

## PART B

### MEMBER STATE MANUAL TO ASSIST IN THE PREPARATION FOR THE AUDIT UNDER THE IMO MEMBER STATE AUDIT SCHEME (IMSAS)

#### 1 Introduction

1.1 This Manual has been developed as guidance to assist in the planning, conducting and reporting by the Member State in the execution of their duties as defined in the *Framework and Procedures for the IMO Member State Audit Scheme, (Framework and Procedures)*, which was adopted by the Assembly through resolution A.1067(28) and *the IMO Instruments Implementation Code (III Code)*, which was adopted by the Assembly through resolution A.1070(28).

1.2 This Manual is intended to provide guidance that is hoped to clarify some of the 'grey areas' or areas where audits conducted under the Scheme have indicated to present some of the greatest challenges to the States.

1.3 The Audit Scheme has a well-developed structure which seeks to ensure that the audits are conducted in a pragmatic and fair manner and carried out in accordance with an agreed time frame. Recognizing and appreciating that different Member States may have different and equally valid ways of discharging their responsibilities, Member States should be prepared to explain and/or demonstrate how their management system achieves the goals of the III Code and results in the effective implementation of the mandatory IMO instruments given the scope of their responsibilities.

1.4 The universally established procedures are outlined in the Framework and Procedures for the Scheme. This Manual will seek to provide guidance to facilitate more effective preparation by States. Where a conflict may arise in the application of this guidance, the Member State should refer to the Framework and Procedures and the III Code for the Scheme as the authoritative source.

#### 2 General guidance to the Member State

##### Initial notification regarding the IMO Member State Audit

2.1 The Secretary-General will notify the Member State of the scheduled date of its audit as soon as possible but not less than 18 months in advance. Through this initial communication, the Member State is requested to appoint a Single Point of Contact (SPC) for the audit. To facilitate the planning and preparation for the audit, the Member State will be requested to respond with an acknowledgement letter indicating the name, title and full contact details, including mailing address, telephone, fax and email of the State's designated SPC for the audit. The Member State must also confirm the IMO official language chosen by the Member State to be used for the audit. The SPC will later be contacted directly by the Member State Audit of IMO (MSA) to commence the process for the audit and to prepare all the detailed arrangements.

##### Single Point of Contact

2.2 When designating the SPC, the Member State should identify a senior official, who is well placed to liaise with all involved government entities in preparation for the audit, but also operational enough for keeping an effective liaison with MSA services and with the audit team leader (ATL).

## **Selection of auditors**

2.3 Selection of the ATL and the audit team members (ATMs) will be carried out by the Secretary-General in accordance with the Procedures. Audit teams will possess an appropriate mix of flag, port and coastal State experience, a range of nationalities and have full command of the IMO official language chosen by the auditee Member State.

2.4 Prior to the formal appointment of the audit team by the Secretary-General, MSA will submit to the SPC the proposed audit team for comments, if any. Member States are allowed to review the credentials of the audit team members proposed by the Secretary-General and may in exceptional circumstances request an alternate to be provided. Once the feedback from the Member State has been provided, the Secretary-General will sign the formal appointment of the audit team.

## **Channel of communication**

2.5 Communication between the Member State and IMO will start between the assigned MSA Audit Officer and the SPC before the audit team is officially formed and later the appointed ATL will communicate directly with the SPC about the audit details and planning.

2.6 All administrative and logistic-related communications between the Member State and the ATL, or with other sections of IMO, should be coordinated by, or copied to MSA.

2.7 The ATL will establish a communication link with the SPC of the Member State concerned as soon as possible, to commence planning for the audit.

## **Documentation and information management**

2.8 The control of documents and the management of information relating to the audit are crucial.

2.9 Identification of documents necessary to conduct the audit is part of the audit planning (see annex of resolution A.1067(28), part II, paragraph 5.7.5). Some top-level documents, e.g. legislation and notices are usually available in the official audit language, some are also available in advance, either through the maritime administration's website, pre-audit questionnaire or on request from the ATM.

2.10 The Member State must ensure that all documents available through the maritime administration's websites or GISIS are up to date with the relevant descriptions and documents in order to avoid any conflict or misunderstandings during the audit.

2.11 In principle, the audit team has access to all relevant documents and records during the audit. In certain cases the Member State may decide to restrict access or to not even hand over confidential documents to the audit team. The Member State should, therefore, consider if a solution to these cases could be displaying confidential documents to the auditors rather than handing over copies. In this respect, as with other issues relating to the confidential aspects of the Audit Scheme, Member States should note, that the ATMs are required to abide by their undertaking contained in the signed Statement of Confidentiality.

2.12 The Statement of Confidentiality is binding on the ATL and all ATMs in relation to their assignments as IMO Member State audit/audit follow-up team members and is applicable to all information received in any form, as a result of their association with the Audit Scheme.

2.13 Audit team members are required to ensure that all documentation relating to the audit are handled in accordance with the Statement of Confidentiality, the Memorandum of Cooperation, the Framework and Procedures and the guidance in the Auditor's Manual.

2.14 In some cases, observer auditors may be attached to audit teams, based on requests received from Member States for their nominated auditors to gain necessary training and experience through actual audits. As observer auditors will have access to the information in the audit reports of a Member State, they are also required to sign the Statement of Confidentiality as ATMs.

### **GISIS Member State Audit module**

2.15 Each SPC will be provided with a secured and dedicated username and password to the GISIS MSA module by the Secretariat. The SPC will receive a copy of the MSA Global Integrated Shipping Information (GISIS) ATL and SPC user manual. According to Circular Letter No.3587, Member States are also invited to nominate one "authorized person" to receive full access to Member State audit reports through the GISIS Module.

2.16 The SPC will only be able to see Audit, Reports, Reports Over-view and Other Documents areas of the GISIS MSA module.

2.17 The module offers the following functionalities for the SPC:

- .1 allows for uploading of the State's completed pre-audit questionnaire (PAQ) and its annexes;
- .2 allows a quick link to check the State's reporting data in other GISIS modules;
- .3 allows for the review of preliminary audit results (draft audit interim report and executive summary report);
- .4 allows for the preparation of the corrective action plan (CAP) – "Form B"; and
- .5 allows, if authorized, to view other Member States' audit final reports, executive summary reports (ESR), CAPs and the State's comments on the progress of the implementation of the corrective action plan (CPICAPs).

### **The Memorandum of Cooperation**

2.18 The Memorandum of Cooperation (MoC) between the Member State and the International Maritime Organization concerning participation in the IMO Member State Audit Scheme will be signed by both parties and uploaded by the Secretariat in the MSA module in GISIS. A model MoC is attached as appendix 1 to the Procedures.

2.19 Through the MoC, Member States provide their authorization to IMO for the release of the audit reports, including ESR, CAP and CPICAPs. The authorization can be granted for the release of their audit results to all Member States or to the public. Member States may also make their report public through their own media, including their web pages. In addition to authorizations granted through the MoC, Member States may choose to grant further authorization to the Secretary-General for release of the audit final report to all Member States or to the public, through a separate communication.

2.20 The scope of the audit,<sup>4</sup> consistent with the applicable mandatory IMO instruments and the audit standard, is to be concluded between the Member State and the Secretary-General and included in the MoC.

2.21 It is important that, once a Member State receives the draft MoC for consideration and signature from MSA, due consideration is given to ensure that the State is properly named, that authorization for release of audit reports are dealt with and that the scope of the audit is appropriate with regard to the mandatory IMO instruments to which the State is a party.

2.22 In cases where the MoC is concluded in French or Spanish, Member States will receive for consideration and signature a French or Spanish version of the MoC, as well as the English version, both of which will need to be signed.

### **The Pre-Audit Questionnaire**

2.23 The Pre-Audit Questionnaire (PAQ) is attached as an appendix to the Procedures for the IMO Member State Audit. Please refer to paragraphs 3.6 to 3.8 of this Manual with further guidance and the PAQ with comments and guidelines to the Member State attached as annex 1.

2.24 The PAQ will be completed, by the Member State to be audited, and uploaded onto the MSA Module in GISIS, as soon as possible and not later than two months after receipt, and updated, as appropriate, not later than three months before the audit.

2.25 The structure of the PAQ is harmonized with the sections and provisions of the III Code. The PAQ can also be supplemented by additional information in annexes, such as organigrams of the government entities, division of responsibilities and legislation process flow charts, which can also be uploaded onto the MSA module in GISIS. This material provided may be used in the final audit report.

2.26 The PAQ, including relevant attachments and supporting documentation, is the first document based on which the audit team will start analysing the status of the implementation and enforcement of the mandatory IMO instruments in order to make an impression on how various entities comprising maritime administration interact and fulfil relevant responsibilities and obligations under those instruments. For this reason, required information should be elaborated in the PAQ in detail, with any attachments added to assist in understanding the organizational structure and activities of the Member State.

2.27 If the ATL finds it necessary, he/she may, after consultations with the other members of the audit team, send additional questions to the Member State on an ad hoc basis.

