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Circular Letter No.4442
1 October 2021

To: All IMO Member States

Subject: IMO Member State Audit Scheme – Fifth Consolidated Audit Summary Report (CASR)

1 The Secretary-General has the honour to transmit herewith the fifth Consolidated Audit Summary Report (CASR) prepared in accordance with paragraph 7.4.3 of the *Procedures for the IMO Member State Audit* (part II of the annex to resolution A.1067(28)), containing lessons learned from six audits completed in 2019 and one audit completed in 2020.

2 The CASR, which is intended to facilitate the attainment of three of the objectives of the Scheme as contained in paragraphs 5.2.1, 5.2.3 and 5.2.4 of the *Framework for the IMO Member State Audit* (part I of the annex to resolution A.1067(28)), has been developed to reflect the findings and observations issued during audits, as well as corresponding summaries of root causes identified by each audited State and summaries of corrective actions taken or proposed by each State, which provide valuable lessons for Member States. The CASR also contains best practices revealed in audits, in order to share them with Member States, with a view to assisting them to enhance further their implementation and enforcement of mandatory IMO instruments.

3 In order to enable the Organization to further consider the effectiveness and appropriateness of its legislation and to facilitate the provision of technical assistance to Member States in those areas identified in audits, future CASRs will continue to be issued as circular letters, as and when the reporting from a reasonable number of audits has been completed. A reference to each circular letter issued will be included in the document reporting to the Council and the Assembly on progress made in the implementation of the Scheme.

ANNEX

FIFTH CONSOLIDATED AUDIT SUMMARY REPORT

INTRODUCTION

1 In fulfilling the objectives stipulated in paragraph 5.2.3 of the *Framework for the IMO Member State Audit* (resolution A.1067(28), annex, part I) and as required in paragraph 7.4.3 of the *Procedures for the IMO Member State Audit* (resolution A.1067(28), annex, part II), this document is the fifth Consolidated Audit Summary Report (CASR) containing lessons learned from six mandatory audits completed in 2019 and one mandatory audit completed in 2020.

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 seven 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 provides 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 under 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 amendments to the mandatory IMO instruments had not always been carried out prior to their entry into force. In addition, a system for monitoring amendments to ensure that national legislation was up-to-date was not in place and there was insufficient personnel with maritime expertise to assist in the promulgation of national laws and in discharging all responsibilities of the State (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; LL 1966, article 1; TONNAGE 1969, article 1; COLREG 1972, article I; III Code, paragraph 8).

Root cause

- 7 The following factors contributed to this finding:
- .1 responsibility for monitoring, analysing and incorporating amendments to the applicable mandatory instruments into national legislation was not assigned; and
 - .2 lack of trained personnel to keep amendments to the aforementioned instruments updated.

Corrective action

- 8 The responsible State entities will implement the following actions:
- .1 appoint a responsible unit to monitor, analyse and draft new national legislation and to incorporate amendments to the mandatory IMO instruments for further promulgation through the respective legislative process;
 - .2 the responsible unit will carry out an analysis of the amendments that have already entered into force, in order to identify and regularize, through national legislation, their status within the State. In addition, a mechanism for tracking amendments to the mandatory IMO instruments will be developed and implemented through a specific procedure which will include the verification of activities resulting from IMO meetings, using the IMODOCS platform and other maritime administrations' websites in order to keep a detailed record of the date of entry into force of future amendments. This mechanism will also include coordination among the different entities of the State responsible for the implementation of the aforementioned amendments, and will be included in the overall strategy, to be developed and implemented; and
 - .3 an appropriate qualifications and training programme for personnel tasked to carry out the aforementioned tasks will be put in place in order to enhance their skills in drafting national legislation or similar and incorporating the requirements stemming from the mandatory IMO instruments and their amendments for their subsequent enactment.

This corrective action will be completed by 30 June 2023.

FD

9 The State had not communicated information to IMO as required by the relevant IMO instruments to which it was Party (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

- 10 The following factors contributed to this finding:
- .1 lack of awareness and understanding of the mandatory information required to be communicated to IMO and/or interested parties; and

- .2 lack of procedures and coordination among various entities of the State responsible for communicating information to IMO.

Corrective action

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

FD

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

Root cause

13 The absence of assigned responsibilities among government entities involved in the implementation and enforcement of the mandatory IMO instruments, as well as the lack of knowledge of the obligations stemming from the III Code, contributed to this finding.

