements for reporting to IMO under the applicable IMO instruments;
- .2 responsibilities will be assigned to relevant units in the maritime administration for fulfilling the reporting obligations in their areas of work; and
- .3 sufficient personnel with appropriate maritime expertise will be recruited in the maritime administration.

This corrective action will be completed by 30 June 2021.

## **FD**

126 Relevant entities of the State did not have a documented procedure to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records (III Code, paragraph 10).

### **Root cause**

127 Legacy practices of record keeping were followed within the maritime administration. Hence documented procedures were not in place for systematic record keeping and control of records.

### **Corrective action**

128 A management system and procedures will be developed and implemented, to align the existing practices with the III Code requirements, and to ensure systematic record keeping and control of records by all the entities of the maritime administration. This corrective action will be completed by 30 June 2021.

## **FD**

129 The State did not take adequate measures to continually improve the implementation of relevant IMO instruments through monitoring of compliance (III Code, paragraph 11).

### **Root cause**

130 The following factors contributed to this finding:

- .1 the maritime administration did not have a mechanism for data collection and evaluation in order to monitor compliance and to initiate improvements; and
- .2 the maritime administration had resource constraints, especially human resources and databases.

### **Corrective action**

131 Responsible government entities will implement the following actions:

- .1 a management system and procedures will be developed to enable data collection and analysis, with a view to monitor compliance and effect continual improvements; and
- .2 adequate resources will be provided to the maritime administration to monitor and oversee the implementation and enforcement of the requirements stemming from the mandatory IMO instruments.

This corrective action will be completed by 30 June 2021.

## **FD**

132 The State did not arrange for timely promulgation of appropriate national legislation to implement and enforce the provisions of amendments to the relevant IMO Instruments (SOLAS 1974, article I; MARPOL, article 1; and III Code, paragraph 8).

### **Root cause**

133 This finding was primarily due to the lack of resources in the maritime administration. Furthermore, the frequency of updates and amendments to the mandatory IMO instruments posed a heavy burden on the maritime administration as the process of ratifying a new convention, or an amendment to an existing one, took a long time due to the legal system of the State. Although the QMS contained a procedure to follow up the amendments to the mandatory IMO instruments and to disseminate these amendments to the national entities concerned, a clear policy aimed at fulfilling the obligations of the State was not in place.

### **Corrective action**

134 The following actions will be undertaken:

- .1 the State will provide appropriate additional resources to the maritime administration; and
- .2 the maritime administration will develop and implement a comprehensive policy and incorporate it into the existing QMS, to give full effect to the mandatory IMO instruments and their amendments. A system will be put in place to ensure a systematic follow up of the mandatory IMO instruments and dates of their entry into force, to ensure their transposition into national legislation in a timely manner.

This system will also assist the maritime administration in classifying the amendments to the mandatory IMO instruments as given below:

- .1 if the amendments need to be transposed into national legislation, the same will be dispatched to the legislation unit of the responsible entity of the maritime administration; and
- .2 if the amendments can be applied directly, they will be dispatched to the entities concerned so that national legal provisions are made in a timely fashion.

This corrective action will be completed by 31 December 2021.

### **FD**

135 The State did not fulfil all its obligations for communication of information to IMO, under relevant IMO instruments (MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulation I/8.3; and III Code, paragraph 9).

### **Root cause**

136 There was no documented procedure established for systematic identification, control and communication of information to IMO, as required under the mandatory IMO instruments, including the texts of national legislation, model of certificates and mandatory reports.

### **Corrective action**

137 The following actions will be undertaken by the maritime administration:

- .1 a documented procedure will be incorporated in the QMS of the nodal entity in order to identify all reporting obligations under the mandatory IMO instruments and to ensure that all relevant information is submitted to IMO as required, including, but not limited to, national legislation, model of certificates and annual reports under MARPOL;
- .2 an officer will be designated to undertake these tasks; and
- .3 a monitoring mechanism and a periodical assessment will be included in the QMS of the nodal entity to ensure continuous compliance with relevant requirements. In addition, reporting obligations in the areas of responsibility of other entities of the State, which are involved in the implementation and enforcement of the mandatory IMO instruments, will be reviewed and relevant reporting organised, as appropriate.

This corrective action will be completed by 31 December 2019.

### **FD**

138 The Administration did not communicate to IMO the results of a periodic independent evaluation pursuant to regulation I/8.3 of STCW 1978, as there was no system in place to carry out such evaluations (STCW 1978, regulation I/8.3; and III Code, paragraph 9).

### **Root cause**

139 This finding resulted from the inadequacy of procedures for carrying out independent evaluation and insufficient national legal provisions for the implementation of STCW 1978.

### **Corrective action**

140 The maritime administration will undertake a review of the implementation of the requirements of STCW 1978 and will develop and implement documented procedures for the conduct of periodical independent evaluation and report its results to IMO regularly. This corrective action will be completed by 30 April 2021.

### **FD**

141 It could not be established that amendments to the mandatory IMO instruments to which the State is Party, including those entering into force by the tacit amendment procedure, were transposed into national legislation after 2013 (SOLAS 1974, article I; MARPOL, article 1; III Code, paragraph 4; STCW 1978, article I; and III Code, paragraph 8).

### **Root cause**

142 The lack of resources and awareness of the need to monitor amendments to the applicable IMO instruments to enable their timely inclusion in the secondary legislation.

### **Corrective action**

143 The responsible entity of the State will review and make a list of all relevant amendments to the applicable IMO instruments and propose appropriate amendments to the relevant secondary legislation. In addition, a process will be established, and an interval of six months maintained for monitoring subsequent amendments to relevant IMO instruments for inclusion in the relevant secondary legislation. This corrective action will be completed by 30 December 2019.

### **FD**

144 There was no evidence that the State had fulfilled its obligation to communicate the mandatory information to IMO, including texts of laws, decrees and regulations, details of port reception facilities and mandatory reports under MARPOL (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulation I/7; LL 1966, article 26; TONNAGE 1969, article 15; and III Code, paragraph 9).

### **Root cause**

145 There was a misunderstanding on the scope of the reporting requirements and methods of reporting.

### **Corrective action**

146 The maritime administration will review all the reporting requirements under the relevant IMO instruments, establish a process and assign responsibilities for reporting for all relevant entities in their areas of responsibility. The information regarding the laws enacted by the State, which have given full and complete effect to the provisions of the mandatory IMO instruments to which the State is Party, as well as all other mandatory information, will be communicated to IMO. This corrective action will be completed by 31 December 2019.

### **FD**

147 Some entities of the maritime administration had not documented procedures to define the controls needed for identification, storage, protection, retrieval, retention time and disposition of records (III Code, paragraph 10).

### **Root cause**

148 Lapses in the implementation of established rules and lack of regular review of formal procedures led to gaps in the management of records.

### **Corrective action**

149 Based on the guidelines of the National Record Office (NRO), which is the statutory institution responsible for all policies with respect to national records, all relevant entities of the maritime administration will document and implement policies regarding the identification, storage, retrieval, retention time and disposition of records. These documented policies will be subject to regular review, as necessary. This corrective action will be completed by 30 December 2019.

## **FD**

150 There was no objective evidence to demonstrate that the State had established a mechanism for the continuous improvement of performance in maritime safety and environmental protection activities, including adequacy of the measures which are taken to give effect to those mandatory IMO instruments to which the State is Party and identifying and eliminating the cause of any non-conformities (III Code, paragraphs 11, 12 and 13).

### **Root cause**

151 There was a delay in validation of draft maritime sector strategy, which should form the basis for the evaluation and monitoring mechanism, due to bureaucratic red tape coupled with the change of Government.

### **Corrective action**

152 After the validation of the maritime sector strategy document, the nodal responsible entity of the maritime administration will formulate and implement the monitoring and evaluation mechanism, which will be in line with the requirements of paragraphs 11, 12 and 13 of the III Code, in order to address the priority measures on maritime safety and protection of the marine environment, as outlined in the draft maritime sector strategy document, to ensure improvement and to eliminate the cause of any non-conformity to prevent recurrence. This corrective action will be completed by 31 January 2020.

## **FD**

153 The State had not promulgated laws relating to all the mandatory IMO instruments to which it is Party, including their amendments. A system for transposing amendments to the applicable mandatory IMO instruments into national legislation to give full and complete effect was not in place. The State 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 (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; LL 1966, article 1; TONNAGE 1969, article 1; COLREG 1972, article I; and III Code, paragraphs 4 and 8).

### **Root cause**

154 There was a lack of technical capacity and insufficient resources for implementing a system for tracking and transposing amendments to the applicable mandatory IMO instruments into national legislation.

### **Corrective action**

155 The State's responsible 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 their transposition into national legislation before their entry into force. This system will be included in the new strategy;
- .2 a legislative review committee, comprising responsible entities of the State, will conduct an analysis of the amendments to the applicable 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. A set of draft legislation will be compiled with respect to the applicable mandatory IMO instruments, for their initial adoption and enactment into national law. The committee will recommend changes in national legislation for the relevant authority to implement; and

- .3 conduct an analysis of all personnel with maritime expertise to identify those staff members with sufficient experience to track amendments to the applicable mandatory IMO instruments for transposition into national legislation. In addition, provisions will be made for the recruitment of external resources through contracts or outsourcing.

This corrective action will be completed by 31 January 2021.

## **FD**

156 The State did not consistently communicate information to IMO as required by the relevant mandatory IMO instruments to which it is Party (e.g. text of laws, decrees and regulations and specimen of certificates) (SOLAS 1974, article III; MARPOL, article 11; LL 1966, article 26; STCW 1978, article IV; TONNAGE 1969, article 15; and III Code, paragraph 9).

### **Root cause**

157 There were insufficient human resources to communicate mandatory information to IMO.

### **Corrective action**

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

- .1 conduct an analysis of the current status of communication of information to IMO and establish a documented procedure for the communication of mandatory information to IMO. Develop and implement check lists and establish which entity of the State will be in charge of communication of information to IMO and through which means;
- .2 incorporate a standard operating procedure (SOP) for internal and external communication in the nodal government entity's QMS for the communication of information to IMO and assign responsibility for this purpose, including responsibility for record keeping;
- .3 designate a national focal point responsible for collecting information from all involved entities and uploading it onto GISIS; and
- .4 implement periodic reviews to ensure continuous compliance with mandatory requirements and conduct an analysis of personnel required to implement SOP. In addition, provisions will be made for the recruitment of external resources, as required, through contracts or outsourcing.

This corrective action will be completed by 30 December 2020.



## **FD**

159 Although there was a documented procedure in place to regulate which records were to be maintained, the necessary methods for the identification, storage, protection, retrieval, retention time and disposition of the records, the application of this procedure could not be verified (III Code, paragraph 10).

### **Root cause**

160 The pending completion of the documented procedure for records management contributed to this finding.

### **Corrective action**

161 The "master list of records" issued by the responsible entity's Quality Department will be included in its QMS. The aforementioned list will determine the location, indexing, retention period, protection and medium of retention, as well as responsibility for records management and for coordinating with other entities of the State with responsibilities in the implementation and enforcement of the mandatory IMO instruments. A database management system is under development, with the aim to make the process of maintaining records more efficient for all involved entities. This corrective action will be completed by 30 December 2020.

## **FD**

162 There was no mechanism in place to monitor and review the measures taken to effectively 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 noncompliance; and
- .3 actions needed to eliminate the causes of potential non-conformities in order to prevent their occurrence

(III Code, paragraphs 11, 13 and 14).

### **Root cause**

163 Procedural delays hampered the effective coordination of measures among departments and other agencies and there was a lack of awareness among personnel of the requirements of improvement and assessment procedures.

### **Corrective action**

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

- .1 conduct in-house training for all entities involved in the implementation and enforcement of the applicable IMO instruments, as per the strategic policy, and implement procedures under nodal entity's QMS, for monitoring and addressing existing non-conformities, as well as for identifying potential problems and determining necessary actions to prevent their occurrence. The extent to which the policy can achieve general objectives of the maritime administration collectively and ensure improvements in the implementation and enforcement of the applicable mandatory IMO instruments will be assessed periodically; and

- .2 SOPs will be incorporated into the Administration's QMS to identify and eliminate non-conformities by determining corresponding root causes and implementing corrective actions. In addition, strict adherence to the aforementioned SOPs will be ensured by all involved entities.

This corrective action will be completed by 30 December 2020.

## **FD**

165 Transposition of applicable mandatory IMO instruments and their amendments into national legislation, including those amendments entering into force under the tacit amendment's procedure, had not been carried out prior to their entry into force. Besides, there was no formal system in place for reviewing new amendments adopted by IMO, in order to ensure their timely transposition into national legislation. The maritime administration did not have sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; LL 1966, article 1; TONNAGE 1969, article 1; COLREG 1972, article I; and III Code, paragraph 8).

### **Root cause**

166 There was a prolonged legislative process that delayed the transposition of the applicable mandatory IMO instruments and their amendments into national legislation.

### **Corrective action**

- 167 The responsible entities of the State will implement the following actions:
- .1 a national legislative drafting sub-committee will be established and will commence drafting and/or review of the relevant national legislation incorporating all mandatory IMO instruments and their amendments;
  - .2 the nodal entity of the maritime administration, in consultation with other entities involved, will develop and implement a mechanism to follow up all mandatory IMO instruments and their amendments, and to monitor respective dates of their entry into force in order to ensure their transposition into national legislation in a timely manner. In addition, a restructuring of the nodal entity will be considered regarding human resources in order to ensure sufficient personnel with maritime expertise to assist in the promulgation of necessary national laws. Furthermore, a system will be established to improve competency of existing staff to monitor entry into force dates of IMO instruments and their amendments and a responsible unit for this task will be assigned; and
  - .3 the nodal entity of the maritime administration will consolidate existing national legislation containing provisions for the implementation of requirements stemming from the mandatory IMO instruments and it will seek technical assistance from IMO on drafting of legislation.

This corrective action will be completed by 20 December 2020.

## FD

168 There was no objective evidence that the State had complied with all the mandatory reporting requirements contained in the instruments to which the State is Party (e.g. information on text of laws, orders, decrees and regulations; details of ROs; provision of reception facilities) (SOLAS 1974, article III; MARPOL, article 11; TONNAGE 1969, article 15; LL 1966, article 26; and III Code, paragraph 9).

### Root cause

169 There was a lack of coordination among entities responsible for communication of information to IMO and an absence of policies regarding the scope and degree of communication requirements to IMO.

### Corrective action

170 The nodal entity of the maritime administration will develop a system and documented procedures for submission of mandatory information and reports to IMO. Responsible office/officer(s) will be assigned to ensure that mandatory information is submitted to IMO in an adequate and timely manner. The procedure will include the coordination and assignment of responsibilities among the different State entities involved in the communication of information to IMO. This corrective action will be completed by 31 March 2020.

## FD

171 There was no evidence available in the following areas in respect of the implementation and enforcement of relevant IMO instruments:

- .1 the ability of the State to promulgate laws, which permit effective jurisdiction;
- .2 the establishment of a legal basis for enforcement of all relevant IMO instruments, including associated investigative and penal processes;
- .3 the availability of legal and technical personnel with maritime expertise for the promulgation of national legislation and for discharging all the responsibilities of the State; and
- .4 review and updating of the existing national legislation

(SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; STCW 1978, article IV; and III Code, paragraph 8).

### Root cause

172 The reasons that led to this finding were:

- .1 insufficient expertise in the maritime administration to develop appropriate maritime legislation;
- .2 absence of a process to monitor and periodically review and update national maritime legislation;
- .3 budgetary constraints, due to which sufficient personnel with maritime legal expertise were not recruited in the maritime administration; and

- .4 there was a lengthy procedure to transpose the amendments to the applicable IMO instruments entering into force under the tacit acceptance procedure into national law, the same as those applicable to a new IMO instrument.

### **Corrective action**

173 The following actions will be undertaken:

- .1 a study will be conducted by responsible Ministry to assess the number and qualification of personnel necessary for the implementation and enforcement of the requirements stemming from the mandatory IMO instruments, and to recruit them as per the job descriptions. The Ministry will reorganize its maritime administration based on the outcome of this study;
- .2 the responsible entity will organize suitable training to improve capabilities of existing legal and technical personnel, with technical support from external sources (such as IMO, the International Labour Organization, other countries in the region and relevant maritime organizations);
- .3 adequate financial resources will be provided by the responsible Ministry in order to review and update the existing legislation processes to ensure that national maritime legislation is kept up to date;
- .4 the maritime administration, in consultation with related government entities, will develop a system, including necessary procedures, guidelines and assigned responsibilities, for tracking and transposing the mandatory IMO instruments and their amendments into national legislation and for reviewing and updating existing legislation, after an in-depth analysis of the existing legal basis for enforcement including the associated investigative and penal processes; and
- .5 a "Legal Advisory Unit" chaired by a high-level official will be established to monitor the legislation process and to strengthen available human resources with the view to keep the national maritime legislation up to date and to inform all relevant government agencies about the obligations of the State.

This corrective action will be completed by 30 June 2020.

### **FD**

174 The State did not have a mechanism in place for communication to all concerned about the State's strategy on implementation of IMO instruments and information on national legislation. Further, there was no evidence of fulfilling the obligations of reporting to IMO under the relevant IMO instruments (MARPOL, article 11; LL 1966, article 26; TONNAGE 1969, article 15; and III Code, paragraph 9).

### **Root cause**

175 The responsibility for managing the communication of information to IMO was not assigned to any specific person or entity in the maritime administration. Furthermore, a documented procedure was not established for the communication of information to IMO and all interested parties.

### **Corrective action**

176 The following actions will be undertaken by the responsible entity:

- .1 a new sub-section will be formed in the technical division of the maritime administration to manage the communication of information to IMO and to address related issues. The sub-section will develop a documented procedure to identify and fulfil all reporting requirements to IMO and other agencies, and responsibility will be assigned to ensure that communication of information to IMO and stakeholders are up to date, including the uploading of information in GISIS modules; and
- .2 the IMO Web Accounts Administrator of the State (designated for the management of the GISIS accounts) will monitor the status of reporting in the GISIS modules.

This corrective action will be completed by 30 June 2019.

### **FD**

177 The State had not implemented the applicable IMO instruments to which it is Party, including their amendments, into national legislation. Furthermore, there was no evidence of an effective mechanism in place for tracking and evaluating new amendments coming into force under those instruments. The legal basis for enforcement of specific requirements of the applicable IMO instruments was not in place and there was a lack of personnel with technical and legal 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; and III Code, paragraph 8).

### **Root cause**

178 The following factors contributed to this finding:

- .1 a lack of awareness of the decision makers regarding the financial and economic advantages of implementing, as well consequences of not implementing the mandatory IMO instruments;
- .2 a lack of resources, including financial, infrastructure and qualified personnel, had delayed the implementation of the ratified instruments into national legislation;
- .3 under the State's legal system the process of ratifying a new convention or incorporating an amendment into existing law takes a very long time; and
- .4 there was no clear process in place to alert relevant government entities when new amendments to the mandatory IMO instruments are entering into force.

### **Corrective action**

179 The maritime administration will incorporate the mandatory IMO instruments into national legislation and establish necessary infrastructure for their implementation and enforcement. The responsible Minister has installed a Maritime Legislation Commission that is tasked to expedite the transposition of the ratified IMO instruments into national legislation. As

a mechanism for compliance with this requirement in the future, a system will be put in place to ensure a systematic tracking and follow-up of new mandatory IMO instruments and amendments to existing ones and to monitor the dates of their entry into force, in order to ensure their transposition into national legislation in a timely manner. This corrective action will be completed by 31 December 2022.

#### **FD**

180 There was evidence that some 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, and initial communication of information as required by STCW 1978, including the independent evaluation (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulations I/7 and I/8.3; LL 1966, article 26; and III Code, paragraph 9).

#### **Root cause**

181 As the ratified IMO instruments have not been implemented into national legislation, there was no formal documented procedure to monitor and oversee mandatory reporting under those instruments. There was also a lack of awareness within the maritime administration regarding the reporting requirements.

#### **Corrective action**

182 The maritime administration will devise a procedure for reporting to IMO in accordance with the requirements of all the applicable mandatory IMO instruments, including providing and periodically updating relevant information through GISIS. Also, the mandatory reporting formats, as required by the applicable IMO instruments, will be incorporated into the procedures manual of the maritime administration. Arrangements will be made to ensure that ongoing monitoring and review of the communication system occurs, with personnel designated to follow up. This corrective action will be completed by 31 December 2022.

#### **FD**

183 There was no evidence that a record keeping system had been established by all entities, based on documented procedures defining control of records, including identification, storage, protection, retrieval, retention time and disposition (III Code, paragraph 10).

#### **Root cause**

184 A process, based on documented procedures defining control of records, had not been implemented by all entities to ensure that record keeping was carried out consistently throughout the maritime administration. There was a lack of knowledge of the requirements of the III Code and a lack of understanding of the record-keeping process.

#### **Corrective action**

185 A documented record keeping procedure, specifying all elements as required by the III Code, and in line with the existing national legislation, will be developed, established by the relevant government entities and implemented by each agency to the extent appropriate to its particular needs, operations and circumstances, for all activities stemming from the requirements of the applicable IMO instruments. This corrective action will be completed by 31 December 2022.

## **FD**

186 There was no evidence to demonstrate that the State had stimulated a culture for improving the adequacy of measures taken to give full and complete effect to those IMO instruments which the State has ratified. The State had not taken measures to identify and eliminate causes of non-conformities to prevent their recurrence (III Code, paragraphs 11, 12 and 13).

### **Root cause**

187 There was an absence of the required national legislation, policies and procedures.

### **Corrective action**

188 The maritime administration will establish and implement the required national legislation, procedures and policies aimed at stimulating a culture for improving the adequacy of measures taken to give full and complete effect to the applicable mandatory IMO instruments. Key performance indicators (KPIs) will be set and/or adequacy of measures taken monitored and evaluated, as a basis for improvements. A mechanism will be established, including all relevant government entities, to identify and eliminate causes of non-conformities to prevent their recurrence. This corrective action will be completed by 31 December 2022.

## **FD**

189 The State did not fulfil all its obligations regarding communication of information to IMO under the applicable mandatory IMO instruments (e.g. information on text of laws, orders, decrees and regulations, details of RO agreements) (SOLAS 1974, article III; MARPOL, article 11; LL 1966, article 26; STCW 1978, article IV; TONNAGE 1969, article 15; and III Code, paragraph 9).

### **Root cause**

190 The following factors contributed to this finding:

- .1 lack of documented procedures to identify and address the requirements for communication of information and mandatory reports to IMO;
- .2 the tasks of the authorized officials were not defined and there was a lack of supervision of the responsibilities of the related services; and
- .3 lack of coordination among institutions responsible for reporting to IMO.

### **Corrective action**

191 The State will implement the following actions:

- .1 develop and implement a mechanism for mandatory reporting to IMO, including working instructions, procedures and division of responsibilities for reporting;

- .2 designate a unit, within the maritime administration, to ensure that the required information and reports are communicated to IMO; including the uploading of information into GISIS and keeping it updated. The unit will assume the coordination with involved entities and periodic inter institutional meetings will be organized to coordinate the communication of all mandatory reports to IMO; and
- .3 identify and communicate all mandatory information and reports to IMO.

This corrective action will be completed by 31 December 2019.

## **FD**

192 The State did not have in place any measure to stimulate a culture which provides opportunities for improvement of performance in maritime safety and environmental protection activities, including continual training programmes, reward and incentive mechanisms for shipping companies and seafarers with a view to improving safety and pollution prevention (III Code, paragraphs 12.1 and 12.3).

### **Root cause**

193 The following factors contributed to this finding:

- .1 lack of understanding of the provisions of the III Code, lack of documented procedures and qualified personnel; and
- .2 absence of a relevant national programme/mechanism for continuous improvement of performance in maritime safety and environment protection activities.

### **Corrective action**

194 The State will implement the following actions:

- .1 develop and implement documented procedures as a basis for continual training programmes aiming at promotion of profession, that may include international experience exchange programmes, as well as programmes designed to enhance qualifications of relevant personnel; and
- .2 establish a reward and incentive mechanism for shipping companies and seafarers to improve safety and environment protection activities.

This corrective action will be completed by 1 March 2020.

## **FD**

195 There was no 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, 13 and 14).

#### **Root cause**

196 The following factors contributed to this finding:

- .1 lack of understanding of the provisions of the III Code and lack of culture and analysis tools to identify and eliminate the cause of non-conformities; and
- .2 lack of a culture of continuous improvement and absence of performance measurement criteria.

#### **Corrective action**

197 The State will review and enhance the existing mechanism for continual improvement in the implementation and enforcement of the mandatory IMO instruments, as well as introduce the periodical monitoring of all involved entities in discharging flag, coastal and port State responsibilities and obligations. The new mechanism will, inter alia, include:

- .1 analysis and review of the existing national legislation, directives, procedures and instructions and their alignment with the mandatory IMO instruments to which the State is Party;
- .2 periodical analysis and evaluation of the effectiveness in the implementation of the mandatory IMO instruments, with the aim of identifying and eliminating the cause of any non-conformities;
- .3 developing and implementing corrective actions to address the root causes of any discovered and potential non-conformities and implement actions to prevent their recurrence; and
- .4 convening periodical evaluation meetings between different governmental entities, to verify the effective implementation of the mandatory IMO instruments in order to identify and eliminate the reasons of discovered or potential non-conformities.

This corrective action will be completed by 31 December 2020.

#### **Observations (OB)**

198 The State had recently developed and adopted an overall policy document; however, it was not comprehensive enough to provide a basis for the State to fully meet its obligations and responsibilities under the applicable mandatory IMO instruments. Besides, a methodology to monitor and assess that the strategy ensures the effective implementation and enforcement of the applicable mandatory instruments, as well as a mechanism for continuous review in order to ensure improvement of the overall organizational performance and capability as a flag, port and coastal State had not been established (III Code, paragraph 3).

### **Root cause**

199 There was a lack of knowledge about obligations and responsibilities of the State under applicable IMO instruments, lack of appropriate policy and strategy and absence of a QMS with an established performance monitoring.

### **Corrective action**

200 The State's responsible entities will implement the following actions:

- .1 the existing strategy will be adjusted to ensure that flag, port and coastal State obligations and responsibilities of the State are met;
- .2 QMS will be developed and a monitoring system based on key performance indicators will be established to assess that the strategy ensures effective implementation and enforcement of applicable IMO instruments. The same methodology will be implemented for all involved entities of the State; and
- .3 the strategy will be annually reviewed by the National Maritime Council and the review will cover all relevant measures of all entities involved in the implementation and enforcement of the mandatory IMO instruments.

This corrective action will be completed by 31 December 2021.

### **OB**

201 An overall maritime strategy was not presented during the audit. The State had a general strategic plan, which did not fully demonstrate how its obligations and responsibilities under the mandatory IMO instruments to which it is Party were going to be met and how implementation and enforcement of those instruments were going to be monitored and assessed (III Code, paragraph 3).

### **Root cause**

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

### **Corrective action**

203 The State will:

- .1 establish an inter-institutional working group consisting of all the entities participating in the maritime administration with the aim of elaborating a national overall maritime strategy that will define the responsibilities of each entity involved in the implementation and enforcement of the IMO instruments to which the State is Party. The strategy will serve as a mechanism to ensure that the State's international obligations and responsibilities as a flag State are met. Once the mentioned strategy is developed, it will be adopted by a national legal instrument; and
- .2 appoint a coordinating entity and focal point for the development of the overall maritime strategy. A methodology for monitoring and evaluation of performance in carrying out flag State activities will be established, based on objectives and KPI. The methodology will include a system for continuous review of the strategy and evaluation of performance in conducting flag and general activities of the State.

This corrective action will be completed by 1 December 2021.

**OB**

204 Although the State had developed an overall strategy, it did not ensure that all its obligations and responsibilities under the mandatory IMO instruments to which it is Party were met (III Code, paragraph 3).

**Root cause**

205 There was a lack of awareness of the requirements of the III Code regarding the overall strategy and a lack of experience in developing this kind of mechanisms.

**Corrective action**

206 The State will:

- .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 IMO instruments and serve as a mechanism to ensure that the international obligations and responsibilities of the State as flag, port and coastal State are met.
- .2 appoint a coordinating entity and focal point for the development of the overall maritime strategy. A methodology for monitoring and evaluation of performance in carrying out flag, coastal and port State activities will be established, based on set objectives and key performance indicators (KPI). 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 1 November 2021.

**OB**

207 The State had not developed an overall strategy in order to ensure that its international obligations and responsibilities as a flag State are met (III Code, paragraph 3).

**Root cause**

208 Development of an "overall maritime strategy" was not considered as a priority for the State, as there had been no ship entitled to fly the flag of the State since 1997.

**Corrective action**

209 An overall national strategy will be developed and implemented as a mechanism for monitoring of, and compliance with, the applicable IMO instruments in accordance with the III Code requirements in order to achieve continuous improvement. This corrective action will be completed by 31 December 2022.

**OB**

210 It could not be established that the State had developed and implemented an overall strategy to ensure that its obligations and responsibilities under the applicable mandatory IMO instruments are met (III Code, paragraph 3).

**Root cause**

211 Although a general maritime management strategy was adopted, it was still in the initial stages of implementation at the time of audit. Some maritime management functions related to the obligations and responsibilities under the applicable IMO conventions needed improvements in the areas of legislation, implementation, execution, evaluation and review in accordance with the requirements of the III Code.

**Corrective action**

212 Taking into account the requirements of the III Code, all relevant government entities will continue with the development and implementation of the general maritime management strategy to incorporate the management, control and review of various maritime administrative functions under the flag, port and coastal government responsibilities, as well as transposition of new or amended IMO conventions or codes into national legislation. The effectiveness and continued suitability of the maritime management strategy will be monitored through periodical reviews. This corrective action will be completed by 30 June 2020.

**OB**

213 The State did not develop a comprehensive strategy to ensure compliance with its international obligations and responsibilities stemming from the mandatory IMO instruments to which it is Party (III Code, paragraph 3).

**Root cause**

214 There was a lack of knowledge of the obligations emanating from the mandatory IMO instruments by the entities concerned.

**Corrective action**

215 The State will adopt the following measures:

- .1 an overall maritime strategy, based on the provisions of the III Code, will be developed by the Ministry of Transport, in consultation with the relevant agencies, and will be presented to the Government Council for adoption;
- .2 an action plan will be developed on the implementation of the obligations and responsibilities arising from the mandatory IMO instruments to which the State is Party;
- .3 an effective mechanism will be established to periodically assess the overall performance of the State covering flag, coastal and port State activities; and
- .4 upon its adoption, the overall maritime strategy will be communicated by the Ministry of Transport to the entities concerned and will be evaluated regularly to ensure effective implementation.

This corrective action will be completed by 31 December 2019.

**OB**

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

**Root cause**

217 There were insufficient skilled personnel as a result of limited capacity and resources and competing needs within the nodal responsible entity of the State to undertake the required strategy development. There was also a general lack of awareness of the extent of the provisions of the III Code and of the necessary coordination between the number of entities which make up the maritime administration.

**Corrective action**

218 The State will:

- .1 develop and implement an overall maritime strategy in accordance with the requirements of the III Code. The nodal responsible entity will coordinate development of the overall strategy and provision of sufficient skilled personnel;
- .2 the various entities with responsibilities under the applicable IMO instruments will develop a Memorandum of Agreement, based on their roles and responsibilities under national law; and
- .3 the nodal responsible entity shall seek Government approval to act as the lead agency in the development of an inter-agency coordination body for the fulfilment of the flag, coastal and port State obligations and responsibilities of the State. This body will be charged with the responsibility for the development of a review mechanism for evaluation of the performance of the State and initiating corrective measures, as required, as well as for conducting periodical review of the strategy itself to ensure continual improvement of performance.

This corrective action will be completed by 31 July 2019.

**OB**

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

**Root cause**

220 The State did develop an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met, but the strategy document did not fully meet the requirements of the III Code due to lack of awareness about the provisions in the III Code during the development of strategy.

**Corrective action**

221 The strategy document presented to the auditors will be reviewed by the competent authority, in consultation with relevant entities, to establish a revised strategy that fully

complies with paragraph 3 of the III Code. Appropriate training will be provided to the personnel in the maritime administration on the provisions and the application of III Code. This corrective action will be completed by 30 June 2019.

**OB**

222 The State had not developed and implemented an overall strategy in order to ensure that its international obligations and responsibilities under the applicable mandatory IMO instruments as a flag, port and coastal State are met (III Code, paragraph 3).

**Root cause**

223 There was a lack of resources and personnel to develop a maritime strategy with the diverse agencies comprising the maritime administration.

**Corrective action**

224 An overall maritime strategy encompassing all entities involved in the implementation and enforcement of the requirements stemming from the mandatory IMO instruments will be developed and implemented according to the provisions of the III Code, in order to ensure full compliance with the international responsibilities and obligations of the State under those instruments. This corrective action will be completed by 30 September 2020.

**OB**

225 A strategy, as required under paragraph 3 of the III Code in order to continuously review the effectiveness in the implementation and enforcement of applicable mandatory instruments, was yet to be developed and implemented (III Code, paragraph 3).

**Root cause**

226 The maritime administration of the State consisted of a number of entities, however, the vision and strategy for implementation of the mandatory IMO instruments were not consolidated among all these entities; hence, a strategy meeting the provisions of the III Code could not be presented.

**Corrective action**

227 The following actions will be implemented:

- .1 the responsible entity of the maritime administration will coordinate with all relevant entities to formulate an overall maritime strategy for the State aiming at the effective implementation and enforcement of the mandatory IMO instruments; and
- .2 the responsible entity of the maritime administration will consolidate the views from all the entities and initiate the establishment of the overall strategy for the State, meeting the provisions of the III Code.

This corrective action will be completed by 30 June 2021.

**OB**

228 The State had not developed an overall strategy to ensure that its international obligations are met and to ensure the effective implementation and enforcement of relevant IMO instruments (III Code, paragraph 3).

**Root cause**

229 This observation resulted from the lack of knowledge about the obligation under the III Code to develop a strategy for effective implementation and enforcement of the applicable IMO instruments.

**Corrective action**

230 The State will adopt a strategy on flag, coastal and port State aspects and include it in the existing high-level policy documents through appropriate revisions. The State will also put in place a periodic evaluation and review system, comprising all entities sharing responsibility for the implementation and enforcement of the requirements stemming from the applicable IMO instruments. Key performance indicators will be identified, and its performance will be evaluated in meeting all obligations. The strategy will be continuously reviewed to ensure it remains adequate for improving the overall performance of the State, in accordance with the provisions of the III Code. This corrective action will be completed by 31 July 2020.

**OB**

231 The State had not developed and implemented an overall strategy in order to ensure that its obligations and responsibilities under the applicable mandatory IMO instruments as flag, coastal and port State are met (III Code, paragraph 3).