### **The State-specific confidential audit file**

2.28 The State-specific confidential audit, which is available in the MSA module in GISIS, consists of:

- .1 Member State's details;
- .2 MoC;
- .3 PAQ and annexes;

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<sup>4</sup> With respect to the STCW 1978 Convention, as amended, the audit will remain guided by the restriction established related to the audit as detailed in Section A- 1/16 of the STCW Code (verification of compliance).

- .4 compilation of supporting documents for the Scheme, including Framework and Procedures, III Code as the audit standard, as well as terms of reference (ToRs) for the ATMs responsible to carry out the audit; and
- .5 blank forms of various audit reports for the use by Member States and ATMs.

2.29 The ATMs will be granted access by MSA to the State-specific confidential audit file through the MSA module in GISIS on receipt of the signed Statement of Confidentiality.

2.30 The MSA module in GISIS will provide a platform for the audit team to review information about Member States to be audited. All available data for the Member State, as reported to IMO, will be available, including audit specific information. In addition, the audit team may review any relevant background information e.g. relevant websites.

2.31 The ATL may request the Member State or MSA for additional material, which can be reviewed by ATMs. Furthermore, if there has been any previous audit by IMO (e.g. VIMSAS), documents from that audit will also be reviewed.

### **The information meeting**

2.32 Under the Procedures, the Member State has the opportunity of receiving a visit by the ATL in advance of the actual audit, in order to be provided with information about the intention behind the Scheme, the scope of the audit, how such an audit is carried out, and all other information needed to enhance the understanding and cooperation between the audit team and the Member State to be audited.

2.33 If the Member State has requested an information meeting, the ATL will make the necessary arrangements for such a meeting in consultation with the Member State to be audited and will keep MSA informed. The Member State will be responsible for covering any travel expenses of the ATL for such an information meeting.

## **3 Planning for the audit in the Member State**

### **Involved government entities**

3.1 The Member State should prepare an overview of all the relevant government entities that are involved in fulfilling the Member State's international obligations and responsibilities as a flag, port and coastal State under the mandatory IMO instruments. Therefore, the Member State, through the SPC, should start coordination among the entities involved in the early stages of the preparation for the audit.

3.2 A diagram showing a sample distribution of areas of responsibilities between government entities within the scope of the mandatory IMO instruments is shown in annex 4.

3.3 The SPC should consider establishing a Member State Audit working group consisting of representatives from all the relevant government entities that are involved in the Member State's international obligations and responsibilities as a flag, port and coastal State. The SPC may arrange an initial meeting in order to present and discuss, inter alia, some of the following items:

- .1 scope, objective and purpose of the audit under IMSAS;
- .2 Member State's international obligations and responsibilities as a flag, port and coastal State;

- .3 GAP analysis of obligations versus the non-exhaustive list (also see Part A, paragraph 1.15);
- .4 distribution of responsibilities and tasks regarding the preparation of the PAQ for the Member State;
- .5 outstanding issues after previous audits (VIMSAS, internal audits etc.).
- .6 conduct of an internal audit of the maritime administration or an independent preparatory audit (e.g. by a neighbouring Member State) using the III Code;
- .7 review the Consolidated Audit Summary Reports (CASR) which are issued regularly by IMO in the form of circular letters. The CASR could be used to assist Member States to enhance further their implementation and enforcement of the mandatory IMO instruments; and
- .8 consider the possibility to request technical assistance in the implementation of the III Code within the scope of the IMO Technical Cooperation Programme or through any other possible means.

3.4 If the Member State had implemented an overall strategy aiming to ensure that its international obligations and responsibilities as a flag, port and coastal State are met (III Code, paragraph 3); the methodology for monitoring and assessing the strategy can be seen as a powerful management tool for the State in preparation for the audit, to evaluate its organizational performance and capability, as well as to take the necessary corrective and preventive actions to improve performance.

#### **Communication of information**

3.5 The Member State must ensure that all the required information including relevant documents relating to the mandatory IMO instruments have been uploaded onto the MSA module in GISIS and/or submitted to IMO. The non-exhaustive list of obligations may assist the Member State in identifying the requirements.

#### **Preparation of the Pre-Audit questionnaire**

3.6 The planning for the audit of the Member State will continue with the tasks regarding the completion of a draft PAQ including the chapters General Information, part 1: Common areas, part 2: Flag State, part 3: Coastal State and part 4: Port State. It is important to involve all the relevant government entities in the preparation of the draft PAQ, regular reviews and the final approval by all the involved parties before the PAQ is uploaded onto GISIS.

3.7 The Member State should keep the descriptions/answers clear and concise and, if more convenient, link the responses to appendices or documents attached to the PAQ containing descriptions, procedures, diagrams, etc., which are relevant for answering the questions in the PAQ and to illustrate the Member State's implementation of the applicable mandatory IMO instruments. The Member State should also consider inserting links to relevant websites that may support the descriptions in the PAQ and assist the ATMs in their preparation for the audit. The Member State must ensure that the documentation, including the websites, are up-to-date.

3.8 As the PAQ is structured following the sections and provisions of the III Code, as indicated before each section, the responses to the questions should be consistent with the requirements of the III Code, by inserting clear and concise answers in the PAQ.

3.9 In some cases individuals may perform several duties within an administration. Where the total number of persons performing particular duties is listed by category, there should be a notation if any of the person(s) are being counted in multiple categories.

### **Conduct a GAP analysis**

3.10 The Member State may consider doing a GAP analysis of the relevant parts and activities in the maritime administration, as per the non-exhaustive list of obligations under the mandatory IMO instruments relevant to the III Code, as revised from time to time, as well as the III Code itself, to verify if it meets the objectives or set of requirements. The GAP analysis can be used as a ranking of "Good", "Average" or "Poor" and a specific action plan can be devised to address all identified shortcomings in order to ensure improvements.

### **Audit timetable and programme**

3.11 After the PAQ, including the relevant documents, has been uploaded onto GISIS, the ATL and ATMs will start reviewing the documents. The ATL will make contact with the SPC, who is the key partner in the Member State, as soon as possible to commence discussions on the specific areas to be covered during the audit, possible visits to other entities and locations, individuals to be interviewed during the audit, etc. In doing so, the ATL and the SPC should endeavour to establish a detailed audit timetable and programme. A model for the audit timetable and programme is set out in IMO Circular Letter No.3425 (Auditor's Manual).

3.12 In that context, the ATL will review the information provided by the Member State regarding the overall organization and functions of its relevant entities and provide the SPC with a draft timetable that includes all of the areas that need to be addressed, in accordance with the model set out in IMO Circular Letter No.3425 (Auditor's Manual). .

3.13 The SPC, in turn, will act as the internal coordinator for the maritime administration of a Member State to be audited, by identifying the appropriate government entities that should be audited and persons to be interviewed in order to address all the areas of the audit. Due to the unique interrelationship of various entities that comprise a maritime administration, where in some instances multiple entities may share responsibility for the implementation of an area to be audited, the SPC is expected to play an active role in providing detailed information in this regard and in preparing and coordinating all entities involved in an audit. This includes making sure that the proper entities of a maritime administration have been contacted and that they are aware of the dates and times for their interviews and the materials that they should have available for review by the audit team, such as procedures, relevant national legislation, records, etc.

3.14 The SPC may request all the involved entities to appoint a contact person (local SPC) that will be responsible to coordinate all activities regarding the audit interviews including the preliminary presentation of the government entity, individuals to be interviewed, local transport, access (authorization) to visits and verification of relevant equipment etc.

3.15 The SPC should coordinate with all the government entities on how to introduce the Member State audit to the employees of the entities to be involved in the audit. Particular attention should be given to the individuals in the timetable selected to be interviewed by the audit team. The auditees may consider preparing themselves on, for example, the following issues:

- .1 answers to questions from the audit team with special focus on the relevant subjects within the relevant area of responsibility;

- .2 presentation of objective evidence to the audit team in the area of responsibility;
- .3 what to bring for the interview including portable computer with wi-fi access or similar relevant electronic systems and databases, sample reports and certificates etc.;
- .4 ensure the division of responsibilities are clear to everyone involved;
- .5 identify and arrange relevant records, files and archives and actual cases to be presented as examples; and
- .6 if the person(s) being interviewed are not in the location where relevant records are stored or readily accessible then consideration should be given on how those records will be made accessible in a timely manner during the interviews. It may be more advantageous to conduct interviews at the location where the records are readily accessible.

3.16 The SPC, together with the involved entities, must ensure that all the individuals in the timetable have appointed/defined deputies in case of absence due to illness or other reasons.

3.17 The ATL will inquire with the SPC regarding the normal work schedule for the participants and try, as much as possible, to accommodate that schedule so as not to place any undue burden on the participants that could disrupt their normal transportation arrangements to and from work or their professional or personal commitments. The SPC should also advise the ATL if there will be any scheduled events that could divert audit participants. This could include local holidays, cultural or religious customs, celebrations and ceremonies, which can be accommodated in the audit timetable. The ATL should consider their impact on the available audit time and, if necessary, request a compensatory time to be added to the audit timetable. The SPC should take this into consideration when agreeing the date of the audit in order to minimize disruptions during the audit.