Corrective action

- 14 The responsible entities of the State will implement the following actions:
- .1 develop and implement an overall strategy which will include a mechanism for monitoring and reviewing the measures adopted to effectively implement and enforce the requirements stemming from the applicable mandatory IMO instruments, with the participation of all State entities responsible for implementing and enforcing the aforementioned instruments, based on set objectives and key performance indicators. In addition, clear responsibilities will be assigned within the maritime administration regarding the coordination and implementation of the aforementioned mechanism;
 - .2 through the aforementioned mechanism, the causes of non-compliance will be identified and eliminated to prevent their recurrence. A dedicated unit will be appointed as the focal point to administrate the mechanism, coordinate among other entities of the State, ensure appropriate follow up and assess its effectiveness; and
 - .3 provide training programmes for all personnel responsible for carrying out the aforementioned tasks to ensure appropriate and effective implementation of the new mechanism.

This corrective action will be completed by 28 April 2023.

FD

15 The transposition of amendments to the applicable IMO instruments into national legislation was not carried out prior to their entry into force internationally. In addition, there was insufficient personnel with maritime expertise to assist in the promulgation of 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 8.1; III Code, paragraph 8.3).

Root cause

16 The following factors contributed to this finding:

- .1 prolonged and process for ratification and transposition of the mandatory IMO instruments into national legislation;
- .2 lack of maritime expertise (legal and technical) to initiate, follow-up and complete the process of ratification and transposition of the mandatory IMO instruments into national legislation; and
- .3 recruitment processes are under the authority of Civil Service Commission, and the maritime administration has no authority for direct recruitment.

Corrective action

17 The State will implement the following actions:

- .1 develop and implement a mechanism for transposition of the amendments to the applicable mandatory IMO instruments into national legislation, including development and implementation of a system for tracking amendments to the applicable mandatory IMO instruments in order to ensure their transposition into national legislation before their entry into force internationally;
- .2 recruit sufficient, specialized and suitably qualified staff with maritime and legal knowledge and expertise;
- .3 develop and implement a recruitment plan, defining recruitment criteria and processes for staff in the Ministry and review the current recruitment process, under the authority of Civil Service Commission, to facilitate direct recruitment; and
- .4 carry out analysis and identification, by dedicated experts, of all amendments to the applicable mandatory IMO instruments that have already entered into force and were not adopted into national legislation and transpose all the amendments into national legislation (Law/Ministerial decree, Circulars, Directives, etc.), once related new mechanism on incorporation of amendments into national legislation have been implemented.

This corrective action will be completed by 22 December 2022.

FD

18 Adequate measures were not in place to fulfil the obligations of communication of information to IMO, as required under the applicable IMO instruments to which the State was 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; MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulation I/8.3; LL 1966, article 26; TONNAGE 1969, article 15; COLREG 1972, article I; III Code, paragraph 9).

Root cause

19 The following factors contributed to this finding:

- .1 there was a lack of knowledge of GISIS functionalities and use of relevant available modules, including administration of the IMO web accounts allocated to the State ;
- .2 the newly established department for auditing and quality, within the Ministry, assigned with reporting responsibilities was not fully operational; and
- .3 there was a lack of personnel to organize, carry-out and communicate the independent periodic evaluation in accordance with the provisions of STCW 1978.

Corrective action

20 The maritime administration will implement the following actions:

- .1 a documented procedure will be developed and implemented for the submission of mandatory information and reports to IMO, assigning responsibilities and identifying the mandatory information to be communicated, deadlines to be adhered to, records to be maintained, focal points and coordinators, means of communication, through GISIS and/or other means of communication;
- .2 a familiarization session will be organized to train relevant staff in the use of GISIS platform and related modules, including other means of communication with IMO based on the developed procedure;
- .3 an independent periodic evaluation will be coordinated, carried out and communicated to IMO, in accordance with the provisions of STCW 1978, and related procedures for future evaluations will be developed and implemented under the quality management system of the responsible entity;
- .4 sufficient number of personnel will be recruited and trained, responsibilities for communication and reporting requirements will be assigned and arrangements will be made to ensure ongoing monitoring and review; and
- .5 all reports, as well as relevant updates in GISIS modules, will be communicated to IMO.

This corrective action will be completed by 22 December 2022.

FD

21 Although there was a documented procedure in place to regulate which records were to be maintained, controls needed for the identification, storage, protection, retrieval, retention time and disposition of the records, as well as the implementation of this procedure could not be verified (III Code, paragraph 10).

Root cause

22 There were insufficient human resources, the existing documented procedure did not fully comply with all elements of the III Code on records and lack of archiving system.