**Root cause**

232 The draft Integrated Maritime Sector Strategy document, which was completed in 2016, could not be validated as expected due to an inordinate delay.

**Corrective action**

233 The State will validate the draft Integrated Maritime Sector Strategy and carve out implementation plan/framework, which will include monitoring and evaluation mechanism to ensure that the strategy ensures effective implementation and enforcement of the mandatory IMO instruments and the III Code. This plan will be subject to periodic review to ensure continual improvement. This corrective action will be completed by 31 January 2020.

**OB**

234 A comprehensive maritime strategy could not be submitted at the time of the audit. The State had strategic policies, directions and a signed coordination of activities agreement on SAR operations. However, it did not fully demonstrate how its obligations and responsibilities under the mandatory IMO instruments to which it is Party were going to be met and how the implementation and enforcement of those instruments were to be monitored and assessed (III Code, paragraph 3).

### **Root cause**

235 Insufficient time and lack of coordination among entities to agree on the scope of actions necessary to meet the objectives of paragraph 3 of the III Code contributed to this finding.

### **Corrective action**

236 The State will develop an overall maritime strategy to ensure that its international obligations as a flag, coastal and port State are met. The strategy will be based on a policy of cooperation and coordination between involved entities of the State 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 performance evaluation will be carried out in conjunction with a joint meeting of all the involved entities, which will be held every six months. This corrective action will be completed by 30 December 2020.

### **OB**

237 The State had developed an overall strategy, however, it was not sufficiently robust to ensure an effective coordination among all the State's entities, as well as an effective conduct of their responsibilities and duties under the applicable mandatory IMO instruments. Furthermore, the proposed methodology to monitor and evaluate the strategy, and a mechanism for continuous review in order to ensure improvement of the overall organizational performance and capability as a flag, port and coastal State had not been implemented and assessed (III Code, paragraph 3).

### **Root cause**

238 The lack of coordination among State entities contributed to this finding.

### **Corrective action**

239 The responsible State entities will implement the following actions:

- .1 the Steering Committee will review the existing national strategy for the implementation of IMO instruments to establish clear roles, responsibilities, coordination and guidelines for involved State entities. In addition, the strategy will provide for annual meetings to deliberate on the need for review and to initiate improvements;
- .2 a monitoring and evaluation system will be developed and implemented, based on key performance indicators to evaluate the performance of the State with regard to effectiveness of the implementation and enforcement of the mandatory IMO instruments. Through this system, causes of any non-conformity will be identified, eliminated and appropriate measures will be established and undertaken to prevent recurrence; and
- .3 agreements between the responsible entities of the State will be concluded to enhance effective implementation of the mandatory IMO instruments.

This corrective action will be completed by 31 December 2020.



**OB**

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

**Root cause**

241 The strategy developed by the State did not meet the applicable requirements of paragraph 3 of the III Code due to a lack of understanding of the full scope and level of the requirements. Furthermore, due to limited participation in the IMO meetings, the personnel in the Administration had limited knowledge on the development of an overall maritime strategy.

**Corrective action**

242 The following actions will be undertaken:

- .1 the nodal entity of the maritime administration will interact with the concerned agencies to study and review the current methodology for ratification and implementation of treaties, including the mandatory IMO instruments;
- .2 taking into account the outcome of the study and the gaps with regard to the implementation of the III Code, the responsible Ministry will be advised to formulate an overall strategy for the implementation and enforcement of the mandatory IMO instruments, in consultation with other concerned ministries and agencies;
- .3 guidance and assistance will be sought from IMO and other Member States on formulating the overall strategy;
- .4 the responsible Ministry will formulate an overall strategy, in consultation with concerned governmental organizations and stakeholders, to ensure that the State's international obligations and responsibilities as flag, port and coastal States are met, as per the III Code;
- .5 the responsible Ministry will adopt a system to periodically monitor and assess effective implementation and enforcement of the mandatory IMO instruments; and
- .6 the responsible Ministry will allocate sufficient resources for the nodal entity to attend relevant IMO meetings, as a capacity-building measure to assist in the effective implementation of the mandatory IMO instruments.

This corrective action will be completed by 31 December 2021.

**OB**

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

**Root cause**

244 Due to a lack of understanding of the obligations under the applicable IMO instruments and diversification of institutional priorities, there was a delay in establishing a national maritime strategy for the implementation and enforcement of applicable mandatory IMO instruments.

### **Corrective action**

245 The State's National Maritime Association, comprising representatives from relevant government entities, will be established and will develop a national maritime strategy for the implementation and enforcement of the applicable IMO instruments and recommendations. The Strategy will contain a procedure to monitor, examine and evaluate the performance in exercising flag, coastal and port State obligations and responsibilities in the implementation and enforcement of the applicable IMO instruments and will take into account relevant recommendations. The Strategy will be incorporated into national legislation and will identify measures for continuous improvement in fulfilling these functions. This corrective action will be completed by 31 December 2022.

### **OB**

246 The State had recently developed and adopted a strategic directions plan which did not contain measures that would ensure how its obligations and responsibilities under the mandatory IMO instruments that it is a Party to were going to be met, nor did it contain a methodology to monitor and assess that the strategy ensures the effective implementation and enforcement of the applicable mandatory instruments, as well as a mechanism for continuous review and improvement of the overall organizational performance and capability as a flag, port and coastal State (III Code, paragraph 3).

### **Root cause**

247 There was a lack of understanding of the scope and the level of requirements of paragraph 3 of the III Code and the absence of continuous review of the adopted strategic directions to achieve, maintain and improve the overall organizational performance and capability of the State.

### **Corrective action**

248 The following actions will be implemented:

- .1 a review and update of the adopted strategic directions will be carried out in accordance with paragraph 3 of the III Code and a coordination and collaboration mechanism will be established among all concerned entities, identifying the scope and the area of responsibilities to meet the overall objectives; and
- .2 an effective method of assessment will be developed, at the highest level, through which a specific entity will be in charge of overseeing and monitoring the strategy. This method will be developed in harmony with the overall strategy objectives and will include the necessary KPIs and assessment criteria.

This corrective action will be completed by 31 December 2019.

## **FLAG STATE ACTIVITIES**

### **Findings (FD)**

249 The Administration did not implement policies for the promulgation of national legislation and guidance which would assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which the State is a Party (III Code, paragraph 15).

### **Root cause**

250 There was a lack of qualified personnel and absence of a policy on promulgation and dissemination of national legislation and guidance.

### **Corrective action**

251 The Administration will implement the following actions:

- .1 a dedicated unit for IMO issues will be established with appropriate qualified personnel with maritime expertise. Roles and responsibilities will be defined and assigned to ensure a systematic follow-up on the promulgation of national legislation based on tracking the amendments to the mandatory IMO instruments;
- .2 review, analysis and reorganization of the existing legislation and guidance will be carried out and IMO guidelines will be defined as recommendatory in order to support effective implementation and enforcement of the mandatory IMO instruments; and
- .3 a QMS will be developed, including appropriate policy for the promulgation of national legislation and guidance, as well as documented procedures. Roles and responsibilities to promulgate legislation and guidance will be established.

This corrective action will be completed by 31 December 2020.

### **FD**

252 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 international IMO instruments and their amendments to which the State is Party;
- .2 an independent audit and inspection programme to the entity which issue 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 international instruments; and
- .3 provisions to address those requirements that are left "to the satisfaction of the Administration" established in the relevant mandatory IMO instruments to which the State is Party

(III Code, paragraphs 16.1, 16.2 and 16.5).

### **Root cause**

253 There was a lack of awareness of the need for required resources, including personnel with technical expertise, absence of national legislation and a lack of a QMS.

### **Corrective action**

254 The Administration will implement the following actions:

- .1 resources and procedures needed for administering the safety and environment protection programme will be identified by the responsible entities. Personnel with appropriate qualification will be recruited and required resources will be allocated under the revised organizational structure;
- .2 a project will be undertaken to review the national maritime legislation, including reorganization of the existing legislation, as well as development and implementation of additional instructions and guidance, including interpretation of the requirements left to "the satisfaction of the Administration" in the applicable mandatory IMO instruments; and
- .3 within the QMS, documented procedure will be put in place to ensure effective monitoring of the entity which is authorized to issue certificates and documents to ships entitled to fly the flag of the State, through audits and inspections conducted by the Administration.

This corrective action will be completed by 31 December 2021.

### **FD**

255 The Administration had not set up any detailed national criteria for recognition and authorization of classification societies and there was no evidence to confirm that the ROs were provided with all the appropriate instruments of national legislation and interpretations, thereof giving effect to the provisions of the conventions to which the State is a Party. Furthermore, an oversight programme with adequately qualified resources has not been set up and implemented for monitoring ROs in order to ensure that their international obligations were fully met (SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; and III Code, paragraphs 18.1, 18.4 and 20).

### **Root cause**

256 There was a lack of legal basis and lack of policies and criteria for delegation of authority to ROs. In addition, there was a lack of technical personnel and QMS.

### **Corrective action**

257 The Administration will implement the following actions:

- .1 under the project on reviewing national legislation, current legislation will be updated and reorganized in accordance with the requirements of the RO Code and other IMO instruments related to the delegation of authority for statutory certification; and

- .2 documented procedures will be developed within the QMS to establish an oversight programme for monitoring of ROs, which will include audits and follow-up audits of ROs, analysis of RO-related detentions and casualties, and communication procedures with the ROs and other stakeholders. In addition, procedures for communication of information related to ROs to IMO through GISIS will be developed and implemented. The responsible office within the Administration will be a new dedicated unit for IMO issues and appropriate number of qualified personnel will be recruited.

This corrective action will be completed by 31 December 2021.

## **FD**

258 An effective enforcement structure to secure observance of international rules and standards by ships entitled to fly the flag of the State and by entities and persons under its jurisdiction was not completely in place:

- .1 the fines were not sufficiently deterrent, and the authorities were unable to prove the proper or consistent applications;
- .2 sufficient numbers of qualified flag State personnel were not available; and
- .3 a control and monitoring programme to provide for the collection of statistical data, prompt actions to carry out casualty investigation and timely response to deficiencies was not developed

(III Code, paragraphs 22.5, 22.6 and 23).

## **Root cause**

259 There was a lack of personnel with appropriate knowledge and skills, ineffective field and headquarters integration, outdated rules and regulations and the absence of a QMS.

## **Corrective action**

260 The Administration will implement the following actions:

- .1 under the project on reviewing national legislation, current legislation will be updated and reorganized to include penal clauses of adequate severity to discourage violation of international maritime standards;
- .2 flag State surveyors will be recruited and trained to enforce national requirements emanating from mandatory IMO instruments. In addition, procedures will be established for flag State surveyors and ROs to oversee corrective measures taken in cases of detention of ships flying the flag of the State, as reported by port States, including restriction for renewal or issuance of statutory certificates until deficiencies are rectified; and
- .3 under its QMS, documented procedures will be developed in order to ensure the collection of relevant statistical data of the fleet for further analysis.

This corrective action will be completed by 31 December 2021.

## FD

261 Legal arrangements defining the responsibilities, authority and interrelationship of surveyors are not complete or well structured. Furthermore, the Administration had not implemented a documented system for the qualification and continuous updating of the knowledge of the flag State surveyors with regard to the task they are authorized to undertake (III Code, paragraphs 28 and 35).

### Root cause

262 Due to an inadequate assignment of roles and responsibilities and an absence of a QMS.

### Corrective action

263 The Administration will implement the following actions:

- .1 under the project on reviewing national legislation, current legislation will be updated to provide and ensure the legal basis for flag State surveyors to carry out their tasks. Additionally, the Administration will define the responsibilities, authorities and interrelation of surveyors;
- .2 under its QMS, documented training programmes to continuously update the knowledge of flag State surveyors will be developed; as well as annual performance evaluation criteria and a "guidance manual" for examiners; and a documented system which will capture existing qualifications, identified training needs and trainings received for each surveyor; and
- .3 development of training programmes, participation in WMU courses and IMO model courses will be considered. In addition, the mentioned programmes will include training for port State control officers (PSCOs) and investigators.

This corrective action will be completed by 31 December 2021.

## FD

264 The Administration did not implement the majority of the provisions of the Casualty Investigation Code, including but not limited to:

- .1 insufficient regulations for conducting impartial and objective casualty investigations;
- .2 availability of trained and impartial casualty investigators to carry out objective investigations;
- .3 no arrangements for cooperative investigation with other member States; and
- .4 availability of the final investigation report to the public and the shipping industry

(SOLAS 1974, regulations I/21 and XI-1/6; Casualty Investigation Code, paragraphs 6.2, 7.1, 7.2, 8.1, 10.1, 11.1, 14.1, 14.2 and 14.4; and III Code, paragraphs 38 and 41).

### **Root cause**

265 There was a lack of awareness of the requirements of the mandatory IMO instruments related to casualty investigation and lack of personnel with appropriate knowledge and skills. In addition, a lack of legal basis contributed to this finding.

### **Corrective action**

266 The Administration will implement the following actions:

- .1 under the project on reviewing national legislation, new legislation related to implementation and enforcement of the Casualty Investigation Code will be developed;
- .2 a new casualty investigation unit will be created, reporting directly to the director-general of the Administration, and comprising independent investigators. In addition, procedures for cooperation on casualty investigations with other States and for release of final investigation reports to the public and the maritime sector, will be developed; and
- .3 training and awareness programmes for investigators, support personnel and other entities involved in casualty investigations will be developed. The training programmes will include in-house trainings and trainings abroad.

This corrective action will be completed by 31 December 2021.

### **FD**

267 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, paragraphs 42 and 43).

### **Root cause**

268 There was a lack of awareness of the need to have a QMS in place, which would include performance evaluation for flag State activities.

### **Corrective action**

269 The Administration will implement the following actions:

- .1 procedure will be developed stipulating detailed methodology for periodical review and evaluation of the performance in respect of administrative processes, procedures and resources necessary to meet the flag State obligations and responsibilities under the mandatory IMO instruments. This procedure will be applied for all the State's entities involved in flag State activities. Key performance indicators for relevant entities shall be identified on the basis of their output to enable measurement of performance and will be reviewed annually during review meetings; and
- .2 the Administration will be the lead entity in the implementation of the QMS procedure for evaluation of performance across all the entities and it will be subject to external QMS audits by a certifying body.

This corrective action will be completed by 31 December 2020.

## **FD**

270 Although the Administration implemented a procedure related to the formulation of policies for the promulgation of national legislation and guidance to assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which the State is Party; its effectiveness could not be demonstrated (III Code, paragraph 15.1).

### **Root cause**

271 There was no dedicated unit responsible for the implementation and monitoring of the existing procedure for formulation of policies for promulgation of national legislation and guidelines.

### **Corrective action**

272 The Administration will assign responsibility to a dedicated unit for reviewing and implementing the existing procedure on formulation of policies through the development of procedures, guidelines or amending existing provisions on how the policies will be formulated and distributed, for example, by administrative instructions. This unit will also be responsible for coordination with other entities of the State responsible for the implementation or enforcement of the applicable IMO instruments. The procedure on formulation of policies will be included in the safety and environmental protection programme to be established. This corrective action will be completed by 30 July 2021.

## **FD**

273 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; and
- .2 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, paragraphs 16.1 and 16.5).

### **Root cause**

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

### **Corrective action**

275 The Administration will develop a maritime safety and environmental protection programme, including the criteria to be followed for drafting administrative instructions and national regulations aiming at effectively implementing and enforcing the applicable IMO instruments and their respective amendments. Relevant communication to the interested parties and respective communication channels will also be identified. The existing procedure for setting criteria for those requirements that are left to the satisfaction of the Administration will be reviewed, to include more detailed guidance in relation to specific requirements of the



applicable IMO instruments, along with the methodology and responsibility for defining respective criteria. Similar actions will be taken regarding the provisions related to type approval of materials and equipment. This corrective action will be completed by 30 June 2021.

#### **FD**

276 The delegation of authority to ROs was not carried out in accordance with the provisions of RO Code. In addition, the Administration had not provided the ROs with all of the national legislation, corresponding interpretations or other additional regulations to give effect to the provisions of the relevant mandatory IMO instruments (SOLAS 1974, regulation XI-1 /1; RO Code, part 1, section 4.2; and III Code, paragraphs 18.2 and 18.4).

#### **Root cause**

277 There was a lack of awareness of the provisions of the RO Code and III Code in relation to delegation of authority.

#### **Corrective action**

278 Following development and implementation of a new procedure for incorporating amendments to the applicable IMO instruments into national law, relevant requirements of the RO Code will be enacted into national legislation. In addition, after the development of the maritime safety and environmental protection programme by the Administration, the elaboration of national regulations and administrative instructions will be carried out to effectively implement the requirements of the RO Code and the agreements between the Administration and the ROs will be updated. The programme will also establish the requirement to provide the ROs with all appropriate texts of national legislation, corresponding interpretations and any additional national standards for the implementation of the relevant IMO instruments. This corrective action will be completed by 31 December 2021.

#### **FD**

279 The oversight programme established by the Administration to monitor the ROs did not include the conduct of 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 and national laws. In addition, the Administration had insufficient personnel with good knowledge of the rules and regulations of the flag State and those of the ROs to carry out and effective oversight of the ROs (III Code, paragraph 20).

#### **Root cause**

280 There was a lack of legal basis and insufficient human and financial resources for carrying out the oversight programme of the ROs.

#### **Corrective action**

281 With the establishment of the maritime safety and environmental protection programme by the Administration, the existing oversight programme of ROs will be revised and established under appropriate legal basis. Adequate resources will be provided and conducting supplementary surveys will be considered. In addition, a training and specialization programme will be established in order to ensure sufficient personnel with technical expertise to carry out the oversight and supervision tasks. This corrective action will be completed by 30 June 2021.

## **FD**

282 The national laws and regulations did not contain penalties of adequate severity to discourage violation of international rules and standards by ships entitled to fly the flag of the State, as well as by individuals holding a certificate or endorsement issued by the Administration (III Code, paragraphs 22.5 and 22.7).

### **Root cause**

283 Due to outdated legislation, prescribed penalties were found not of adequate severity to discourage violation.

### **Corrective action**

284 The Administration will implement the following actions:

- .1 under the safety and environmental protection programme, to be established by the Administration, new national interpretative regulations and administrative instructions for effective enforcement of the applicable IMO instruments will be developed, in coordination with the legal division; and
- .2 training and specialization programmes will be established in order to ensure sufficiently qualified personnel capable of implementing and enforcing the requirements stemming from the applicable IMO instruments. Procedures and guidelines will be developed for evaluation of effectiveness of the training programme.

This corrective action will be completed by 31 December 2021.

## **FD**

285 Although the Administration had national legislation related to enforcement of the applicable mandatory IMO instruments and had personnel in charge of implementing and enforcing such legislation, it was verified that the national legislation was insufficient and the personnel did not have adequate qualification to ensure full compliance with the applicable mandatory IMO instruments to which the State is a Party (III Code, paragraphs 24.1 and paragraph 24.2).

### **Root cause**

286 There was a lack of a safety and environmental protection programme, including adequate training.

### **Corrective action**

287 The Administration will implement the following actions:

- .1 under the safety and environmental protection programme, to be established by the Administration, new national interpretative regulations and administrative instructions for effective enforcement of the applicable IMO instruments will be developed, in coordination with the legal division; and

- .2 training and specialization programmes will be established in order to ensure sufficiently qualified personnel capable of implementing and enforcing the requirements stemming from the applicable IMO instruments. Procedures and guidelines will be developed for evaluation of effectiveness of the training programme.

This corrective action will be completed by 30 June 2021.

#### **FD**

288 The arrangements for casualty investigations were not found to be in compliance with the provisions of the Casualty Investigation Code, in particular:

- .1 there was no national legislation authorizing investigators to perform investigations on board ships; and
- .2 investigation reports were not prepared in accordance with the provisions of the Casualty Investigation Code and had not been release to the public or submitted to IMO

(SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraphs 8.1, 14.1, 14.4; and III Code, paragraphs 38 and 41).

#### **Root cause**

289 Responsibility for monitoring and adoption of amendments to the applicable IMO instruments was not assigned and, in addition, there was insufficient personnel with maritime (technical and legal) expertise available to promulgate necessary legislation.

#### **Corrective action**

290 After the enactment of the Casualty Investigation Code into national legislation, the Administration will update existing procedures to include the issuance of national provisions for granting necessary authorizations and powers to the investigators. Guidelines will be issued for the investigators to prepare the investigation reports according to the Casualty Investigation Code. In addition, the procedure for publication and communication of the reports will be improved and the possibility of publishing the reports through the Administration's website will be considered. This corrective action will be completed by 31 December 2021.

#### **FD**

291 No objective evidence was found that the Administration had implemented a documented system for the qualification and continuous updating of the knowledge of flag State surveyors with regard to the tasks they were authorized to undertake (III Code, paragraphs 35 and 36).

#### **Root cause**

292 The lack of human and financial resources hampered the development of a documented system for qualification of the flag State surveyors and continuous updating of their knowledge.

### **Corrective action**

293 The Administration will implement the following actions:

- .1 training policies and programme will be developed, taking into account individual qualifications and training needs, and will include: analysis of resources allocation; permanent documented training schedule for personnel involved in surveying, audits and investigation tasks; and an introductory programme for newly recruited flag State surveyors, auditors and investigators. The said programme will be based on IMO model courses or training programmes of recognized nautical institutions and will also include provisions for in-house training; and
- .2 an annual qualification system for the flag State surveyors, auditors and investigators, based on KPIs, will be implemented.

This corrective action will be completed by 30 June 2021.

### **FD**

294 The Administration did not implement policies for the promulgation of national legislation and guidance which would assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which the State is Party (III Code, paragraph 15).

### **Root cause**

295 There was no dedicated unit responsible for the formulation of policies related to promulgation of national guidance.

### **Corrective action**

296 The Administration will appoint a working group, which will be responsible for formulating policies and criteria and developing procedures (or amending existing ones) for formulating and distributing policies, such as through the issuance of national legislation, circulars, 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 carried out. Furthermore, the working group will also be responsible for updating and revising any adopted policy, if requested. This corrective action will be completed by 1 November 2020.

### **FD**

297 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 applicable 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, in order to ensure compliance with the requirements of the applicable international instruments; 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, paragraphs 16.1, 16.2 and 16.5).

#### **Root cause**

298 There was a lack of awareness of the various aspects that should be addressed to have an effective maritime safety and environmental protection programme.

#### **Corrective action**

299 The Administration will develop a maritime safety and environmental protection programme, including the criteria to be followed for drafting of administrative instructions and national regulations aiming at effectively implementing the applicable IMO instruments and their respective amendments. This programme will include the policies to be followed in relation to the materials and equipment that should be of a type approved by the Administration, equivalents and alternative arrangements, as well as interpretations that are left "to the satisfaction of the Administration" in the applicable IMO instruments. In addition, the programme will include independent audits of the Administration in issuing the required certificates and relevant documentation, to verify compliance with the requirements established in the respective IMO instruments. This corrective action will be completed by 1 December 2020.

#### **FD**

300 The measures to ensure that ships entitled to fly the flag of the State were sufficiently and efficiently manned were not fully established according to resolution A.1047 (27) (SOLAS 1974, regulation V/14; and III Code, paragraph 17).

#### **Root cause**

301 A responsible unit was not in place to monitor and ensure that the amendments to the mandatory IMO instruments were transposed into national legislation.

#### **Corrective action**

302 Within the new adoption and monitoring mechanism of amendments to the IMO instruments that will be established; the Administration will issue updated resolutions, which will take into account the latest Principles of Safe Manning in the determination of the manning complement for the ships flying the flag of the State and the issuance of related Minimum Safe Manning certificates. Key personnel will be trained in the application of new national requirements. This corrective action will be completed by 1 December 2020.

#### **FD**

303 There was no evidence that, prior to delegating functions to ROs, the Administration had determined that ROs have adequate technical, managerial and research capabilities to accomplish the delegated tasks. In addition, the formal written agreements concluded with ROs did not meet the minimum requirements established in the relevant international instruments (SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; and III Code, paragraphs 18.1, 18.2, 18.3 and 18.4).

### **Root cause**

304 There was a lack of awareness of the provisions of the RO Code and the III Code.

### **Corrective action**

305 The Administration will develop and implement a procedure for assessing the adequacy and defining the criteria for the selection of the ROs, based on their technical, managerial and research capabilities, prior to delegating the authority. The Administration will liaise with the ROs in order to conclude new agreements, according to the requirements of the respective IMO instruments. This corrective action will be completed by 1 February 2020.

### **FD**

306 The Administration had not established an oversight programme with adequate resources for monitoring and controlling the surveys and other activities which had been delegated to the 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 IMO instruments had not been developed (RO Code, part 2, section 4; and III Code, paragraph 20).

### **Root cause**

307 There was no legal basis, nor were there specific procedures and a dedicated unit in place to deal with RO matters.

### **Corrective action**

308 The Administration will establish an oversight programme for monitoring of the ROs and will liaise with the ROs accordingly, including in relation to the communication requirements and reports that the ROs will be required to provide to the Administration. The oversight programme will include annual audits of the ROs, conducting supplementary surveys by flag State surveyors and annual meetings with representatives of the ROs to inform them, among other issues, of any changes in the policies of the Administration, requirements established by national laws and Administration's standards. The oversight programme will be established according to the recommendations of part 3 of the RO Code. This corrective action will be completed by 1 February 2020.

### **FD**

309 There were no legal instruments, regulations or similar provisions in place which would prescribe penalties, including fines and/or other comparable measures, 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**

310 Certain national laws were outdated and did not grant enforcement powers to the Administration.

### **Corrective action**

311 The Administration will submit a proposal to relevant governmental authorities, for the Administration to be granted enforcement powers, including imposition of fines and issuance of other preventive and deterring measures in the interest of minimizing the breach of international rules and regulations. The Administration's legal department, to be established, will be responsible for drafting new legal provisions and updating existing ones, jointly with the technical staff of the Administration, before submitting them for necessary approvals and enactment into national law. This corrective action will be completed by 1 February 2020.

### **FD**

312 The Administration had not developed or implemented a control and monitoring programme, as appropriate, in order to:

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

(III Code, paragraphs 23.2, 24.1 and 24.2).

### **Root cause**

313 There was a lack of human, financial and logistics resources.

### **Corrective action**

314 The Administration will implement the following actions:

- .1 procedures for evaluation of flag State performance will be developed under the framework of the new overall strategy, therefore, provisions for the collection 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 efficacy of the processes. In addition, procedures for evaluation of the State's measures and policies will also be established to ensure compliance with its obligations through the enactment of appropriate national legislation and guidelines; and
- .2 an assessment will be conducted of necessary resources, in particular qualified personnel for the implementation and enforcement of the applicable IMO instruments, including performance of surveys and investigations, and additional personnel will be recruited accordingly.

This corrective action will be completed by 1 December 2020.

## **FD**

315 No objective evidence was found that the Administration had implemented a documented system for the qualification and continuous updating of the knowledge of flag State surveyors with regard to the tasks they were authorized to undertake (III Code, paragraph 35).

### **Root cause**

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

### **Corrective action**

317 The Administration will implement the following actions:

- .1 a specific directorate will be assigned responsibility for elaboration and development of a documented system for qualification of flag State surveyors and continuous updating of their knowledge. The system will comprise a permanent training programme that will include assessment of existing level of qualification and training of flag State surveyors, assessment and provision of human and financial resources needed, identification of the type of training and schedule for continuous updating of the knowledge of flag State surveyors, levelling plan for new surveyors, PSCOs and auditors. The mentioned training programme will be based on the IMO model courses or training programmes of recognized nautical institutions; and
- .2 coordination will be established with regional organizations in order to include flag State surveyors, PSCOs and auditors in regional trainings. The training programme will also include provisions for in-house training.

This corrective action will be completed by 1 February 2020.

## **FD**

318 The arrangements for conducting casualty investigations did not comply with the Casualty Investigation Code, in particular regarding the impartiality and objectivity of investigators, the release of the reports to the public, and reporting to IMO (SOLAS 1974, regulations I/21 and XI-1/6; MARPOL, article 12(1); LL 1966, article 23; Casualty Investigation Code, paragraphs 11.1 and 14.4; and III Code, paragraphs 38 and 41).

### **Root cause**

319 Due to the lack of human and financial resources, a dedicated unit responsible for ensuring that casualty investigations are carried out in accordance with the requirements of the Casualty Investigation Code was not designated.



### **Corrective action**

320 The Administration will implement the following actions:

- .1 updates of national legislation will be initiated in order to enact the requirements of the Casualty Investigation Code and related procedures and guidelines will be developed and implemented;
- .2 in order to ensure impartiality and objectivity of the investigators, specific and exclusive investigators will be appointed. In addition, the required communication of information to IMO regarding casualty investigations will be included in the new procedure on the communication of information to IMO; and
- .3 a website will be developed to make available to the maritime sector information related to Administration's resolutions, guidelines and criteria adopted for the implementation and enforcement of the requirements stemming from IMO instruments on maritime safety and environmental protection, as well as reports on casualty investigations.

This corrective action will be completed by 1 March 2020.

### **FD**

321 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, paragraphs 42 and 43).

### **Root cause**

322 There was no management system in place to measure the performance in the conduct of flag State activities.

### **Corrective action**

323 The assessment and review of performance under the new overall strategy will allow the Administration to coordinate with all the State entities who share responsibilities for flag State activities and to develop a mechanism containing clear lines of authority, assigned responsibilities, as well as defined objectives and key performance indicators for all involved entities to measure and evaluate their performance. The performance evaluation will be carried out annually and respective records will be generated to monitor the implementation of the defined improvement actions. This corrective action will be completed by 1 November 2021.

### **FD**

324 The State had not developed any interpretations and determinations in relation to those requirements left to satisfaction of the Administration in relevant IMO instruments (SOLAS 1974, regulations II-1/5-1.1 and III/4; MARPOL, Annex I, regulations 14.3 and 14.6; and III Code, paragraph 16.5).

### **Root cause**

325 The Administration relied on ROs to use their own interpretations and was not aware of its role under the mandatory requirements.

### **Corrective action**

326 The Administration will implement the following actions:

- .1 a legal definition of the term "to the satisfaction of the Administration" will be developed and will be included in the QMS of the Maritime Division and subsequently in the relevant Act on Maritime Navigation, as amended; and
- .2 a review of all areas left "to the satisfaction of the Administration" in the mandatory IMO instruments will be undertaken and related decisions on the policy, criteria, interpretations and/or mechanism for addressing each provision will be made and documented. Those areas which include specific technical knowledge will be addressed in cooperation and consultation with the ROs.

This corrective action will be completed by 31 December 2023.

### **FD**

327 Although the agreements between the Administration and ROs were in place, these did not contain the elements as required by the RO Code and were not kept up to date. In addition, the Administration delegated authority for issuance of certificates under MARPOL Annexes IV and V to yachts to a private entity without concluding an agreement in accordance with the requirements of the RO and III codes (RO Code, part 2, section 1.2 and appendix 3; III Code, paragraph 18.2).

### **Root cause**

328 The Administration did not consider practical or necessary to amend the existing agreements with the ROs, as there had been no ship entitled to fly the flag of the State since 1997.

### **Corrective action**

329 The existing RO agreements will be terminated by the end of 2019. This corrective action will be completed by 31 December 2019.

### **FD**

330 The Act on Navigation empowers employees of the Maritime Division to carry out casualty investigation, which did not ensure that investigations are conducted by impartial and objective investigators. There was no requirement in national provision to communicate report of casualty investigations to IMO and to make it public (SOLAS 1974, regulation I/21(b); Casualty Investigation Code, paragraphs 11.1 and 14.4; and III Code, paragraphs 38 and 41).

### **Root cause**

331 Due to the fact that there had been no ship entitled to fly the flag of the State since 1997, defining a legal basis in national legislation for conducting marine safety investigations in an impartial and objective manner was not considered as a priority for the Administration and there was no persuasion of the need to establish such a system.

### **Corrective action**

332 Amendments to the Act on Maritime Navigation, as amended, as well as the respective documentation within the QMS of the Maritime Division, will be developed and implemented in line with the requirements related to marine safety investigations as stipulated in the Casualty Investigation Code and the III Code. This corrective action will be completed by 31 December 2023.

### **FD**

333 With the exception of the Manila Amendments 2010 to the 1978 STCW Convention and to the STCW Code, the Administration had not put in place policies through issuing national rules and regulations that would facilitate the implementation and enforcement of the requirements of other conventions and protocols to which the State is Party (III Code, paragraph 15.1).

### **Root cause**

334 The lack of knowledge of the III Code requirements related to implementation of policies through issuing national legislation and guidelines to assist in the implementation and enforcement of the applicable mandatory instruments to which the State is Party for flag State activities was at the origin of this finding.

### **Corrective action**

335 The Administration will develop and implement policies through issuing national legislation and guidelines covering all flag State activities. In addition, the Administration will regularly define, update and review national rules and regulations to facilitate the implementation and enforcement of the requirements of all the conventions and protocols to which the State is Party. This corrective action will be completed by 31 December 2019.

### **FD**

336 The Administration had not put in place processes to administer a safety and environmental protection programme, including administrative instructions, an independent audit and inspection programme, and guidance on the requirements of the applicable mandatory IMO instruments that are left to the satisfaction of the Administration (III Code, paragraphs 16.1, 16.2 and 16.5).

### **Root cause**

337 The implementation of regulations and their technical aspects were insufficient. The arrangements established for supervision and monitoring were inadequate. There were no procedures to implement an independent audit and inspection programme and the requirements of the mandatory IMO instruments left to the satisfaction of the Administration were not well known.

### **Corrective action**

338 The Administration will develop, adopt and implement documented procedures and make the necessary resources available to manage a maritime safety and environmental protection programme that ensures the efficiency of delegation of authority mechanisms, inspection and the issuance of certificates for the purpose of the implementation of IMO instruments, including requirements that are left "to the satisfaction of the Administration".

The Administration will implement an independent audit and inspection programme, including an inspection campaign on board ships flying the flag of the State, and checks will be carried out at this time to ensure that the regulatory certificates issued to ships are in accordance with the mandatory IMO instruments to which the State is Party. This corrective action will be completed by 31 December 2019.

#### **FD**

339 The agreement concluded with INSB did not include all the minimum elements required by the RO Code and Bureau Veritas issued international certificates to ships flying the flag of the State without an official agreement in place. In addition, the Administration did not have an oversight programme in place nor adequate resources to monitor activities related to the statutory certification activities that were delegated to ROs. There was also no evidence of specific instructions describing actions to be taken in the event that a ship is found unfit to proceed to sea without posing a danger to the ship itself or persons on board (SOLAS 1974, regulation I/6; SOLAS 1974, regulation XI-1/1; LL 1966, article 13; RO Code, part 2, section 1.2 and appendix 3; RO Code, part 2, section 8; and III Code, paragraphs 18 and 20).