### **Audit period**

3.18 The actual on-site audit would normally commence on the Saturday or Sunday (Friday or Saturday for those Member States with Sunday as beginning of the week), with the arrival of the audit team in the Member State for the face-to-face preparatory meeting of the audit team.

3.19 A preparatory meeting is normally also organized between the SPC and the audit team on arrival of the team in the country, which is an opportunity for confirmation of all practical arrangements for the conduct of the audit, including conduct of the opening meeting and any administrative issues. Issues to be dealt with in the preparatory meeting are shown in annex 2.

3.20 The official audit will commence with the opening meeting on the first day followed by an average of five days of interviews depending on the size and complexity of the Member State. The audit team will then have a break for two days to prepare the draft interim report including the findings and observations (Form A) and the draft executive audit report to be tabled during the last day of the on-site audit.



### **Selection of locations and individuals to be interviewed**

3.21 The issue of in-country travel should be taken into account when developing the audit timetable, as the time spent travelling to field locations may significantly limit the amount of time available to do the actual audit. This is an element to be considered between the ATL and the SPC to minimize in-country travel to what is absolutely necessary. It is suggested that consideration be given to the minimum amount of time to be spent at a location and to include this in the outline audit plan.

3.22 Debriefing meetings may also be organized between the SPC and the audit team at the end of each day for the audit team to indicate areas of possible findings and observations to the auditee, but also to confirm practical arrangements for the next day.

3.23 Special arrangements should be considered when the Member State is geographically composed of a group of islands, or an entity(ies) is located far away from the location planned for the audit. The SPC may need to ensure that representatives of such entity(ies) are available at the main location where the audit is planned or that other appropriate means are explored to verify relevant activities (e.g. teleconference).

### **Logistical and administrative arrangements**

3.24 Key logistical arrangements to be agreed between the SPC and ATL before the audit, include:

- .1 arrangements for the arrival at the airport of the audit team and day to day transport to and from the hotel, as necessary;
- .2 arrangements regarding security as applicable;
- .3 assistance in obtaining visas or other travel permissions, which may be needed for the ATMs. This should be addressed as soon as the ATL and the ATMs are known and MSA will instruct each ATM to correspond with the SPC individually to attend to these important travel matters. The SPC may need to ensure that documentation is provided to ATMs in order for them to secure the necessary entry visa (e.g. formal invitation letters);  
  
Likewise, ATMs will ensure that their passport or other personal records, such as required vaccinations, are complete and up to date for the State to be visited;
- .4 suitable location of a hotel for auditors in order to reduce the time for transfers between the hotel and the audit locations. Hotels recommended should be safe, secure, sanitary and to the extent possible within IMO per diem rates for the area: If the area surrounding the hotel is potentially unsafe during the evening or at other times then the hotel should have adequate dining facilities or transport available to safe areas;
- .5 a meeting room for auditors at the audit locations to facilitate auditor's end of interview briefings;
- .6 a meeting room at the hotel or the main audit location, equipped with a projector/TV screen to facilitate auditor's end of day briefings, coordination and writing of the draft interim report after working hours and over the weekend, if necessary. If the meeting room is at the main audit location then

- it must be readily accessible on the weekend, taking into account any security access requirements as well as functional lighting, internet Wi-Fi, AC/heat and electrical;
- .7 internet connection in the hotel/meeting room for access to online support, GISIS, IMODOCS, etc.;
  - .8 any in-country travel to other locations involved in the audit should be agreed beforehand and time spent travelling should be limited as much as is practicable; and
  - .9 participation of observer(s), who may be observer auditors or individuals invited by the Member State. Observers accepted or invited by a Member State should not fulfil, in whole or in part, any of the obligations of the Member State subject to the audit (e.g. observers from a Member State's RO are not permitted). Whilst it remains the prerogative of the Member State to allow observers, it should be ensured that the observers do not interfere with the smooth running of the audit and that the numbers are limited, particularly during interviews.

#### **Use of interpreters and translation of supporting documentation**

3.25 The use of interpreters is discouraged whenever possible since it significantly slows the pace of the audit. However, it may be necessary when interviewing certain personnel who, for reasons of their functions, may not be fluent in the audit language.

3.26 Interpreters may be the employees of the maritime administration and should be familiar with the technical language related to the maritime topics of the audit. Supervisors or other persons who review, control or influence the work of a person being interviewed should not serve as interpreters.

3.27 Documents and records might be available only in the national language. Consideration should be given by the Member State in advance to the scale of this issue to ensure that critical documents are available in the audit language before the audit and/or to request that interpreters are available during interviews. Although requests for translations could be made during audit, these take time and should be limited.

#### **4 Commencement of the audit**

4.1 The audit will normally commence on the morning of the first working day of the audit week and the conduct of the audit should be consistent with section 6 of the Procedures (resolution A.1067(28)).

##### **The opening meeting**

4.2 The opening meeting is the first event and sets the stage for the entire audit. Therefore, time will be allocated for the proper introduction of all participants in the meeting along with the audit team. An agenda, which will have been prepared earlier by the ATL, will include all the issues listed in paragraph 6.3.2 of the Procedures. The SPC will provide the ATL with a list of attendees.

4.3 The Member State decides who will attend the opening meeting including senior representatives from all the relevant government entities involved in the audit. In some cases, the Member State decides that all representatives indicated in the audit timetable attend the

opening meeting. The SPC will notify the ATL in advance about the venue and the attendees participating in the opening meeting.

4.4 The opening meeting is chaired by the ATL, however, the senior executive of the lead entity of the maritime administration will provide introductory remarks welcoming ATMs to the Member State before handing over the meeting to the ATL, who will proceed in accordance with the agenda for the meeting.

## **5 The audit**

5.1 Immediately following the opening meeting, the audit should move onto the phase where representatives of the Member State or the lead entity present an overview of the State's institutional arrangements for carrying out the functions of a maritime administration, including a detailed explanation of how and where the responsibilities contained in various mandatory IMO instruments included in the scope of the audit are carried out.

5.2 The Member State may provide the overview in the form of a presentation (e.g. PowerPoint). Although many separate entities may contribute to the accomplishment of the required functions, it should be demonstrated that a strategy exists, at the appropriate level, to ensure that activities are coordinated and that they are consistently and successfully carried out and evaluated, to achieve continual improvement. The overall strategy (see section 6 of this Manual) should be presented in this context.

5.3 The interviews of selected individuals should be directly with the individuals who are subject matter experts (SME) alone. This does not exclude the "guide" and in some cases an interpreter from being present. Having a senior manager or a team of people shadowing the audit team and answering all the questions undermines the credibility of the SMEs. Further, this may give the unintended impression to the auditors that the SMEs are being prevented from speaking freely.

5.4 As per the audit plan, the ATMs will, at some point, take on specific areas to be covered during the audit which would enable the audit team as a whole to reach objective conclusions on the flag, port and coastal State responsibilities as carried out by the State.

5.5 Taking into account that the III Code is the audit standard, a consistent review of the Member State's activities falling within the III Code should be ensured. In this context, the audit team will verify all the items enumerated in the Verification Index set out in the IMO Circular Letter No.3425 (Auditor's Manual) which closely follows the requirements of the III Code. The Verification Index provides a good guide to the Member State as to the type of information the audit team will be seeking to gather/verify during the audit.

### **Findings and observations during the audit**

5.6 Auditors may indicate areas of possible findings and observations to the auditee as they arise during the audit but will not assign them as final until they have been reviewed by the audit team. The purpose of this approach is to collectively give an opinion on these and to look at ways to structure findings and observations to avoid duplication, as well as to examine the findings to see whether they are related or indicate a common problem.

5.7 Findings and observations are to be formally provided to the auditee in a written format during the closing meeting. The draft audit interim report as a whole, will be provided to the auditee as soon as possible and prior to the closing meeting to allow ample time for its review by the auditee.

## **Disputes during the audit**

5.8 In conducting the audit, the audit team will, as much as possible, aim to avoid and prevent disputes from arising by working closely with the Member State being audited in the most transparent and fair manner. However, disputes and differences may arise for several reasons. In the event that differences cannot be resolved through dialogue and persist to a level that an audit or an audit follow-up, as a whole or in part, is affected, a dispute resolution action shall be initiated by the ATL, in coordination with MSA, as soon as possible.

5.9 The first action to resolve disputes, if they should arise, prior to the audit, will be taken within MSA. Thus, an effort to resolve differences and disagreements, before they escalate to disputes, will initially be attempted by MSA through dialogue with the Member State concerned, the ATL and ATMs, as necessary. If a dispute arises during the preparatory phase and during the audit, involving the ATL and the Member State, the ATL will take all necessary measures to resolve differences prior to the audit and may solicit the assistance of MSA as necessary. If the dispute arises during the audit, the ATL and the Member State should resolve the differences amicably, refer to section 7 of the Memorandum of Cooperation. Paragraphs 7.2.3 and 7.2.4 of the Procedures for Member State Audit should be adhered to in resolving and/or recording disagreements and opinions.