Corrective action

23 A modern and more sophisticated archiving system will be developed and implemented to record all documents, covering flag, coastal and port State activities. The existing documented procedure regulating records will be revised to ensure maintenance of controls needed for the identification, storage, protection, retrieval, retention time and disposition of the records. In addition, a monitoring mechanism will also be implemented. Sufficient personnel will be recruited for record-keeping and to monitor the system and compliance with the procedures, including the liaison and coordination between all entities involved in flag, coastal and port State activities. This corrective action will be completed by 22 February 2022.

FD

24 The State could not demonstrate its ability to promulgate national laws relating to the relevant IMO instruments, including legal basis for enforcement. The amendments to mandatory IMO instruments had not been transposed into national legislation. In addition, there was no system in place for tracking amendments to the mandatory IMO instruments entering into force under the tacit acceptance procedure (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; TONNAGE 1969, article 1; COLREG 1972, article I; III Code, paragraph 4; III Code, paragraph 8).

Root cause

25 There was the lack of human resources for incorporation of the mandatory IMO instruments and their amendments into national legislation, and the lack of clear assignment of responsibilities within the entities involved in the maritime administration.

Corrective action

26 The State will implement the following actions:

- .1 a comprehensive review of national legislation will be conducted to identify all amendments to the mandatory IMO instruments that have not yet been incorporated into national legislation. All such amendments will be transposed into existing primary and/or secondary legislation, as well as issuing new one, as appropriate;
- .2 responsibilities of the responsible entity to monitor and incorporate relevant amendments to the mandatory IMO instruments into national legislation, where necessary in cooperation with other State entities, will be defined through the procedures of the quality management system;

- .3 adequate resources will be assigned, both for the implementation of the tracking system and for transposition of the amendments to the mandatory IMO instruments into national law; and
- .4 bylaw on Internal Organization and Systematization of the responsible Ministry will be amended to clearly distinguish between the legislative authority and the executive body.

This corrective action will be completed by 31 December 2022.

FD

27 The State did not comply with all the requirements for reporting as required by the mandatory IMO instruments to which the State is Party (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, regulation I/8.3; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

28 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 was Party, including uploading of pertinent information onto the relevant GISIS modules.

Corrective action

29 Responsible entity, in cooperation with relevant entities of the maritime administration, will implement the following actions:

- .1 a formal written procedure and central records system will be developed and implemented in order to record communication to IMO for any given calendar year to ensure that all required reports are submitted to IMO, both through GISIS and other means; and
- .2 all reporting requirements under the mandatory IMO instruments will be identified and responsibilities for communication of information to IMO will be assigned. Procedure will be established for the continuous monitoring and review of collection, compilation and communication of mandatory information and reports to IMO, through the quality management system of the responsible entity, with the appointment of officers to perform these tasks.

This corrective action will be completed by 31 December 2022.

FD

30 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

31 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. Besides, a lack of awareness of the requirements and absence of QMS contributed to this finding.

Corrective action

32 Responsible Ministry and entity will implement the following actions:

- .1 a QMS will be developed with appropriate policy and procedure for record keeping; and
- .2 coordination with other State's entities will be established in relation to the records to be maintained under the mandatory IMO instruments and relevant procedures will be established for all entities involved in the implementation and enforcement of the requirements stemming from the mandatory IMO instruments.

This corrective action will be completed by 31 December 2022.

FD

33 There was no objective evidence to demonstrate that the State continually improved the adequacy of the measures that were taken to give effect to those conventions and protocols which it was Party to (III Code, paragraph 11).

Root cause

34 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. The lack of QMS also contributed to this finding.

Corrective action

35 Responsible Ministry, in cooperation with all involved entities of the maritime administration, will implement the following actions:

- .1 a QMS will be developed, and appropriate policy will be defined and implemented through documented procedures for evaluation of adequacy of measures taken to give effect to the mandatory 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 performance indicators defined in the context of the overall strategy, to be developed; and
- .2 to ensure continual improvement, a maritime council will be established with participation of all relevant organizations, through the responsible Ministry, with defined responsibilities for monitoring and 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 2022.

FD

36 Transposition of the mandatory IMO instruments and their amendments into national legislation, including those amendments entering into force under the tacit amendment procedure and the amendments to the international codes, were often not carried out prior to their entry into force internationally. A system for monitoring the aforementioned amendments to ensure that the national legislation was kept up to date was not in place (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; III Code, paragraph 8.1; III Code, paragraph 8.2).