#### **Root cause**

340 The mandatory IMO requirements applicable to the delegation of authority to recognized organizations were not well known and not transposed into national legislation.

#### **Corrective action**

341 National legislation and procedures will be developed and implemented by the Administration for all the requirements of the RO Code, including those relating to the evaluation, recognition and monitoring programme of ROs. The existing agreements for the authorization of ROs will be reviewed and brought into compliance with the provisions of the RO Code, and the Administration will provide the necessary resources to meet its obligations. This corrective action will be completed by 31 December 2020.

#### **FD**

342 The Administration had not taken all the necessary measures to ensure that the international rules and standards were observed by ships entitled to fly the flag of the State, in order to ensure compliance with international obligations under MARPOL (III Code, paragraph 22.2).

#### **Root cause**

343 The MARPOL Convention was not transposed into national legislation. There was a lack of knowledge of the mandatory requirements of MARPOL and surveyors lacked sufficient training to monitor compliance.

#### **Corrective action**

344 National legislation and procedures will be developed and implemented by the Administration for all the requirements of MARPOL, including those relating to the evaluation, endorsement and monitoring programme of ROs. The existing agreements for authorization of ROs will be reviewed and brought into compliance with the provisions of MARPOL, and the Administration will provide the necessary resources to meet its obligations. This corrective action will be completed by 31 December 2020.

## **FD**

345 The Administration did not define nor document the responsibilities and authority of all personnel who managed, performed and verified safety and pollution prevention activities and the relationships between staff, particularly in the case of flag State surveyors. In addition, the Administration did not have a documented system for the qualification of personnel and the updating of their knowledge, and it did not issue identification documents to surveyors (III Code, paragraphs 28, 35 and 37).

### **Root cause**

346 The Administration did not have clear procedures for defining the responsibilities, authority and required qualifications of flag State surveyors in accordance with the III Code and there was no training programme for surveyors.

### **Corrective action**

347 The responsibilities of flag State surveyors, as well as the requirements concerning their qualifications will be documented and adopted in accordance with the III Code. The Administration will adopt procedures for inspection activities related to safety and pollution prevention and guidelines to coordinate the activities of flag State surveyors will be developed. A documented system will be established for identifying the individual qualification and training needs of flag State surveyors and for providing them with the corresponding training, in order to ensure that their knowledge is updated for the tasks they are authorized to undertake. The issuance of surveyors' identification documents will be established and implemented. This corrective action will be completed by 31 December 2020.

## **FD**

348 The Administration was unable to demonstrate that it periodically evaluated its performance with regard to the implementation of methods, procedures and administrative resources necessary to meet its obligations under the instruments to which the State is Party (III Code, paragraphs 42, 43 and 44).

### **Root cause**

349 The Administration did not have a strategy or procedure for evaluating and revising its performance with respect to the obligations stemming from the mandatory IMO instruments.

### **Corrective action**

350 The Administration will develop and implement a system to periodically review and evaluate its performance and to determine whether its staff, resources and administrative procedures were sufficient for meeting the flag State obligations. Documented procedures will be developed and established, and the Administration will allocate necessary human and technical resources to annually evaluate and review its performance in conducting flag State activities. This corrective action will be completed by 31 December 2019.

## **FD**

351 The Administration had not taken necessary measures to:

- .1 extend the implementation of the mandatory provisions of Annexes I and V of MARPOL to ships entitled to fly the flag of the State, regardless of their size and area of navigation; and
- .2 address the application of the requirements of SOLAS Chapter V to specific categories of ships

(SOLAS 1974, regulation V/1.4; MARPOL, Annex I, regulations 14.4 and 14.6; and III Code, paragraph 15.1).

### **Root cause**

352 The mandatory provisions of SOLAS 1974 and MARPOL were not transposed into national legislation and were not well known. Flag State surveyors were not trained to implement relevant requirements of the mandatory IMO instruments.

### **Corrective action**

353 The Administration will develop a policy and an action plan for the establishment of a legal framework to effectively implement:

- .1 the mandatory provisions of all Annexes to MARPOL applicable to ships authorized to fly the flag of the State, regardless of their size and area of navigation; and
- .2 the provisions of chapter V of SOLAS 1974 to specific categories of ships.

Guidelines and circulars will be adopted and communicated to flag State surveyors to ensure that periodic monitoring of compliance with the requirements of SOLAS 1974 and MARPOL takes place. In addition, a training programme for surveyors will be developed, which will include the applicable provisions of these instruments related to specific types and sizes of ships. This corrective action will be completed by 31 December 2019.

## **FD**

354 The Administration did not develop, document and implement policies through issuing national legislation and guidance which would assist the implementation and enforcement of the requirements of the applicable mandatory IMO instruments. In addition, the responsibilities for carrying out various activities within the Administration were not clearly defined (III Code, paragraph 15).

### **Root cause**

355 There was a lack of legislative and administrative mechanisms that define the powers of national institutions involved in the implementation and enforcement of the requirements of all IMO safety and pollution prevention conventions and protocols.

### **Corrective action**

356 The Administration will develop and implement policies and guidelines, which will assist in the implementation and enforcement of the flag State related requirements from all IMO safety and pollution prevention instruments to which the State is Party. It will ensure the development of internal guidance to promulgate the maritime administration's policies with regards to the implementation and enforcement of the relevant mandatory IMO instruments, and will also assign dedicated personnel with the responsibility for updating and revising any relevant policy adopted. In addition, the maritime administration will ensure the development of regulation defining powers and responsibilities, in the area of flag State activities, for each national institution involved in the implementation and enforcement of the applicable mandatory IMO instruments related to safety and pollution prevention. This corrective action will be completed by 31 July 2019.

### **FD**

357 There was evidence to indicate that the processes and resources established by the Administration were inadequate for timely issuance of administrative instructions and interpretative national regulations, where necessary, to give full effect to the applicable instruments. This includes documenting policies and instructions on issuing exemptions, equivalent, alternative arrangements and type approvals of materials and equipment as required by conventions (III Code, paragraph 16.1).

### **Root cause**

358 There was a lack of resources, in particular suitably qualified and competent technical and administrative personnel, for the development of relevant guidance.

### **Corrective action**

359 The Administration will:

- .1 identify all relevant provisions of the mandatory IMO instruments, which require determination of specific policies for the implementation and enforcement or issuance of specific instructions for personnel of the Administration (e.g. flag State surveyors/inspectors);
- .2 document specific policies and issue associated guidelines and instructions, including those for issuing and approving exemptions, equivalent and alternative arrangements, as well as for defining the process for type approvals of materials and equipment as required by conventions;
- .3 establish adequate processes and resources to administer a safety and environment protection programme;
- .4 develop a programme to ensure continuous training of existing and future personnel; and
- .5 develop a mechanism through which the responsible Ministry will conduct periodical monitoring and evaluation of the Administration's activities related to the implementation of these corrective measures.

This corrective action will be completed by 31 January 2019.

## **FD**

360 There was no evidence that the Administration maintained a system of approval for inflatable liferaft servicing stations, including the servicing facilities and the training of personnel (SOLAS 1974, regulation III/20.8.1.2; and III Code, paragraph 16.2).

### **Root cause**

361 The Administration had not considered establishing a QMS prior to the implementation of the 1995 amendments to the 1978 STCW Convention. A proper QMS within the Administration would have included a process for approval of inflatable liferaft servicing stations and other similar facilities.

### **Corrective action**

362 The Administration will develop and implement a QMS, which will incorporate procedures associated with the process for approval of servicing stations and similar facilities in accordance with the requirements of the applicable IMO instruments. All relevant requirements will be identified, and approval and inspection processes established. This system will also be incorporated into the new Shipping Act with attendant regulations. This corrective action will be completed by 31 December 2019.

## **FD**

363 There was no evidence that the Administration communicated to IMO mandatory reports on dispensations. In addition, there was no process in place, including supporting procedures and criteria, for recognition of certificates in accordance with requirements of STCW 1978 (STCW 1978, article VIII (3); STCW 1978, regulation I/10; and III Code, paragraphs 16.3.5 and 27).

### **Root cause**

364 No administrative policy/procedure or national legislation was established to deal with reporting obligations due to limited human resources, in particular with regard to technical expertise.

### **Corrective action**

365 The Administration will implement the following actions:

- .1 review the requirements for reporting to IMO and develop a documented procedure for mandatory communication of information to IMO under the relevant IMO instruments;
- .2 develop a quality standards system as required under STCW 1978, which will include process and procedure for recognition of certificates in accordance with requirements of STCW 1978. This system will also be incorporated into the new Shipping Act with regulations in support of the Manila Amendments; and
- .3 communicate to IMO all identified information that had not been communicated before.

This corrective action will be completed by 31 August 2018.



## **FD**

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

### **Root cause**

367 The 2010 amendments to the 1978 STCW Convention have not been incorporated into the State's national law, and therefore were not enforceable, due to insufficient legal resources.

### **Corrective action**

368 The State will expedite the process of finalizing its new Shipping Act, which will incorporate the 2010 amendments to the 1978 STCW Convention. Regulations in support of the Manila amendments shall also be promulgated upon the enactment of the aforementioned act. The Administration will establish a mechanism mandating companies to maintain records of hours of work and rest periods of the seafarers they employ. Such records will be inspected by the Administration at appropriate intervals to ensure compliance with new requirements. Inspection of relevant documents on board ships will be included in a programme of flag State inspections, which will be established. This corrective action will be completed by 31 December 2020.

## **FD**

369 There was no evidence that the Administration had developed a process to provide interpretations and guidance concerning those requirements left "to the satisfaction of the Administration" in the mandatory IMO instruments (SOLAS 1974, regulations III/4 and V/18.1; and III Code, paragraph 16.5).

### **Root cause**

370 There was a lack of human resources, in particular suitably qualified and competent technical and administrative personnel.

### **Corrective action**

371 The Administration will identify all provisions that are left to the satisfaction of the Administration in the relevant IMO instruments and issue related guidelines, instructions and/or interpretations. The Administration will develop a programme to ensure continuous training of existing and new personnel to be recruited. A mechanism will be developed through which the Ministry of Transport will conduct periodical monitoring and evaluation of the Administration's activities related to the implementation of these corrective measures. This corrective action will be completed by 31 January 2019.

## **FD**

372 The Administration did not demonstrate that it has in place necessary measures to ensure compliance by ships flying the flag of the State through, inter alia, conducting periodic inspections of such ships and having adequate penalties to discourage violation of international rules and standards (III Code, paragraph 22).

### **Root cause**

373 There was a lack of human resources, in particular suitably qualified and competent technical and administrative personnel.

### **Corrective action**

374 The Administration will:

- .1 conduct a review of the current practice regarding the observance of international rules and standards in relation to flag State implementation and enforcement;
- .2 develop a programme of flag State inspections in order to achieve compliance with international obligations;
- .3 initiate the inclusion of penalties of adequate severity into national legislation, based on data derived from the implementation of the flag State inspection programme; and
- .4 fill existing vacancies to ensure adequate level of maritime expertise.

This corrective action will be completed by 31 December 2020.

### **FD**

375 No evidence could be established that the Administration ensured that marine safety investigations are conducted by impartial and objective marine investigators. Under national provisions, investigations were not conducted and reported on in accordance with the Casualty Investigation Code. Reports of investigations were not made public (Casualty Investigation Code, paragraphs 11.1 and 14.4; and III Code, paragraphs 38 and 41).

### **Root cause**

376 The State had not developed and implemented relevant amendments to its Shipping Act and had not engaged the required resources to carry out casualty investigations, due to a lack of resources.

### **Corrective action**

377 The following actions will be implemented:

- .1 the State will ensure that the new Shipping Act provides for the implementation of marine safety investigations in accordance with the Casualty Investigation Code;
- .2 the Administration will review the current practice to ensure impartiality and objectivity of the investigators carrying out marine investigations. It will create a mechanism where impartiality is considered when selecting investigators and also absence of interference of the entity responsible for statutory certification in processing the investigation reports will be ensured;

- .3 a job profile for the post of maritime casualty investigator will be established, as well as training requirements updated, in line with the international requirements. Training will be planned and provided, the effectiveness of training evaluated, and relevant record-keeping procedures will be developed and implemented; and
- .4 responsibilities will be assigned to staff for the arrangements related to providing marine safety investigation reports to the public.

This corrective action will be completed by 31 December 2020.

## **FD**

378 There was no documented 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, paragraphs 42 and 43).

### **Root cause**

379 The culture of improvement, based on periodical evaluation and review of various activities of the Administration, was not widely accepted. There was also no awareness of the related requirements of the III Code. In addition, under the existing culture of the responsible Ministry, there was no documented procedure nor practice for staff development.

### **Corrective action**

380 The Administration will undertake the following actions:

- .1 short term: until more tangible methods are established, periodic reviews and evaluation of the performance in the conduct of flag State activities will be conducted, based on defined performance indicators, in order to determine whether staffing, resources and administrative processes are adequate to meet the flag State obligations;
- .2 long term: reporting mechanisms will be included in the national legislation, in order to ensure that the evaluation of performance in the area of flag State activities is taken into consideration at the State level; and
- .3 in addition, staff development procedures will be included in the QMS of the Administration, and the implementation thereof will be monitored in the context of ensuring required competence of the staff and promoting the culture of continuous improvement.

This corrective action will be completed by 31 December 2019.

## **FD**

381 Although the authority for the Administration to delegate statutory certification work was provided in national legislation, the delegation of authority to ROs and nominated surveyors was not regulated and implemented in accordance with applicable requirements of the international mandatory instruments. There was no evidence of an oversight programme established by the Administration and there were no sufficient resources available for the monitoring of, and communication with, its 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; and III Code, paragraphs 18, 20 and 21).

### **Root cause**

382 The Administration had a lack of resources to fully carry out its duties in relation to delegation of authority.

### **Corrective action**

383 The Administration will implement the following actions:

- .1 recruit additional staff with relevant maritime expertise;
- .2 regulate the process of delegation of authority and monitoring of ROs, by developing, amending and implementing national legislation in line with the relevant requirements of the RO Code and the III Code;
- .3 review the current memoranda of understanding and contracts with ROs with the aim of improving administrative reporting and oversight;
- .4 develop a process for the biennial review of ROs; and
- .5 develop a system of administrative reporting for ROs.

This corrective action will be completed by 28 February 2019.

### **FD**

384 The Administration did not develop and implement a control and monitoring programme with adequate numbers of qualified personnel to ensure compliance with the applicable international instruments (III Code, paragraph 24).

### **Root cause**

385 There were no written procedures and insufficient personnel to ensure compliance, due to a lack of financial and human resources. In addition, legislation was not developed, both as a result of the shortage of technical expertise and also due to the lengthy legislative process and competing legislative priorities.

### **Corrective action**

386 The Administration will implement the following actions:

- .1 a procedure will be developed and implemented for establishing a control and monitoring programme, taking into account the requirements of the III Code;
- .2 national legislation will be updated, and a mechanism will be incorporated which will be designed to ensure that changes in the mandatory IMO instruments are monitored for incorporation into the control and monitoring programme in a timely manner; and
- .3 a training plan for flag State surveyors and investigators will be developed and incorporated into the strategic HR plan and policy. In addition, the process for the selection of staff and conducting training activities will be reviewed to achieve the required number of competent personnel.

This corrective action will be completed by 31 December 2020.

**FD**

387 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 are authorized to undertake (III Code, paragraph 35).

**Root cause**

388 While the Administration utilized obsolete IMO guidelines and did not prioritize documenting the qualifications as it was believed that the use of the guidelines issued by IMO was sufficient to indicate compliance. The development of a plan for continuous training of flag State surveyors was also not given priority as there was insufficient funding provided for the existing staff training needs.

**Corrective action**

389 The Administration will formally document the qualification requirements for flag State surveyors, as well as the related job descriptions, which will be incorporated into its human resource policy document. The policy shall also address the evaluation of required training needs of individual flag State surveyors and provision of necessary training appropriate to the tasks they are authorized to undertake, through the development of a documented programme which will ensure continuous development for all surveyors in order to comply with relevant requirements. This corrective action will be completed by 31 January 2019.

**FD**

390 The division of responsibilities between the key entities and functions in the Administration involved in the implementation and enforcement of the mandatory IMO instruments had not been defined nor documented (III Code, paragraph 15).

**Root cause**

391 The key entities of the Administration involved in the implementation and enforcement of flag State requirements stemming from the mandatory IMO instruments were not fully aware of the responsibilities assigned to them.

**Corrective action**

392 The nodal entity of the Administration will develop a matrix establishing clear division of responsibility to each competent maritime authority, as stipulated in national legislation. This matrix will be circulated to all involved entities of the Administration and updated periodically. This corrective action will be completed by 31 December 2018.

**FD**

393 The Administration had not implemented a documented system for qualification of personnel appointed as flag State surveyors and for continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake (III Code, paragraphs 35 and 36).

### **Root cause**

394 The qualification and training requirements, including refresher training procedures, for flag State inspectors and surveyors were not established by the Administration. Hence, documentation on this matter was not available.

### **Corrective action**

395 A documented system for the selection, appointment and training of flag State inspectors and surveyors will be developed and included in the QMS of the Administration. It will include, inter alia:

- .1 programme for continuous updating of knowledge of flag State inspectors and surveyors as appropriate to the tasks they are authorized to undertake;
- .2 procedures to address shortcomings in the communication with flag State inspectors and surveyors; and
- .3 periodical reporting on revised policies and circulars to enhance their knowledge on the activities of the Administration.

This corrective action will be completed by 30 June 2019.

### **FD**

396 The State had not established an oversight programme for the monitoring of, and communication with, the contractual agency (who carried out the implementation of IMO instruments on vessels on international voyages) to ensure that the international obligations of the State are fully met. In addition, there were no records available to demonstrate that either the Administration or the Deputy Commissioner established or participated in an oversight programme of the ROs (III Code, paragraphs 16.2 and 20).

### **Root cause**

397 The lack of resources in the Administration and the absence of comprehensive oversight processes contributed to this finding.

### **Corrective action**

398 The Administration will assess the resources needed and take measures to provide them accordingly. In addition, the Administration will assign responsibilities to provide oversight for continuous improvement in the implementation, enforcement, evaluation and monitoring of the organizations entrusted with implementation duties. Documented procedures will be developed and implemented to cover the ROs' assessment, evaluation, recognition and oversight programme. Each RO will be monitored once every four years using a combination of activities, such as, but not limited to:

- .1 remote monitoring and verification of compliance with instructions issued to ROs; documents issued on behalf of the Administration, including instructions for implementation of national requirements; and third-party audit reports, preferably reports from other administrations;

- .2 participation as an observer during an audit by another Administration, in the case of ROs providing statutory certification activities for more than 50 ships flying the flag of the State; and
- .3 scheduling of meetings with ROs to discuss results of port State control (PSC) inspections in terms of responsibility of ROs and the Administration's policies.

This corrective action will be completed by 31 December 2019.

## **FD**

399 The Administration did not issue administrative instructions or develop and disseminate interpretative national regulations that are needed to ensure compliance with applicable IMO instruments, including interpretations of those requirements of the relevant IMO instruments that are left to the satisfaction of the Administration (III Code, paragraphs 16.1 and 16.5).

### **Root cause**

400 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 on the requirements of the mandatory IMO instruments that are left to the satisfaction of the Administration.

### **Corrective action**

401 The Administration will establish and formalize a QMS aligned with the ISO 9001:2015 standards, which will include the procedures for addressing those requirements that are left to the satisfaction of the Administration and for the provision of interpretations. 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 affected are kept informed. This corrective action will be completed by 30 June 2019.

## **FD**

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

### **Root cause**

403 The Administration did not have in place documents defining duties, responsibilities and authorities of personnel associated with the work relating to and affecting safety and pollution prevention.

### **Corrective action**

404 The Administration will develop and document the responsibilities and authority of all personnel who manage, perform and verify the activities related to safety and pollution prevention. This corrective action will be completed by 30 June 2019.

## **FD**

405 The Administration had not issued an identification document for the surveyors to carry when performing their tasks as flag State surveyors (III Code, paragraph 37).

### **Root cause**

406 The Administration was not aware of the mandatory requirement that an identification document should be issued to the surveyor to carry when performing his/her tasks.

### **Corrective action**

407 The Administration will issue necessary orders for issuance of identification documents to all existing surveyors immediately and henceforth to all new surveyors at the time of joining the service. This corrective action will be completed by 30 June 2019.

## **FD**

408 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 the applicable mandatory IMO instruments. In addition, the responsibilities for carrying out various activities within the Administration were not clearly defined (III Code, paragraph 15).

### **Root cause**

409 There was a lack of technical and legal resources within the Ministry responsible for shipping, which is the focal point of the Administration. In addition, following the State's legislative process, the ratification of a new convention or the transposition of an amendment to an existing one takes a long time. Moreover, roles and responsibilities within the Administration were not formally defined.

### **Corrective action**

410 The Administration will implement the following actions:

- .1 the Ministry will recruit technical and legal personnel with a background in maritime affairs to assist in discharging the responsibilities of the Administration;
- .2 each agency of the Administration will be engaged to review, analyse and define its responsibilities;
- .3 until appropriate legislation is in place, administrative arrangements clearly defining roles and responsibilities will be concluded with agencies for the execution of functions of the Administration;
- .4 a memorandum of agreement will be concluded between the State and the agency that will manage the international ships' registry on its behalf. This agreement will, inter alia, identify the obligation and responsibilities of each party;



- .5 the role and function of the Principal Registrar will be clearly defined by the Government which appoints the Principal Registrar under the Shipping Act; and
- .6 policies will be documented and implemented through issuing national legislation and guidance (e.g. delegation of authority, monitoring of ROs, issuing exemptions and issuing minimum safe manning documents).

This corrective action will be completed by 31 December 2021.

## **FD**

411 There was evidence to indicate that the processes and resources established by the Administration were inadequate for the timely issuance of administrative instructions and interpretative national regulations, where necessary, to give full effect to the applicable instruments (SOLAS 1974, regulations III/4, IV/14 and V/18.1; COLREG 1972, annex I, paragraph 14; and III Code, paragraphs 16.1, 16.3.2 and 16.5).

### **Root cause**

412 The Administration did not have personnel with the adequate technical and legal expertise to assist in the development of the necessary administrative instructions, national regulations and guidance.

### **Corrective action**

413 The Administration will implement the following actions:

- .1 the Ministry will recruit technical and legal personnel with a background in maritime to assist in the development of the necessary administrative instructions, national regulations and guidance;
- .2 will recruit technical personnel to assist in the discharge of the functions related to the flag State responsibilities and obligations stemming from the mandatory IMO instruments;
- .3 in coordination with the Ministry will review existing processes, policies and procedures, identify any gaps and implement any necessary updates, including developing necessary administrative instructions and guidance, including those related to areas left "to the satisfaction of the Administration" in the mandatory IMO instruments; and
- .4 an oversight programme will be established in order to ensure that activities of the responsible entity for the registry are in compliance with the State's obligations under respective IMO instruments.

This corrective action will be completed by 30 September 2020.

## **FD**

414 There was no evidence that the Administration had:

- .1 determined that the ROs had adequate resources in term of technical, managerial and research capabilities;

- .2 issued specific instructions to ROs detailing actions to be followed in the event of an unseaworthy ship; as well as specific instructions to nominated surveyors engaged for surveys of ships on domestic voyages;
- .3 provided ROs and nominated surveyors (domestic ships) with all appropriate instruments of national laws and interpretations thereof; and
- .4 established or participated in an oversight programme using adequate resources to monitor the ROs and communicate relevant information to IMO; as well as to monitor the activities of nominated surveyors in order to ensure that specific requirements stemming from the applicable IMO instruments are met

(SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; and III Code, paragraphs 18.1, 18.3, 18.4 and 20).

### **Root cause**

415 There was an inadequate organisational structure and mechanisms to effectively regulate the delegation of authority to ROs and to provide ROs' oversight capabilities in accordance with the required standards. There were also insufficient human resources with legal and technical maritime expertise with the overall knowledge of the mandatory IMO provisions applicable to the delegation of authority to ROs and nominated surveyors.

### **Corrective action**

416 The Administration will implement the following actions:

- .1 the RO Code will be incorporated into national law and the Ministry will include it in the gap analysis of existing legislation;
- .2 the responsible entity for the registry will review its agreements with the ROs, as well as the instructions to ROs, to ensure compliance with the requirements of the III Code;
- .3 a system to provide the ROs and nominated surveyors with all appropriate instruments of national laws and interpretations thereof;
- .4 the Ministry will develop, implement and promulgate to nominated surveyors' instructions for the conduct of surveys of ships on domestic voyages;
- .5 the Ministry and the responsible entity for the registry will establish and implement documented procedures to monitor and evaluate the activities of the ROs and nominated surveyors, respectively;
- .6 the Ministry will evaluate the organisational structure as well as the need for personnel with technical expertise. The responsible entity for the registry will source the required personnel; and
- .7 the Ministry and the responsible entity for the registry will develop administrative procedures, including documented recruitment and control policies, to ensure that all ROs, including non-IACS members and nominated flag State surveyors, comply with the requirements.

This corrective action will be completed by 30 December 2021.

## **FD**

417 There was no evidence to establish that the Administration kept a copy of stability and loading information in respect of ships entitled to fly the flag of the State and that Ship Structure Access Manual was approved by the Administration (SOLAS 1974, regulations II-1/3-6.4.1 and II-1/5-1.1; LL PROT 1988, annex 1, regulation 10; and III Code, paragraphs 16.1 and 26).

### **Root cause**

418 The Administration lacked awareness and qualified personnel with technical expertise to monitor compliance and develop necessary policies and instructions. There was also the absence of a documented procedure for approval and issuance of statutory certificates to ships entitled to fly the flag of the State. Moreover, responsibilities were not clearly defined.

### **Corrective action**

419 The Administration will implement the following actions:

- .1 develop a QMS or policy to address the approval and issuance of statutory certificates and compliance monitoring. The Administration will incorporate the related requirements into national legislation and the requisite guidelines and administrative instructions will be issued;
- .2 the Administration and the responsible entity for the registry will review mandatory requirements and identify all those in which a direct engagement of the Administration is required, in particular specific approvals of ship documentation and record-keeping, including engaging in communication with the ROs; and
- .3 establish and implement appropriate systems to ensure that the Administration fulfils all obligations stemming from the mandatory IMO instruments, including provision of adequate resources and technical expertise.

This corrective action will be completed by 31 July 2020.

## **FD**

420 The Administration did not take all necessary measures to secure observance of international rules and standards by ships entitled to fly the flag of the State, in particular in the following instances:

- .1 in cases of detention of a ship entitled to fly the flag of the State, it was not ensured that appropriate corrective measures are taken to bring the ship in question into immediate compliance with the applicable international instruments;
- .2 proceedings were not instituted against ships entitled to fly the flag of the State, which have violated international rules (e.g. COLREG 1972); and

- .3 the Administration did not provide for the collection of statistical data so that trend analysis can be conducted to identify problem areas

(III Code, paragraphs 22.6, 23.2 and 25).

#### **Root cause**

421 There was the absence of a comprehensive strategy, including legal mechanisms in place, to ensure that ships flying the flag of the State are brought into compliance with the international rules and standards. There was inadequate documented procedure for monitoring and controlling in order to give full and complete effect to the provisions of the mandatory IMO instruments to which the State is Party and responsibilities were not assigned.

#### **Corrective action**

422 The Administration will implement the following actions:

- .1 improve measures to be taken to prevent the detention of ships flying the flag of the State, including identification and rectification of deficiencies in case of detention; a mechanism to ensure continuous compliance; and in case of violation, a mechanism for enforcement through instituting proceedings and imposing sanctions under national legislation;
- .2 implement a system to collect and analyse statistical data to identify problem areas and to document actions to be taken under various circumstances; and
- .3 establish a procedure defining the necessary communications between the responsible entity for the registry, ROs and the Administration regarding deficiencies that present a basis to prohibit a ship from sailing and the necessary steps to follow.

This corrective action will be completed by 30 June 2020.

#### **FD**

423 The Administration had not implemented a documented system for qualification of personnel involved with flag State inspections and continuous updating of their knowledge as appropriate to the tasks they were authorized to undertake (III Code, paragraphs 24.5 and 35).

#### **Root cause**

424 There was no documented procedure for the recruitment and systematic identification and delivery of training for personnel involved in flag State inspections.

#### **Corrective action**

425 The State's responsible entity for the registry will implement the following actions:

- .1 a documented system will be established for qualification, training and continuous updating of skills of personnel involved in flag State inspections, based on individual training needs; and

- .2 a mechanism will be established to promulgate information regarding the mandatory IMO instruments, national legislation and any other instructions to flag State inspectors and to periodically monitor the actions taken.

This corrective action will be completed by 30 June 2020.

## **FD**

426 The conduct of casualty investigation activities under the State's legal framework did not comply with the requirements of the Casualty Investigation Code. In particular, the impartiality and objectivity of investigations was not ensured, including the decision to open an investigation, reporting on investigation and releasing reports to the public (SOLAS 1974, regulations I/21(b) and XI-1/6; Casualty Investigation Code, paragraphs 11.1 and 14.4; and III Code, paragraphs 38 and 41).

### **Root cause**

427 The Casualty Investigation Code was not incorporated into national legislation and, therefore, there was no legal basis for the conduct of marine safety investigations.

### **Corrective action**

428 The Administration will implement the following actions:

- .1 the Casualty Investigation Code will be incorporated into national legislation and included in the gap analysis of existing legislation, which will be conducted by the Ministry;
- .2 the the responsible entity for the registry will review and revise its quality assurance procedure on shipping casualties, inquiries and investigations in order to meet the requirements of the Casualty Investigation Code and the III Code; and
- .3 both the Ministry and the responsible entity for the registry will examine best practices to address the impartiality and objectivity of casualty investigations and will implement the chosen mechanism, as appropriate. Special attention will be given to preparing and training casualty investigators.

This corrective action will be completed by 31 December 2021.

## **FD**

429 There was no documented 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, paragraphs 42 and 43).

### **Root cause**

430 There was a lack of a documented maritime strategy and awareness of the required scope for periodic evaluation, as well as the absence of administrative structure and insufficient technical personnel.

### **Corrective action**

431 A system to periodically review and evaluate the performance of both, the Ministry and the responsible entity for the registry, in the conduct of flag State activities will be developed. The system will be managed and monitored for continuous improvement by the national maritime inter-agency committee whose membership will comprise representatives from agencies of the maritime administration. In the interim, the Ministry will develop a systematic approach to the allocation of personnel to effectively facilitate periodic review and evaluate the need for additional technical expertise. This corrective action will be completed by 30 September 2020.

### **FD**

432 The Administration did not develop, document and implement policies through issuing national legislation and guidance which would assist in the implementation and enforcement of those requirements of the mandatory IMO Instruments that were applicable to ships on domestic voyages and to fishing vessels. In addition, 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 requirements stemming from the mandatory IMO instruments (SOLAS 1974, regulation V/1.4; MARPOL, Annex I, regulations 14.3 and 14.4; and III Code, paragraphs 15, 24.1, 24.2 and 24.5).

### **Root cause**

433 There was a lack of awareness of IMO regulations, absence of documented procedures and a legal basis to ensure compliance of ships on domestic voyages and fishing vessels with the applicable IMO instruments. Administrative structure and personnel to provide oversight and monitoring activities, including those of nominated surveyors, were inadequate.

### **Corrective action**

434 The responsible entities of the maritime administration will take the following actions:

- .1 enact national legislation for the implementation and enforcement of the requirements stemming from the relevant mandatory IMO instruments applicable to ships on domestic voyages and fishing vessels;
- .2 develop and implement a monitoring programme for inspections of vessels to ensure that the requirements stemming from the instruments applicable to ships on domestic voyages and fishing vessels are met; and
- .3 establish a training programme and oversight of activities of inspectors in order to ensure compliance.

This corrective action will be completed by 31 December 2021.

### **FD**

435 The Administration had not issued instructions on the extent of application of relevant IMO instruments to certain categories of ships covered under them, nor had it issued the necessary guidance to assist in the implementation and enforcement of the applicable requirements (SOLAS V regulation 1.4; MARPOL, Annex I, regulations 2.1 and 6; and III Code, paragraph 15.1).

### **Root cause**

436 Due to the legacy practices followed by the maritime administration, there was no system in place for issuance of instructions and guidance necessary for the implementation and enforcement of IMO instruments.

### **Corrective action**

437 The responsible entity will implement the following actions:

- .1 the need for additional instructions and guidance necessary for the implementation of the mandatory IMO instruments will be identified, and national requirements will be promulgated in the form of notices or circulars; and
- .2 appropriate guidance will be issued in relation to those requirements that are left for the decision of the Administration and that are applicable to certain categories of ships under the mandatory IMO instruments and national law, in particular to those engaged on domestic voyages and of under convention sizes.

This corrective action will be completed by 30 June 2020.

### **FD**

438 The State had not issued administrative instructions to grant type approvals of equipment or interpretative national regulations for equivalent arrangements (SOLAS 1974, regulation V/18.1; and III Code, paragraph 16.1).

### **Root cause**

439 The following factors contributed to this finding:

- .1 lack of administrative instructions and interpretations of national regulations for uniform implementation;
- .2 lack of awareness and understanding of the obligations of the Administration; and
- .3 inadequate expertise available within the Administration to develop a safety and environmental protection programme, including disseminating and implementing interpretations of national regulations.

### **Corrective action**

440 The Administration will determine necessary personnel and recruit additional personnel with maritime expertise to administer a safety and environmental protection programme under relevant IMO instruments. In particular, necessary administrative instructions and national interpretations will be developed and implemented for issuing exemptions, equivalents, type approvals and/or alternative arrangements. This corrective action will be completed by 30 June 2020.

## **FD**

441 The Administration did not develop or provide guidance concerning those provisions in IMO instruments that are to the satisfaction of the Administration (SOLAS 1974, regulations II-1/55.4.1 and III/38.4.1; MARPOL, Annex I, regulation 3.3; COLREG 1972, annex I, paragraph 14; and III Code, paragraph 16.5).

### **Root cause**

442 This finding resulted from the lack of a system to develop and disseminate guidance about the areas that were left to the satisfaction of the Administration in the relevant IMO instruments. Sub-processes needed for the implementation and enforcement of the mandatory IMO instruments were not identified due to lack of expertise within the Administration.

### **Corrective action**

443 Adequate personnel with maritime expertise will be recruited by the Administration to develop and implement national interpretations and guidance for the requirements of relevant IMO instruments. The Administration will establish a process necessary to develop and issue national guidance and administrative instructions for the areas that are left "to the satisfaction of the Administration" in the mandatory IMO instruments. This corrective action will be completed by 30 June 2020.