## **6 Reporting on the audit**

### **Findings and observations**

6.1 Audit teams are to report exactly what is the current status of audited elements during the audit. In this regard, where a shortcoming has been identified that warrants the issuance of a finding or observation, the audit team is required to issue the appropriate finding irrespective of whatever ongoing action the Member State is taking to address the identified shortcoming. However, where there is an ongoing action by the Member State to address an identified shortcoming, this would be noted in the report.

6.2 Findings should only be issued for failings in the legislation, implementation and enforcement of the provisions of applicable mandatory IMO instruments or some provisions of the III Code. As some provisions of the III Code are also requirements from mandatory IMO instruments, appropriate references to the applicable provisions from the applicable mandatory IMO instrument and the III Code will be inserted in the Findings Notice.

6.3 Form/s A should be agreed and signed by the ATL and a senior representative from the Member State during the closing meeting, in two originals. One original signed Form/s A will be kept by the Member State, and another handed over to the ATL, for submission to MSA, for record keeping.

### **The closing meeting**

6.4 The closing meeting is the final event and ends the audit. An agenda, which will be prepared earlier by the ATL, will include all the issues listed in paragraph 6.5.4 of the Procedures. The SPC will provide the ATL with a list of attendees.

6.5 The Member State decides who will attend the closing meeting including senior representatives from all the relevant government entities involved in the audit. In some cases the Member State decides that all representatives indicated in the audit timetable attends the closing meeting. The SPC will notify the ATL in advance about the venue and the attendees participating in the closing meeting.

6.6 The closing meeting is chaired by the ATL.

6.7 As the purpose of the audit is to assure improvement, it will be emphasized during the closing meeting that the corrective action plan (CAP), using Form B (corrective action), must be prepared by the audited State for all findings and should also be prepared for observations, within 90 days after receipt of the agreed audit interim report. Member States should complete the "root cause" section in the Form B (corrective action), so that root cause(s), as identified by the Member State, can be included, together with the corrective action in the audit final report and to provide input to lessons learned to all Member States.

6.8 An orientation presentation related to the development of the CAP, next steps in the reporting from the audit, as well as the audit follow-up will be offered by the ATL, to take place at a mutually agreed time, normally after the closing meeting.

### **Draft audit interim report**

6.9 GISIS will be used by the audit team for drafting the interim report (IR) and the executive summary report (ESR) based on the pre-loaded templates. The SPC is allowed to review the preliminary audit results (draft IR and draft ESR in GISIS). The draft IR, which is intended to be tabled at the audit closing meeting, is the only basis for fully developing and reporting on what, where and how the audit was conducted and its findings.

6.10 The draft IR will describe succinctly the actual structure of the maritime administration in terms of all of its substantive components, entities, agencies, departments, divisions, etc. and the processes put in place for the implementation and enforcement of applicable mandatory IMO instruments.

6.11 The draft IR will also include details of findings, as narrative in the body of the report and as appendices (Form A), as well as the verification index, providing the list of all items verified during the audit, in accordance with the relevant requirements of the III Code. The contents of the draft IR provide the basis to confirm what and where the audit team actually visited, what was audited and the findings.

6.12 The report should also capture what the audit team found to be areas of positive development, including any best practices, as well as put forward areas where it is felt the Member State should improve. The latter can largely be deduced from the general observations of the State's maritime administration.

6.13 The draft IR should contain concise descriptions of the processes through which relevant requirements of the III Code are implemented and enforced, as well as details of the findings and observations. Findings and observations should be drafted clearly and concisely and should reflect the appropriate provisions of the mandatory IMO instrument(s) concerned and/or the III Code. Models as provided in the Auditor's Manual, as well as practices reported through consolidated audit summary reports (CASRs), may be used as guidance.

6.14 The draft IR that is tabled at the audit closing meeting will not normally be fully fleshed out or thoroughly edited and the ATL will need to complete the report in consultation with the Member State, before it can be agreed as the IR. In this regard, the draft audit interim report will not be agreed as the final IR during the closing meeting. The IR should include a succinct description of the findings and observations found under the appropriate section of the report. MSA will assist the ATL, as necessary, to ensure completion of the IR in the standardized format and will conduct a technical review aiming at ensuring consistency across audits.

6.15 Once the IR has been finalized, the ATL is required to formally submit it to the Member State, copied to MSA, as the IR. The 90-day period in which the Member State is required to prepare and submit its CAP begins from the date of receipt of the IR by the Member State.

### **Areas for positive development and further improvement**

6.16 To further assist Member States to improve their capabilities and overall performance, in order to be able to comply with the mandatory IMO instruments to which they are parties, thus achieving the objective of the consistent and effective implementation of the mandatory IMO instruments, through:

- .1 putting forward any perceived best practice during the audit, listing the reference to specific provisions of the III Code or requirements contained in mandatory IMO instruments following each best practice in audit reports; and
- .2 including more information on the Member State's detailed measures and the effect of the best practice published for a better reference by other Member States.

### **Executive summary report**

6.17 A draft ESR should be prepared by the ATL in accordance with the model set out in appendix 5 to the Procedures and tabled during the closing meeting.

### **Corrective action plan**

6.18 The State is encouraged to prepare the CAP – "Form B" in GISIS. As a starting point for developing corrective action(s) for each finding and/or observation identified during the audit, the Member State should aim to identify related root cause(s). Corrective actions should be seen as a systemic action aiming at eliminating a cause of detected non-compliance (finding or observation). Through these actions a mechanism for continual compliance with a requirement in the future should be established, as appropriate.

6.19 Examples of how the CAP – Form/s B should be completed by the audited State are set out in IMO Circular Letter No.3425 (Auditor's Manual). Upon verification by the audit team and MSA, Form/s B are to be signed by the Member State and the ATL in the appropriate sections. The ATL receives a copy of the signed Form/s B by electronic mail from the Member State and forwards them to MSA for inclusion in the final audit report.

6.20 The Member State must consider a realistic target completion date to be inserted in the Form/s B. Furthermore, the Member State may consider inserting intermediate dates for completion of the corrective action (e.g. date of the draft procedure to be approved and the date of full implementation of the procedure including the archiving of relevant records).

6.21 The Member State may consider that the root cause and the corrective action should answer the following questions:

- .1 is the root cause meaningful?
- .2 does the proposed corrective action address the identified root cause(s)?
- .3 who is responsible?

- .4 what is to be done?
- .5 how should it be done?
- .6 will it prevent recurrence?
- .7 is the target completion date acceptable?

6.22 The CAP will be reviewed by the audit team and MSA prior to being confirmed as appropriate to address the various findings in the IR.

### **Audit final report**

6.23 The audit final report is the IR previously issued to the Member State, which should now incorporate the State's comments and CAP in the appropriate parts of the report. The ATL will, assisted by MSA, finalize the audit final report.

6.24 A synopsis of the corrective action(s) and root cause will be included in the body of the audit final report after the findings and observations concerned.

6.25 Once the audit final report has been completed, it is submitted to the MSA, for review and consistency check, and then submitted to the Member State concerned, through an official communication by MSA.

### **Member State's comments on the progress of implementation of corrective action plan (CPICAP).**

6.26 When one or more target deadlines established for the implementation of agreed corrective actions from the corrective action plan (CAP) have been reached or are approaching, and in accordance with paragraph 7.5, part II, of the annex to resolution A.1067(28) on the Framework and Procedures for the IMO Member State Audit Scheme, the audited Member State is expected to provide the Secretary-General (through MSA) with relevant comments on the progress of implementation of the corrective action plan (CPICAP) and the relevant documented evidence.

6.27 In this context, the CPICAP reporting form has been established and is to be used for each finding and/or observation by describing the implemented actions and attaching the relevant documented evidence.

6.28 The submission of the CPICAP by the audited Member State is necessary to demonstrate commitment to enhancing further the effective implementation and enforcement of their international obligations and responsibilities undertaken as a Party to the various mandatory IMO instruments and serves as a basis for the conduct of the audit follow-up process in accordance with the Framework and Procedures for the Scheme.

6.29 The CPICAP form contains two main fields to be completed – actions implemented and list of evidence. When reporting on implementation of a specific corrective action for an FD and/or OB, Member States should consider that such an action can comprise several sub-actions. For example, a corrective action can contain actions related to developing national legislation, quality systems, coordination among various entities of the State, assignment of responsibilities, acquisition of equipment, as well as ensuring resources (human and financial). Therefore, each separate action will need to be addressed and reported on.

6.30 Taking into account the foregoing, Member States should organize their reporting on the implementation of corrective actions accordingly and submit CPICAP forms covering all the aspects of the respective corrective actions. The list of evidence, as applicable, should also follow the sub actions contained in the corrective action.