Root cause

37 The following factors contributed to this finding:

- .1 lack of in-house legal and technical capability to transpose the mandatory IMO instruments into national legislation;
- .2 absence of a process to monitor and periodically review and update national maritime legislation; and
- .3 lack of awareness of the need and extent of development of secondary legislation to implement the specific provisions of the mandatory IMO instruments, though the IMO instruments had been given the effect of law through statute.

Corrective action

38 The State will implement the following actions:

- .1 recruit additional personnel with legal knowledge within the Administration and assign responsibility to periodically review national legislation and to transpose amendments to the mandatory IMO instruments into national legislation in a timely manner;
- .2 conduct a legal and implementation gap analysis of flag, coastal and port State responsibilities, and enact primary and secondary legislation consistent with the mandatory IMO instruments; and
- .3 establish and implement institutional processes to fully enact and implement flag, coastal and port State's obligations and responsibilities stemming from the mandatory IMO instruments, including amendments thereto, through a quality management system, to be established.

This corrective action will be completed by 31 December 2022.

FD

39 There was insufficient personnel with maritime expertise 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

40 The following factors contributed to this finding:

- .1 lack of sufficient funding to recruit additional personnel; and
- .2 existing personnel were tasked with too many areas within the Administration and, therefore, sufficient time could not be allocated to discharge the flag, coastal and port State functions.

Corrective action

41 The State will implement the following actions:

- .1 seek supplemental funds to strengthen human resources in the maritime administration to the required level;
- .2 recruit sufficient and appropriate personnel to work on national legislation to fully implement provisions of the mandatory IMO instruments; and
- .3 establish a quality management system (QMS), including appropriate procedures, to ensure that all flag, coastal, and port State responsibilities are carried out under QMS by the entity responsible.

This corrective action will be completed by 30 June 2022.

FD

42 The State did not fulfil all its obligations regarding communication of information to IMO under the mandatory IMO instruments (e.g. information on text of laws, regulations and marine notices, specimen of certificates). It was established that the maritime administration did not have a mechanism in place to ensure collection of relevant information on all mandatory reports and communicating them to IMO (SOLAS 1974, article III; MARPOL, article 11; MARPOL, Annex VI, regulation 18.1; LL 1966, article 26; STCW 1978, article IV; III Code, paragraph 9).

Root cause

43 The following factors contributed to this finding:

- .1 lack of knowledge and understanding of the information to be communicated to IMO;
- .2 lack of a coordinating mechanism between all entities of the maritime administration to collect relevant information; and
- .3 absence of documented procedures to compile relevant data and communicate the information to IMO.

Corrective action

44 The responsible entity will implement the following actions:

- .1 adopt a maritime policy and strategy that will include obligations of communication of information to IMO under the mandatory IMO instruments;
- .2 establish a quality management system which will include procedure for communication of information to IMO, and assign responsibility to a

dedicated unit for coordinating, collecting and communicating all required information to IMO (and to other agencies). The aforementioned action will capture communication of information to IMO such as national maritime legislation, marine safety investigation reports, details of reception facilities and availability of fuel; and

- .3 establish a consultative mechanism within the maritime administration for reviewing matters in fulfilling obligations for communication of information to IMO under the mandatory IMO instruments.

This corrective action will be completed by 30 June 2022.

FD

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

Root cause

46 The following factors contributed to this finding:

- .1 absence of a provision in the national legislation on the requirements for record-keeping; and
- .2 lack of awareness of the need to develop a documented procedure to maintain records.

Corrective action

47 The following actions will be taken to implement documented procedures for records management in the maritime administration:

- .1 the responsible entity will establish a records management procedure for its flag, coastal and port State responsibilities, including port State control (PSC) inspections, through a quality management system (QMS), to be established; and
- .2 other entities in the maritime administration will also establish record management procedures in their respective functions, such as SAR responsibilities, marine pollution responsibilities, small craft accident investigation responsibilities and Ship Station License, MMSI, and Call Signs responsibilities.

This corrective action will be completed by 31 December 2021.

FD

48 There was no system or mechanism in place for periodic evaluation and monitoring with an aim to continually improve the effectiveness of the State in giving effect to the mandatory IMO instruments. Furthermore, no measures were in place to stimulate a culture which provided opportunities for improvement of performance in maritime safety and environmental protection activities. Drills were conducted without any records of learning points or debriefs. No action was evident to identify and eliminate the causes of existing and

potential non-conformities (III Code, paragraph 11; III Code, paragraph 12; III Code, paragraph 13; III Code, paragraph 14).