## **FD**

444 The Administration had not developed policies, guidelines or procedures to ensure that ships entitled to fly the flag of the State are sufficiently and efficiently manned, taking into account the relevant and existing measures such as the Principles of Safe Manning (SOLAS 1974, regulation V/14; and III Code, paragraph 17).

### **Root cause**

445 The minimum safe manning was determined on a case-by-case basis, at the discretion of authorities, due to the lack of understanding of the mandatory requirements. Furthermore, the Administration did not have the expertise to develop policies, guidelines or procedures for ensuring that ships flying the flag of the State are sufficiently and efficiently manned.

### **Corrective action**

446 The Administration will implement the following actions:

- .1 guidelines and procedures will be developed and implemented to determine the scale of manning and issuance of safe manning documents, taking into account the "Principles of Safe Manning" adopted by IMO;
- .2 sufficient personnel with maritime expertise will be recruited to develop and implement the guidelines and procedures; and
- .3 periodical inspections of ships flying the flag of the State will be carried out to verify that the ships are sufficiently and efficiently manned.

This corrective action will be completed by 31 December 2020.



**FD**

447 There was evidence that the Administration did not:

- .1 fulfil the requirements of the RO Code and the III Code while delegating authority to the ROs for conducting surveys, inspections and audits, and issuing certificates and documents to the ships entitled to fly the flag of the State; and
- .2 establish or participate in an oversight programme of the ROs to ensure that its international obligations are fully met

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

**Root cause**

448 The following factors contributed to this finding:

- .1 absence of procedures to regulate the delegation of authority to ROs as required by the RO Code;
- .2 lack of human resources in the Administration to perform the oversight of ROs; and
- .3 agreements with ROs were not updated since the relevant amendments to SOLAS 1974 were not implemented through national law.

**Corrective action**

449 The Administration will implement the following actions:

- .1 systems and procedures will be established to regulate the delegation of authority to ROs in accordance with the RO Code;
- .2 sufficient personnel will be recruited to perform the oversight of ROs; and
- .3 national legislation will be updated to give effect to the amendments related to the RO Code, and new agreements will be signed with the ROs in accordance with the RO Code.

This corrective action will be completed by 31 July 2020.

**FD**

450 The measures taken by the Administration were not adequate to prohibit ships flying the flag of the State from sailing until such ships comply fully with the requirements of international rules and standards. Furthermore, the Administration did not carry out periodic inspections of ships entitled to fly the flag of the State to verify that the actual condition of ships and their crew is in conformity with the certificates issued (III Code, paragraphs 22.1 and 22.2).

### **Root cause**

451 Standard procedures were not established for inspection, detention and release from detention of ships flying the flag of the State, or to prevent ships from sailing until they fully complied with the applicable requirements.

### **Corrective action**

452 The Administration will develop and implement standard procedures for inspection, detention and release of ships from detention to ensure that ships flying the flag of the State fully comply with the requirements of international rules and standards and that the condition of ships and their crew is in conformity with the certificates issued. A programme of periodic inspections will be put in place and the Administration will review and amend its regulations, where applicable, in ensuring that the requirement for full compliance is adhered to. This corrective action will be completed by 31 December 2020.

### **FD**

453 The Administration did not develop and implement a control and monitoring programme in order to provide for the collection of statistical data, so that trend analyses can be conducted to identify problem areas (III Code, paragraph 23.2).

### **Root cause**

454 The Administration did not have adequate resources (human and database) to collect statistical data and carry out trend analysis. Furthermore, procedures were not established for systematic data collection from relevant entities and their analysis to identify trends or problem areas.

### **Corrective action**

455 The Administration will implement the following actions:

- .1 sufficient personnel with appropriate qualification and expertise will be recruited and adequate resources will be arranged to carry out the tasks related to the development and implementation of a control and monitoring programme; and
- .2 a system will be established to collect relevant data from all concerned entities of the maritime administration and to carry out their evaluation and analysis to identify trends and problem areas.

This corrective action will be completed by 30 June 2021.

### **FD**

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

**Root cause**

457 The following factors contributed to this finding:

- .1 a documented system was not established for qualification of personnel and continuous updating of their knowledge in the Administration due to lack of resources; and
- .2 personnel in the Administration could not be deputed for training, since resources were not available to take over their tasks in their absence.

**Corrective action**

458 The Administration will implement the following actions:

- .1 a documented system will be developed to identify training needs of specific roles and functions, and to ensure that opportunity to update their knowledge is provided to personnel in their areas of work;
- .2 on-the-job training with ROs will be arranged for the flag State surveyors to enhance their competence and experience, and capacity-building platforms will be arranged to further improve and update their knowledge; and
- .3 the need for additional recruitment will be assessed and additional personnel with suitable qualifications will be recruited accordingly.

This corrective action will be completed by 31 December 2019.

**FD**

459 The Administration did not issue identification documents for the surveyors to carry when performing their tasks (III Code, paragraph 37).

**Root cause**

460 Due to the absence of a system and lack of resources, identification documents were not issued to the flag State surveyors.

**Corrective action**

461 The Administration will establish a system and provide resources for the issuance of identification documents for the flag State surveyors. This corrective action will be completed by 31 December 2019.

**FD**

462 The Administration did not evaluate and review periodically its performance in the conduct of flag State activities with respect to the implementation of administrative processes, procedures and resources to meet its obligations under the mandatory IMO instruments to which the State is Party (III Code, paragraph 42).

### **Root cause**

463 The factors that contributed to this finding were:

- .1 the Administration did not have an established system for data collection and analysis in order to periodically evaluate its performance in the conduct of flag State activities; and
- .2 a lack of resources in the Administration to perform these tasks.

### **Corrective action**

464 The Administration will implement the following actions:

- .1 a management system will be established to evaluate the performance in the conduct of flag State activities;
- .2 sufficient personnel with appropriate qualification and expertise will be recruited for this purpose; and
- .3 the Administration will coordinate with other relevant entities the collection and analysis of relevant data needed for the evaluation of performance in the conduct of flag State activities.

This corrective action will be completed by 30 June 2021.

### **FD**

465 The Administration did not develop and document the interpretations, nor provided guidance documents, concerning those requirements in relevant IMO instruments that are left to the satisfaction of the Administration (MARPOL, Annex I, regulation 6; COLREG 1972, annex I, paragraph 14; COLREG 1972, annex III, paragraph 3; and III Code, paragraph 16.5).

### **Root cause**

466 This finding resulted from inadequate knowledge of the requirements of the mandatory IMO instruments and lack of a monitoring system for regulatory developments.

### **Corrective action**

467 The Administration will establish a system and assign related responsibilities for:

- .1 monitoring regulatory developments related to the mandatory IMO instruments; and
- .2 developing, documenting and implementing policies and interpretations concerning those requirements that are left to the satisfaction of the Administration in the relevant IMO instruments, as well as for providing guidance documents, as necessary, for effective implementation of the requirements stemming from the mandatory IMO instruments.

This corrective action will be completed by 30 June 2021.

## **FD**

468 The process followed by the Administration for conducting marine safety investigations did not ensure the level of impartiality as required under the relevant IMO instruments (SOLAS 1974, regulation XI-1/6; and III Code, paragraph 38).

### **Root cause**

469 This finding resulted from lack of knowledge about the requirements of the Casualty Investigation Code and the absence of documented procedures for conducting marine safety investigations. In addition, the Administration had insufficient qualified personnel and lack of financial resources to fulfil its responsibilities in conducting marine safety investigations.

### **Corrective action**

470 The following actions will be undertaken by the Administration:

- .1 a documented procedure will be established for conducting marine safety investigations;
- .2 marine safety investigations will be conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty and they will report to an authority that is not responsible for statutory certification activities. The Administration will designate qualified investigators for this purpose; and
- .3 adequate financial resources will be allocated for conducting marine safety investigations.

This corrective action will be completed by 31 December 2021.

## **FD**

471 The Administration did not periodically evaluate its performance with respect to the implementation of administrative processes and resources necessary to meet its flag State obligations (III Code, paragraph 42).

### **Root cause**

472 The causes that led to this finding were:

- .1 absence of a culture to periodically evaluate or review the performance of the Administration and the lack of documented procedures for conducting reviews; and
- .2 the lack of coordination between the divisions involved in flag State implementation and enforcement.

### **Corrective action**

473 The Administration will develop and implement procedures and guidelines for annual evaluation and review of the performance in the conduct of flag State activities and include them in its QMS. This corrective action will be completed by 31 December 2020.

## **FD**

474 It could not be established that the Administration had in place a policy for developing, documenting and providing guidance or interpretation for those requirements left "to the satisfaction of the Administration" in the mandatory IMO instruments (SOLAS 1974, regulations III/4 and V/18.1; COLREG 1972, annex I, paragraph 14; and III Code, paragraphs 15, 16.1 and 16.5).

### **Root cause**

475 The lack of capacity to review all relevant IMO instruments for adoption of national policies, standards and/or guidelines in cases where necessary and the non-existence of fully developed national standards were the main causes.

### **Corrective action**

476 The Administration will adopt IACS unified interpretations in all cases where practicable for those requirements left "to the satisfaction of the Administration" and will develop policies addressing those cases where there are no corresponding IACS unified interpretations. The agreements already concluded between the Administration and two ROs will be revised to reflect this amendment in national laws within six months. Policies on type approval of materials and equipment will also be developed and implemented. This corrective action will be completed by 31 December 2019.

## **FD**

477 The agreement between the Administration and one RO did not contain minimum elements specified in the RO Code. The agreements between the Administration and two ROs authorized the ROs to issue ISM Document of Compliance (DoC), for issuance of which the Administration was responsible based on national legislation (RO Code, part 2, section 1.2 and appendix 3; and III Code, paragraph 18.2).

### **Root cause**

478 An oversight during the review of the documents relating to the agreement led to this finding.

### **Corrective action**

479 The agreements with two ROs will be revised to rectify the omission and to ensure harmonization with national laws and relevant provisions of relevant IMO instruments and the RO Code. This corrective action will be completed by 31 December 2019.

## **FD**

480 The Administration could not demonstrate that the arrangements in place for conducting marine safety investigations ensured impartiality and objectivity of investigators, nor that national legislation, policies or guidance established the requirement of impartiality (Casualty Investigation Code, paragraph 11.1; and III Code, paragraphs 15 and 38).

### **Root cause**

481 Due to lack of funds, priority was given to other areas, such as training of surveyors, inspectors and other principal officers of the newly established Administration.

### **Corrective action**

482 The Administration will initiate amendments of national legislation on marine casualty investigation in order to align it with the requirements of the Casualty Investigation Code. Suitably qualified casualty investigators will be appointed and provided with adequate training. The results of the marine safety investigations will be reported to an authority that is not responsible for statutory certification activities. This corrective action will be completed by 30 December 2020.

### **FD**

483 The Administration had not implemented any policies and guidance to assist in the implementation and enforcement of the requirements of the mandatory IMO instruments to which the State is Party. There were no independent audit and inspection programme, nor was there any guidance concerning those requirements that were left to the satisfaction of the Administration and for type approved (III Code, paragraphs 15.1, 16.1, 16.2 and 16.5).

### **Root cause**

484 The responsibilities were not clearly assigned and there were insufficient personnel with technical expertise within the Administration to implement the requirements of the applicable mandatory IMO instruments.

### **Corrective action**

485 The Administration will implement the following actions:

- .1 an overall maritime strategy, to be developed, will establish a mechanism for effective implementation and enforcement of the applicable IMO instruments, including development and implementation of any subsidiary legislation, guidance, documents, administrative instructions, notifications and directives, as well as assigning responsibilities to relevant personnel;
- .2 develop and implement guidelines to address those requirements left to the satisfaction of the Administration in the mandatory IMO instruments, as well as procedures for type approval of materials and equipment, according to the types and areas of operation of ships entitled to fly the flag of the State;
- .3 implement an audit and inspection programme using independent qualified auditors and inspectors for the conduct of audits of the Administration's certifying unit; and
- .4 analyse the needs and make provisions for the recruitment of qualified personnel, accordingly, through contract or outsourcing.

This corrective action will be completed by 30 March 2021.

### **FD**

486 Although the Administration had issued a formal written agreement with the RO, the scope of the delegation of authority included IMO international instruments to which the State was not a Party. The Administration did not provide the RO with relevant national laws, interpretations thereof, instructions or additional standards of the Administration giving effect to the provisions of the mandatory IMO instruments. Furthermore, an oversight programme with adequate resources for monitoring of, and communication with the RO had not been developed (SOLAS 1974, regulation XI-1/1; and III Code, paragraphs 18.2, 18.3, 18.4 and 20).

### **Root cause**

487 Insufficient capacity in terms of technical expertise was available to fully implement the provisions of the RO Code and the III Code.

### **Corrective action**

488 The Administration will implement the following actions:

- .1 revise and update the addendum to the agreements with the ROs ("Authorization Matrix") according to the RO Code and limit the scope of authority with respect to the instruments to which the State is not a Party;
- .2 restructure the Administration's website to give the ROs full access to relevant information on national laws, interpretations, additional information and guidance; and
- .3 establish a new SOP within the Administration's QMS to incorporate an oversight programme for ROs, with adequate resources to be provided, which will include audits, unscheduled inspections and information sharing, in accordance with the RO Code provisions.

This corrective action will be completed by 30 December 2021.

### **FD**

489 The Administration did not establish the scope of the delegation of authority to the nominated surveyor acting on its behalf. In addition, a system for monitoring the activities or a system for assessment of the performance of the surveyor was not in place (III Code, paragraph 21).

### **Root cause**

490 There was a lack of awareness of the provisions of the RO Code and the III Code.

### **Corrective action**

491 The Administration will implement the following actions:

- .1 develop and implement a regulatory framework to determine the scope of surveys and audits, as well as detailed instructions/guidelines on the audit/survey standards. A procedure will also be developed, to include criteria for the selection, designation and monitoring of activities of nominated surveyors/auditors acting on behalf of the Administration;
- .2 implement an official written agreement for nominated surveyors, in line with the RO Code, which will incorporate a description of the scope of services, duties and responsibilities; and
- .3 develop a standard operating procedure (SOP) for monitoring, oversight and evaluation of the work of nominated surveyors, in line with the procedure for RO monitoring and oversight.

This corrective action will be completed by 30 December 2021.



## **FD**

492 Evidence was found that 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 to ensure compliance with its international obligations such as:

- .1 measures to ensure that the ship's complement, as a whole, can effectively coordinate activities in an emergency situation and in the performance of functions vital to the safety or to the prevention or mitigation of pollution;
- .2 penalties of adequate severity to discourage violation of international rules and standards by ships entitled to fly the flag of the State and by individuals issued with certificates or endorsements under its authority; and
- .3 measures to provide an appropriate number of qualified personnel to implement and enforce the national legislation and guidance, including personnel for performing investigations and surveys

(III Code, paragraphs 22.4, 22.5, 22.7 and 24.2).

### **Root cause**

493 There was a lack of national legislation and lack of human and financial resources to monitor compliance with the international rules and regulations.

### **Corrective action**

494 The Administration will implement the following actions:

- .1 initiate necessary updates in national legislation, make provisions for additional resources, establish processes for compliance monitoring and enforcement, and ensure that corrective actions are implemented through QMS to effectively enforce relevant national legislation and to ensure continual improvement;
- .2 conduct competency evaluation in order to identify those existing personnel that require training or, if required, the recruitment of additional qualified personnel;
- .3 implement a safety and environmental protection programme for ships entitled to fly the flag of the State in order to introduce annual mandatory drills/exercises in the event of an emergency situation, in accordance with the mandatory IMO instruments;
- .4 carry out casualty investigations in compliance with the Casualty Investigation Code and related guidelines; and
- .5 review and revise penalties stipulated in the Shipping Act to ensure they are of adequate severity to discourage violations of international treaties.

This corrective action will be completed by 30 June 2020.

## **FD**

495 The Administration had not implemented a documented system for the continuous updating of the knowledge of the flag State surveyors and inspectors with respect to the tasks they are authorized to undertake (III Code, paragraph 35).

### **Root cause**

496 There was insufficient knowledge of the obligations of the III Code with respect to the implementation of a documented system for the continuous updating of knowledge of flag State surveyors.

### **Corrective action**

497 The Administration will ensure that flag State surveyors are prepared for their assigned tasks, through identification of their training needs and provision of training programmes covering topics on theoretical knowledge of ships, their operation and provisions of the relevant national and international instruments. The documented system for the continuous updating of the knowledge of the flag State surveyors will be developed and included as a SOP within the Administration's QMS. It will include the dissemination of information on national laws and other measures in relation to the implementation and enforcement of the requirements stemming from the mandatory IMO instruments to ships entitled to fly the flag of the State; the continuous professional development in applying requirements stemming from the mandatory IMO instruments for all personnel involved in flag State inspections/surveys, port State control inspections and casualty investigations; and arrangements for the provision of the required training. This corrective action will be completed by 30 December 2020.

## **FD**

498 The arrangements for conducting casualty investigations did not comply with the Casualty Investigation Code, particularly regarding the impartiality and objectivity of investigators and the release of the reports to the public (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraphs 11.1 and 14.4; and III Code, paragraphs 38 and 41).

### **Root cause**

499 There were inadequate legislation, resources and processes for conducting marine safety investigations and reporting on their outcome, in accordance with the relevant mandatory IMO instruments and related guidelines.

### **Corrective action**

500 The Administration will implement the following actions:

- .1 initiate necessary updates in national legislation, make provisions for additional resources, establish processes for casualty investigations; and ensure that corrective actions are implemented through the QMS to ensure continual improvement;
- .2 update the knowledge of existing investigators through training programmes and recruit additional qualified personnel, if required;
- .3 amend existing procedures on casualty investigations in order to insert the obligation to maintain a list of independent investigators within and outside

the State. An enquiry committee will be established to ensure that all investigations are conducted by impartial investigators, who have no relationship or personal conflict of interest in the investigated ship. Investigators will report on the outcome of the marine safety investigation to an instance that is not responsible for the statutory certification, to ensure that there is no direction or interference by persons or organizations that may be affected by its outcome; and

- .4 forward casualty investigation reports to IMO within seven working days after their completion. Details of all reports, analyses and recommendations made to prevent a future occurrence will be published on the Administration's website and disseminated to the public through seminars, workshops or shipping circulars.

This corrective action will be completed by 29 February 2020.

#### **FD**

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

#### **Root cause**

502 There was a lack of specific procedures and processes in the Administration's QMS regarding evaluation of performance in the conduct of flag State activities.

#### **Corrective action**

503 The Administration will amend sections of the existing QMS 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, in order to determine whether staffing, resources and administrative procedures are adequate to meet the flag State obligations. This corrective action will be completed by 30 December 2020.

#### **FD**

504 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 and protocols to which the State is Party (III Code, paragraph 15).

#### **Root cause**

505 There was a lack of assigned responsibility for the formulation of policies.

#### **Corrective action**

506 The Administration will coordinate with key stakeholders on the review of the draft integrated maritime policy, which will address the promulgation of national legislation, as well as development of necessary procedures for the issuance of administrative instructions for the purpose of assisting in the implementation and enforcement of the mandatory IMO instruments

to which the State is Party. In addition, the Administration will be responsible for the formulation, coordination, follow up and review of the adopted policies. This corrective action will be completed by 30 September 2020.

## **FD**

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

- .1 administrative instructions to effectively implement the mandatory IMO instruments and their amendments to which the State is Party; and
- .2 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, paragraphs 16.1 and 16.5).

## **Root cause**

508 The lack of financial resources contributed to this finding.

## **Corrective action**

509 The Administration will implement the following actions:

- .1 cases where administrative instructions had not been issued will be identified, including those requirements that are "left to the satisfaction of the Administration" in the mandatory IMO instruments, as well as those where processes need to be established for type approval, equivalents and alternative arrangements, and the Administration will act accordingly by issuing necessary legal provisions; and
- .2 additional procedures and administrative instructions will be developed and implemented within the Administration's QMS under the ISO 9001 standards in order to improve the administrative processes.

This corrective action will be completed by 1 December 2020.

## **FD**

510 The Administration had not ensured that ROs authorized to conduct surveys and inspections and issue certificates on behalf of the State met the minimum criteria specified in the RO Code; in particular:

- .1 formal written agreements with these organizations did not contain the elements set out in the RO Code as a minimum;
- .2 the Administration had not issued specific instructions detailing actions to be followed in the event that a ship is found unfit to proceed to sea and had not provided the RO with all appropriate instruments of national law and any additional standards applicable to ships entitled to fly its flag; and

- .3 it had not implemented or participated in an oversight programme using adequately qualified personnel to monitor the ROs

(SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 4.2; RO Code, part 2, section 8; and III Code, paragraphs 18.1, 18.2, 18.3, 18.4 and 20).

**Root cause**

511 The lack of financial resources contributed to this finding.

**Corrective action**

512 The Administration will implement the following actions:

- .1 national legislation governing the delegation of authority for statutory certification and authorization of ROs will be developed and implemented and existing agreements with ROs will be reviewed. Furthermore, the Administration will provide the ROs with all appropriate instruments of national law and any additional applicable standards;
- .2 oversight programme of ROs, including a programme of audits, will be established for monitoring of ROs and incorporated into existing QMS; and
- .3 ROs will be provided with instructions to be followed in the event that a ship is found unfit to proceed to sea.

This corrective action will be completed by 30 June 2020.

**FD**

513 The Administration had not regulated the appointment of its nominated surveyors and had not provided them with national laws and interpretation, as well as specific instructions detailing actions to be followed in the event that a ship flying the flag of the State is found unfit to proceed to sea (III Code, paragraph 21).

**Root cause**

514 The lack of documented procedures contributed to this finding.

**Corrective action**

515 The Administration will develop and implement procedures for the authorization of nominated surveyors and revise existing instructions to surveyors to ensure that an effective control mechanism is in place, in line with the requirements of the relevant IMO instruments. Only those surveyors who meet the criteria to be developed will be retained and an oversight programme for monitoring of nominated surveyors' activities will be developed and implemented. This corrective action will be completed by 31 July 2020.

**FD**

516 An effective enforcement infrastructure to secure observance of international rules and standards by ships entitled to fly the flag of the State and by entities and persons under the jurisdiction of the flag State was not completely in place, in particular:

- .1 penalties stipulated in national laws and regulations were not of adequate severity to discourage violation of international rules and standards by ships entitled to fly the flag of the State;
- .2 compliance with the applicable international instruments through national legislation could not be demonstrated; and
- .3 an appropriate number of qualified personnel was not available to implement and enforce the national legislation and guidelines, including personnel for performing investigations and surveys

(III Code, paragraphs 22.5, 24.1 and 24.2).

### **Root cause**

517 There was an inadequate monitoring mechanism of national legislation, including penal provisions for the enforcement of the requirements stemming from the mandatory IMO instruments, as well as a lack of resources.

### **Corrective action**

518 The Administration will implement the following actions:

- .1 a review of national legislation will be conducted in terms of enforcement of the requirements stemming from the mandatory IMO instruments and coordination among the State's entities, to identify a need for new legislation. Data will be compiled where sanctions and/or penalties have been rendered insufficient to support the analysis. Once the review is done, a report will be sent to the Attorney General containing data on the identified ineffectiveness of the sanctions and/or penalties, with proposal for revisions and new additional legislation; and
- .2 flag State surveyors and casualty investigators with appropriate qualifications and training will be appointed to implement and enforce national legislation.

This corrective action will be completed by 31 December 2020.

### **FD**

519 The measures that had been implemented for casualty investigations did not comply with the Casualty Investigation Code, especially regarding:

- .1 the independence and impartiality of investigators;
- .2 decision to open an investigation;
- .3 reporting to IMO and release of reports to the public; and
- .4 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, paragraphs 6.2, 11.1, 14.1, 14.2 and 14.4; and III Code, paragraphs 38 and 41).

### **Root cause**

520 Organizational structure and line management were inadequate for processes related to marine safety investigation and there were insufficient qualified personnel to carry out the responsibilities under the Casualty Investigation Code

### **Corrective action**

521 The Administration will implement the following actions:

- .1 legal framework, procedures and guidelines for the implementation of the Casualty Investigation Code will be reviewed, updated accordingly and implemented;
- .2 in order to ensure the impartiality and objectivity of investigators and to ensure that marine safety investigations are conducted separate from and independent of any other form of investigation, line management of processes related to casualty investigation and related reporting will be adjusted to prevent any direction or interference from persons or organizations that may be affected by the outcome of the investigation; and
- .3 training will be provided for relevant personnel, through a specialized training programme in the field of maritime casualty investigation, which will be requested from IMO.

This corrective action will be completed by 31 March 2020.

### **FD**

522 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 obligations and responsibilities under the mandatory IMO instruments as a flag State (III Code, paragraphs 42 and 43).

### **Root cause**

523 The lack of a systematically controlled framework for monitoring and evaluation of performance in respect of flag State obligations under the mandatory IMO instruments contributed to this finding.

### **Corrective action**

524 The Administration will revise the State's IMO instruments implementation strategy 2018-2023 to include procedures for periodical evaluation of responsibilities in the area of flag State activities, based on clear objectives and KPIs. The result of the periodic review will be reported yearly to the respective Ministry in order to evaluate the performance in the area of flag State activities regarding compliance with the mandatory IMO instruments to which the State is Party. In parallel, a review of the management system will be carried out in order to update procedures, as necessary. This corrective action will be completed by 31 December 2020.

## **FD**

525 The Administration had not issued national legislation and guidance to assist in the implementation and enforcement of the requirements of all the relevant safety and pollution prevention conventions and protocols (SOLAS V/1.4; MARPOL, Annex IV, regulation 9.1; and III Code, paragraph 15.1).

### **Root cause**

526 The following factors contributed to this finding:

- .1 lack of human and financial resources affected the development of national legislation and guidance for effective implementation and enforcement of the mandatory IMO instruments; and
- .2 specific areas in the applicable IMO instruments where the Administration is required to prescribe the requirements and to provide guidance, were not identified.

### **Corrective action**

527 The following actions will be undertaken by the responsible entities:

- .1 additional human resources will be provided to the Administration by recruiting personnel on the basis of the study on resources that will be undertaken by the responsible ministry;
- .2 an action plan, which may include support from external experts, will be developed by the Administration for the transposition of all the mandatory IMO instruments and their amendments into primary and secondary legislation;
- .3 subsidiary legal instruments, such as guidance, instructions, standards and notifications, necessary for the uniform and effective implementation and enforcement of the mandatory IMO instruments, will be identified and issued; and
- .4 adequate financial resources will be allocated in the budget of the responsible Ministry for the purpose of the aforementioned action plan.

This corrective action will be completed by 31 December 2021.

## **FD**

528 The Administration had not established resources and processes capable of issuing administrative instructions to implement the requirements of relevant IMO instruments, and of developing and disseminating interpretative national regulations (III Code, paragraph 16.1).



### **Root cause**

529 There were insufficient human resources and technical expertise available within the Administration to identify and develop processes needed for implementing the provisions of the mandatory IMO instruments and for disseminating interpretative national regulations. Furthermore, the responsibilities for undertaking these tasks were not assigned to any person or entity in the Administration.

### **Corrective action**

530 The following actions will be undertaken by the responsible entities:

- .1 additional human resources and technical expertise will be provided to the Administration by recruiting personnel on the basis of a study on resources that will be undertaken by the responsible Ministry, and appropriate training will be organized by the Administration to improve capabilities of existing and newly recruited personnel;
- .2 policies, procedures and required documentation for issuing administrative instructions to implement all provisions of the mandatory IMO instruments will be adopted and implemented by the Administration. This will be accomplished through regional or national trainings, workshops, seminars and in cooperation with other Member States, regional partners and international agencies, such as IMO;
- .3 responsibility for performing the abovementioned tasks will be assigned by the Administration; and
- .4 formal and informal discussions between concerned departments within the Administration and stakeholders will be held regularly and their outcome will be utilized for continuous improvement.

This corrective action will be completed by 30 June 2021.

### **FD**

531 The Administration had not provided specific instructions to ROs in the event that a ship entitled to fly the flag of the State is found unfit to proceed to sea without danger to the ship or persons on board or is found to present an unreasonable threat of harm to the marine environment (III Code, paragraph 18.3).

### **Root cause**

532 The existing RO agreements were not periodically reviewed and updated. Due to a lack of adequate resources in the Administration to identify and implement all the obligations arising out of the mandatory IMO instruments, specific instructions could not be issued to ROs.

### **Corrective action**

533 The following actions will be undertaken by responsible entities:

- .1 additional human resources and technical expertise will be provided to the Administration by recruiting personnel on the basis of a study on resources that will be undertaken by the responsible Ministry, and appropriate training will be organized by the Administration to improve capabilities of existing and newly recruited personnel;

- .2 specific instructions to ROs will be developed relating to the actions to be undertaken when a ship is unfit to proceed to sea without danger to the ship or persons on board, or presenting unreasonable threat of harm to the marine environment; and
- .3 regulatory systems in the Administration will be developed to issue specific instructions for ROs, as appropriate.

This corrective action will be completed by 31 December 2021.

## **FD**

534 The Administration did not establish or participate in an oversight programme for monitoring of and communication with its ROs in order to verify that its international obligations are fully met (III Code, paragraph 20).

### **Root cause**

535 A system and policy on oversight of ROs was not established primarily due to a limited number of ships certified by ROs and the lack of adequate resources in the Administration.

### **Corrective action**

536 The following actions will be undertaken by the responsible entities:

- .1 additional human resources and technical expertise will be provided to the Administration by recruiting personnel on the basis of a study on resources that will be undertaken by the responsible Ministry, and appropriate training will be organized by the Administration to improve capabilities of existing and newly recruited personnel; and
- .2 a mechanism will be developed by the Administration for oversight of ROs, which may include flag State inspections, visits to ROs' offices, monitoring of ROs' performance by other flags and performance of ROs in PSC MoUs, and it will be included as a part of the agreement with each RO.

This corrective action will be completed by 31 December 2021.

## **FD**

537 The national laws and regulations of the State did not provide for penalties, and existing penalties were not of adequate severity to discourage violation of relevant international rules and standards by ships entitled to fly its flag. Furthermore, the national laws and regulations did not include provisions to institute proceedings against ships entitled to fly its flag which have violated the international rules and standards, irrespective of where the violation has occurred (III Code, paragraphs 22.5 and 22.6).

### **Root cause**

538 The principal national legislation was outdated as there was no practice of periodic reviews, including the review of penal provisions which had become inadequate after a period of time after their adoption. Furthermore, periodic reviews and updates of legislation were not practiced since the process of amending existing legislation was very lengthy.

### **Corrective action**

539 The following actions will be undertaken by the Administration:

- .1 the principal national legislation will be reviewed and updated, and a revised act that has appropriate enforcement measures and penal provisions, irrespective of the location of a ship flying the flag of the State, will be promulgated by the end of 2021; and
- .2 a simplified procedure will be adopted, in consultation with the Attorney General's Office, for incorporating amendments to the mandatory IMO instruments entering into force under the tacit amendment's procedures into national law, in which a review of all penal provisions will also be included, as well as a mechanism for periodic review in the future.

This corrective action will be completed by 31 December 2021.

**FD**

540 There was no evidence that the Administration had developed or implemented a programme for the collection of statistical data so that trend analyses can be conducted to identify problem areas related to flag State responsibilities (III Code, paragraph 23.2).

### **Root cause**

541 A system to collect statistical data and carry out trend analysis, as envisaged in the III Code, was not adopted in the Administration, primarily due to insufficient personnel with maritime expertise.

### **Corrective action**

542 The following actions will be undertaken by responsible entities:

- .1 additional personnel with technical expertise will be recruited by the Administration, on the basis of a study on resources that will be undertaken by the responsible Ministry and training will be organized by the Administration to improve capabilities of existing and newly recruited personnel; and
- .2 a system will be developed by the Administration to collect statistical data on various activities related to the flag State implementation and enforcement, and to carry out its analysis. The system will also include an annual review and evaluation of flag State activities and status of implementation of the mandatory IMO instruments.

This corrective action will be completed by 31 December 2020.

**FD**

543 The Administration had not issued suitable administrative instructions to their surveyors about survey and certification of ships and, in particular, to ensure that statutory certificates were issued only to those ships that complied with all the relevant requirements of the IMO instruments (III Code, paragraph 16.1).

### **Root cause**

544 Due to inadequacy of technical resources in the Administration, a system or procedure to be followed when survey and certification of ships flying the flag of the State was performed by the surveyors of the Administration was not established.

### **Corrective action**

545 The following actions will be undertaken by responsible entities:

- .1 additional personnel with technical expertise will be recruited by the Administration, on the basis of a study on resources that will be undertaken by the responsible Ministry, and training will be organized by the Administration to improve capabilities of existing and newly recruited personnel; and
- .2 documented procedures will be developed and implemented by the Administration as a guidance for surveyors of the Administration while carrying out surveys, inspections and audits under the mandatory IMO instruments. While establishing this procedure, reference will also be made to available guidance from IMO and standard practices followed by ROs in corresponding areas.

This corrective action will be completed by 31 December 2021.

### **FD**

546 The Administration did not establish a documented system for continuous updating of knowledge of the personnel appropriate to the tasks they are authorised to undertake. Furthermore, while assigning surveyors for flag State inspections and surveys, it was not ensured that the nominated surveyors had the minimum qualifications stated in the authorization matrix established by the State for performing inspections and surveys (III Code, paragraph 35).

### **Root cause**

547 There was a lack of human resources within the Administration.

### **Corrective action**

548 The following actions will be undertaken by responsible entities:

- .1 additional personnel with technical expertise will be recruited by the Administration on the basis of a study on resources that will be undertaken by the responsible Ministry, and training will be organized by the Administration to improve capabilities of existing and newly recruited personnel;
- .2 a documented system will be established by the Administration for qualification and training of surveyors and continuous updating of their knowledge in all relevant areas; and
- .3 the authorization matrix used by the Administration for flag State inspections and surveys will be reviewed and updated.

This corrective action will be completed by 31 December 2020.

## **FD**

549 There was evidence that impartiality was not ensured while carrying out marine safety investigations mandated under the Casualty Investigation Code (Casualty Investigation Code, paragraph 11.1; and III Code, paragraph 38).

### **Root cause**

550 The Casualty Investigation Code was not transposed into national legislation, and an arrangement for conducting marine safety investigations in accordance with the Code was not established in the State.

### **Corrective action**

551 The following actions will be implemented:

- .1 an independent marine safety investigation board will be established under the responsible Ministry in accordance with the provisions of the Casualty Investigation Code, national investigation law and regulations;
- .2 the responsible Ministry will establish a panel of investigators who possess the qualification and experience criteria as required by national legislation and the III Code; and
- .3 the responsible Ministry will develop and enact a marine safety investigation law and regulations in accordance with the requirements of the Casualty Investigation Code and the III Code.