6.31 As an example, the following actions can be identified as part of the corrective action, and any progress made in each of them should be periodically reported through submission of CPICAP forms to MSA:

"Corrective action:

- .1 establish and implement a safety and environmental protection programme, based on the outcome and proposals of a working group, to be created **(action 1)**. In the context of developing the overall strategy, the working group will, inter alia, be tasked to develop a system for formulating policies for the implementation and enforcement of the requirements stemming from the applicable mandatory IMO instruments **(action 2)** and for assigning responsibilities by relevant entities **(action 3)**;
- .2 through the aforementioned programme, the criteria for issuing subsidiary legislation and administrative instructions will be established in order to effectively implement the mandatory IMO instruments to which the State is Party, and related amendments **(action 4)**. Appropriate procedures, guidelines and interpretations will be developed and implemented, along with the definition of related methodology and responsibility, for those requirements that are left "to the satisfaction of the Administration" and criteria for type approval, taking into account the existing criteria and guidelines developed by other Administrations, classification societies and IMO **(action 5)**; and
- .3 a management system will be established **(action 6)**, internal and external audits of the Administration carried out, as well as verifications that the necessary resources are managed to maintain the safety and environmental protection programme **(action 7)**".

6.32 Member States are encouraged to submit their CPICAPs to MSA periodically, as they make progress in addressing various actions. Subsequent updates of CPICAP will then communicate further progress made by the audited Member States in implementing their CAPs.

6.33 Once submitted, and in accordance with the Procedures, CPICAPs are released through the MSA module in GISIS as received, based on authorization obtained from the Member State prior to the audit (normally through MoC), without validation by the Secretariat or the ATL.

### **Feedback from the Member State**

6.34 Member States are encouraged to provide MSA with their feedback describing the conduct of the audit, including all phases from the preparation, on-site audit and reporting from the audit. Besides any positive elements, comments and recommendations with regard to the difficulties encountered and proposals to improve the planning and conduct of audits would provide an input to the quality assurance programme for the audit scheme and enable the improvements in audit planning.



## **7 Audit follow-up**

7.1 The audit will be concluded by the verification of the effective implementation of the CAP and confirmed by the ATL as being appropriate to address the various findings in the audit final report.

7.2 The verification will normally be carried out as a document-based audit (document review) by the ATL after receipt of all relevant documents showing the objective evidence on the Member States' effective implementation of the CAP. Such evidence may consist of copies of new legislation or policies implemented, evidence of reporting to IMO, records of compliance, evidence of appropriate training of staff, copy of signed RO agreements, independent evaluation reports, etc.

7.3 If an on-site audit is necessary in order to verify the effective implementation of the CAP, the standard auditing procedures applied to the on-site audit follow-up are the same as for the regular Member State audit described in the Procedures. The only exception is the difference in scope as the audit follow-up should be limited to verification of the effective implementation of the CAP.

7.4 The on-site audit follow-up team will normally consist of an ATL and other members, as required, depending on the scope of the audit.

7.5 When the effective implementation of the corrective actions has been verified through a document based or an on-site audit, the ATL and MSA will sign off the finding and/or observation on the Form C and insert any necessary comments in the appropriate section of Form C. The original of the signed Form C will be forwarded to the Member State and a copy will be kept by MSA.

## **8 Conclusion**

8.1 This Manual draws on the experience gained from audits under both the Voluntary IMO Member State Audit Scheme and the IMO Member State Audit Scheme and it should be viewed as a dynamic document, which will be updated as necessary.

**Annex 1**

**Guidance on the pre-audit questionnaire**

**Appendix 1**

**Guidelines for filling out pre-audit questionnaire**

*(including comments and guidelines in italic)*

The pre-audit questionnaire (PAQ) should be returned, duly completed, by the Member State to be audited, as soon as possible and not later than two months after receipt, and updated, as appropriate, not later than three months before the audit.

The structure of the PAQ is harmonized with the sections and provisions of the IMO Instruments Implementation Code (III Code) and this should be referred to when completing the form.

Any material provided may be used in the final report.

The Member State should keep the descriptions/answers clear and concise and, if more convenient, link the responses to appendices or documents attached to the PAQ containing descriptions, procedures, diagrams, etc. which are relevant for answering the questions in the PAQ and to illustrate the Member State's implementation of the applicable IMO instruments.

**GENERAL INFORMATION**

1	Name of State:	
2	Full contact details for the designated <i>single point of contact</i> for the audit:	
	<i>Key figure (Preferably: Managerial / Senior level but not Top Management) for Member State (MS). Communication during the audit cycle is between the MSA/ ATL and MS/SPC.</i>	
	<b>Name and Title</b>	
	<b>Address</b>	<b>Telephone No.:</b> <b>Fax No.:</b> <b>Email address:</b>

3	<i>Full contact details of all government body(ies) covering the following areas of responsibility (when the responsibility is divided between more than one entity please insert details of each of the government bodies):</i>					
	<i>Insert full and accurate information in all available blocks. Do not forget the main national laws. Websites needed for easy reference, preparation for the auditors</i>					
	<i>Under the Safety part, also provide the relevant information regarding STCW, including responsible parties.</i>					
	<b>Safety</b>					
	<b>Flag State</b>	<b>IMO instruments</b>	<b>Coastal State</b>	<b>IMO instruments</b>	<b>Port State</b> <i>May include for</i>	<b>IMO instruments and main</b>

		<b>and main national laws/ regulations the body has responsibility for</b>		<b>and main national laws/ regulations the body has responsibility for</b>	<i>Port authorities</i>	<b>national laws/ regulations the body has responsibility for</b>
<b>Name(s) of government body(ies)</b>	<i>Entity 1 Entity 2 Entity 3 Etc....</i>		<i>Entity .. Entity... Etc....</i>		<i>Entity.. Entity.. Etc....</i>	
<b>Address</b>						
<b>Website</b>						
<b>Environmental Protection</b>						
	<b>Flag State</b>	<b>IMO instruments and main national laws/ regulations the body has responsibility for</b>	<b>Coastal State</b>	<b>IMO instruments and main national laws/ regulations the body has responsibility for</b>	<b>Port State</b>	<b>IMO instruments and main national laws/ regulations the body has responsibility for</b>
<b>Name(s) of government body(ies)</b>						
<b>Address</b>						
<b>Website</b>						

4 Please provide a description, preferable as an organigram and/or a diagram, depicting the area of responsibility of each of the above-mentioned government bodies (responsibilities should be described according to the general obligations emanating from the IMO instruments).

**Required information: (English language)**

1. Organigram of the Maritime Administration as a whole, clearly indicating lines / interrelation between all involved entities
2. General Organigram for each involved entity
3. Detailed Organigram for the appointed sections within the entities.
4. Also indicate key functions, including responsibilities and tasks.
5. The legal basis for empowerment to execute their duties, as indicated in the national laws, for these responsible/involved entities / appointed personnel.
6. Include for a supporting short description regarding the setup of your maritime administration and how the involved / responsible entities communicate / interact.

**Information under 4 and 5 shall preferably be submitted in a Matrix / Table format**

5 Please indicate the number of employees of each relevant government body by category and by location (**repeat the table as many times as necessary**). Include any additional explanations regarding number and location of employees.

*Insert extra rows as applicable and give the complete overview of all involved in your Maritime Administration.*

Category	No. of employees	Location
Entity 1...		
Flag State surveyors/inspectors/auditors		
Port State control officers		
Investigators		
Management		
Support Staff		
<i>Entity 2..</i>		
<i>Legal staff</i>		
<i>Policy staff</i>		
<i>Management</i>		
<i>Support Staff</i>		

6 Please indicate the number of ships on your State's register according to the following types *and the nature of the trade* in which they are involved. *Please provide the information separately for each register, where applicable.*

**Nature of trade:**

*Commercial / Pleasure / International / National / Length / Tonnage 69.*

*If available an extract of the register per identified parameters is acceptable as well.*

	Number	Nature of Trade
<b>Passenger</b>		
<b>Cargo</b>		
<b>Fishing</b>		
<b>Other</b>		

7 Please indicate the number and location of ports in your State according to the following types.

	Number	Location(s)
<b>Passenger</b>		..... / ..... / .....
<b>Cargo</b>		
<b>Other</b>		

8 Please provide information on *any relevant organizations and/or entities fulfilling functions required by the mandatory instruments*, their relationship to the maritime administration and details of the functions they provide.

**Relevant organizations / and or entities:**

*E.g: Port Authorities, Agencies (Telecom) institutes (Elevators/escalators/) etc.*

*Submit this information preferably in a **Matrix format** including:*

- Name of Authority/agency/institute.
- Location of the above mentioned
- Description of their activities
- Relation to the relevant entity within the Maritime Administration
- Reference law regarding the authorization
- Valid Agreement or authorization in place?

**Note:**

1. For the Recognized Organizations this information shall be entered under Part.2 Flag State, item.17 Delegation of Authority.

**(PLEASE USE III CODE AS A GUIDE WHEN COMPLETING THIS PAQ AFTER THIS POINT)**

**PART 1 – COMMON AREAS**

**Strategy (paragraphs 3 and 9)** All the following references are the relevant paras in the III-Code.

9 Please provide the overall maritime policies and strategy of your State to implement the applicable IMO instruments and also how this is communicated to all concerned.

*The overall maritime policies and strategy and how to implement it in the Maritime Administration of the Member State. Consequently, this shall require input / output from all involved responsible entities within the Maritime Administration.*

**It shall be clear** how the applicable IMO instruments are implemented (Division of responsibility, authorization by law, etc.);

**Lines of communication** established between the involved entities (if a platform is available?);

**How the policies and the Strategy are communicated:** to all concerned.

- Gazette, emails, letters, websites etc.;

**to all concerned: e.g.**

- Shipping Industry/Ship owners
- Recognized Organizations (ROs)
- Organizations including the seafarers
- Other (involved) Government entities
- .....

**General (paragraphs 4 and 5)**

10 Please describe how your State:

- .1 develops and promulgates legislation and takes all other steps to give the applicable IMO instruments full and complete effect (include a flow chart); and
- .2 incorporates amendments to IMO instruments into national legislation.

**Describe as indicated** pt. 1 and 2. above taking into account the following additional notes:

**How does your legal system function e.g.**

**For .1** describe the process for monitoring of new amendments to the IMO conventions / instruments > development of new legislation > approval by > Ministry > Parliament > promulgation > implementation > enforcement;

**For .2** describe the process for incorporating / transposing the relevant IMO instruments into national law;

**For both .1 and .2 provide a flow chart / diagram of this process for better understanding. Include the required time frame for these processes, e.g. how long does it take before new conventions and/or amendments to existing conventions are enacted / implemented and transposed into national law);**

**Provide / submit English translations of the main national laws (Merchant Shipping Code, Port Law, etc.) and sub-law acts developed for implementation of main IMO instruments (SOLAS, MARPOL, STCW, Tonnage, LL) and their latest amendments and instruments made mandatory. (May be links to internet websites of the maritime administration, containing this information);**

**Provide / submit in Matrix / table format, Information about in which national law the ratified IMO conventions are included and how this was communicated to IMO.**

### Scope (paragraphs 6 and 7)

- 11 Please provide INDIVIDUALLY FOR EACH OF THE INSTRUMENTS:
- .1 the number of equivalents/exemptions issued under this instrument and reported, as appropriate, to IMO; and
  - .2 whether information on national laws, etc. has been communicated to IMO.

*Pt.1: Submit in Matrix / Table format for clear overview / understanding.*

**III-Code: Pt. 7.8 / 7.9 / 8.3 / 9 / 23.1 >> reporting obligations. Refer to the "non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code for common, flag State, coastal State and port State areas.**

- 12 Please describe how policies are developed to implement legislation, including administrative procedures and examples thereof.

**Describe as indicated taking into account the following additional notes.**

What structure is in place to deal with these obligations,

Which entity(s) / departments is / are appointed / responsible for what,

Personnel / authorized / tasks assigned,  
Who is responsible for monitoring /feedback.

Describe this process, supported by a flow diagram/ procedures / instructions etc.  
Submit an overview in Matrix / Table format.

### Records (paragraph 10)

- 13 Please describe *which records are retained* and for what period.

*Submit national legislation on record keeping.*  
*Describe the process / instructions / guidelines in place.*

*Overview Matrix / Table for those applicable for the Maritime administration*

**Improvement (paragraphs 11 to 14)**

- 14 Please *describe how your State*:
- .1 stimulates a culture which provides for improvement of performance in relevant maritime activities;
  - .2 identifies and eliminate the root causes of any non-conformities; and
  - .3 anticipates potential non-conformities in order to prevent their occurrence.

*For the maritime administration (combined result from each entity) in relation to the overall maritime strategy.*

*Has the entity developed and implemented a Quality Management system or similar using **the PDCA CYCLE?***

**PLAN** (plan the processes and activities) – **DO** (implement what was planned) – **CHECK** (monitor and measure the processes including the results) – **ACT** (take actions to improve performance)

*Quality system and performance measurement system developed and implemented? KPIs set?*

*Regular monitoring of performance etc. (external audits, internal audits, management review etc.)?*

*Follow up on deviations, non-conformities, near-miss etc.?*

*What monitoring system have you developed and implemented to monitor compliance of the effective implementation and enforcement of the ratified conventions (this must include all the involved/responsible Government entities)?*

*Does your State perform regular internal audits to monitor the quality/effectiveness/efficiency of your Maritime Administration?*

*Objective evidence presenting the outcome of monitoring, evaluation, trend analysis and root cause analyses taken the continuous improvement into account for (Plan-Do-Check-Act, PDCA Cycle).*

*This can be e.g. management reports including actions for implementing decisions made for improvement, into the adapted Strategy / Policy / Inspection programmes / etc.*

**PART 2 – FLAG STATE****Implementation (paragraphs 15 and 16)**

- 15 Please describe how your State assigns responsibilities for implementing relevant legislation and national policies including how these are periodically reviewed.

**Submit regulations** in national law attending the authorities as a flag State, in Matrix/ Table format

*How is your flag State unit / department organized?*

**Submit Organigram**, including for the appointed personnel, tasks, responsibilities and authorizations.

**Describe processes for:**

1. Implementation of the legislation, national policies etc.
2. Surveys and certification.
3. Periodical review for e.g. FSC Inspection programme.

- 16 Please describe how your State develops or implements:
- .1 an independent audit and inspection programme for ships entitled to fly the flag; and
  - .2 guidance for those requirements in the IMO instruments that are to "the satisfaction of the Administration".
- .1 Submit the (Yearly) Inspection Programme on basis of which the section FSC performs the inspections.*
- .2 To the Satisfaction of the Administration:*
- *How is this attended?*
  - *Which persons are appointed / responsible, in each individual entity?*
  - *Submit Process > procedures / instructions in place.*  
*Example: SOLAS Chapter II-I/29.6.3 Steering Gear.*

### Delegation of authority (paragraphs 18 to 21)

17 *List the recognized organizations (ROs) and/or nominated surveyor(s) that are appointed to act on behalf of your State for conducting surveys, inspections and audits, issuing of certificates and documents, marking of ships and other statutory work required by the IMO instruments.*

*Submit a list of ROs, including a copy of the latest version of the agreements for each contracted RO.*

*If you have uploaded this information in to the GISIS unit please indicate so, and ensure it is the latest version uploaded.*

18 Please provide a matrix indicating which functions (plan approvals, surveys, certification, exemptions and equivalent arrangements) have been delegated. The formal agreements or equivalent arrangements with ROs should also be attached.

**Matrix:** *Overview is normally part of the agreement as an appendix.*

*If you have uploaded this information in to the GISIS unit please indicate so, and confirm it is the latest version including the Matrix uploaded.*

19 Please describe how your State maintains oversight of the functions delegated to ROs and/or nominated surveyors.

*Submit Monitoring & Inspection Programme for supervision on the ROs for the last two years.*

*This shall include for the results on defined KPIs and evaluation and adaptations in the programme based on the outcome of the evaluation.*

### Enforcement (paragraphs 22 to 27)

20 What *enforcement actions has your State undertaken* during the preceding twelve months where breaches of provisions of the IMO instruments have been identified.

**Submit in Matrix /Table format** *the Regulations in national law, attending proceedings and penalizing (to ratio of severity) for the relevant IMO instruments.*

**Submit an overview** *of enforcement actions as per the relevant IMO instruments and national legislation.*

**Refer to** *enclosed document "2017 Non-Exhaustive List" for obligations regarding enforcement.*



- 21 Please describe how your State:
- .1 follows up on detentions of ships entitled to fly its flag;
  - .2 ensures that international certificates are only issued or endorsed to a ship when it is determined that the ship meets all applicable requirements; and
  - .3 ensures that an international certificate of competency or endorsement is only issued to a person when it is determined that the person meets all applicable requirements.

**For all the items 21.1. 21.3:**

*Submit (In Matrix / Table format) the applicable regulations including authorization, in national legislation, for the relevant IMO instruments.*

*Submit the Processes / procedures / instructions, for the mentioned items.*

*Indicate appointed and authorized personnel (in the organigrams).*

*Verify the inclusion for this requirement in the agreements with the RO's.*

**Flag State surveyors (paragraphs 29 to 36)**

- 22 Please describe your State's requirements for the following:
- .1 surveyor/inspector/auditor/investigator recruitment criteria; and
  - .2 the initial and in-service training requirements for surveyors/inspectors/auditors/investigators.

**For all the items 22.1 > 22.2:**

*Submit processes / procedures / instructions.*

*Submit training Matrices indicating the minimum requirements and training needs, for both new entrants and current personnel.*

*Submit overview, in Matrix /Table format, of tasks, responsibilities, authorization for FSC / PSC surveyors, investigators and auditors.*

**Flag State investigations (paragraphs 40 and 41)**

- 23 Please describe how your State:
- .1 maintains records, databases, etc. of the number of accidents involving personal injuries, occupational accidents and casualties to ships, and pollution incidents that are investigated by your State and/or other States during the last two years;
  - .2 ensures that investigations are impartial and objective;
  - .3 ensures reportable personal injuries, accidents and casualties are reported and the criteria for determining what is reportable;
  - .4 ensures that accidents, casualties and injuries are investigated and the criteria for determining what to investigate; and
  - .5 reports accidents and casualties to IMO.