This corrective action will be completed by 31 March 2021.

## **FD**

552 There was no evidence available about the periodical evaluation of performance in respect of administrative processes, procedures and resources necessary to meet the flag State obligations and responsibilities under the relevant IMO instruments (III Code, paragraph 42).

### **Root cause**

553 There was no legal requirement in the existing system to carry out periodic evaluation of flag State performance. Furthermore, there was insufficient number of technical personnel with maritime expertise available in the Administration, in order to carry out periodic evaluations.

### **Corrective action**

554 The following actions will be implemented:

- .1 the Administration will annually review and evaluate its performance in the conduct of flag, coastal and port State activities with respect to the implementation of administrative processes, procedures and resources necessary to meet relevant requirements of the mandatory IMO instruments, and will take corrective actions, as needed;

- .2 the responsible Ministry will periodically evaluate the performance of the State in meeting its obligations and responsibilities in the conduct of flag, port and coastal State activities, as required by the mandatory IMO instruments, and take corrective action as needed; and
- .3 additional personnel with technical expertise will be recruited by the Administration to perform these tasks, on the basis of a study on resources that will be undertaken by the responsible Ministry and training will be organized by the Administration to improve capabilities of existing and newly recruited personnel.

This corrective action will be completed by 31 December 2020.

**FD**

555 There was no evidence that the Administration established processes and resources capable of administering a safety and environmental protection programme, which as a minimum consist of:

- .1 administrative instructions;
- .2 provision of guidance concerning those requirements found in the applicable IMO instruments that are to the satisfaction of the Administration; and
- .3 processes and criteria for type approval of materials and equipment

(III Code, paragraphs 15, 16.1 and 16.5).

**Root cause**

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

**Corrective action**

557 The Administration will implement the following actions:

- .1 develop and implement policies, through issuing national legislation and administrative instructions, in order to ensure effective implementation of the rules and standards made mandatory by the relevant IMO instruments;
- .2 make resources available to develop and implement a safety and environmental programme, to draft procedures to administer the programme and to train personnel in executing and maintaining the programme;
- .3 develop and implement a system, including relevant procedures, to identify and provide guidance and interpretations on those provisions in the IMO instruments that are left "to the satisfaction of the Administration"; and
- .4 develop and implement a procedure for type approval of materials and equipment.

This corrective action will be completed by 31 December 2022.

## **FD**

558 There was no evidence of national provisions or documented policies and guidance regulating retention on board of oil or oily mixtures or their discharge in accordance with the requirements of MARPOL. In addition, there was no evidence of an enforcement mechanism in place to ensure compliance of seagoing fishing vessels with the national requirements relating to the discharge of oily substances at sea. Furthermore, there was no provision in national legislation determining to what extent the provisions of SOLAS 1974, chapter V, regulations 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 do not apply to seagoing fishing vessels (SOLAS 1974, regulation V/1.4; MARPOL, Annex I, regulations 14.4 and 15.6; and III Code, paragraphs 15.1, 22.1, 22.2, 22.5 and 24.1).

### **Root cause**

559 There was an absence of national legislation and policies, which, amongst other, require documented policies/guidance for retention of oil and oily mixtures on board and the extent to which the provisions of SOLAS 1974, chapter V apply to sea going fishing vessels and other ships/crafts on domestic voyages.

### **Corrective action**

560 The Administration will implement the following actions:

- .1 national legislation will be developed and implemented, taking into account the extent to which the provisions of SOLAS 1974, chapter V are applicable to sea going fishing vessels and other ships/crafts on domestic voyages;
- .2 policies and administrative instructions will be promulgated for vessels to comply with national law and the necessary funding will be made available for training of personnel to support effective enforcement through a regular inspection programme; and
- .3 policies, guidelines and procedures will be devised for regulating retention on board of oil or oily mixtures, and/or their discharge ashore in accordance with the requirements of MARPOL. The national requirements with regard to the retention of the oily mixtures on board will be incorporated into the existing inspection checklists for seagoing (fishing) vessels and, where necessary, new checklists will be developed for inspection of other ships/crafts.

This corrective action will be completed by 31 December 2022.

## **FD**

561 The Administration did not ensure that marine safety investigations are conducted in an impartial and objective manner. Under national provisions, conduct of, and reporting on investigations was not in accordance with the Casualty Investigation Code. Reports of investigations were not made public (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 38; III Code, paragraph 41).

### **Root cause**

562 The casualty investigations were performed under the existing national legislation, which did not incorporate the requirements of the applicable IMO instruments.

### **Corrective action**

563 The Administration will implement the following actions:

- .1 the procedures for marine accident/incident investigation will be amended and distinction made between investigations in accordance with the existing law (covering those for action in civil, criminal and administrative proceedings) and marine safety investigations according to the Casualty Investigation Code;
- .2 the policy for carrying out marine safety investigation will be drafted and implemented, where necessary through amending existing national legislation, particularly to ensure objectivity and impartiality of marine safety investigations; and
- .3 investigation procedures will be developed or amended to publish the results of marine safety investigations in accordance with the requirements of the Casualty Investigation Code. The Maritime Authority will develop a procedure to conduct the maritime accident investigations in a manner that is in accordance with the Casualty Investigation Code.

This corrective action will be completed by 31 December 2022.

### **FD**

564 It was established that there was no specific requirements in place to extend the implementation of the provisions of SOLAS 1974, chapter V and MARPOL, Annex I to fishing vessels 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, regulations 2.1, 14.3, 14.4 and 14.6; and III Code, paragraph 15.1).

### **Root cause**

565 There was a lack of specific requirements emanating from the mandatory provisions of SOLAS 1974 and MARPOL. The division of responsibilities was not clearly defined among government entities for the effective implementation and enforcement of the requirements of SOLAS 1974 and MARPOL on board all ships, irrespective of their size, including fishing vessels.

### **Corrective action**

566 The State will develop and implement national legislation in order to assign authority and responsibilities to the designated government entity, which will be responsible for the effective implementation and enforcement of the applicable mandatory IMO instruments, particularly with regards to SOLAS 1974, chapter V and MARPOL, Annex I requirements, which are applicable to ships below convention sizes, including fishing vessels flying the flag of the State. In addition, specific technical requirements applicable to ships on domestic voyages and below convention sizes will be developed and implemented. This corrective action will be completed by 31 December 2020.



## FD

567 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 a Party. This includes documenting policies and instructions on issuing equivalents, alternative arrangements and type approvals of materials and equipment, as well as to address 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 international instruments

(III Code, paragraphs 16.1, 16.2 and 16.5).

## Root cause

568 The lack of resources, the absence of administrative instructions and insufficient national legislation caused difficulties in implementing the safety and environmental protection programme. In addition, the Administration did not document appropriate policy, guidance or approved interpretations for those requirements of the mandatory IMO instruments left to the satisfaction of the Administration.

## Corrective action

569 The Administration will implement the following actions:

- .1 establish resources, processes and procedures in order to administer a safety and environmental protection programme;
- .2 implement and keep updated an audit and inspection programme, independent of any administrative bodies issuing the required certificates and documentation to the ships entitled to fly the flag of the State;
- .3 establish and implement policy and documented procedures for type approval of materials, equipment and alternative designs, including issuance of equivalents and exemption certificates; and
- .4 identify and designate a dedicated unit, which will be tasked to maintain a scheme to identify and address those provisions of the mandatory IMO instruments that are left "to the satisfaction of the Administration" by issuing technical circulars, guidance and interpretations.

This corrective action will be completed by 31 December 2020.

## FD

570 It was not demonstrated how the Administration had determined that the ROs had adequate technical, managerial and research capabilities to accomplish the delegated tasks. In addition, the Administration did not empower two of its ROs to require repairs and to

withdraw certificates in the event that the ship is found unfit to proceed to sea (SOLAS 1974, regulation I/6; SOLAS 1974, regulation XI-1/1; MARPOL, Annex I, regulation 6; LL 1966, annex 1, regulation 2; TONNAGE 1969, article 7(2); RO Code, part 1, section 4.2; RO Code, part 2, section 8; and III Code, paragraphs 18.1 and 18.3).

#### **Root cause**

571 There was a lack of clear procedures and guidelines for reviewing RO agreements, including degree of authorization. There was also no procedure or process in place to evaluate ROs, in accordance with the RO Code, prior to the conclusion of the agreement for the delegation of authority.

#### **Corrective action**

572 The Administration will develop and implement administrative instructions and guidelines for the selection, assessment, evaluation, recognition, oversight and supervision of ROs, in compliance with the applicable mandatory IMO instruments and recommendations. In addition, clear instructions will be given to all ROs, including those related to requiring repairs and withdrawing certificates in the event that a ship entitled to fly the flag of the State is found unfit to proceed to sea. This corrective action will be completed by 31 December 2020.

#### **FD**

573 Although there were provisions in the national laws and regulations for the enforcement of the requirements of the applicable mandatory IMO instruments, the administrative penalties were found to be of inadequate severity to discourage violations of the requirements by ships and individuals (III Code, paragraphs 22.4 and 22.5).

#### **Root cause**

574 The Parliament established very limited sanctions and penalties to discourage violations of international rules and standards stipulated in the mandatory IMO instruments.

#### **Corrective action**

575 The State will review penalties to ensure they are adequate to the extent of damage which might be caused as a result of violations of international rules and standards. All national legislation will be reviewed and amended accordingly. This corrective action will be completed by 31 December 2020.

#### **FD**

576 The Administration did not fully implement the provisions of the Casualty Investigation Code. The related regulations were insufficient and not updated. The current casualty investigation system and structure did not ensure impartiality and objectivity. The arrangements for cooperation in investigations with interested States were absent and final investigation reports were not available to the public (SOLAS 1974, regulations I/21 and XI-1/6; Casualty Investigation Code, paragraphs 6.2, 7.1, 7.2, 8.1, 10.1, 11.1, 14.1, 14.2 and 14.4; and III Code, paragraphs 38 and 41).

#### **Root cause**

577 The Casualty Investigation Code was not fully transposed into national legislation and the maritime administration was unaware of the requirement to make casualty investigation reports available to the public. In addition, the State did not put in place mechanisms to ensure impartiality and objectivity of investigations.

### **Corrective action**

578 The Administration will implement the following actions:

- .1 adopt, transpose and incorporate into national legislation the mandatory provisions of the Casualty Investigation Code (resolution MSC.255(84)) and related guidelines (resolution A.1075(28)), including a framework to make the results of marine casualty investigations available to the public;
- .2 develop documented procedures to include the cooperation with other flag and/or port States when carrying out marine casualty investigations; and
- .3 necessary conditions will be created to ensure impartiality and objectivity in organization and conduct of casualty investigations. Procedures for data exchange will be established for investigations conducted jointly with other interested States and familiarization of the public with investigations' results will be organized, where appropriate.

This corrective action will be completed by 31 December 2020.

### **Observation (OB)**

579 The Administration could not guarantee that the investigators who conducted investigations of marine casualties were suitably qualified and knowledgeable in matters relating to casualty. Besides, the scope of the investigations was not clearly specified (III Code, paragraphs 39 and 40).

### **Root cause**

580 There was a lack of awareness of the requirements of the mandatory IMO instruments in relation to casualty investigation and lack of personnel with appropriate knowledge and skills. In addition, a lack of legal basis contributed to this finding.

### **Corrective action**

581 The Administration will implement the following actions:

- .1 under the project on reviewing maritime legislation, appropriate legislation will be developed to ensure that maritime casualty investigations are carried out only by qualified and trained personnel. In addition, documented procedure will be developed and implemented to define the scope of the investigations.
- .2 training programmes for investigators will be developed and will include both in-house training and training abroad. Additionally, annual performance evaluation criteria for investigators will be implemented.

This corrective action will be completed by 31 December 2021.

### **OB**

582 The Administration did not establish documented training programmes to provide appropriate practical and theoretical knowledge of ships and their operation for flag State surveyors, investigators and auditors, including not providing the relevant national and international instruments necessary for them to perform their duties (III Code, paragraph 32).

### **Root cause**

583 Due to a lack of planning, training and specialization programme for the personnel, according to the III Code, was not developed.

### **Corrective action**

584 The Administration will develop training policies and programme that will include: analysis of resources allocation; permanent training schedule for personnel involved in surveying, audits and investigation tasks, and an introductory programme for newly recruited flag State surveyors, auditors and investigators. The programme will be based on IMO model courses or training programmes of recognized nautical institutions and will also include provisions for in-house training. This corrective action will be completed by 30 June 2021.

### **OB**

585 The Administration could not ensure ready access to expertise in the different areas required to assist marine casualty investigators in the event that investigators were assigned tasks outside their normal assignments. In addition, no evidence was found that accidents involving personal injury necessitating absence from duty of three days or more would be investigated (III Code, paragraphs 39 and 40).

### **Root cause**

586 There was a lack of policies and insufficient financial resources.

### **Corrective action**

587 After the adoption of the Casualty Investigation Code into national legislation and issuance of respective interpretative regulations and procedures, the Administration will establish a procedure and allocate necessary resources for recruitment of experts, if considered necessary, or for securing external expertise that could be made available on a case by case basis. In addition, policies and guidelines will be developed to ensure the initiation of an investigation related to occupational safety incidents and, in particular, to those accidents that involve personal injuries that result in an absence from duty of three days or more. This corrective action will be completed by 31 December 2021.

### **OB**

588 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 the relevant national and international instruments necessary to perform their duties as flag State surveyors and auditors obtained through documented training programmes (III Code, paragraph 32).

### **Root cause**

589 There were insufficient human and financial resources, which hampered the development of a documented training programme for flag State surveyors and auditors.

### **Corrective action**

590 The Administration will implement the following actions:

- .1 a specific directorate will be assigned responsibility for elaboration and development of a permanent training programme that will include: assessment and provision of financial resources needed, identification of the type of training and schedule for the updating of the flag State surveyors' knowledge, including initial training plan for new inspectors, PSCOs and auditors. The mentioned training programme will be based on the IMO model courses or training programmes of recognized nautical institutions; and
- .2 coordination will be established with regional organizations in order to include flag State surveyors, PSCOs and auditors in regional trainings. The training programme will also include provisions for in-house training.

This corrective action will be completed by 1 February 2020.

### **OB**

591 The Administration could not ensure that the investigators who conducted investigations of marine casualties have working knowledge and practical experience in matters relating to the casualty (III Code, paragraph 39).

### **Root cause**

592 There were insufficient human and financial resources, which hampered the development of a documented training programme for investigators.

### **Corrective action**

593 The Administration will implement the following actions:

- .1 a specific directorate will be assigned responsibility for elaboration and development of a permanent training programme for casualty investigators that will include: assessment and provision of financial resources needed, identification of type of training and schedule for updating of investigators' knowledge, including initial training plan for new investigators. The mentioned training programme will be based on IMO model courses or training programmes of recognized nautical institutions; and
- .2 coordination will be established with regional organizations in order to include the investigators in regional trainings. The training programme will also include provisions for in-house training.

This corrective action will be completed by 1 February 2020.

### **OB**

594 There was no system in place to ensure that knowledge of investigators is kept up to date in all relevant areas and that ready access to additional expertise is made available. Accidents involving personal injuries resulting in absence of duty for three or more days were not investigated and results of such investigations were not made public (III Code, paragraphs 39 and 40).

### **Root cause**

595 There was a limited pool of individuals, who could be selected for conducting investigations, as well as lack of resources for monitoring of investigators.

### **Corrective action**

596 The Administration will develop a QMS, which will include a procedure for conducting investigations into accidents involving personal injuries resulting in absence from duty for three or more days. Results from such investigations will be made public, based on new national legislation incorporating the requirements of the III Code. A system will be put in place to ensure that appointed investigators have the required training and that ready access to additional expertise is made available for specific areas. This corrective action will be completed by 31 December 2019.

### **OB**

597 The Administration had not ensured that the individual investigators have working knowledge and practical experience relating to casualty investigations (III Code, paragraph 39).

### **Root cause**

598 The qualifications and practical experience required for casualty investigators were not established and documented.

### **Corrective action**

599 The responsible entity will establish a system for casualty investigations containing the minimum criteria for the appointment of investigators for maritime casualties. In addition, programmes for continuous updating of flag State surveyors' knowledge appropriate to their tasks in casualty investigations will be developed, documented and monitored routinely. This corrective action will be completed by 31 July 2019.

### **OB**

600 There was no system in place to ensure that flag State inspectors are recruited using the criteria stipulated in the III Code and that they receive the training appropriate to their tasks (III Code, paragraph 29; III Code, paragraph 30; III Code, paragraph 31; III Code, paragraph 32).

### **Root cause**

601 There were insufficient personnel with maritime expertise and knowledge regarding recruitment, training criteria and qualifications for implementing the mandatory IMO instruments and the III Code. There was also a lack of internal guidelines pertaining to recruitment of flag State inspectors. In addition, there was a lack of awareness of the requirement for a documented training programme for flag State inspectors, hence no training programme or career development plan had been developed.

### **Corrective action**

602 The Ministry will develop guidelines defining the profiles for personnel responsible for flag State inspections and recruitment criteria for the flag State inspectors in accordance with the III Code. The guidelines will be communicated to the responsible entity for the registry for implementation and engagement of inspectors will be monitored by the Administration. Training sessions and refresher courses will be identified for flag State inspectors based on their individual needs. This corrective action will be completed by 30 June 2021.

### **OB**

603 There was no system in place to ensure that the knowledge of investigators, who were engaged on a case by case basis, is kept up to date in all relevant areas and that ready access to additional expertise is made available. Accidents involving personal injuries resulting in absence of duty for three or more days were not systematically investigated and results of such investigations were not made public (III Code, paragraph 39; III Code, paragraph 40).

### **Root cause**

604 There was an absence of guidelines, procedures and personnel to adequately monitor the activities and performance, as well as to provide additional expertise to ensure that investigators, engaged on a case by case basis, were adequately trained and their skills were periodically updated. There was also a lack of awareness and legal basis.

### **Corrective action**

605 The Administration will develop and implement a documented procedure for implementation of mandatory requirements related to casualty investigation and establish a continuous training programme for all personnel involved in flag State investigations. Necessary legislation will be developed and implemented incorporating requirements of the III Code and the Casualty Investigation Code to ensure that information pertaining to accidents involving personal injuries resulting in the absence of duty for three or more days will be communicated to the public in accordance with the provisions of the III Code. This corrective action will be completed by 31 December 2021.

### **OB**

606 The relevant government entity did not have individual investigators that possess working knowledge and practical experience for conducting marine safety investigations. Furthermore, the Administration did not provide for investigation into accidents involving personal injury necessitating absence from duty of more than three days and any deaths resulting from occupational accidents and casualties to ships (III Code, paragraphs 39 and 40).

### **Root cause**

607 The following factors contributed to this finding:

- .1 lack of qualified and experienced personnel for carrying out marine safety investigations; and
- .2 the procedures for carrying out marine safety investigations were not adequately detailed.

### **Corrective action**

608 The following actions will be implemented by the responsible entity:

- .1 personnel associated with safety investigations will be trained through an on-the-job training;
- .2 additional training will be provided to personnel through work attachment programmes and exposure to various capacity-building platforms;
- .3 expertise from external sources will be identified and made readily available for inclusion in the investigation team, when necessary; and
- .4 detailed procedures will be established for the conduct of marine safety investigations in accordance with the provisions of the mandatory IMO instruments.

This corrective action will be completed by 31 December 2020.

### **OB**

609 The Administration did not ensure that individual investigators are suitably qualified and did not arrange for ready access to expertise in specified areas for conducting flag State investigations (III Code, paragraph 39).

### **Root cause**

610 Although the surveyors were deputed to participate in training courses, workshops and drills at both national and international level, the Administration did not have a comprehensive policy for the recruitment and qualification of individual investigators, including continuous updating of their knowledge.

### **Corrective action**

611 A documented system will be developed by the Administration and included in its QMS in order to formally adopt an integrated comprehensive policy guiding the Administration in the recruitment processes, nomination, employment and continuous training and updating of knowledge of individual investigators. In addition, arrangements will be made and documented for ready access to expertise in the areas outside normal duties of the investigators. This corrective action will be completed by 31 December 2021.

### **OB**

612 The documented training programmes developed by the Administration for flag State surveyors and inspectors did not ensure practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties (III Code, paragraph 32).

### **Root cause**

613 There was no system in place to ensure that training programmes developed for flag State surveyors deliver the preferred outcome, in accordance with the obligations of the III Code.



### **Corrective action**

614 The Administration will develop and implement a specific training programme that will be included in the Administration's QMS and will incorporate:

- .1 dissemination of information on the national laws, information on ships' operation and on measures to implement and enforce the requirements stemming from the mandatory IMO instruments to ships entitled to fly the flag of the State;
- .2 continuous updating of knowledge of officers who perform flag State inspections and casualty investigations; and
- .3 periodic in-house training and regional training seminars to be made available for all personnel involved in flag State surveys.

This corrective action will be completed by 30 December 2020.

### **OB**

615 The Administration could not ensure that the investigators who conducted investigations on marine casualties had working knowledge and practical experience in matters relating to the casualty (III Code, paragraph 39).

### **Root cause**

616 There was a lack of performance measurement criteria in place.

### **Corrective action**

617 The Administration will implement the following actions:

- .1 develop a new process in its QMS to address functions related to casualty investigations, including a competency matrix for casualty investigators;
- .2 include within a new SOP specific training for investigators in subject areas pertaining to casualty investigations; and
- .3 periodic in-house training and regional training seminars conducted by IMO and by other professional bodies and associations will be made available to investigators.

This corrective action will be completed by 30 December 2020.

### **OB**

618 The existing training programmes for surveyors and auditors did not include appropriate practical and theoretical knowledge of ships, their operation and provisions of the relevant national instruments necessary to perform their duties (III Code, paragraph 32).

### **Root cause**

619 Inadequate documented procedures for training programmes contributed to this finding.

### **Corrective action**

620 The Administration will update the existing training programme for surveyors and auditors in the HR manual and incorporate the requirements of the III Code into the training programme for existing and new surveyors. In addition, technical assistance will be sought in building technical expertise for flag State surveyors and auditors. This corrective action will be completed by 30 June 2020.

### **OB**

621 The State did not have a policy on conducting investigations into accidents involving personal injuries necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties and making the results of such investigations public (III Code, paragraph 40).

### **Root cause**

622 The requirements for marine safety investigations in accordance with the Casualty Investigation Code and the III Code were not transposed into national legislation and the Administration was unaware of the requirement to make the investigation reports public.

### **Corrective action**

623 The following actions will be undertaken by the State:

- .1 the principal national legislation will be reviewed and updated by the responsible Ministry, and a revised act will be promulgated which will include a provision to conduct marine safety investigations in accordance with the mandatory IMO instruments, the Casualty Investigation Code and the III Code;
- .2 the responsible Ministry will establish a system for an independent body to conduct marine safety investigations using qualified investigators and to communicate investigation reports to IMO and to the public, in accordance with the Casualty Investigation Code and the III Code; and
- .3 periodic evaluation and review of this system will be conducted by the responsible Ministry, as required by the III Code.

This corrective action will be completed by 31 December 2021.

### **OB**

624 There was no evidence that the investigators had working knowledge and practical experience in the required areas, nor ready access to expertise was ensured (III Code, paragraph 39).

### **Root cause**

625 The III Code was not implemented by the State at the time of the audit and, although all investigators received training in accordance with the Casualty Investigation Code, investigations were still conducted based on national legislation.

### **Corrective action**

626 The training plan and career path of personnel to facilitate the requirements of marine safety investigation in accordance with the Casualty Investigation Code and the III Code will be adjusted. Surveyors with international experience will be identified for assistance in investigations and arrangements made, including relevant procedures, to ensure ready access to expertise in all required areas in case of marine casualty investigation. This corrective action will be completed by 31 December 2022.

### **COASTAL STATE ACTIVITIES**

#### **Findings (FD)**

627 The SAR regulations for details of the implementation were not available and national SAR plan was not approved or communicated to IMO (SOLAS 1974, regulations V/7.1 and V/7.2; and III Code, paragraph 47).

#### **Root cause**

628 There was a lack of coordination among entities and responsibilities were not clearly assigned. In addition, a lack of awareness of the mandatory requirements, lack of resources and lack of legal basis contributed to this finding.

#### **Corrective action**

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

- .1 under the project on reviewing maritime legislation, appropriate national legislation and guidelines on SAR will be developed and implemented;
- .2 effective coordination among the State's entities involved in SAR issues will be established by signing MoUs and clear responsibilities will be assigned;
- .3 appropriate shore-based facilities for distress communication and coordination within the State's area of responsibility shall be established; and
- .4 information on existing SAR facilities will be communicated to IMO.

This corrective action will be completed by 31 December 2021.

#### **FD**

630 The State had not implemented a system of periodic performance evaluation of its activities as a coastal State for the purpose of verifying compliance with its obligations under the IMO international instruments of which it is a Party (III Code, paragraph 51).

#### **Root cause**

631 There was a lack of awareness of the need to have a QMS in place, which would include performance evaluation for coastal State activities.

### **Corrective action**

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

- .1 under the lead entity's QMS, procedures stipulating detailed methodology for periodical review and evaluation of the performance in respect of administrative processes, procedures and resources necessary to meet the obligations and responsibilities under the mandatory IMO instruments as a coastal State, will be developed. This procedure will be applied for all the State's entities involved in coastal State activities. Key performance indicators for relevant entities shall be identified on the basis of their output to enable measurement of performance and will be reviewed annually during review meetings; and
- .2 the QMS procedure for the evaluation of performance will be implemented across all responsible entities and the lead entity will be subject to external QMS audits by a certifying body.

This corrective action will be completed by 31 December 2020.

### **FD**

633 The maritime administration did not ensure that mechanisms were established by the appropriate entities for the provision of radiocommunication services, such as assigning identities for GMDSS purposes, digital selective calling, and that danger messages related to the safety of navigation were made readily available to mariners (SOLAS 1974, regulations IV/5, IV/5-1, V/4; and III Code, paragraph 49).

### **Root cause**

634 There was insufficient coordination among government entities and a lack of human and financial resources.

### **Corrective action**

635 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 document related responsibilities and obligations of involved entities, in order to identify any gaps and propose solutions for improved coordination of activities, and, subsequently, to evaluate their performance through a mechanism to be implemented within the new overall strategy. 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 1 September 2021.

### **FD**

636 The maritime administration had not communicated to IMO the information on available SAR facilities and arrangements and had not develop plans for cooperation between the national search and rescue (SAR) services and passenger ships calling regularly at the ports under the jurisdiction of the State (SOLAS 1974, regulations V/7.2 and V/7.3; and III Code, paragraph 47).

**Root cause**

637 There was insufficient coordination among the responsible State's entities.

**Corrective action**

638 An inter-institutional working group will be created with participation from the responsible government entities to clearly document their responsibilities in the conduct of SAR activities and any gaps compared to the requirements of the respective IMO instruments. Appropriate mechanisms will be implemented to develop manuals, procedures and working instructions. In addition, the need for financial resources will also be assessed and additional resources will be provided accordingly. Provisions on the communication of information to IMO on SAR issues will be included within the new mechanism for communication of information to IMO to be developed and implemented. This corrective action will be completed by 1 November 2020.

**FD**

639 The maritime administration had not implemented a system of periodic evaluation of performance with regard to its coastal State activities for the purpose of verifying compliance with its obligations under the applicable IMO instruments to which it is Party (III Code, paragraph 51).

**Root cause**

640 There was no management system in place to measure the performance of the State in the conduct of coastal State activities.

**Corrective action**

641 The assessment and review of performance under the new overall strategy will allow the maritime administration to coordinate all the State entities responsible for coastal State activities and to develop a mechanism containing clear lines of authority, assigned responsibilities, as well as defined objectives and key performance indicators for all involved entities to measure and evaluate their performance. The performance evaluation will be carried out annually and respective records will be generated to monitor the implementation of the defined improvement actions. This corrective action will be completed by 1 November 2021.

**FD**

642 No evidence could be established that the maritime administration had transmitted information about its shore-based facilities, as required by SOLAS and GMDSS provisions (SOLAS 1974, regulation IV/5; and III Code, paragraphs 47 and 49).

**Root cause**

643 There was a lack of awareness about the extent and level of reporting requirements to IMO, and the responsibilities for communication of information to IMO were not assigned.

**Corrective action**

644 A documented procedure and a central recording system will be developed to identify and record all communication requirements to IMO, to ensure that all the required safety information is submitted to IMO in a timely and effective manner, including those related to

shore-based facilities. Responsibilities for reporting to IMO under various IMO instruments will be assigned and arrangements will be made to ensure ongoing monitoring and review of this communication system. This corrective action will be completed by 30 June 2019.

#### **FD**

645 The availability of SAR facilities was not communicated to IMO (SOLAS 1974, regulations V/7.1 and V/7.2; and III Code, paragraph 47).

#### **Root cause**

646 The following factors contributed to this finding:

- .1 there was a lack of awareness about the extent and level of reporting requirements to IMO; and
- .2 the responsibility for submitting the availability of SAR facilities to IMO was not assigned.

#### **Corrective action**

647 A documented procedure and a central recording system will be established to record and fulfil all communication requirements to IMO, including those related to SAR facilities. Responsibilities for reporting to IMO will be assigned and arrangements will be made to ensure ongoing monitoring and review of this communication system. This corrective action will be completed by 31 December 2019.

#### **FD**

648 The maritime administration had not implemented national legislation nor guidelines to facilitate the implementation and enforcement of the coastal State obligations and responsibilities under the applicable conventions and protocols to which the State is Party (III Code, paragraph 46.1).

#### **Root cause**

649 The State did not have policies for implementing and enforcing IMO conventions, and there was a lack of knowledge of the coastal State obligations, including the provisions of the III Code.

#### **Corrective action**

650 The State will develop and implement policies through national legislation and guidelines covering all coastal State activities. In addition, the maritime administration will regularly define, update and review national rules and regulations to facilitate the application and monitoring of compliance with the requirements of all conventions and protocols to which the State is Party. This corrective action will be completed by 31 December 2019.

**FD**

651 The State had not taken the necessary measures to:

- .1 provide communication and coordination in the case of distress in its area of responsibility and for the rescue of persons in distress near its coasts by setting up, using and maintaining available and operational SAR facilities;
- .2 ensure that passenger ships operating in the waters under its jurisdiction were in the possession of a rescue plan established in cooperation between the ship, the company and the SAR services of the State;
- .3 set up a spatial and terrestrial radiocommunication service to transmit navigational warnings, danger messages, meteorological and other urgent messages relating to the safety of navigation; and
- .4 make arrangements to ensure that the identities of the Global Maritime Distress and Safety System (GMDSS) were recorded and made available to the coordination and rescue centres

(SOLAS 1974, regulations IV/5, IV/5-1, V/4, V/5, V/7.1 and V/7.3; and III Code, paragraph 47).

**Root cause**

652 There was no legal text or national plan on the organization of SAR operations and radiocommunication services. The responsibilities and obligations of all governmental entities resulting from the mandatory IMO instruments to which the State is Party were not defined to guarantee effective provision of SAR, meteorological and radiocommunication services, including GMDSS. In addition, the relevant requirements of the conventions were not well known and were not transposed into national legislation.

**Corrective action**

653 The State will adopt national legislation and guidelines for the provision of SAR meteorological and radiocommunication services, as well as for the establishment of GMDSS, including implementation of a directory of GMDSS identities of ships flying the flag of the State and ensuring sustainability of these services. A National Maritime Search and Rescue Committee, consisting of representatives of national entities involved in SAR operations, will be established to, inter alia, ensure that all personnel involved in SAR operations are qualified, trained and assessed through SAR exercises, and that passenger ships operating in waters under the jurisdiction of the State have an approved SAR plan that meets international requirements. This corrective action will be completed by 31 December 2020.

**FD**

654 The maritime administration had not put in place a mechanism to ensure the availability and maintenance of aids to navigation associated with the safety of navigation. In addition, the State had not made arrangements to collect and compile hydrographic data and to maintain all nautical information necessary for safe navigation (SOLAS 1974, regulations V/9 and V/13; and III Code, paragraph 49).

### **Root cause**

655 The State had not transposed into national legislation the international regulations on the availability of aids to navigation and buoys and had not established any procedure or mechanism, including an evaluation mechanism, to manage and monitor the availability of aids to navigation. In addition, the hydrographic services were not able to effectively implement the provisions for the collection and compilation of hydrographic data, as a basis for issuing nautical charts and other nautical publications.

### **Corrective action**

656 The State will develop and implement national legislation and documented procedures for maintenance, periodic assessment of adequacy and availability of aids to navigation, hydrographic services and the collection, compilation, updating and dissemination of all nautical information necessary for the safety of navigation. The maritime administration will adopt measures to ensure compliance of aids to navigation along the coastline and in territorial waters with IALA standards. In addition, a national hydrographic committee, including relevant national entities, will be established and will be responsible for collection and compilation of hydrographic data and nautical information and for making the information available worldwide in a fast, clear and reliable manner. This corrective action will be completed by 31 December 2020.

### **FD**

657 The maritime administration had not established a control and monitoring programme to ensure the collection of statistical data on maritime accidents that occur in the waters under the jurisdiction of the State so that trend analyses can be conducted to identify problem areas (III Code, paragraph 50.1).

### **Root cause**

658 There was no programme established for collecting and analysing data on accidents and no awareness of the need to put such a programme in place.

### **Corrective action**

659 The maritime administration will establish a unit, within its nodal entity, responsible for the collection and analysis of statistical data on maritime accidents occurring in waters under the jurisdiction of the State. A monitoring and follow-up programme will be developed to enable the State to meet its obligations. This corrective action will be completed by 31 July 2019.

### **FD**

660 The maritime administration did not periodically evaluate its performance in conducting coastal State activities under the applicable mandatory IMO instruments (III Code, paragraph 51).

### **Root cause**

661 The maritime administration did not have a programme or procedure in place to evaluate its performance with respect to the coastal State obligations and did not have sufficient resources to define key performance indicators in order to better track and measure performance against the set objectives.



### **Corrective action**

662 The maritime administration will institutionalize a documented programme of periodic evaluation and review of the State's performance with respect to coastal State activities, including implementation of appropriate key performance indicators. In addition, training in the QMS will be provided to the personnel concerned. This corrective action will be completed by 31 December 2019.

### **FD**

663 There was no effective system in place, including appropriate resources, for the establishment and maintenance of AtoN. In addition, there was a lack of systematic communication of marine safety information to a contractor in order to ensure that necessary updates to the charts occur (SOLAS 1974, regulation V/13; and III Code, paragraphs 47 and 49).

### **Root cause**

664 There was a lack of technical competency, resources and assets; as well as a lack of formal communication process between the responsible State's entities.