*Describe as indicated .1 >> .5 taking into account the following additional notes.*

*Submit regulations in national law attending the authority for FSC / PSC surveyors to conduct FSC / PSC investigations (overview in Matrix / Table format)*

*Confirm if the Accident Investigation Code and Res. A.1075(28) Guidelines Investigation, are used as basis and as part of National law.*

*Submit overview of Accidents investigated over the last 4 years.*

**Clarify if and when applicable, the agreements / requirements for the use of non-Government personnel. Are procedures in place to be followed, documents to be signed ?? etc.**

**Submit an overview with nominated investigators and procedures to be followed.**

**Confirm whether reports were sent to the IMO or uploaded in GISIS.**

#### **Evaluation and review (paragraphs 42 to 44)**

24 Please describe how your State evaluates its performance in meeting the requirements of the IMO instruments. In particular, evaluation of detention rates, inspection results, casualty statistics, communication processes, annual loss statistics and other performance indicators.

Also refer to >> Improvement (Item: 14 paragraphs 11 to 14) > Plan > Do > Check > Act.

Par. 42 > 44 in the III-Code give examples of the parameters / KPIs that can be utilized.

Submit the Processes / procedures / instructions. Indicate appointed personnel (in the organigrams).

Evaluation reports and action(s) taken based on the evaluation results, to be readily available during the audit.

**PART 3 – COASTAL STATE****Implementation (paragraphs 45 to 48)**

- 25 Please describe how your State fulfils the following:
- .1 promulgating navigational warnings and dangers to navigation;
  - .2 establishment and maintenance of any navigational aids within waters for which it has responsibility and how information relating to these is promulgated;
  - .3 putting measures in place to encourage the collection of meteorological data and what use is made of this data;
  - .4 establishing arrangements for maritime distress communication monitoring and coordination and rescue within your State;
  - .5 establishing arrangements for investigating reported incidents of pollution;
  - .6 arrangements for the provision of hydrographic services; and
  - .7 any other measures undertaken by your State to evaluate its effectiveness in implementing the above provisions.
- Please describe, if applicable:
- .8 any maritime traffic routing schemes or restricted areas enforced within waters for which your State has responsibility and which have not been adopted by IMO, and any ship reporting systems;
  - .9 any IMO maritime traffic routing system or restricted area within waters under the jurisdiction of your State and how it is managed; and
  - .10 any reporting system or VTS system adopted by IMO that is within your State.

***For all the items 25.1 > 25.10:***

***Support the answers to the questions by:***

***Submit*** (In Matrix / Table format) the applicable regulations including authorization, in national legislation, for the relevant IMO instruments.

***Submit*** the Processes / procedures / Instructions, for the mentioned items.

***Indicate appointed*** and authorized personnel (in the organigrams)

***Refer to enclosed document "Annex 3: Annexes to documents MSC 81/24/1 and 81/24/4, Annex 3 to document for easy reference***

**Enforcement (paragraph 50)**

- 26 Please describe how your State fulfils the requirements of the III Code for:
- .1 considering, developing and implementing a control and monitoring programme;
  - .2 the timely response to pollution incidents; and
  - .3 cooperating with other flag and/or coastal States for the investigation of maritime casualties.

***For all items 26.1 > 26.3:***

***Support the answers to the questions by:***

***Submit*** the Processes / procedures / instructions.

***Indicate appointed*** and authorized personnel (in the organigrams).

***Provide, if available, the programme in place and evaluation of the results and adjustment.***

*Provide system in place for cooperating with other states and provide annual reports, evaluation of the enforcement requirements.*

### Evaluation and review (paragraph 51)

27 Please explain how your State evaluates its performance as a coastal State, e.g. exercises to test counter-pollution measures, rescue of distressed persons, etc.

*Submit the Processes / procedures / instructions.*

*Indicate appointed personnel (in the organigrams).*

*Evaluation reports and action(s) taken based on the evaluation results, to be readily available during the audit.*

### PART 4 – PORT STATE

#### Implementation (paragraphs 52 to 56)

- 28 If applicable please indicate:
- .1 what legislation is in place permitting port State control to be undertaken on foreign ships visiting your ports and the procedures for undertaking them;
  - .2 the regional port State control regimes your State is affiliated to;
  - .3 the recruitment criteria and qualifications for port State control officers engaged in port State duties;
  - .4 the arrangements in place to enable port State control interventions to be transmitted "forthwith" to all parties concerned;
  - .5 how many port State control inspections have been carried out by your State over the last two years, and how do these relate to national and regional targets;
  - .6 whether your State has reception facilities for ship-generated wastes under the MARPOL Convention and provide details of this and the adequacy of these arrangements; and
  - .7 whether a register of fuel oil suppliers is maintained and who maintains it.

**For all the items 28.1 > 28.7:**

Support the answers to the questions by:

- *Submit (In Matrix / Table format) the applicable regulations including authorization, in national legislation, for the relevant IMO instruments.*
- *Submit the Processes / procedures / instructions.*
- *Indicate appointed and authorized personnel (in the organigrams).*

**For 28.6:** refer to MEPC.1-CIRC.834. Rev.1 "Consolidated guidance for port reception facility providers and users" and MEPC.Res.83(44).

**For. 28.7:** Only when MARPOL Annex VI is ratified as relevant instrument.

**Evaluation and review (paragraph 63)**

- |    |   |
|----|---|
| 29 | Please explain how your State evaluates its performance as a port State. <ul style="list-style-type: none"><li>• <u>Submit the Processes / procedures / instructions.</u></li><li>• <u>Indicate appointed personnel (in the organigrams)</u></li><li>• <u>Evaluation reports and action(s) taken based on the evaluation results, to be readily available during the audit.</u></li></ul> |
|----|---|

## Appendix 2

### **Annex to document MSC 81/24/1, which has been provided for guidance to Member States and auditors**

#### **PART 1 Pre-Audit Questionnaire, Aids to Navigation (AtoN) and Vessel Traffic Services (VTS) elements**

This part is intended to facilitate the response to the pre-audit questionnaire for those Administrations responsible for the provision of VTS and AtoN in Member States who have volunteered to participate in the Voluntary IMO Member State Audit Scheme.

SOLAS regulations V/12 and 13 refer to the appropriate recommendations and guidelines of IMO and IALA. The IALA recommendations are freely available for download in pdf format at [www.iala-aism.org](http://www.iala-aism.org) under "publications". Information on the general management of AtoN and VTS can be found in IALA manuals (NAVGUIDE and IALA VTS Manual).

#### ***I General Information***

**1,2 Not Applicable to AtoN and VTS (N/A)**

**3 Details of Government body(ies)  
Include details on Government body(ies) responsible for AtoN and VTS.**

**4, 5, 6 N/A**

**7 Information on relevant State territorial body(ies) and relationship to the Administration  
Reference to AtoN and VTS authorities should be noted in this section.**

**8 Extent of State's involvement in activities  
8.2 Functions related to AtoN and VTS that fall under coastal State activities.**

***II, III, IV, V, VI and VII – N/A***

#### ***VIII Information on coastal State activities***

**1, 2 N/A**

**3 Arrangements for establishment and maintenance of AtoN  
It is suggested the following information be provided regarding the obligation stemming from SOLAS regulation V/13:**

**1 Please describe your process for justifying the provision of AtoN relative to the volume of traffic and degree of risk.**

**2 Please describe how your organization achieves uniformity in AtoN in accordance with IALA recommendations and guidelines.**

**3 Please describe the process used to promulgate information about, and changes to, AtoN.**

**4, 5, 6, 7, 8, 9, 10 – N/A**

## **11 Reporting systems or VTS in force**

**Although there is no VTS system formally adopted by IMO, VTS should be in conformity with IMO regulations. It is suggested the following information be provided regarding the obligation stemming from SOLAS regulation V/12:**

- 1 Please describe your process for justifying the provision of VTS relative to the volume of traffic or degree of risk.
- 2 Please describe your arrangements for compliance with resolution A.857(20), Guidelines for VTS.
- 3 Please describe the measures taken to ensure compliance with VTS by ships entitled to fly your flag. (Flag State responsibility.)

## **12 National legislation of State to establish sanctions for violations of mandatory IMO instruments within its jurisdiction**

- 1 Please describe what, if any, national legislation is in place with respect to VTS.
- 2 Please describe what, if any, national legislation is in place with respect to AtoN.

## **13 Methodology the State employs to enforce maritime legislation within its territorial waters**

- 1 Please describe the measures employed by the State to enforce VTS legislation.
- 2 Please describe the measures employed by the State to enforce AtoN legislation.

## **14 N/A**

## **15 Measures to evaluate effectiveness in implementing IMO mandatory instruments**

- 1 Please describe the measures, if any, taken to evaluate the effectiveness in implementing SOLAS regulations V/12 and 13 (see also section X).

## ***IX N/A***

## ***X Evaluation and review***

- 1 Please describe the measures taken to evaluate effectiveness of AtoN and VTS (e.g. vessel tracking analysis, incident analysis, service availability, AtoN planning and inspection).

## ***XI Management system***

**Please note that these points should be responded to in the context of AtoN and VTS.**

- 1 Does the State use a recognized quality management system, e.g. ISO 9001:2000, for AtoN or VTS?  
Yes  No

**If yes, relevant documentation should be copied and submitted together with this questionnaire.**

- 2 Does the State use other management systems for AtoN or VTS, e.g., internal contracts between management and subdivisions, external contracts between the organization to be audited and its superiors of either a political and/or administrative nature or any other proprietary management system?

Yes

No

**If yes, copies of contracts or other relevant documentation (in an appropriate language) should be submitted together with this questionnaire.**



## Annex 2

### **Agenda for the first meeting of ATMs and SPC/Delegates from the Member State prior to the audit**

- 1 Introductions in general, ATMs, SPC, delegates of Member State. Get telephone numbers, emails and other relevant information of the key involved personnel.
- 2 Any security matters involving the country, warnings, any climate alert.
- 3 Review and coordination of the provisional timetable and any inland travel or visit to ports and any regional office; coordination in the situation of a split between the audit team, transportation, escorting, any last moment adjustment.
- 4 Opening meeting: review of time, place and date, maximum authority attending the meeting, any request from the authorities, speeches, presentations.
- 5 Confirmation of facilities and administrative arrangements: daily transportation from the hotel to the place(s) of the audit, train, buses, walking; transportation to the airport after closing meeting; working space for the ATMs at the Administration and hotel according to previous coordination; lunch break; dress code for the opening and closing meetings and clothing to be used the rest of the days.
- 6 Audit work methodology (issues related to interviews, small group of people during the interviews, objective evidence, etc).
- 7 Daily meetings with the SPC at the end of the audit day in order to inform any deviation or possible finding/observation; and coordination of the activities for the next day.
- 8 Issues regarding submission of objective evidence in case they could not be provided on time (a deadline for submission is normally midday of the last auditing day).
- 9 Audit reporting issues and post audit reports and forms (Draft Interim Report, Draft Executive Summary Report, Forms A, B, C and CPICAP).
- 10 Any other issue or activity.

**Annex 3**

**Sample road map for the IMSAS process in the Member State (MS)**

<b>Date</b>	<b>Activity</b>	<b>Remarks</b>	<b>Responsibility</b>
<b>At least 18 months notice</b>	IMO notify MS about the audit	Letter from the Secretary-General of IMO to the Minister of the MS notifying about the IMSAS audit and year/month of the planned audit	IMO
	SPC to be appointed	MS appoints Single Point of Contact (SPC). IMO to be notified about the SPC including contact details.	MS
	Government entities	MS to identify all relevant government entities to be involved in the IMSAS audit	MS
	Date of IMSAS audit	MS to be informed of the tentative exact date of the IMSAS audit	SG (MSA)
	1 meeting of IMSAS audit MS task force group	MS collects representatives from all relevant government entities (ministries, agencies etc.) in order to establish an IMSAS audit task force group with local contact persons in order to prepare the pre-audit questionnaire (PAQ) and prepare for an internal IMSAS audit.	MS
	IMSAS internal auditor course	Internal IMSAS auditor course to selected personnel in the government entities.	MS
	Date of internal IMSAS audit	Date of internal IMSAS audit to be agreed with all relevant government entities.	MS
	Details of the internal IMSAS audit	Prepare selection of audit team and ATL, prepare the scope and programme for the internal IMSAS audit.	MS
	1 draft of the PAQ.	First draft PAQ to be completed with all the relevant government entities and forwarded to the internal audit team members.	MS
	Internal IMSAS audit	Internal IMSAS audit of the maritime administration to be completed.	MS
	Report from the internal audit	Internal audit report to be completed and presented to all the involved government entities.	MS
	Corrective action plan	Corrective action plan (CAP) to be developed by all the involved government entities.	MS
	CAP to be implemented	Corrective action plan (CAP) to be implemented in all the involved government entities.	MS

Date	Activity	Remarks	Responsibility
	PAQ to be prepared in GISIS	IMO requests the MS to start preparing the pre-audit questionnaire (PAQ) in GISIS.	SG (MSA)
	MS prepare PAQ	MS prepare the revised PAQ with all the relevant government entities.	MS
	Final PAQ in GISIS	Final pre-audit questionnaire to be uploaded in GISIS with relevant appendices and documents (MS confirms to MSA).  Relevant websites of all the relevant government entities to be updated and all documents including guidelines, descriptions, etc. to be updated.	MS
	MoC to be prepared	Memorandum of Cooperation to be discussed and negotiated between MSA and the MS.  Member States must provide their authorization to IMO for release of the audit reports, including executive summary report, corrective action plan and Member State comments on the implementation of the corrective action plan, of their audit to the public or to Member States. In addition, the Member State may make the report public through its own media, including their web pages.	SG + MS
	MoC to be approved	Memorandum of Cooperation to be approved by IMO and the MS. MoC to be uploaded by MSA in GISIS.	MS + SG (MSA)
	IMO appoints ATL and ATM	MSA selects the audit team and the ATL.	SG (MSA)
	MS to be informed about ATL and AT	MS to be informed about proposed ATM and ATL.	SG (MSA)
	MS provides any feedback on the AT and ATL.	MS provides any feedback on the proposed ATM and the ATL to IMO.	MS
	ATM prepares the audit	Audit team members (ATM) prepare for the audit by review of PAQ and appendices, MoC, review of relevant websites, review of GISIS documentation of the MS, etc.	ATM
	MS prepare for the audit	MS prepares for the audit.  Hotel, transportation, and DSA for the ATM to be paid by MSA. MSA request the MS regarding suggestions for the hotel. MS should arrange for pick-up of the ATM in the airport and transport to/from the hotel all week.  A working lunch to be organized by the MS (e.g. sandwiches in the meeting room). Coffee, tea and water to be arranged all week.	MS (SPC)

Date	Activity	Remarks	Responsibility
	Draft Audit Timetable	<p>The draft Audit Timetable to be prepared in cooperation between the ATL and the MS (SPC) (all relevant government entities to be involved).</p> <p>Ensure that management key personnel are represented during the audit. Draft Audit Timetable shown in IMO Circular Letter No.3425 (Auditor's Manual)</p> <p>The ATL will request the SPC to complete the detailed Timetable with titles, names, locations of the interviews, etc.</p>	ATL + MS (SPC)
	Final Audit Timetable.	<p>The final Audit Timetable to be completed by the MS (with titles, names, locations of the interviews, etc.).</p> <p>To be approved and confirmed by the ATL.</p>	MS (SPC) + ATL
	Personnel to be informed about the IMSAS audit	<p>Top Management, management and leaders, and personnel at all the involved government entities to be informed about the IMSAS audit, including the final Audit Timetable with all names and locations of the interviews.</p> <p>Please note that the ATL may decide to amend the Timetable during the audit and ask for additional personnel for interviews.</p> <p>Also prepare for back-up to be ready, etc. in case of sickness or other reasons for persons to be absent during the audit.</p>	MS
	IMSAS audit	Audit Team Members arriving in the MS during the weekend before the IMSAS audit.	MS + AT
<b>Day 1 of the IMSAS</b>	IMSAS audit Opening meeting	Opening meeting in the MS presenting the scope of the IMSAS, Audit Timetable and practical details of the audit programme.	MS + AT
<b>Day 1 – 5 of the IMSAS</b>	IMSAS audit	IMSAS audit interviews to be implemented of the MS.	MS + AT
	IMSAS audit	Audit team preparing the draft interim report, including findings and observations.	AT
		If possible, the MS will review a first draft of the interim report before the closing meeting.	MS
<b>Last day of the IMSAS audit</b>	IMSAS audit closing meeting	<p>Closing meeting in the MS presenting a draft interim report with findings and observations.</p> <p>The Form/s A with the findings and observations to be signed by the Member State and the ATL.</p> <p>The original Form/s A will be handed over to the Member State with a copy to the ATL.</p>	ATL + MS

Date	Activity	Remarks	Responsibility
	MS reviews the draft Interim Report	MS starts to review the draft Interim Report.	MS
	MSA review the draft Interim Report	MSA reviews the draft Interim Report, revises and amends the draft, as applicable, and prepares the Interim Report. ATL approves the Interim Report and forwards it to the MS, including an Executive Summary Report.	MSA + ATL
	CAP to be prepared within 90 days	CAP to be completed by the MS and forwarded to the ATL and MSA within 90 days from the date of submission of the Interim Report by the ATL to the MS (SPC).	MS
	Final Audit Report to be prepared	ATL prepares a draft Final Audit Report (CAP to be integrated in the Interim Report), with support from MSA. Final Audit Report to be submitted by the ATL to the MS (SPC).	ATL + MSA
	Feedback to MSA	Feedback from MS to be forwarded to MSA.	MS
	Audit follow-up	Audit follow-up normally to be completed as a document review not later than three to four years following the audit. MSA requests the MS about documents (objective evidence) to be reviewed by the ATL.	MSA + ATL + MS
	IMSAS audit	Next IMSAS audit after approximately seven years.	SG + MS

MS      Member State  
 SG      IMO Secretary-General  
 MSA     IMO Member State Audit  
 ATL     Audit team leader  
 AT      Audit Team

**Annex 4**

**Sample distribution of areas of responsibilities between government entities  
within the scope of the IMO conventions (the maritime administration of the Member State)**