### **Corrective action**

665 The responsible entity of the maritime administration will:

- .1 conduct a review of HR requirements for the relevant Department and seek approval for any resources required accordingly;
- .2 organize training of existing staff;
- .3 acquire a vessel to service and monitor buoys and other coastal lights;
- .4 develop an MoU with UKHO and document relevant procedures to ensure that necessary updates to charts occur and that hydrographic information is submitted periodically;
- .5 implement a system of regular meetings focusing on AtoN with ports and relevant stakeholders; and
- .6 conduct a comprehensive risk management for all AtoN.

This corrective action will be completed by 30 September 2019.

### **FD**

666 The maritime administration did not carry out periodic evaluation and review of its performance in conducting coastal State activities under the applicable mandatory IMO instruments (III Code, paragraph 51).

### **Root cause**

667 The following factors within the responsible government entities contributed to this finding:

- .1 lack of human resources to carry out periodic evaluation and review of the performance in conducting coastal State activities under the mandatory IMO instruments;
- .2 lack of equipment and vessels for conducting hydrographical surveys; and
- .3 lack of documented controls in place to guide personnel.

### **Corrective action**

668 The responsible government entities will implement the following actions:

- .1 the nodal entity will coordinate all entities comprising the maritime administration in the conduct of periodic evaluation and review of their performance in conducting coastal State activities under applicable IMO instruments. Memoranda of agreement between and among members of the maritime administration will be developed and implemented to ensure the required synergy between and among the relevant parties and to establish a reporting mechanism and define the collective performance indicators and targets as a basis for evaluation of performance in all relevant areas of coastal State activities;
- .2 a work plan will be executed for updating of nautical charts; the work will be completed on the removal of wrecks from a port; positioning of AtoN; and surveys within a gulf. For systematic review and evaluation of performance, quarterly target goals will be set by areas to be surveyed and monitoring put in place to ensure that the targets are met;
- .3 the drill schedules specified in the National Oil Spill Contingency Plan will be carried out and coordinated among involved State entities for the completion of drills specified at the national and bilateral levels. In addition, a mechanism for assessing these drills, documenting findings and providing feedback to relevant parties shall be developed and implemented. In terms of resources and processes related to pollution prevention, the programme of inspections for offshore installations will be reviewed and the system shall be revised to incorporate risk ranking and trending to provide consistent informed decision making for enforcement;
- .4 approval will be sought for regional and national SAR plan, which will include drills in accordance with IMO guidelines. Coordination and a system for reporting on oil spill drills will be established as a basis for evaluation of performance; and
- .5 all relevant entities will consider the need for additional personnel with appropriate maritime expertise and recruit additional staff, as necessary.

This corrective action will be completed by 31 December 2019.

## **FD**

669 There was no evidence that the maritime administration had developed and implemented a control and monitoring programme which would include the collection of statistical data so that trend analyses can be conducted to identify and address problem areas. In addition, a mechanism for communication of inspection results related to safety and pollution prevention aspects of offshore structures was not in place to enable related enforcement actions to be taken in a timely manner (III Code, paragraph 50).

### **Root cause**

670 There was a lack of an effective control mechanism, and collection and analysis of data as a basis for identifying trends was not clearly defined. In addition, the programmes utilized for the inspections of offshore installations, reporting of incidents and identifying failure mechanisms were not fully documented and were consequently based on personal judgement. There was also a lack of awareness of the need to apply statistical information and trending in consistent, informed decision making, as a basis for enforcement. Additionally, the audit protocols and record management systems did not readily support these types of trend analyses.

### **Corrective action**

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

- .1 review the current protocols and their results as it pertains to the inspections of offshore installations; reporting of incidents, including oil spill incidents; and identifying failure mechanisms. These systems shall be revised to provide documented solutions for ready risk ranking and trending to aid consistent informed decision-making. Thereafter, these results shall be effectively communicated to all involved entities, for enforcement; and
- .2 develop a formal written procedure and a central control and monitoring database to collect statistical data for offshore structures and oil pollution incidents, with functionality to produce statistical reports for any given calendar year. Responsibilities for inter-agency reporting will be clarified and a mechanism for communication of inspection results will be developed. Arrangements will be made to ensure oversight of safety and pollution prevention aspects of offshore installations, where trend analysis can be systematically conducted to identify and address problem areas and allow enforcement action, where necessary.

This corrective action will be completed by 31 December 2019.

## **FD**

672 Although a list of noxious liquid substances approved for the purpose of combating pollution incidents was kept, the list was found not updated and not systematically communicated to all concerned parties (MARPOL, Annex II, regulation 3.1.3; and III Code, paragraph 50.2).

### **Root cause**

673 There was a lack of an effective oversight mechanism in the reviewing and updating of noxious liquid substances approved for the purpose of combating pollution incidents. There was a lack of awareness of the need to communicate the list of approved chemicals to all concerned parties participating in spill response, as it also relates to chemicals that are not used in the combatting of oil spills.

### **Corrective action**

674 The list of substances approved for the purpose of combating pollution incidents will be made public via the responsible entity's website. Mechanisms will be implemented to update this publicly available list as new chemicals are approved. A formal written procedure will be developed and implemented with defined controls, updating schedules and dissemination contacts for parties concerned, both within and outside of the maritime administration. This corrective action will be completed by 31 August 2018.

### **FD**

675 The State did not meet all of its obligations as a coastal State with regard to appropriate shore-based facilities. Although GMDSS equipment was installed, at the time of the audit it was not fully functional and related details were not reported to IMO and included in the GMDSS Master Plan (SOLAS 1974, regulation IV/5; and III Code, paragraph 47).

### **Root cause**

676 There was a lack of resources to establish full GMDSS functionality.

### **Corrective action**

677 Remote configurations have been completed and the details of the GMDSS system will be reported to IMO. The responsible entities of the maritime administration will coordinate their activities and keep the status of their respective GMDSS systems updated. Trained operators will receive their GMDSS licence and training logs will be implemented at each GMDSS location to reflect all the refresher training conducted. Standard procedures will be drafted on the proper use of the newly acquired equipment. This corrective action will be completed by 30 September 2018.

### **FD**

678 There was no evidence of an effective control and monitoring programme in place for timely response to pollution incidents. Although the National Oil Spill Contingency Plan (NOSCP) was approved, it was confirmed that the State did not ensure that the equipment to respond to oil pollution, which is provided by operators and contractors as defined in the NOSCP, was readily available (III Code, paragraph 50.2).

### **Root cause**

679 The implementation of the National Oil Spill Contingency Plan had not been fully effected and the minimum requirements per operator for Tier I equipment was not established. Expertise and guidance were limited within the responsible Ministry in relation to these assessments and there were personnel constraints, which have delayed the equipment inventory audits.

### **Corrective action**

680 The responsible entity of the maritime administration will complete the equipment inventory audits of operators for verification of each company's state of readiness, inclusive of contractors that perform work for the Ministry on mystery spills. Simultaneously, relevant support will be acquired to assist in the establishment of the minimum requirements for Tier I and Tier II equipment with the thrust to implement the Tier II Oil Spill Response Organization system within the country. This corrective action will be completed by 31 December 2020.

### **FD**

681 The maritime administration had not developed and implemented a control and monitoring programme in order to establish mechanisms for timely response to pollution incidents in the waters under the jurisdiction of the State (III Code, paragraph 50.2).

### **Root cause**

682 Until 2017, there was no legal requirement in the State to establish a mechanism for timely response to pollution incidents in its waters and the responsibility for establishing a pollution response mechanism was not assigned to any entity. A new law incorporating this provision came into effect in 2017 and assigned the responsibility to the nodal entity in the maritime administration, but a mechanism was still under development at the time of audit.

### **Corrective action**

683 Using the powers under the new legislation, the responsible entity will establish a mechanism for timely and coordinated response to pollution incidents in the waters of the State giving due consideration to the model laws available for the region and to all aspects of MARPOL. The new mechanism will include provisions for developing marine spill contingency plans, including required equipment, and carrying out joint drills and exercises regularly. Suitable directives will be issued to the ports, for them to take adequate measures in relation to all aspects of the marine pollution preparedness and response. A Committee, which will include representatives of all key agencies and stakeholders, will be established to oversee these matters. This corrective action will be completed by 31 December 2019.

### **FD**

684 The State had not assigned and defined the responsibilities for updating, revising and implementing the policies adopted for discharging its coastal State obligations (III Code, paragraph 46.2).

### **Root cause**

685 The maritime administration did not have adequate resources to perform its functions and the State did not have an established policy or a coordinated approach for discharging its coastal State obligations. It resulted in several government agencies performing their routine functions without clearly defined responsibilities or coordination.

### **Corrective action**

686 National legislation identifies the nodal agency and clearly vests the coastal State functions and powers relating to policy issues and the aspects of the regulation of domestic maritime sector and the implementation of international maritime conventions in the nodal agency. Steps will be taken by the nodal agency to document the responsibilities of all key entities and to ensure that all officials of the maritime administration are fully conversant with their functions and responsibilities. This corrective action will be completed by 30 June 2019.

## **FD**

687 The obligations and responsibilities as a coastal State for providing meteorological services and weather warnings were not fulfilled. Weather forecasts were not broadcasted to ships in the vicinity using radio communication equipment, e.g. HF, MF, Inmarsat or NAVTEX (SOLAS 1974, regulation V/5; and III Code, paragraph 47).

### **Root cause**

688 The State had resource constraints which prevented the communication of weather forecasts using appropriate radio communication equipment. Furthermore, the roles and responsibilities of the key agencies were not defined and there was ineffective coordination among the key agencies.

### **Corrective action**

689 The nodal agency will implement and coordinate the arrangements to ensure that all entities concerned procure and make operational suitable radiocommunication equipment for the purpose of broadcasting weather information to ships, as required under SOLAS 1974. In addition, a communications system will be established to ensure that weather related information is obtained from the meteorological agency and effectively communicated to ships in the waters under the jurisdiction of the State. This corrective action will be completed by 31 December 2019.

## **FD**

690 SAR cooperation plans for foreign passenger ships calling at ports in the State had not been coordinated, evaluated, nor were any exercises carried out with the responsible entities (SOLAS 1974, regulation V/7.3; and III Code, paragraph 46.1).

### **Root cause**

691 There was a lack of coordination among the responsible local entities in the maritime administration and with the regional MRCC. The responsibilities of the nodal agency of the maritime administration in conducting drills and exercises were not clearly defined.

### **Corrective action**

692 The new national maritime legislation establishes the nodal agency responsible for providing support for SAR services, operations and capacities, and for exercising any function, responsibility or power related to maritime SAR. The nodal agency will establish a system to coordinate SAR activities among all relevant agencies to ensure that necessary drills and SAR exercises for passenger ships, as per SOLAS 1974, regulation V/7.3, are planned, conducted and recorded, and that other regulatory initiatives related to SAR are implemented. This corrective action will be completed by 31 December 2019.

## **FD**

693 The State had not implemented policies and guidance that would facilitate the implementation and enforcement of coastal State obligations and responsibilities under the applicable IMO instruments. The National Disaster Management Plan had not been updated since 2009/2010 (III Code, paragraph 46.1).

### **Root cause**

694 There has been a failure to comprehensively cover the aspects related to marine pollution prevention, preparedness and response under the maritime laws of the State due to which a national marine spill contingency plan was not developed in the State. These deficiencies have resulted in a tendency to focus on the National Disaster Management Plan though this plan did not cover incidents of marine pollution.

### **Corrective action**

695 The maritime administration will prioritize the development, drafting, adoption and enforcement of a comprehensive law to deal with marine pollution prevention, preparedness and response, based on model laws prepared for the region and shall comprehensively cover all aspects of MARPOL, including its latest amendments. The National Disaster Management Plan will be reviewed and updated to include marine pollution prevention, preparedness and response. To supplement this plan, the nodal agency will coordinate with other relevant entities the development of an effective marine spill contingency plan and will establish a committee, consisting of representatives of all key agencies and stakeholders, to oversee the implementation of these plans. This corrective action will be completed by 30 June 2020.

### **FD**

696 The State had not issued policies and assigned responsibilities to implement its policies, in order to effectively meet its coastal State obligations in the area of SAR activities. There were no guidelines or operating procedures in place to ensure that effective response is triggered when a maritime distress communication has been received in waters under the jurisdiction of the State (III Code, paragraph 46).

### **Root cause**

697 Due to lack of coordination, the key SAR personnel did not have access to the regional SAR cooperation agreement to which the State was a signatory. Furthermore, appropriate policies, guidelines or operating procedures were not established to assign responsibilities or to oversee the functioning of SAR arrangements and the cooperation agreement.

### **Corrective action**

698 A National SAR Committee will be established by the responsible agency and a maritime SAR plan containing the responsibilities of the key agencies, the details of cooperation with an MRCC in the region and the guidelines relevant to SAR will be developed and implemented. The responsible entity will enhance its radiocommunication capabilities in order to expand its role in relation to coordinating SAR response, in accordance with the regional agreement. This corrective action will be completed by 31 December 2019.

### **FD**

699 The Department responsible for the provision of hydrographic services had not implemented policies through issuing of guidance, which will assist the responsible officials in the implementation and enforcement of the requirements (III Code, paragraph 46.1).

### **Root cause**

700 A department of the Ministry had been performing certain functions related to hydrographic services, however, since the responsibility was not assigned through national legislation, appropriate policies or guidance were not formulated for providing hydrographic services under SOLAS 1974, regulation V/9.

### **Corrective action**

701 Under the principal maritime act, the maritime administration has the mandate to fulfil the obligations under SOLAS 1974 to provide hydrographic services. The maritime administration, in coordination with a national level hydrography committee, will develop and implement a system that includes relevant policies and guidance for the provision of hydrographic services as required under SOLAS 1974, as well as for periodical evaluation to verify the effectiveness of the services. This corrective action will be completed by 31 December 2019.

### **FD**

702 The State had delegated its hydrographic services to UKHO, but the responsible entity had neither evaluated the adequacy nor verified the performance of the services provided by UKHO (III Code, paragraph 51).

### **Root cause**

703 The maritime administration did not have in place a system or procedures to evaluate or verify the hydrographic services provided by UKHO. In order to address the deficiencies in the regulation of the maritime sector of the State, the Government initiated major structural changes to regulatory systems and processes. However, there had been some delays in implementing the Government's reform agenda, which contributed to this finding.

### **Corrective action**

704 The new national legislation identifies an agency with the mandate to fulfil the obligations under SOLAS 1974 to provide hydrographic services. The nodal agency, in coordination with the national hydrographic committee, will develop and implement a system that includes relevant policies and guidance for the provision of hydrographic services, as obligated under SOLAS 1974, regulation V/9, and for periodical evaluation to verify the effectiveness of the services. This corrective action will be completed by 30 June 2019.

### **FD**

705 The State had not taken all steps necessary to ensure that information of any dangers to navigation is brought to the knowledge of those concerned. For example, navigational warnings had not been forwarded to ships operating in the waters under the jurisdiction of the State (SOLAS 1974, regulation V/4; and III Code, paragraph 46.1).

### **Root cause**

706 The lack of clarity in the assignment of responsibility, resources constraints and the lack of suitable equipment prevented the effective communication of navigational warnings. Furthermore, there was no effective coordination among the key agencies involved.

### **Corrective action**

707 New national legislation has assigned the responsibility for providing navigational warnings to an agency, who had already implemented a process for the issuance of circulars to advise ship owners, operators and Master of Safety issues, including navigational hazards. The agency will develop and implement a procedure to procure and make operational radiocommunication equipment to ensure that information of any dangers to navigation are brought to the knowledge of ships in coordination with all relevant agencies. The agency will



assess the human and technical resources needed for performing the abovementioned tasks and take measures to provide them accordingly. This corrective action will be completed by 31 December 2019.

#### **FD**

708 There was no evidence of responsibility assigned and no national provisions in place for approving oils and noxious liquid substances for the purpose of combating pollution incidents (MARPOL, Annex I, regulation 4.3; MARPOL, Annex II, regulation 3.1.3; and III Code, paragraphs 46 and 47).

#### **Root cause**

709 There was a lack of technical resources and responsibility for approval of oils and noxious liquid substances for the purpose of combating pollution incidents was not assigned.

#### **Corrective action**

710 The Ministry will consult with the Environmental Protection Department for the training in, as well as the establishment and implementation of, national provisions for the approval of oils and noxious liquid substances for the purpose of combating pollution. Formal agreement of the assignment of this responsibility to an appropriate agency on behalf of the maritime administration will be concluded. This corrective action will be completed by 31 December 2020.

#### **FD**

711 There was no evidence that the maritime administration had carried out periodic evaluation and review of its performance in conducting coastal State activities under the applicable mandatory IMO instruments (III Code, paragraphs 50.2 and 51).

#### **Root cause**

712 There was absence of a maritime policy, structure and a culture within the maritime administration to periodically evaluate and review performance in relation to coastal State activities. There was also a lack of documented procedures and insufficient qualified personnel.

#### **Corrective action**

713 All government entities participating in the conduct of coastal State activities stemming from the requirements of relevant IMO instruments will establish a documented system to periodically review and evaluate the implementation and enforcement of the requirements in the area of coastal State activities, based on performance indicators tailored to meet the obligations of the State under the applicable IMO instruments. The process will be managed and monitored for continuous improvement by the national maritime inter-agency committee. This corrective action will be completed by 30 September 2021.

#### **FD**

714 There were no policies implemented, no responsibilities assigned, including through the issuance of national legislation and guidance, and no effective systems put in place, including appropriate resources, for the establishment and maintenance of the meteorological services, AtoN, hydrographic services, navigational warnings and development of plans for cooperation in emergency situations between SAR services and passenger ships (SOLAS 1974, regulations V/4, V/5, V/7.3, V/9 and V/13; and III Code, paragraphs 46, 47 and 49).

### **Root cause**

715 There was a lack of a legal basis, guidance, human and financial resources which resulted in the State's inability to transpose the mandatory instruments to which it is Party into national legislation. Roles were not clearly defined relative to meteorological services, AtoN, hydrographic services, navigational warnings and for development of plans for cooperation in emergency situations between SAR services and passenger ships. There was also a lack of awareness of the existing international regulations.

### **Corrective action**

716 The responsible entities of the maritime administration will take the following actions:

- .1 define and implement policies, including through the issuance of national legislation, as necessary, for the establishment and maintenance of meteorological services, AtoN, hydrographic services, navigational warnings and development of plans for cooperation in emergency situations between the SAR services and passenger ships;
- .2 formal arrangements will be concluded between relevant entities (e.g. the Coast Guard, the State's Port Inc and the Meteorological Department), as necessary, for the provision of these services on behalf of the maritime administration;
- .3 the Coast Guard, with oversight from the maritime administration, will develop plans for co-operation in emergency situations between the SAR services and passenger ships, in accordance with SOLAS 1974, regulation V/7.3; and
- .4 the need for additional resources and expertise will be reviewed and new staff recruited and trained, as required.

This corrective action will be completed by 31 December 2021.

### **FD**

717 The State did not meet all of its obligations as a coastal State with regard to making available appropriate shore-based facilities, including those for the provision of GMDSS (SOLAS 1974, regulation IV/5; and III Code, paragraph 47).

### **Root cause**

718 There was insufficient human and financial resources, as well as lack of guidance and procedures. In addition, the maritime administration failed to carry out oversight activities including monitoring of all agencies responsible for coastal State activities to fully ensure implementation and compliance. Moreover, there was a lack of awareness of the requirements for monitoring the GMDSS policy.

### **Corrective action**

719 The responsible entities of the maritime administration will take the following actions:

- .1 the Coast Guard has ordered the equipment for the establishment of Global Maritime Distress and Safety System (GMDSS) radiocommunication

infrastructure and, upon receipt, the equipment will be installed, and the system implemented, including development of necessary guidance and procedures;

- .2 responsibility for the determination of sea areas will be assigned to a unit within the responsible Ministry and the boundaries of sea areas will be defined, taking into account the available radiocommunication infrastructure;
- .3 review the need for additional human and financial resources and recruit and train new staff, as required; and
- .4 establish appropriate oversight of the activities related to radiocommunication services in order to ensure compliance.

This corrective action will be completed by 30 June 2020.

## **FD**

720 The State did not have appropriate shore-based facilities either on its own, or in cooperation with other States, for providing radiocommunication services and requirements related to navigational warnings could not be complied with (SOLAS 1974, regulations IV/5, V/5 and V/31.2; and III Code, paragraph 47).

### **Root cause**

721 The underlying causes for this finding were:

- .1 the resources available, especially in capital and technology, were inadequate to install an up-to-date radiocommunication system and to provide required radiocommunication services; and
- .2 the available maintenance support was unable to repair the existing radiocommunication equipment, leading to unreliable service.

### **Corrective action**

722 The following actions will be implemented by the responsible entity:

- .1 the defective radiocommunication equipment will be repaired or replaced, as necessary; and
- .2 radiocommunication equipment needed for exchange of information in relation to meteorological services and dangers to navigation, with reference to SOLAS 1974, regulations V/5 and V/31.2, respectively, will be installed in consultation with neighbouring States.

This corrective action will be completed by 30 June 2021.

## **FD**

723 The State did not fulfil its obligation for providing meteorological services and warnings either on its own, or in cooperation with other States (SOLAS 1974, regulation V/5; and III Code, paragraph 47).

### **Root cause**

724 The following factors led to this finding:

- .1 the resources available (human and capital) in the responsible entity were inadequate to disseminate the meteorological information and warnings;
- .2 the technology deployed was inadequate for transmitting weather warnings and forecasts to ships; and
- .3 an institutional arrangement was not in place for providing meteorological services to ships.

### **Corrective action**

725 The following actions will be implemented by the responsible entity:

- .1 an institutional arrangement will be established for broadcasting of meteorological information to ships in coordination with the agency responsible for gathering and issuing meteorological information;
- .2 the transmission capabilities for meteorological information will be enhanced by coordinating procedures with the relevant agencies and by developing a system that can broadcast meteorological information using terrestrial and space radiocommunications; and
- .3 adequate capital and human resources will be provided by the maritime administration for performing these tasks.

This corrective action will be completed by 31 December 2019.

### **FD**

726 The State did not arrange for collection and compilation of hydrographical data on regular basis and did not publish or disseminate up-to-date nautical information necessary for safe navigation through its coastal waters (SOLAS 1974, regulation V/9; and III Code, paragraphs 46 and 47).

### **Root cause**

727 The following factors led to this finding:

- .1 the technology and information management systems in place to collect, publish and disseminate hydrographic and nautical information were inadequate;
- .2 sufficient resources were not available with hydrographic survey department to carry out the tasks of compiling all the data and information related to hydrographic services; and
- .3 an institutional arrangement was not in place between the entities concerned, especially for coordinating and subsequently providing the hydrographic services.

### **Corrective action**

728 The following actions will be implemented by the responsible entities:

- .1 the maritime administration will coordinate with the hydrographic survey department to establish an institutional arrangement for production of charts (paper chart and ENC) and nautical publications necessary for safe navigation in the waters under the jurisdiction of the State;
- .2 adequate resources will be provided to the hydrographic survey department for gathering and disseminating hydrographic information; and
- .3 adequate training will be provided to the personnel involved in hydrographic survey department to enhance their capabilities.

This corrective action will be completed by 30 June 2021.

### **FD**

729 The State did not have adequate arrangements for ensuring the availability and maintenance of AtoN related to safety of navigation in coastal waters under its jurisdiction (SOLAS 1974, regulation V/13; and III Code, paragraph 47).

### **Root cause**

730 The following factors contributed to this finding:

- .1 insufficient resources to oversee the establishment and maintenance of aids to navigation (AtoN) and to periodically assess their condition and adequacy; and
- .2 inadequate organizational arrangements to ensure structural repairs and maintenance of existing AtoN.

### **Corrective action**

731 The following actions will be implemented by the responsible entity:

- .1 a project will be established for the need's assessment, installation, maintenance and periodical assessment of performance of the AtoN in the State; and
- .2 sufficient number of personnel with appropriate qualification and expertise will be recruited to perform the tasks related to AtoN.

This corrective action will be completed by 30 June 2021.

### **FD**

732 The State did not establish sufficient measures for consistent implementation and verification of its obligations and responsibilities in relation to SAR services (SOLAS 1974, regulations III/27, V/7.3 and V/8; and III Code, paragraph 47).

### **Root cause**

- 733 The following factors contributed to this finding:
- .1 the maritime rescue coordination centre (MRCC) was a part of the national aeronautical SAR arrangements and hence maritime SAR aspects were not adequately covered in the national SAR manual;
  - .2 appropriate arrangements were not established for periodic maritime SAR exercises and distress communications; and
  - .3 the requirement for a plan for cooperation with the SAR services for passenger ships calling the ports of the State was not implemented and no additional measures were taken in relation to passenger ships.

### **Corrective action**

- 734 The following actions will be taken by the responsible entity:
- .1 a new national SAR manual adequately covering maritime SAR aspects will be prepared and released to all SAR agencies; and
  - .2 based on this manual, plans for cooperation with the SAR services for passenger ships calling the ports of the State will be developed and tested by conducting periodical exercises, including the use of life saving signals.

This corrective action will be completed by 31 December 2019.

### **FD**

735 The State did not consider, develop and implement a control and monitoring programme or provide for trend analysis to identify problem areas in fulfilling its obligations as a coastal State. In addition, the State did not have a system in place to periodically evaluate its performance in the conduct of coastal State activities (III Code, paragraph 50.1; III Code, paragraph 51).

### **Root cause**

736 Due to lack of resources in the maritime administration, a control and monitoring programme for the coastal State functions of the State was not established, and there was no practice of collection and analysis of data related to coastal State activities, nor for periodical evaluation and review of performance. Furthermore, there was no established procedure to gather data or reports from other relevant agencies, on coastal State activities under their remit, that can be used to analyse and identify problem areas at the level of the State.

### **Corrective action**

- 737 The following actions will be implemented by the responsible entities:
- .1 the need for additional resources will be assessed and sufficient personnel with appropriate qualification will be recruited to carry out the tasks related to developing and implementing a control and monitoring programme;

- .2 data related to coastal State activities will be collected from all concerned entities for evaluation and analysis of performance in the conduct of coastal State activities; and
- .3 a management system and procedures will be developed and implemented in order to gather relevant data from all involved entities and to periodically evaluate the performance in the conduct of coastal State activities.

This corrective action will be completed by 30 June 2021.

## **FD**

738 The State did not make available appropriate shore-based facilities, either on its own or in cooperation with other States, for providing radiocommunication services (SOLAS 1974, regulation IV/5; and III Code, paragraph 47).

### **Root cause**

739 The lack of adequate legal basis and documented procedures, especially in the assignment of responsibilities amongst government entities, resulted in gaps in fulfilment of the coastal State obligations under the mandatory IMO instruments related to establishment of radiocommunication services.

### **Corrective action**

740 The maritime administration will develop and implement appropriate legislation and assign responsibilities for fulfilling coastal State obligations under the mandatory IMO instruments related to provision of radiocommunication services. Appropriate guidance and procedures will be adopted, the need for additional equipment reviewed and required equipment will be provided accordingly, to ensure that radiocommunication services are available to ships in the coastal waters and that adequate coverage is provided along the coast. This corrective action will be completed by 31 December 2020.

## **FD**

741 The SAR services in the State did not fully meet the provisions of regulation V/7 of SOLAS 1974 and information on available facilities was not communicated to IMO. In addition, plans for cooperation between SAR services and passenger ships were not developed (SOLAS 1974, regulations V/7.1, V/7.2 and V/7.3; and III Code, paragraph 47).

### **Root cause**

742 This finding resulted from the delay in fulfilling SAR obligations and the lack of coordination amongst the entities involved in SAR operations.

### **Corrective action**

743 The maritime administration will develop, document and implement a procedure for SAR, which will comply with the requirements of SOLAS 1974 and enable the maritime administration to provide coordinated and effective SAR services. Necessary arrangements will be made for communication of details of SAR facilities to IMO. Plans for cooperation in emergency between SAR services and passenger ships calling the ports of the State will be developed and implemented. This corrective action will be completed by 31 December 2021.

## **FD**

744 The State did not have adequate arrangements for collection and compilation of hydrographic data on a regular basis and the existing charts of its coastal waters were not up to date with nautical information necessary for safe navigation (SOLAS 1974, regulation V/9; and III Code, paragraph 47).

### **Root cause**

745 The causes that led to this finding were:

- .1 the absence of a culture to periodically evaluate or review the performance of the State in fulfilling its obligations under the mandatory IMO instruments;
- .2 the lack of documented procedures; and
- .3 the lack of coordination between the State entities involved in performing coastal State functions.

### **Corrective action**

746 The following actions will be undertaken:

- .1 maritime administration will develop a comprehensive policy on annual evaluation and review of the coastal State obligations;
- .2 maritime administration will assign responsibilities for providing hydrographic services to fulfil the obligations under regulation V/9 of SOLAS 1974; and
- .3 documented procedures and guidelines for providing hydrographic services as well as the need for additional equipment reviewed and required equipment provided accordingly, will be developed and implemented by the responsible entities of the maritime administration.

This corrective action will be completed by 31 December 2021.

## **FD**

747 The maritime administration did not periodically evaluate its performance in respect of meeting its coastal State obligations and responsibilities under the relevant IMO instruments (III Code, paragraph 51).

### **Root cause**

748 The primary reason for this finding was the absence of a culture to periodically evaluate or review the performance as a coastal State. The lack of documented procedures and coordination between the entities involved in performing coastal State functions also contributed to this finding.



### **Corrective action**

749 The following actions will be undertaken by the maritime administration:

- .1 develop a comprehensive policy on periodic evaluation of performance of the entities, operating under different ministries, responsible for the implementation and enforcement of coastal State requirements stemming from the mandatory IMO instruments;
- .2 identify the authorities responsible for carrying out the evaluation; and
- .3 allocate the required resources and appropriate logistics for conducting periodic evaluation of performance in the conduct of coastal State activities.

This corrective action will be completed by 31 July 2020.

### **FD**

750 The State had not assigned the responsibilities for implementing policies through issuing national legislation and guidelines on coastal State obligations, as well as for revising and updating any adopted policy (III Code, paragraph 46.2).

### **Root cause**

751 The causes that led to this finding were:

- .1 absence of a culture to periodically evaluate or review performance; and
- .2 shortcomings in the policies for assigning responsibilities to appropriate entities within the maritime administration.

### **Corrective action**

752 The following actions will be undertaken by the maritime administration:

- .1 develop a comprehensive policy on the role of the entities under different ministries responsible for implementation and enforcement of coastal State functions;
- .2 identify and assign the responsibilities for carrying out various coastal State activities, including the issuance of national legislation and guidance, to appropriate entities;
- .3 issue a letter of recognition to the Navy, entrusting the responsibilities pertaining to radiocommunication and hydrographic services, as required under SOLAS 1974;
- .4 assign the Government shipping service with the responsibility of servicing and maintaining the network of aids to navigation (AtoN), as required under SOLAS 1974; and
- .5 periodically review these arrangements to ensure that all coastal State obligations are assigned to, and performed by, appropriate entities within the Government.

This corrective action will be completed by 31 January 2020.

## **FD**

753 The maritime administration did not meet all of its obligations with regard to making available appropriate shore-based facilities, including those for GMDSS. In addition, the State had not provided IMO with pertinent information concerning the shore-based facilities in the Maritime Mobile Service, Mobile-Satellite Service and Maritime Mobile-Satellite Service and had not designated sea areas of its coast (SOLAS 1974, regulation IV/5; and III Code, paragraphs 47 and 51).

### **Root cause**

754 Challenges in terms of human resources, financial resources and lack of legislation, as well as complex procurement processes, are the root causes for this finding.

### **Corrective action**

755 The responsible entity of the maritime administration will establish a vessel traffic management information system (VTMIS) to cover 27 NM (beginning of the channel to inner harbour) of the coastal waters. A shore-based AIS monitoring system will be procured and installed. Provisions have been made in the responsible entity's 2019 capital budget for VTMIS to be fully implemented by end of 2019. The Radiocommunication Regulatory Authority will engage relevant consultants in the specialized area of maritime communications and demarcation of sea areas within a time frame of three years with necessary budgetary allocation. This corrective action will be completed by 30 December 2021.

## **FD**

756 There was no evidence that the maritime administration had periodically evaluated its performance in respect of establishing a control and monitoring programme, including a mechanism for timely response to pollution incidents in the waters under the jurisdiction of the State (MARPOL, Annex I, regulation 4.3; MARPOL, Annex II, regulation 3.1.3; and III Code, paragraphs 50.1, 50.2 and 51).

### **Root cause**

757 There was no national oil spill contingency plan in place, which would have formed the basis for evaluation and monitoring of performance. In addition, there was no remote monitoring system, such as VTMIS, deployed to serve the purpose of reporting any incidents in the maritime domain of the State, therefore, there was no reliable data available as a basis for analysis.

### **Corrective action**

758 The National Oil Spill Contingency Plan (NOSCP), coordinated by the responsible entity of the maritime administration with other key stakeholders, will be finalized and approved by the end of 2019. A process for approval of substances containing oil or noxious liquid substances for the purpose of combating oil pollution will be developed and implemented. In addition to adopting and operationalizing the NOSCP, the State will acquire VTMIS to complement physical monitoring and obtain statistical data on the incidents relating to pollution. AtoN and maritime incidents monitoring will be included in VTMIS functional scope and the data obtained will be subject to periodical review and analysis to determine effectiveness in the conduct of coastal State activities. This corrective action will be completed by 31 July 2020.

## **FD**

759 There were no policies implemented nor responsibilities assigned or resources available to arrange for the collection and compilation of hydrographic data and the publication, dissemination and keeping up to date all nautical information necessary for safe navigation (SOLAS 1974, regulation V/9; and III Code, paragraphs 46, 47 and 51).

### **Root cause**

760 Lack of capacity and delays in procurement processes contributed to this finding.

### **Corrective action**

761 The maritime administration will undertake the following actions:

- .1 the process of acquiring relevant survey and data processing equipment will be completed, which will enable the responsible entity, based on a defined mandate in national law, to collect and compile all hydrographic data necessary for keeping the navigational charts of the waters under the jurisdiction of the State updated, through the arrangement with the United Kingdom Hydrographic Office (UKHO). It is envisaged that the responsible entity's hydrographic unit will be fully operational before the end of 2019; and
- .2 the responsible entity had been mandated, through law, to ensure safety of navigation in the jurisdictional waters of the State; and as part of its role, will develop and implement a system for periodical review of performance in providing hydrographic services, based on defined key performance indicators, as a basis for improvement.

This corrective action will be completed by 31 July 2020.

## **FD**

762 The maritime administration had not in place the necessary arrangements for distress communication and coordination in its area of responsibility, nor was fulfilling the obligations set out in the regional SAR plan. It could not be established that the maritime administration had plans for cooperation between passenger ships calling the port of the State and MRCC. The existing SAR facilities were not communicated to IMO (SOLAS 1974, regulations V/7.1, V/7.2 and V/7.3; and III Code, paragraphs 47 and 51).

### **Root cause**

763 Breakdown of the equipment supplied to MRCC, which could not be maintained due to a lack of funds, as well cost involved in sustaining the satellite phones for communicating, were at the root of this finding.

### **Corrective action**

764 The State will provide alternative communication systems to satellite phones, such as VHF and HF radio communication systems to ensure distress communication with ships. Additionally, an international direct dial telephone line will be installed for communication with other rescue sub-centres in accordance with the Regional SAR Plan. Resources for maintenance of the equipment, such as PCs and printers, will also be provided to enable communication of distress messages. Information on available facilities will be provided to IMO

through GISIS. Although the number of passenger ships calling the port of the State is low and their calls are seasonal, the cooperation arrangements between the SAR services and those ships calling the port of the State will be made in compliance with SOLAS 1974 requirements.

This corrective action will be completed by 31 January 2020.

## **FD**

765 Not all nautical information necessary for safe navigation was up to date, suggesting that the current nautical charts were out of date (SOLAS 1974, regulation V/9; and III Code, paragraph 47).

### **Root cause**

766 There was a lack of resources that contributed to this finding.

### **Corrective action**

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

- .1 develop and implement legal provisions on hydrographic services for the safety of navigation and establish guidelines for the management of hydrographic services;
- .2 provide human and material resources via the hydrographic department of the maritime administration, as well as the assistance of external parties; and
- .3 develop and implement documented procedures for the collection of hydrographic data and for the production and dissemination of navigational charts, in accordance with the applicable international standards.

This corrective action will be completed by 30 November 2020.

## **FD**

768 The maritime administration had not communicated to IMO the information on available SAR facilities and arrangements and had not developed any plans for cooperation between the national SAR services and passenger ships calling regularly at the ports under the jurisdiction of the State (SOLAS 1974, regulations V/7.2 and V/7.3; and III Code, paragraph 47).

### **Root cause**

769 There was a lack of coordination among the government entities involved in SAR activities.

### **Corrective action**

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

- .1 develop and implement a communication of information procedure to record and communicate information on available SAR facilities and arrangements to IMO. In addition, a focal point will be designated to coordinate with the involved entities and collect relevant information to populate the necessary modules in GISIS; and

- .2 engage in 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 ports of the State.

This corrective action will be completed by 31 March 2020.

## **FD**

771 The maritime administration did not ensure that mechanisms were established by the appropriate entities for the provision of radiocommunication services, such as assigning identities for GMDSS purposes, digital selective calling and that danger messages related to the safety of navigation were made readily available to mariners. In addition, the timely response to pollution incidents could not be verified (SOLAS 1974, regulations IV/5, IV/5-1 and V/4; and III Code, paragraphs 49 and 50.2).

### **Root cause**

772 There was a lack of national legislation, resources and processes in place, a lack of clearly defined responsibilities or a dedicated unit, and a lack of coordination among entities.

### **Corrective action**

773 The responsible entities of the maritime administration will:

- .1 develop and implement a national plan for establishment of coastal stations in the State. In coordination with National Frequency Management Unit (NFMU), a mechanism will be developed to address the management of provision of radiocommunication services and maritime safety information to mariners. The Maritime Administration Department's QMS will be reviewed to include processes for management of radiocommunication services, including GMDSS obligations, and to ensure inter-agency coordination;
- .2 review and fast-track the adoption and implementation of the State's oil spill response plan, currently in draft. In coordination among different entities, arrangements will be made to deploy their specific resources and services for timely response in the event of a pollution incident; and
- .3 train existing personnel and, if required, recruit qualified personnel.

This corrective action will be completed by 30 June 2020.

## **FD**

774 The maritime administration had not implemented a system of periodic evaluation of performance with regard to its coastal State activities for the purpose of verifying compliance with its obligations under the applicable mandatory IMO instruments to which it is Party (III Code, paragraph 51).

### **Root cause**

775 There was a lack of resources and coordination among the State's entities involved in coastal State activities.

### **Corrective action**

776 The overall maritime strategy will include procedures addressing periodic reviews and performance evaluations in the area of coastal State activities. These will be based on clear objectives and KPIs defined for all involved entities to evaluate the effectiveness in the implementation and enforcement of the applicable IMO instruments, taking into account recommendations, in order to identify and implement actions for continual improvement. Results of the periodic review will be reported to the responsible ministries 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 March 2020.

### **FD**

777 The maritime administration did not provide the Organization with pertinent information concerning the shore-based facilities in the maritime mobile service and maritime mobile-satellite service, established for designated areas around the coast (SOLAS 1974, regulation IV/5; and III Code, paragraph 47).

### **Root cause**

778 The information concerning maritime mobile satellite service and designated sea areas around the coasts of the State were not prioritized.

### **Corrective action**

779 The responsible entity of the maritime administration will report to IMO, as required, on the designation of sea areas around the coasts of the State in respect of maritime mobile service and maritime mobile-satellite service. This provision will be included in the new procedure for communication of information to IMO. In addition, technical assistance will be requested from IMO and other partners on shore-based facilities in the maritime mobile service and the maritime mobile-satellite service. This corrective action will be completed by 31 December 2020.

### **FD**

780 The governmental entity responsible for SAR activities and RMRCC had not implemented policies and procedures to guarantee that passenger ships operating in waters under the jurisdiction of the State were in possession of a rescue plan developed in cooperation between the ship, the company and the SAR services of the State (SOLAS 1974, regulation V/7.3; and III Code, paragraph 47).

### **Root cause**

781 There were inadequate provisions within policies and procedures of State entities responsible for SAR.

### **Corrective action**

782 The responsible entity of the maritime administration will coordinate and review policies and procedures on SAR activities and will ensure that passenger ships operating in the waters under the jurisdiction of the State are in possession of a plan for cooperation in the event of an emergency, developed in collaboration between the ship, the company and the SAR services of the State. The mentioned policies will be in line with the related IMO guidelines. This corrective action will be completed by 31 December 2020.

## **FD**

783 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**

784 The lack of a systematically controlled framework for monitoring and evaluation of performance in respect of coastal State obligations under the mandatory IMO instruments contributed to this finding.

### **Corrective action**

785 The responsible entities of the maritime administration will revise the State's IMO instruments implementation strategy 2018-2023 to include procedures for periodic evaluation of performance in the area of coastal State activities, based on clear objectives and KPIs. The result of the periodic review will be reported yearly to the respective ministries in order to evaluate the performance in the area of coastal State activities regarding compliance with the mandatory IMO instruments to which the State is Party. In parallel, review of the management systems of relevant entities will be carried out in order to update related procedures. This corrective action will be completed by 31 December 2020.

## **FD**

786 The State did not fulfil its obligations to provide meteorological services and warnings to the ships in its waters (SOLAS 1974, regulation V/5; and III Code, paragraph 47).

### **Root cause**

787 The obligation under the mandatory IMO instruments for the provision of meteorological services, was not transposed into national legislation, hence provision of these services could not be fully implemented. Another factor that contributed to this finding was the lack of coordination between various government agencies responsible for coastal State functions.

### **Corrective action**

788 The following actions will be undertaken by the responsible entities:

- .1 the nodal entity of the maritime administration, in consultation with involved government entities, will develop a system to transpose the mandatory IMO instruments and their amendments into national legislation in a timely manner, and to review and update the legislation periodically;
- .2 the Legal Advisory Unit will monitor the review and updates of national legislation and inform the department responsible for meteorology about the obligations of the State;
- .3 the facilities in the State to provide meteorological services and warnings to the ships will be reviewed and guidance will be issued for the department responsible for meteorology to develop sufficient capability for providing meteorological services and warnings, and its capabilities will be upgraded to fulfil the obligations under regulation V/5 of SOLAS 1974;

- .4 a system will be established for periodic interaction between the concerned agencies in performing coastal State functions under the coordination of the nodal agency; and
- .5 the provision of meteorological services will be a part of the annual review and evaluation of the State's performance in the conduct of coastal State activities.

This corrective action will be completed by 31 March 2021.

#### **FD**

789 The State had not established mechanisms ensuring the availability and maintenance of AtoN. It was evidenced that the AtoN currently in place was not adequate for the safe navigation of ships (SOLAS 1974, regulation V/13; III Code, paragraph 47).

#### **Root cause**

790 Although the needs assessment for AtoN was carried out by the State, no further action could be taken to provide adequate AtoN due to lack of human and financial resources.

#### **Corrective action**

791 The following actions will be undertaken by responsible entities:

- .1 sufficient human and financial resources will be provided by the maritime administration to oversee the AtoN services and suitable training will be provided to key personnel for performing relevant tasks;
- .2 the State will provide adequate AtoN for safe navigation of ships based on the need's assessment study. While doing so, priority will be accorded to port areas and areas where ships call or transit;
- .3 a system will be established, and responsibility will be assigned for a periodic review of interactions between all concerned agencies and status of AtoN; and
- .4 the provision of AtoN services will be a part of the annual review and evaluation of the State's performance in the conduct of coastal State activities.

This corrective action will be completed by 31 December 2021.

#### **FD**

792 The State did not fulfil its obligations as a coastal State with regard to the provision of appropriate shore-based facilities for radiocommunication services to ships (SOLAS 1974, regulation IV/5; and III Code, paragraph 47).

#### **Root cause**

793 Some of the obligations under the mandatory IMO instruments, including the provision of radiocommunication services, were not transposed into national legislation, hence could not be fully implemented. Another factor that contributed to this finding was the lack of coordination between various government agencies responsible for coastal State functions.



### **Corrective action**

794 The following actions will be undertaken:

- .1 the nodal entities of the maritime administration, in consultation with relevant government entities, will develop a system to transpose the mandatory IMO instruments and their amendments into national legislation in a timely manner, and to review and update the legislation periodically;
- .2 the "Legal Advisory Unit" will monitor the review and updates of national legislation and inform the entity concerned on the obligations of the State with regard to radiocommunication services;
- .3 the existing shore-based facilities for radiocommunication services will be reviewed by the maritime administration and guidance will be issued to the entity concerned to upgrade them, as necessary. Sufficient capability for radiocommunication services will be developed to fulfil the State's obligations under regulation IV/5 of SOLAS 1974;
- .4 a system will be established, and responsibility will be assigned for a periodic review of the interactions between all concerned agencies and of the status of radiocommunication services; and
- .5 provision of radiocommunication services will be part of the annual review and evaluation of the State's performance in the conduct of coastal State activities.

This corrective action will be completed by 31 December 2021.

### **FD**

795 The State had not established mechanisms for timely response to pollution incidents in its waters (III Code, paragraph 50.2).

### **Root cause**

796 Pollution response in the State was dealt with by several agencies, but the responsibility for developing a pollution response plan for the State, for implementation of its provisions, and for periodic review, was not assigned to a specific agency.

### **Corrective action**

797 The following actions will be undertaken:

- .1 administrative instructions will be issued by the responsible Ministry for the development, implementation and periodic review of a national contingency plan for marine pollution. Accordingly, a national contingency plan for marine pollution for the State will be established in consultation with all relevant government entities and stakeholders;
- .2 the responsible Ministry will assign the responsibility for the development, implementation and review of the national contingency plan; and

- .3 preparedness for response to pollution incidents will be part of the annual review and evaluation of the State's performance in the conduct of coastal State activities.

This corrective action will be completed by 31 December 2021.

#### **FD**

798 There was no system in place for the evaluation and review of the overall performance in the area of coastal State activities (III Code, paragraph 51).

#### **Root cause**

799 Entities within the maritime administration were not fully aware of their coastal State responsibilities and they also had infrastructure, financial and human resource constraints.

#### **Corrective action**

800 A system which covers all relevant aspects will be established for periodical review and evaluation of functions in the area of coastal State activities, based on performance indicators defined to measure the effectiveness in the implementation and enforcement of the requirements stemming from the applicable IMO instruments, and taking into account recommendations, in order to identify and implement measures for continual improvement. Provision will be made in the annual budget to address the infrastructure, financial and human resource constraints. This corrective action will be completed by 31 December 2022.

#### **FD**

801 The responsibility for the establishment of GMDSS system in the State was not assigned and there was no related legislation, documented policy or procedures in place. The GMDSS system was not established in order to support transmitting navigational warnings, danger messages, meteorological and other urgent messages related to safety of navigation. In addition, a system for issuing radio station licenses and MMSI numbers was not in place (SOLAS 1974, regulations IV/5, IV/5-1; and III Code, paragraphs 46, 47 and 49).

#### **Root cause**

802 The absence of the legal basis, infrastructure, guidance regulations, as well as the lack of human, material and financial resources contributed to this finding.

#### **Corrective action**

803 The maritime administration will implement the following actions:

- .1 national legislation and guidelines for the provision of maritime radiocommunication services, broadcasting of navigational warnings and issuing MMSI numbers and call signs will be developed and implemented;
- .2 a coastal radio station conforming to the standards required for the provision of GMDSS coverage, covering waters under the jurisdiction of the State, will be established; and

- .3 the required equipment, material and other resources shall be provided by the maritime administration. A training programme to address the human resource constraints will be developed.

This corrective action will be completed by 31 December 2022.

## **FD**

804 The State did not establish mechanism to provide meteorological services and issue navigational warnings and there was no clear responsibility assigned nor documented policy in place with regard to the provision of meteorological services (SOLAS 1974, regulation V/5; and III Code, paragraphs 46 and 47).

### **Root cause**

805 The absence of a legal basis, infrastructure and guidelines, as well as the lack of human, material and financial resources, created a void in understanding the existing international regulations. There was no agreement with the Meteorological Services Division to ensure continuous availability of meteorological information and the absence of a coastal radio mechanism and the responsible entity were at the root of this finding.

### **Corrective action**

806 The maritime administration will implement the following actions:

- .1 the legal basis, infrastructure and guidelines for the provision of meteorological services and for the issuance of navigational warnings will be developed and implemented. A formal agreement will be concluded between the Maritime Authority and the Meteorological Services Division for the provision of meteorological information;
- .2 qualified personnel will be recruited and trained on the requirements of the applicable IMO instruments by the maritime administration; and
- .3 provision will be made in the annual budget for the required resources.

This corrective action will be completed by 31 December 2022.

## **FD**

807 There was evidence that arrangements made for distress communication and coordination for the rescue of persons in distress at sea were not adequate (SOLAS 1974, regulation V/7.1; and III Code, paragraph 49).

### **Root cause**

808 Lack of legal basis, infrastructure and guidelines for all entities responsible for SAR operations and a lack of awareness of the relevant requirements of the applicable IMO instruments were at the root of this finding. Also, there was a lack of qualified personnel and financial resources.

### **Corrective action**

809 Guidelines for the provision of SAR services will be developed and implemented, and a marine search and rescue committee will be established with participation of representatives from national entities involved in SAR operations. The committee will be adequately resourced and, among others, will be responsible for providing IMO with required information on SAR facilities, for ensuring that all involved personnel in SAR operations are qualified, trained and assessed through drills and exercises, and 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 the international requirements. This corrective action will be completed by 31 December 2022.

### **FD**

810 There was no evidence of an effective control and monitoring programme in place for timely response to pollution incidents. Although the National Oil Spill Contingency Plan (NOSCP) was approved, it was not ensured that the equipment to respond to oil pollution is readily available and that planned drills in accordance with the NOSCP are carried out. Furthermore, NOSCP did not include any provision for response to pollution caused by chemicals other than oil. 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; and III Code, paragraph 50.2).

### **Root cause**

811 Entities within the maritime administration were not fully aware of their responsibilities.

### **Corrective action**

812 The National Coordination Centre for Disaster Management (NCCR) will develop a control mechanism and relevant procedures for timely response in case of pollution incidents. Furthermore, drills will be conducted under the National Oil Spill Contingency Plan (NOSCP) and operational readiness for combating pollution will be ensured, including availability of necessary equipment. NCCR will put in place a contingency plan for response to pollution caused by chemicals other than oil. The list of the approved dispersants will also come into effect. This corrective action will be completed by 31 December 2022.

### **FD**

813 The Maritime Administration did not establish mechanism to review and evaluate its ship routing systems in approaches to the port in line with the guidelines and criteria developed by resolution A.572 (14), as amended (SOLAS 1974, regulation V/10; and III Code, paragraph 49).

### **Root cause**

814 There was a lack of performance evaluation in relation to the efficiency of ship routing systems and the State had not transposed into national legislation the provisions of resolution A.572(14), as amended.

### **Corrective action**

815 The maritime administration will establish and implement a mechanism to review and evaluate the effectiveness of the existing ship routing systems, in accordance with the guidelines and criteria defined in resolution A.572(14), as amended. This corrective action will be completed by 30 June 2019.

## **PORT STATE ACTIVITIES**

### **Findings (FD)**

816 An effective port State control system with legislation, assignment of responsibilities, policies, guidance, procedures were not established for the consistent implementation and verification of PSC provisions in the international instruments to which the State is a Party (III Code, paragraph 55).

### **Root cause**

817 There was a lack of assigned responsibilities among the State's entities involved and outdated rules and regulation on the matter. In addition, a lack of QMS contributed to this finding.

### **Corrective action**

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

- .1 under the project on reviewing maritime legislation, appropriate national legislation will be developed and implemented to establish legal basis for an effective PSC system; and
- .2 policies, guidance and procedure will be developed in line with relevant IMO resolutions and guidelines and the provisions of the regional MoU on PSC, with defined roles and responsibilities to ensure consistent implementation and enforcement of relevant provisions of the applicable IMO instruments.

This corrective action will be completed by 31 December 2021.

## **FD**

819 Although the State is Party to all MARPOL annexes, its ports were found not to be equipped with the appropriate reception facilities or equivalent arrangements for the reception of Annexes II, IV and VI. Besides, regulatory structure was not fully established and the requirements for communication of the relevant information to IMO was not fulfilled (MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulations 12.1; MARPOL, Annex VI, regulation 17.1; and III Code, paragraph 56.1).

### **Root cause**

820 There was a lack of national legislation, lack of awareness and lack of financial resources. In addition, the lack of promulgation and dissemination of information to ports contributed to this finding.

### **Corrective action**

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

- .1 under the project on reviewing maritime legislation, appropriate national legislation will be developed and implemented requiring ports of the State to establish adequate reception facilities in accordance with Annexes II, IV

and VI of MARPOL. In addition, the lead entity will promulgate regulations to all relevant entities of the State to ensure compliance with the requirements of the aforementioned legislation;

- .2 equivalent arrangements for the reception of waste, as regulated under annexes II, IV and VI of MARPOL will be established, by authorizing private suppliers, using lorries or barges, for providing such services;
- .3 compliance with the provisions of national legislation and MARPOL will be monitored and annual certificate of compliance will be issued to authorized suppliers; and
- .4 a QMS will be established, with appropriate policy, which will define various processes and procedures for communication of information to IMO in relation to arrangements for port reception facilities.

This corrective action will be completed by 31 December 2021.

## **FD**

822 The maritime administration has not implemented the IMDG Code, the IMSBC Code and related amendments. The dangerous goods handling practices in ports were found not adequately regulated, controlled or supervised by the competent authorities (SOLAS 1974, regulations VII/3 and VII/7-5; IMDG Code, section 1.3.1; and III Code, paragraph 57).

### **Root cause**

823 There was a lack of coordination among the relevant State's entities and a lack of awareness of the requirements of the IMDG and IMSBC codes. In addition, the absence of national legislation and resources contributed to this finding.

### **Corrective action**

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

- .1 under the project on reviewing maritime legislation, appropriate national legislation will be developed and implemented to adopt the provisions of the IMDG and IMSBC codes and the responsible entity for the implementation and enforcement of the mentioned national legislation will be appointed;
- .2 amendments to the IMDG and IMSBC Codes will be treated according to a new procedure for incorporation of amendments to the IMO instruments into national legislation, to be established;
- .3 the responsible Ministry will establish an inter-institutional committee, consisting of representatives from the various entities involved, as the national competent authority for dangerous goods matters, including developing and supervising the implementation of instructions on IMDG Code requirements, as well as communication of relevant information to IMO; and
- .4 the competent authority will arrange to develop and deliver training programmes for shore-based personnel engaged in handling of dangerous goods.

This corrective action will be completed by 31 December 2021.

## **FD**

825 The principle of "No More Favourable Treatment" was not officially considered by the authorities. Furthermore, the port State control programme of the State was not fully consistent with the relevant resolution adopted by the IMO. A proper qualifications and training programme for the PSCOs was not in place (III Code, paragraphs 59, 60 and 61).

### **Root cause**

826 There was a lack of awareness on the IMO resolution on PSC, outdated rules and regulations and a lack of training policy and programme.

### **Corrective action**

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

- .1 under the project on reviewing maritime legislation, appropriate national legislation will be developed and implemented to establish legal basis for an effective PSC system, including the provision for "no more favourable treatment";
- .2 a programme and procedures for PSC activities will be developed in coordination between the responsible entities, in accordance with the IMO procedures and the regional MoU on PSC provisions, with defined roles and responsibilities; and
- .3 a training programme will be developed to ensure training of all existing PSCOs and newly recruited officers, based on WMU courses, IMO model courses and the provisions of the regional MoU on PSC.

This corrective action will be completed by 31 December 2021.

## **FD**

828 The State had not implemented a system of periodic performance evaluation of its activities as port State for the purpose of verifying compliance with its obligations under the IMO international instruments to which it is a Party (III Code, paragraph 63).

### **Root cause**

829 There was a lack of awareness of the need to have a QMS in place, which would include performance evaluation for port State activities.

### **Corrective action**

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

- .1 QMS procedure will be developed stipulating detailed methodology for periodical review and evaluation of performance in respect of administrative processes, procedures and resources necessary to meet the port State obligations and responsibilities under the mandatory IMO instruments. This

procedure will be applied for all the State's entities involved in port State activities. Key performance indicators for relevant entities shall be identified on the basis of their output to enable measurement of performance and they will be reviewed annually during review meetings; and

- .2 the lead entity in the implementation of the QMS procedure for evaluation of performance across all the entities involved will be subject to external QMS audits by a certifying body.

This corrective action will be completed by 31 December 2020.

#### **FD**

831 Although the maritime administration had resolutions, procedures and guidance on PSC activities for the consistent implementation and verification of its rights, obligations and responsibilities in accordance with the international instruments to which the State is Party, they were not updated according to resolution A 1052(27), which was relevant at the time of the audit (III Code, paragraph 55).

#### **Root cause**

832 There was an absence of a dedicated unit to monitor the amendments to the mandatory IMO instruments.

#### **Corrective action**

833 With the development of the mechanism and procedure for monitoring of the amendments to the applicable IMO instruments, specific amendments related to PSC activities, existing and new, will be adopted and communicated to interested parties. In addition, the responsible entity of the maritime administration will update the procedures and guidelines regarding PSC activities according to the new amendments. This corrective action will be completed by 1 March 2020.

#### **FD**

834 Although the State is Party to MARPOL Annexes II and V, its ports were found not to be equipped with the appropriate reception facilities or equivalent arrangements for the reception of noxious liquid substances and garbage from ships (MARPOL, Annex II, regulation 18.1; MARPOL, Annex V, regulation 8.1; and III Code, paragraph 56.1).

#### **Root cause**

835 There was an absence of national legislation, lack of awareness of the mandatory requirements and lack of financial resources.

#### **Corrective action**

836 An inter-institutional working group will be established with the participation of involved entities of the State to determine the responsibilities of these entities; to carry out an adequacy and cost analysis; and to establish the modalities for the State to comply with MARPOL requirements in terms of types of facilities to be implemented. Policies, procedures, instructions and environmental authorization will be developed and implemented for authorization of external contractors to collect ship generated waste from ships. In addition, a monitoring system will be put in place to ensure the final disposal of collected waste. The



available IMO guidelines on port reception facilities will be taken into account. An entity of the maritime administration will be charged with the responsibility for analysing, drafting and initiating updates of existing national legislation necessary for the effective implementation and enforcement of MARPOL requirements on port reception facilities. This corrective action will be completed by 1 April 2021.

#### **FD**

837 The maritime administration did not implement the IMDG Code, the IMSBC Code and related amendments. In addition, a consistent verification of compliance of ships carrying cargo under the provisions of the Grain Code could not be demonstrated (SOLAS 1974, regulation VII/3; Grain Code, paragraph 3.5; IMSBC Code, paragraph 1.3; IMDG Code, section 1.3.1; and III Code, paragraph 57).

#### **Root cause**

838 There was an absence of a dedicated unit responsible for tracking amendments to the mandatory IMO instruments and their domestication. In addition, a lack of human resources with legal and technical expertise contributed to this finding.

#### **Corrective action**

839 Following the development of the mechanism and procedures for monitoring of the amendments to the mandatory IMO instruments to which the State is Party by the responsible entity of the maritime administration, amendments to the IMDG, IMSBC and Grain Codes will be adopted and communicated to interested parties. The responsible entity of the maritime administration will carry out a gap analysis of national legislation in order to identify those instruments or their amendments that have to be adopted to ensure full and effective implementation and enforcement of related mandatory requirements. Administrative instructions, guidelines, procedures and training programmes for shore-based personnel involved in the handling, loading/unloading, stowage and transport of dangerous goods in the ports will be developed and implemented. This corrective action will be completed by 1 November 2021.

#### **FD**

840 Although the maritime administration had established a PSC programme to administer PSC activities; in practise, PSCOs did not have the complete safety and operative equipment needed to carry out their task (III Code, paragraph 60).

#### **Root cause**

841 There was a lack of financial resources and material supply by local suppliers.

#### **Corrective action**

842 The responsible entity of the maritime administration will establish guidelines regarding the equipment that PSCOs need to possess to carry out their tasks according to the PSCO's Manual of the regional MoU on PSC to which the maritime administration is a Party. The responsible entity will secure sufficient funding and coordinate with the local suppliers in order to obtain the material and equipment in a timely manner. This corrective action will be completed by 1 March 2020.

## **FD**

843 The existing training programmes developed by the maritime administration for the PSCOs were not updated in accordance with the latest amendments to the mandatory IMO instruments, resolution or guidelines adopted by IMO (III Code, paragraph 61).

### **Root cause**

844 There were insufficient human and financial resources, which hampered the development of a documented training programme for PSCOs.

### **Corrective action**

845 The responsible government entity will implement the following actions:

- .1 a specific directorate will be assigned the responsibility for the elaboration and development of a permanent training programme for PSCOs that will include: assessment and provision of financial resources needed, identification of the type of training and schedule for the updating of the PSCOs' knowledge and levelling plan for new inspectors. The mentioned training programme will be based on the IMO model courses or training programmes of recognized nautical institutions; and
- .2 coordination will be established with regional organizations in order to include PSCOs in regional trainings. The training programme will also include provisions for in-house training.

This corrective action will be completed by 1 February 2020.

## **FD**

846 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 it is Party (III Code, paragraph 63).

### **Root cause**

847 There was no management system in place to measure the performance of the State in conducting port State activities.

### **Corrective action**

848 The assessment and review of performance under the new overall strategy will allow the maritime administration to coordinate all the State entities responsible for port State activities and to develop a mechanism containing clear lines of authority, assigned responsibilities, as well as defined objectives and key performance indicators for all involved entities to measure and evaluate their performance. The performance evaluation will be carried out annually and respective records will be generated to monitor the implementation of the defined improvement actions. This corrective action will be completed by 1 November 2021.

## **FD**

849 Although there was some evidence to confirm the compliance with the requirements of the IMDG Code, the latest amendments to the IMDG Code were found not to be implemented (e.g. Management System – role of the competent authority section 1.5.3) (SOLAS 1974, regulation VII/3; IMDG Code, section 1.5.3; and III Code, paragraph 54).

### **Root cause**

850 The IMDG Code was not legislated in the State. There were deficiencies in the supervision and management of the implementation of the IMDG Code.

### **Corrective action**

851 A new procedure will be established by which responsibilities will be assigned to monitor amendments to the mandatory IMO instruments, including mandatory codes, and to publish corresponding national legislation in a timely manner. Specifically, the supervision and management in the implementation of IMDG Code will be reviewed and steps will be taken to rectify the shortcomings, such as designating a competent authority, establishing procedures for safe operation and for emergency response related to handling of dangerous goods, as well as providing periodical training to personnel associated with the handling of dangerous goods at all the terminals. This corrective action will be completed by 31 December 2019.

### **FD**

852 The maritime administration had not implemented national legislation nor guidelines to facilitate the implementation and enforcement of port State obligations and responsibilities under the applicable conventions and protocols to which the State is Party (III Code, paragraph 54.1).

### **Root cause**

853 The State did not have a general policy for implementing IMO conventions, and there was a lack of knowledge of port State obligations, including the III Code provisions.

### **Corrective action**

854 The State will develop and implement policies which will assist in the implementation and enforcement of all port State obligations and responsibilities under the mandatory IMO instruments to which the State is Party. These policies will include the adoption of national legislation, guidelines and procedures, as well as the establishment of structures and recruitment of qualified personnel to ensure compliance with relevant obligations. This corrective action will be completed by 31 December 2019.

### **FD**

855 The State did not establish reception facilities in its ports as required by MARPOL Annexes II and IV. Furthermore, there was no evidence to confirm that two companies, which were authorized for the collection and treatment of oily residues and waste from ships, were conducting these activities in line with MARPOL Annexes I and V, including relevant guidelines (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 4.3.3; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; and III Code, paragraph 56.1).

### **Root cause**

856 The obligation to provide port reception facilities in accordance with the requirements of MARPOL was not clearly indicated in national legislation.

### **Corrective action**

857 The maritime administration will develop and implement national legislation incorporating the requirements of those Annexes of MARPOL to which the State is Party. The reception facilities required by MARPOL Annexes II and IV will be established in accordance with the relevant IMO guidelines and recommendations. In addition, instructions and guidelines will be issued to the companies responsible for providing relevant services in order to ensure their compliance with the requirements of MARPOL Annexes I and V. An inspection programme will be established to periodically monitor compliance of the approved companies with the requirements of MARPOL. This corrective action will be completed by 31 December 2020.

### **FD**

858 The maritime administration did not effectively implement the provisions of the IMDG Code, particularly in the following areas:

- .1 providing a special list recording the dangerous goods on board and indicating their location, to be provided to the appropriate person or organization before departure of the ship;
- .2 training programmes for shore-side personnel engaged in the transport of dangerous goods by sea; and
- .3 detailed instructions on emergency response and medical first aid required in the event of an incident involving dangerous goods

(SOLAS 1974, regulations VII/2 and VII/7-2.2; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; III Code, paragraph 57).

### **Root cause**

859 The IMDG Code was not transposed into national legislation and there was a lack of knowledge of the mandatory requirements by the authorities and port agencies. There was no procedure in place for management of dangerous goods in ports or for periodical training programme for those concerned.

### **Corrective action**

860 The maritime administration will develop national legislation for the transport and handling of dangerous goods in ports, in accordance with the IMDG Code, and will regularly update relevant legislation to incorporate any amendments. Circulars and guidelines will be adopted and communicated to port authorities responsible for the handling of dangerous goods. A training programme for all personnel involved in the implementation of the IMDG Code, including personnel involved in the handling of dangerous goods in ports, will be established. In addition, a documented procedure will be adopted and disseminated to the concerned agencies, with detailed instructions on emergency response and emergency medical care required in the event of accidents or incidents involving dangerous goods. This corrective action will be completed by 31 December 2020.

## **FD**

861 It was established that no mechanism had been established to evaluate and review the performance in carrying out port State obligations under the applicable IMO instruments (III Code, paragraph 63).

### **Root cause**

862 The maritime administration did not have a programme or procedure in place for evaluating its performance with respect to the port State obligations and did not have any resources available to define key performance indicators, as a basis to better track and measure performance against the set objectives.

### **Corrective action**

863 The maritime administration will institutionalize a documented programme of periodic evaluation and review of the State's performance with respect to port State activities, including implementation of appropriate key performance indicators. In addition, training in the QMS will be provided to the personnel concerned. This corrective action will be completed by 31 December 2019.

## **FD**

864 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 mandatory IMO instruments (III Code, paragraph 63).

### **Root cause**

865 The following factors contributed to this finding:

- .1 lack of sufficient competent personnel and lack of internal guidelines regarding staff qualifications for performing duties, such as PSC inspections, contributed to this finding;
- .2 overall evaluation of the State's performance as a port State, beyond the target of 15% of PSC inspections of individual ship port calls, was not seen as a priority; and
- .3 lack of marine pollution prevention legislation and lack of systematic supervision of fuel oil suppliers by the maritime administration contributed to this finding.

### **Corrective action**

866 The responsible entity of the maritime administration will take the following interim actions:

- .1 a reporting mechanism will be established, which will include all relevant State entities, and define the performance indicators/targets as a basis for evaluation of performance in all relevant areas of port State activities;
- .2 information will be requested from major ports open for international traffic regarding the status of reception facilities in their jurisdiction, as a basis for reporting relevant information to IMO. A reporting procedure will be

developed and implemented to assign responsibility for monitoring any alleged inadequacy reported through GISIS, as well as to ensure that complaints on alleged inadequacies of port reception facilities are reported addressed. Adequacy of waste reception facilities in ports will be assessed according to the IMO guidelines;

- .3 information will be requested regarding local suppliers of fuel oil from all relevant entities. A register of local suppliers of fuel oil will be kept and guidance concerning supervision of local suppliers of fuel oil and procedures for retention of bunker delivery notes by the fuel oil suppliers will be developed and circulated;

867 In order to ensure continued compliance, the following long-term actions will be implemented:

- .1 the responsible entity will establish a system for periodical evaluation and review of its performance in the conduct of PSC inspections, wherefrom recommendations will be developed for corrective actions, as appropriate, to be undertaken annually, taking into account relevant IMO Procedures;
- .2 Shipping (Marine Pollution) Act will be developed and implemented, which will, inter alia, give effect to Regulations related to provision, location, capacities and notices of inadequacy of reception facilities, as well as to oversight on fuel oil suppliers, as a basis for establishing the mechanism for periodical evaluation and review;
- .3 guidance will be developed and implemented regarding the implementation of the periodical evaluation of performance of the State in the conduct of port State activities; and
- .4 the need for additional personnel with appropriate maritime expertise will be considered and additional staff recruited, as necessary.

This corrective action will be completed by 31 December 2021.

## **FD**

868 There was no evidence that the responsible government entity had established a PSC programme consistent with IMO procedures on PSC, including adequate procedures, resources and processes (III Code, paragraphs 60 and 61).

### **Root cause**

869 There was no documented procedure in place for carrying out PSC inspections, which was largely due to a lack of sufficient technical personnel.

### **Corrective action**

870 The responsible entity will:

- .1 develop and implement a national programme for PSC, including relevant training to be administered, consistent with resolution A.1119(30). The programme will include the development of a targeting matrix for the inspection of ships, based on information on ships' calls in the ports of the State; and

- .2 take action to ensure provision of adequate personnel and for enhancing administrative capacity in order to facilitate the effective implementation of PSC in the State.

This corrective action will be completed by 31 January 2019.

## **FD**

871 The maritime administration had not implemented provisions of the IMDG Code, particularly those related to:

- .1 training programme for shore-based personnel engaged in handling of dangerous goods;
- .2 management system covering activities related to handling of dangerous goods;
- .3 the determination of a competent authority related to regulating and monitoring IMDG matters; and
- .4 detailed instructions on emergency response and emergency medical care required in an incident involving dangerous goods

(IMDG Code, sections 1.3.1 and 1.5.3; and III Code, paragraphs 54 and 55).

## **Root cause**

872 There was a lack of appropriate legislation to address the amendments to SOLAS 1974, which includes the amendments related to codes made mandatory under the Convention. The prevailing view of the maritime administration was that the Shipping Act of 1987 provided for the incorporation of any subsequent amendments to SOLAS 1974 in an adequate fashion.

## **Corrective action**

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

- .1 amend the Shipping Act of 1987 to incorporate those requirements necessary to ensure compliance with international instruments to which the State is Party, including mandatory codes. Legislation will address the establishment and assignment of roles and responsibilities of the Competent Authority for regulating and monitoring IMDG matters;
- .2 pursue a course of creating policies to ensure the implementation and enforcement of the requirements of various international instruments, including mandatory codes. Guidance, training programmes and procedures shall also be developed as required; and
- .3 establish a QMS and a training programme for shore-based personnel to ensure compliance with the IMDG Code.

This corrective action will be completed by 31 December 2020.

## **FD**

874 The State did not regulate the provision of port reception facilities in accordance with the requirements of MARPOL and the existing companies providing partial services were not systematically authorized and monitored. There was no evidence of evaluation of the adequacy of port reception facilities established for collection of waste from ships as required under Annexes I, II, IV, V, and VI (MARPOL, Annex I, regulations 38.1 and 38.2; MARPOL, Annex II, regulation 18.2; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; MARPOL, Annex VI, regulation 17.3; and III Code, paragraphs 54, 55 and 56.1).

### **Root cause**

875 The State lacked dedicated resources to promulgate the provisions of MARPOL and to regulate the provision of port reception facilities accordingly. In addition, instructions and procedures were not clearly identified on a national level by the maritime administration, and there was a lack of a comprehensive assessment of adequacy of PRFs for solid and liquid wastes at ports and terminals of the State open for international traffic.

### **Corrective action**

876 The State will promulgate marine pollution prevention legislation. The need for additional resources with maritime expertise will be considered and additional staff recruited, as necessary, to enable the State to promulgate all required legislation. In addition, the responsible entities will implement the following actions:

- .1 a work programme for inter-agency working groups will be established;
- .2 coordination agreements among the agencies involved will be signed;
- .3 policies, regulations and guidelines will be developed and implemented, together with provision of necessary resources;
- .4 harmonized management procedures will be drafted for systemic authorisation and monitoring of PRFs; and
- .5 nation-wide integration of policies, regulations, guidelines and procedures will be undertaken.

877 In addition, the maritime administration will assess the adequacy of waste reception facilities in the ports according to the IMO guidelines.

This corrective action will be completed by 31 December 2021.

## **FD**

878 The State did not regulate fuel oil suppliers and did not establish a monitoring programme which includes keeping a register of fuel oil suppliers and regulating the retention of bunker delivery notes by fuel oil suppliers (MARPOL, Annex VI, regulation 18.9; and III Code, paragraphs 55 and 56.3).

### **Root cause**

879 There was a lack of marine pollution prevention legislation and lack of systematic supervision of fuel oil suppliers by the maritime administration.



### **Corrective action**

880 The responsible government entity will implement the following actions:

- .1 submission of information regarding local suppliers of fuel oil will be requested from all relevant entities and a register of local suppliers of fuel oil will be established by the nodal responsible entity of the maritime administration; and
- .2 as a long-term solution, the responsible Ministry will revise the existing bunkering licences to ensure that they are robust enough for today's bunkering industry. In addition, guidance concerning supervision of local suppliers of fuel oil and procedures for retention of bunker delivery notes by the fuel oil suppliers will be developed and circulated. Enactment of the Shipping (Marine Pollution) Act will, inter alia, give effect to Regulations on fuel oil suppliers, including monitoring of compliance.

This corrective action will be completed by 31 December 2020.

### **FD**

881 There was no evidence of periodical evaluation of the performance in respect of port State control (III Code, paragraph 63).

### **Root cause**

882 Although the nodal entity in the maritime administration had the statutory power to undertake PSC, a process to administer PSC activities, including periodical evaluation of performance as a port State, was not established.

### **Corrective action**

883 The principal act makes specific reference to the application of PSC and empowers the nodal entity in the maritime administration to take any required action to provide effective PSC in the State. Pursuant to its statutory functions, the maritime administration will undertake the following actions:

- .1 establish processes to guide PSCOs, relevant entities of the maritime administration and ship agents in ensuring effective implementation of PSC in the State;
- .2 provide training programmes for PSCOs, with support of its partners;
- .3 establish a system to evaluate its PSCOs;
- .4 designate necessary authority to PSCOs to enable them to effectively and lawfully apply all relevant requirements; and
- .5 establish a system for periodical review of performance of the maritime administration in conducting PSC activities, based on defined key performance indicators (KPIs), as a basis for improvement.

This corrective action will be completed by 31 December 2019.

## **FD**

884 The State had not implemented policies through issuing national legislation and guidance, which would assist in the implementation and enforcement of the port State control programme. In addition, the State has not taken measures or established processes to impose the conditions of the applicable IMO instruments on ships of Parties, as well as non-Parties (MARPOL, article 5(4); and III Code, paragraphs 54.1 and 59).

### **Root cause**

885 The nodal agency of the maritime administration was recently established. At the time of its establishment, the agency inherited little or no resources, processes or documents to support effective administration of a PSC programme.

### **Corrective action**

886 Under the new legislation, the newly established nodal agency of maritime administration has the clear mandate to implement and enforce all aspects of port State control. In order to ensure compliance in the future and pursuant to its statutory functions, the following actions will be undertaken:

- .1 establish processes to guide PSCOs, relevant entities of the maritime administration and ship agents in ensuring effective implementation of PSC in the State;
- .2 provide training programmes for PSCOs, with support of its partners;
- .3 establish a system to evaluate its PSCOs; and
- .4 designate necessary authority to PSCOs to enable them to effectively and lawfully apply all relevant requirements.

This corrective action will be completed by 30 June 2019.

## **FD**

887 The State had not ensured that national legislation, guidance or procedures are established for the handling of dangerous goods in its ports (SOLAS 1974, regulation VII/3; IMDG Code, section 1.3.1; and III Code, paragraph 55).

### **Root cause**

888 Due to the absence of a regulatory monitoring process and the lack of communication between competent authorities of the State, there were delays in transposing the provisions of IMO instruments including IMDG Code into national legislation. Furthermore, the responsibilities and functions for implementing the obligations related to handling of dangerous goods in the State were not assigned to any entity.

### **Corrective action**

889 The responsible entity will ensure that appropriate law reform is pursued in the context of regulating dangerous goods and that the IMDG Code is fully implemented in the State. The power of the regulator to make approved standards, operating procedures and codes of conduct will be applied in this context and the managers of ports in the State will be required

to ensure that appropriate steps are taken to regulate the movement and storage of dangerous goods, as well as to develop and implement periodical training for shore-based personnel involved in the handling of dangerous goods. This corrective action will be completed by 30 June 2019.

## **FD**

890 There was no evidence of adequate legislation, guidance or procedures in place to ensure that the maritime administration implemented the requirements of IMSBC Code and IMDG Code. In particular, there was no evidence that maritime administration:

- .1 designated competent authority for matters related to handling of dangerous goods;
- .2 ensured that periodical training of shore-based personnel was conducted;
- .3 implemented detailed instructions on emergency response and emergency medical care required in an event involving dangerous goods; and
- .4 ensured the implementation of loading and unloading requirements in accordance with SOLAS Chapter VI and in compliance with the relevant provisions of the IMSBC Code

(SOLAS 1974, regulation VI/7.3; IMSBC Code, paragraph 4.3.3; IMDG Code, section 1.3.1; and ILL Code, paragraphs 54 and 55).

## **Root cause**

891 There was a lack of legal basis, absence of a maritime policy and procedures and insufficient personnel. In addition, lack of awareness, weak coordination among the agencies of the maritime administration, and a lack of defined roles and monitoring activities contributed to this finding.

## **Corrective action**

892 The responsible entities of the maritime administration will take the following actions:

- .1 incorporate IMSBC and IMDG codes into national legislation. Until legislation is in place, an administrative arrangement will be established to designate a competent authority for matters relating to dangerous goods and the solid bulk cargo and to encourage information sharing and coordination between the entities;
- .2 establish procedures in accordance with relevant IMO guidance to implement and monitor the implementation of the IMDG and IMSBC Code by the competent authority;
- .3 develop and conduct training of key personnel and periodical training of shore-based personnel involved in handling of dangerous goods;
- .4 develop, promulgate and implement detailed instructions on emergency response and medical care, required in an event involving dangerous goods; and

- .5 monitoring of all the actions by the responsible entity will be put in place in order to ensure continual compliance.

This corrective action will be completed by 31 December 2021.

## **FD**

893 There was no evidence that the State regulated the provision of port reception facilities in accordance with the applicable provisions of MARPOL under annexes I, II, IV, V and VI and the existing companies providing partial services were not systematically authorized 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; MARPOL, Annex VI, regulation 17.1; and III Code, paragraphs 54 and 56.1).

### **Root cause**

894 There was a lack of national legislation and personnel with technical expertise. Weak coordination among the agencies of the maritime administration, lack of defined roles, communication and monitoring of activities contributed to this finding. In addition, the absence of a maritime structure hindered the administration from meeting its obligations under the mandatory IMO instruments.

### **Corrective action**

895 The responsible entities of the maritime administration will take the following actions:

- .1 the legal basis for establishing and monitoring operation and adequacy of port reception facilities under MARPOL Annexes I, II, IV and V will be incorporated into national legislation, including related responsibilities. In the interim, administrative arrangements will be established to encourage information sharing and coordination between the entities as well as for guiding the provision of reception facilities and their monitoring in accordance with the IMO guidance on port reception facilities;
- .2 resource requirements and specific expertise will be assessed, and new personnel will be recruited and trained, as appropriate; and
- .3 reception facilities in compliance with the requirements of MARPOL Annexes I, II, IV and V will be established.

This corrective action will be completed by 31 December 2021.

## **FD**

896 The maritime administration exercised its right to conduct PSC inspections, but there was no evidence of an established PSC programme consistent with IMO Procedures on PSC, including adequate resources and processes (III Code, paragraph 60).

### **Root cause**

897 The State did not define and implement policies on PSC through issuing national legislation, guidance, qualification requirements and provision of adequate resources. In addition, the maritime administration did not put in place a documented policy to assist in the systematic training of PSCOs.

### **Corrective action**

898 The Ministry will formalize a PSC programme consistent with requirements of the relevant IMO instruments, including the development and implementation of national legislation, guidelines and procedures for the administration of the programme. Documented qualification and recruitment criteria for PSCOs, as well as a training programme, will be developed and implemented. This corrective action will be completed by 31 December 2021.

### **FD**

899 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 mandatory IMO instruments (III Code, paragraph 63).

### **Root cause**

900 There was absence of a maritime policy, structure and a culture within the maritime administration to periodically evaluate and review performance in relation to port State activities. There was also a lack of documented procedures and insufficient qualified personnel for this function.

### **Corrective action**

901 The relevant entities participating in the conduct of port State activities stemming from the requirements of relevant IMO instruments will establish a documented system to periodically review and evaluate the implementation and enforcement of their requirements in the area of port State activities, based on performance indicators tailored to meet the obligations of the State under the applicable IMO instruments. The process will be managed and monitored for continuous improvement by the national maritime inter-agency committee. This corrective action will be completed by 30 September 2021.

### **FD**

902 The State 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; and III Code, paragraphs 54 and 56.3).

### **Root cause**

903 MARPOL Annex VI had not been transposed into national law and there was insufficient knowledge of the provisions of the Annex. The lack of expertise for operationalisation and lack of administrative structure hindered the maritime administration in fulfilling its obligations in respect of the requirements of MARPOL Annex VI.

### **Corrective action**

904 MARPOL Annex VI will be incorporated into national law and responsibility will be assigned to relevant entities of the State for regulation and monitoring of fuel oil suppliers and the verification of fuel oil quality in accordance with the provisions of the relevant IMO instruments, including establishing the register of fuel oil suppliers. Available resources and competencies will be reviewed, and additional staff recruited and trained accordingly. This corrective action will be completed by 31 December 2021.

## **FD**

905 The obligations of the State under the International Grain Code and IMDG Code were not fully implemented, particularly those related to management system covering activities related to handling of dangerous goods and designating a competent authority related to IMDG matters (SOLAS 1974, regulations VII/2.4 and VII/3; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; and III Code, paragraph 57).

### **Root cause**

906 The following factors contributed to this finding:

- .1 national legislation, regulations and executive orders were not up-to-date to give effect to the amendments to the relevant IMO instruments, including the IMDG Code; and
- .2 there were lack of resources and legal expertise in the maritime administration to transpose the amendments to the relevant IMO instruments into national law and to communicate the applicable regulations and their amendments to the entities concerned, such as port authorities.

### **Corrective action**

907 The following actions will be implemented:

- .1 the responsible entity of the maritime administration will work together with all relevant agencies to keep the national legislation up to date by incorporating the amendments to IMO instruments, including the IMDG Code, in a timely manner;
- .2 the responsible entity of the maritime administration will explore the possibility of establishing an in-house legal section to speed up the legislating process. In addition, a system will be established to communicate and exchange regulatory information with other entities responsible for the implementation and enforcement of the relevant IMO Instruments, such as port authorities; and
- .3 the responsible entity of the maritime administration will ensure the implementation of requirements stemming from the IMDG Code, including designating a competent authority, establishing a periodical training programme for personnel engaged in handling of dangerous goods, and issuing detailed instructions on emergency response and medical first aid.

This corrective action will be completed by 30 June 2021.

## **FD**

908 The State did not periodically evaluate its performance in respect of meeting its obligations under the applicable instruments of the Organization as a port State (III Code, paragraph 63).

### **Root cause**

909 The performance in the conduct of port State activities was not evaluated periodically due to lack of human and capital resources. A system for data collection from all concerned agencies was not established due to a lack of awareness about the mandatory requirements for evaluation of performance in the conduct of port State activities.

### **Corrective action**

910 The following actions will be implemented by the responsible entity:

- .1 sufficient personnel with maritime expertise will be recruited to perform PSC activities, including evaluation and review of performance;
- .2 a system will be developed to collect relevant data from all involved entities and to analyse them periodically to evaluate the performance in the conduct of port State activities; and
- .3 the possibility of the maritime administration becoming a member of the regional MoU on PSC will be explored to further enhance the capabilities in the conduct of PSC activities.

This corrective action will be completed by 31 December 2021.

### **FD**

911 The State had not adopted policies for the implementation of all provisions that are applicable to a port State from relevant IMO instruments (III Code, paragraph 54.1).

### **Root cause**

912 There was a lack of coordination with other stakeholders, such as ports authorities, on the implementation and enforcement of mandatory requirements.

### **Corrective action**

913 The responsible agency of the maritime administration will establish and implement policies, by issuing national legislation and guidance, for the implementation and enforcement of its obligations as a port State, in particular for safe carriage of grain, dangerous goods and solid bulk cargoes, in compliance with the Grain Code, IMDG Code, and IMSBC Code. The responsible agency will inform all relevant entities and stakeholders of their respective responsibilities and obligations, and adequate measures will be taken to ensure coordinated action by all the entities involved. This corrective action will be completed by 31 December 2020.

### **FD**

914 The maritime administration had not established appropriate guidance and procedures for implementation of provisions of the IMDG Code, particularly those related to:

- .1 training programme for shore-based personnel engaged in handling of dangerous goods;

- .2 the determination of a competent authority related to 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; and III Code, paragraph 55).

#### **Root cause**

915 This finding was due to a lack of culture to periodically evaluate or review the performance in the conduct of port State activities, as well as the lack of communication with entities responsible for implementation of various port State obligations, such as port authorities.

#### **Corrective action**

916 The following steps will be undertaken by the maritime administration:

- .1 a comprehensive policy will be developed and implemented on periodic evaluation of performance of the entities responsible for the implementation and enforcement of port State functions;
- .2 competent authority for the purpose of IMDG Code will be designated and the responsibilities for carrying out all the tasks, including the issuance of national legislation and guidance, will be identified and assigned to appropriate entities;
- .3 the port authority will be assigned with the responsibility for ensuring compliance with the IMDG Code at all the ports of the State where dangerous goods are handled, through developing and implementing necessary guidance and procedures, and organizing periodical training for shore-based personnel involved in handling of dangerous goods; and
- .4 these arrangements will be periodically reviewed to ensure that all areas of port State obligations are assigned to and effectively performed by appropriate entities within the Government.

This corrective action will be completed by 31 December 2020.

#### **FD**

917 The maritime administration did not periodically evaluate its performance in respect of meeting its port State obligations under the relevant IMO instruments (III Code, paragraph 63).

#### **Root cause**

918 This finding was due to a lack of culture to periodically evaluate or review the performance of the maritime administration.



### **Corrective action**

919 The maritime administration will institutionalize a mechanism for periodical evaluation and review of the performance of various entities involved in the conduct of as a port State by setting performance indicators on an annual basis. The outcome of the evaluation will serve as a basis for improvement of administrative processes, procedures and resources necessary to meet the obligations of the State under the mandatory IMO instruments. This corrective action will be completed by 31 December 2020.

### **FD**

920 The Administration exercised its right to carry out port State control PSC, but the processes to administer the programme were not consistent with the IMO procedures on PSC and it could not be established that periodical evaluation of performance in respect of PSC activities was conducted (III Code, paragraphs 57, 60, 61 and 63).

### **Root cause**

921 There was insufficient number of qualified PSCOs and the responsible entity of the maritime administration was resource constrained to train new staff to the level required to become a qualified PSCO.

### **Corrective action**

922 The responsible entity of the maritime administration will ensure that its regulations and practices on PSC reflect current amendments of the IMO procedures on PSC. This will be done as and when necessary in collaboration with the regional PSC regime. The training budget will be increased to cater for the training of more staff with the requisite background in the technical department, in order to boost its pool of PSCOs, and a system will be adopted in which PSCOs will be granted varying degree of authority. A system for periodical review of performance in conducting PSC inspections, based on defined key performance indicators, will be developed and implemented as a basis for improvement. This corrective action will be completed by 30 December 2022.

### **FD**

923 There was no evidence of adequate regulations, procedures and guidance in place to ensure that the IMDG Code and emergency procedures, including emergency response (EMS) and medical first aid (MFAG), were implemented in port operations, and that periodical training of shore-based personnel involved in handling of dangerous goods was organized (SOLAS 1974, regulation VII/2.4; IMDG Code, section 1.3.1; III Code, paragraphs 54, 55 and 63).

### **Root cause**

924 Capacity gaps due to inadequate funding or budgetary allocation, caused that legislation, procedures and guidelines for effective implementation and enforcement of requirements stemming from the IMDG Code, were inadequately adopted and implemented.

### **Corrective action**

925 The maritime administration will undertake the following actions:

- .1 the nodal responsible entity will review existing national legislation in order to identify the need for any updates in order to incorporate the responsibility for establishing processes for handling of dangerous goods in ports, in compliance with the provisions of the IMDG Code. In addition, will ensure that necessary administrative instructions, guidelines and procedures related to the loading/unloading, stowage and transport of dangerous goods in the ports are developed and implemented;
- .2 the State's port authorities will develop and implement a training programme to ensure that all personnel involved in the handling of dangerous goods are given required periodical training. Furthermore, plans for regular training and re-training for all personnel who come in contact with dangerous goods will be made to avoid safety threats with regards to dangerous goods; and
- .3 the nodal responsible entity and the State's port authorities will develop and implement a system for periodical review of performance in the activities related to handling of dangerous goods, based on defined key performance indicators, as a basis for improvement.

This corrective action will be completed by 30 December 2020.

### **FD**

926 The maritime administration had not established or determined the adequacy of port reception facilities as required under MARPOL 73/78, Annexes I, IV and V (MARPOL, Annex I, regulation 38.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; III Code, paragraphs 54, 55, 56.1 and 63).

### **Root cause**

927 Challenges with availability of space within the port facility and lack of treatment facility for ship generated waste due to funding constraints, contributed to this finding.

### **Corrective action**

928 The State will encourage private sector investment for establishment of port reception facilities (PRFs) and adequate PRFs to receive ship waste regulated under MARPOL 73/78, Annexes I, II, IV and V will be established. In the interim, policies and procedures, including relevant criteria, will be developed and implemented for authorization of external contractors to collect ship generated waste from ships. A monitoring system will be put in place to ensure compliance of the services provided, as well as final disposal of collected waste. The available IMO guidelines on port reception facilities will be taken into account (resolution MEPC.83(44)) in assessing the adequacy of port reception facilities. This corrective action will be completed by 31 January 2020.

### **FD**

929 The maritime administration had not implemented the IMDG Code, the IMSBC Code and related amendments. In addition, a consistent verification of compliance of ships carrying cargo under the provisions of the Grain Code could not be demonstrated (SOLAS 1974, regulation VII/3; IMDG Code, section 1.3.1; IMSBC Code, paragraph 1.3; Grain Code, paragraph 3.5; and III Code, paragraph 57).

### **Root cause**

930 There was a lack of resources, both financial and human, required for the transposition of amendments to the Grain, IMDG and IMSBC codes into national legislation, as well as a lack of coordination among involved entities.

### **Corrective action**

931 Using a new system for tracking amendments, the responsible entities of the maritime administration will develop national legislation, additional regulations and procedures covering the International Grain Code, the IMDG and IMSBC codes, and ensure consistent implementation and enforcement of the requirements of the aforementioned mandatory IMO instruments and their amendments, including necessary coordination among the responsible entities. Rules for handling of dangerous goods in ports will be established under the International Grain Code, the IMDG Code and the IMSBC Code. The competent authority for handling of dangerous goods will be determined and responsibility within the ports will be assigned to deal with all relevant requirements. Periodic training of all personnel involved in the implementation of the referred codes will be developed and implemented. This corrective action will be completed by 30 March 2021.

### **FD**

932 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 it is Party (III Code, paragraph 63).

### **Root cause**

933 There was a lack of technical capacity for implementing a system of periodic performance evaluation in the conduct of port State activities.

### **Corrective action**

934 The State will develop an overall maritime strategy, which will include procedures for periodic reviews and evaluation of performance in the conduct of port State activities. These will be based on clear objectives and KPIs defined for all involved entities to evaluate the effectiveness of the implementation and enforcement of the applicable IMO instruments, taking into account recommendations, in order to identify and implement actions for continual improvement. Results of the periodic review will be reported to the responsible ministries, on an annual basis, in order to evaluate the performance in the area of port State activities. Focal points will be designated by all involved entities to follow up and coordinate their activities, including evaluation of performance. This corrective action will be completed by 30 March 2020.

### **FD**

935 The maritime administration did not have the legal basis to carry out port State on foreign ships calling at the port of the State, as well as the necessary legislation, guidance and procedures for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant mandatory IMO instruments to which the State is Party (III Code, paragraphs 54.1 and 55).

### **Root cause**

936 There was a lack of technical capacity and resources to fully implement PSC activities.

### **Corrective action**

937 In collaboration with the regional MoU on PSC, the maritime administration will incorporate into national legislation a legal basis for its PSC activities, including authority for PSCOs to carry out PSC inspections. In addition, an assessment will be carried out in order to identify the need and to adopt and promulgate additional legislation, guidance and procedures for the consistent implementation of a PSC programme, taking into account the IMO and the regional MoU on PSC procedures. This corrective action will be completed by 28 February 2020.

### **FD**

938 The existing documented training programme developed by the maritime administration for the PSCOs were not updated in accordance with the latest amendments to the mandatory IMO instruments, resolution or guidelines adopted by IMO (III Code, paragraph 60).

### **Root cause**

939 There was a lack of technical capacity to fulfil the requirements from the III Code and the PSC procedures (resolution A.1119(30)) concerning the qualification and training of PSCOs.

### **Corrective action**

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

- .1 a new SOP for the implementation of a documented training programme, will include PSC specific training for PSCOs, which will be revised and updated on an annual basis, in accordance with the guidelines and procedures of IMO and the regional PSC regime. The chief PSCO will be responsible for ensuring that PSCOs are properly trained and kept up to date on the latest PSC developments and for administering PSC training programme;
- .2 develop and implement programme to ensure continuous professional development for all levels of personnel involved in PSC inspections; and
- .3 make arrangements for personnel to participate in regional, international and in-house trainings and seminars, organized by IMO and the regional MoU on PSC.

This corrective action will be completed by 30 December 2020.

### **FD**

941 The maritime administration had not implemented the IMDG and IMSBC Codes, including related amendments. The procedure for handling dangerous goods in ports was found not to be adequately regulated, and detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form were not issued by the competent authorities (SOLAS 1974, regulations VII/3 and VII/7-5; IMDG Code, section 1.3.1; and III Code, paragraph 57).

### **Root cause**

942 There were delays in completing the legislative process for incorporating amendments to the mandatory IMO instruments into national legislation because of a lack of coordination among different responsible entities of the maritime administration.

### **Corrective action**

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

- .1 regulations, guidelines and procedures for administering requirements stemming from the IMDG Code and the IMSBC Code will be developed and will include necessary coordination among responsible entities. In addition, a documented training programme for all personnel involved in handling and management of dangerous goods will be established; and
- .2 responsibility within the maritime administration will be assigned for monitoring and overseeing the port terminals' procedures relating to dangerous goods, including their implementation.

This corrective action will be completed by 31 August 2020.

### **FD**

944 Although the maritime administration had established processes to administer a PSC programme, it was observed that, in order to accomplish the annual target of inspected ships required by the Government to meet the performance contract set for the maritime authority, the quality of such inspections was not appropriate based on the large number of ships inspected as compared to those detained and the submitted reports. Furthermore, the mentioned PSC programme was not consistent with resolution A.1119 (30) (III Code, paragraphs 57 and 60).

### **Root cause**

945 There was a lack of human resources to deal with PSC issues.

### **Corrective action**

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

- .1 policies on PSC will be revised and procedures, guidelines and manuals for executing PSC activities will be reviewed and aligned with latest IMO resolutions and the regional MoU on PSC's provisions, as well as effectively implemented; and
- .2 a training programme for PSCOs will be developed, based on relevant IMO instruments and the regional MoU on PSC's standards, and the responsible entity will carry out an assessment on redistribution of personnel in order to ensure adequate resources for administering the PSC programme.

This corrective action will be completed by 31 January 2020.

## **FD**

947 Although the State is Party to MARPOL Annex VI, 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 VI, regulation 17.1; and III Code, paragraph 56.1).

### **Root cause**

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

### **Corrective action**

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

- .1 legal framework to implement MARPOL Annex VI, as well as procedures and guidelines required for the implementation and enforcement of the requirements stemming from MARPOL Annex VI will be developed and implemented. Furthermore, adequate personnel will be assigned to implement the requirements of MARPOL Annex VI; and
- .2 budgetary prioritization on required provision of adequate reception facilities and equipment will be coordinated with the Government and facilities will be established accordingly.

This corrective action will be completed by 31 December 2020.

## **FD**

950 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**

951 There was a lack of a systematically controlled framework for monitoring and evaluation of performance in respect of port State obligations under the mandatory IMO instruments.

### **Corrective action**

952 The responsible entities of the maritime administration will revise the IMO instruments implementation strategy 2018-2023 to include procedures for periodic evaluation of performance in the area of port State activities, based on clear objectives and KPIs. The result of the periodic review will be reported yearly to the respective ministries in order to evaluate the performance in the area of port State activities regarding compliance with the mandatory IMO instruments to which the State is Party. In parallel, revision of the management systems of relevant entities will be carried out in order to update related procedures. This corrective action will be completed by 31 December 2020.

## **FD**

953 The State did not have appropriate reception facilities or the capability to accept all waste streams regulated under relevant provisions of MARPOL 73/78 in its ports (MARPOL, Annex I, regulation 38.1; and III Code, paragraph 56.1).

### **Root cause**

954 The obligation to provide port reception facilities in conformity with the requirements of MARPOL was not transposed into national legislation, and responsibility to provide such facilities was not legally assigned to any port or port facility.

### **Corrective action**

955 The following actions will be undertaken to address the issue:

- .1 the nodal entity of the maritime administration, in consultation with relevant government bodies, will establish a system to transpose the mandatory IMO instruments and their amendments into national legislation in a timely manner, and to review and update the legislation periodically;
- .2 the 'Legal Advisory Unit' will monitor the review and updates of national legislation and inform the port authority on the obligations of the State with regards to port reception facilities;
- .3 through legislation, it will be made obligatory for ports to provide appropriate reception facilities and to forward periodical reports to IMO; and
- .4 availability of reception facilities in ports will be included as part of the annual review and evaluation of the State's performance in the conduct of port State activities.

This corrective action will be completed by 31 December 2021.

## **FD**

956 The State did not ensure that ships flying the flag of non-Parties to relevant IMO instruments are treated no more favourably than those that are flying the flag of Parties to those instruments (SOLAS 1974, regulation I/19; and III Code, paragraph 59).

### **Root cause**

957 The principal national legislation was outdated, as there was no practice of periodic reviews of legislation, including review of port State obligations. Furthermore, periodic reviews and updates of legislation were not practiced since the process required for amending an existing act was very lengthy.

### **Corrective action**

958 The following actions will be undertaken by the State:

- .1 the principal national legislation will be reviewed and updated, and a revised act will be promulgated, which will include a provision to treat non-Parties to the mandatory IMO instruments no more favourably than those that are Parties; and

- .2 a simplified procedure for incorporating amendments entering into force under the tacit amendments procedure into national law will be adopted in consultation with the Attorney General Office, in which periodic reviews of existing laws will be included.

This corrective action will be completed by 31 December 2021.

## **FD**

959 There was evidence that the maritime administration did not implement some provisions of the IMDG and IMSBC codes, particularly related to:

- .1 detailed instructions on emergency response and emergency medical care required in an event involving dangerous goods; and
- .2 the carriage of dangerous goods in solid form in bulk in compliance with the relevant provisions of the IMSBC Code

(SOLAS 1974, regulations VII/2.4, VII/3 and VII/7-5; IMDG Code, section 1.5.2; and III Code, paragraphs 54 and 55).

## **Root cause**

960 There was a lack of national legislation, policies and procedures as a basis for the implementation and enforcement of the provisions of the IMDG and IMSBC codes, and lack of a mechanism for keeping port regulations updated. In addition, no training programmes were available for personnel dealing with dangerous goods.

## **Corrective action**

961 The maritime administration will implement the following actions:

- .1 national legislation, policies and procedures will be developed and implemented for consistent implementation and enforcement of the requirements of the IMDG and IMSBC Codes;
- .2 mandatory information will be communicated to IMO, including details of the "competent authority";
- .3 a system for reviewing the training programmes for all shore-based personnel involved in the implementation of the IMDG and IMSBC Codes will be put in place; and
- .4 the maritime administration will ensure that port facilities implement IMDG and IMSBC contingency plans regarding their response to incident(s) involving dangerous goods, through effective monitoring. Port operators will also implement contingency plans which will be connected to the port facility dangerous goods plans.

This corrective action will be completed by 31 December 2022.



## **FD**

962 The State did not regulate the provision of port reception facilities in accordance with the provisions of MARPOL and the existing companies providing partial services were not systematically monitored. There was no evidence of evaluation of adequacy of port reception facilities established for the collection of waste from ships as required by Annexes I, IV and V (MARPOL, Annex I, regulation 38.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; and III Code, paragraphs 54, 55 and 57).

### **Root cause**

963 The obligation to provide port reception facilities in conformity with the requirements of MARPOL was not specified in national legislation and there were no documented procedures and guidelines.

### **Corrective action**

964 The maritime administration will develop and implement national legislation, policies and documented procedures to regulate port reception facilities (PRFs). Port regulations and necessary guidelines and technical notes will be developed and a mechanism for monitoring the processes will be established and also incorporated in the port facility licenses. The IMO guidelines for PRFs, the reporting requirements for ship generated waste (also for fishing ports) and a mechanism for monitoring the processes will be incorporated in the port facility licenses. A system will be established for periodical evaluation of adequacy of PRFs at the State level, as a basis for improving the measures taken. This corrective action will be completed by 31 December 2022.

## **FD**

965 There was evidence that some areas of the port State control programme established by the Administration were not consistent with IMO Procedures on port State control, such as qualification of port State control officers, following the procedures in case of clear grounds for more detailed inspection and actions taken when detainable deficiencies are revealed (III Code, paragraphs 60 and 61).

### **Root cause**

966 There was a lack of an actual up-to-date legal basis and established processes to administer a port State control programme consistent with resolution A.1119(30). Port State control inspections were conducted in conformity with existing national legislation, which did not contain requirements regarding training and qualifications of PSCOs.

### **Corrective action**

967 Legislation, policies and procedures on port State control will be promulgated and implemented. A specialized training programme for PSCOs will be developed and implemented, in order to keep the knowledge and skills of PSCOs updated in all relevant areas and taking into account the observed shortcomings in interpreting the requirements of the mandatory IMO instruments. This corrective action will be completed by 31 December 2022.

## **FD**

968 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**

969 There was a lack of policies and procedures for evaluation and periodic performance review by the maritime administration.

### **Corrective action**

970 The maritime administration will institutionalize and implement a documented programme for periodic assessment and performance review to meet its obligations under the applicable IMO instruments in the context of port State activities. In particular, policies and procedures for analysing and evaluating data on port reception facilities and on port State control inspections will be developed to establish whether resources and processes are adequate. This corrective action will be completed by 31 December 2022.

## **AREAS OF POSITIVE DEVELOPMENT**

### **Best practices**

971 The government authorization to the Director General of the Administration to exercise powers exercisable by the Government under the Merchant Shipping Ordinance and to issue legislation to give effect to the provisions of the applicable international conventions greatly facilitated legislating issues and enabled the Administration to promote some circulars.

972 Quality management systems of the State's various entities were certified under the ISO 9001 standard.

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