Root cause

49 The following factors contributed to this finding:

- .1 lack of awareness of the requirements for record keeping in accordance with the mandatory IMO instruments; and
- .2 lack of a documented programme for monitoring and evaluating the implementation and enforcement of the mandatory IMO instruments for continuous improvement and to eliminate existing and potential non-conformities.

Corrective action

50 The State will implement the following actions:

- .1 develop and implement a mechanism to gather information from the Administration, and periodically monitor and evaluate flag State's performance, as well as the port State control (PSC) inspection results with respect to ships flying the flag of the State;
- .2 develop and implement a mechanism to gather information from other entities within the maritime administration, monitor and evaluate performance once in a year, and take measures for improvement of flag, port and coastal State activities, such as port security, safety of maritime navigation (including aids to navigation and hydrography), PSC, and mass rescue operations; and
- .3 use the aforementioned annual review and evaluation mechanism so that the State can identify existing and potential shortcomings in the implementation and enforcement of the requirements stemming from the mandatory IMO instruments and take timely corrective actions, as necessary (e.g. in relation to new legislation and additional or reallocation of resources), including measures for stimulating a safety culture.

This corrective action will be completed by 30 June 2021.

FD

51 The State had not developed and promulgated appropriate national legislation to give full and complete effect to the mandatory IMO instruments. There was no system in place for transposing amendments to the mandatory IMO instruments into national legislation, and there was insufficient personnel with maritime expertise to assist in the promulgation of national laws and to discharge all the responsibilities of the State (SOLAS 1974, article I; MARPOL, article 1; III Code, paragraph 8).

Root cause

52 The following factors contributed to this finding:

- .1 the process and procedure for ratification of the mandatory IMO instruments did not include the transposition of those instruments into national law through appropriate national legislation as a part of the process;
- .2 no procedure was in place to periodically monitor amendments to the mandatory IMO instruments and to give them full and complete effect through legislative processes; and
- .3 lack of adequate human resources having expertise in incorporating international treaties into national law.

Corrective action

53 The following actions will be implemented by responsible agencies:

- .1 review and amend the ratification process and procedure followed in the State to include drafting and enacting of appropriate national legislation and time-bound transposition of the mandatory IMO instruments into national law, as an integral part of the ratification process;
- .2 review current national legislation and make necessary amendments and/or updates to give full effect to the mandatory IMO instruments;
- .3 develop and implement a quality standard system to include policy, procedures and processes to facilitate the tracking of new amendments to the mandatory IMO instruments and giving them full effect through legislative processes; and
- .4 recruit additional human resources with maritime legal expertise and provide training on developing national maritime legislation to existing staff, including in-house training programmes, to improve their competence.

This corrective action will be completed by 30 November 2021.

FD

54 There was no evidence that the State fulfilled its obligations to communicate information to IMO under the mandatory IMO instruments. The report on periodic independent evaluation pursuant to regulation I/8.3 of STCW 1978 was not communicated to IMO (SOLAS 1974, article III; MARPOL, article 11; STCW 1978, article IV; STCW 1978, regulation I/7; STCW 1978, regulation I/8.3; III Code, paragraph 9).

Root cause

55 There was no mechanism or policies in place for assigning responsibilities and providing necessary instructions to identify reporting requirements under the mandatory IMO instruments and to ensure that all relevant information is gathered and communicated to IMO.

Corrective action

56 The following actions will be implemented by responsible entities:

- .1 develop and implement a quality standard system which will include processes and procedures for assignment of responsibilities to designated

personnel to identify all reporting requirements under the mandatory IMO instruments and to ensure that relevant information for mandatory reports is collected, compiled and submitted to IMO or uploaded onto GISIS in a timely manner;

- .2 submit all mandatory reports to IMO, as required under the mandatory IMO instruments; and
- .3 review the status of communication of information to IMO periodically.

This corrective action will be completed by 30 November 2021.

FD

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

Root cause

58 Due to a lack of awareness, the maritime administration had not developed procedures for managing records as required under paragraph 10 of the III Code.

Corrective action

59 The maritime administration will develop and implement a quality standard system, which will include policies, procedures and processes for documentation control and record keeping that fully comply with the requirements of paragraph 10 of the III Code, and the system will be made applicable to all entities of the maritime administration. This corrective action will be completed by 30 November 2021.

FD

60 The State did not have a system in place to ensure that, when a new or amended IMO instrument entered into force for the State, it was in a position to implement and enforce its provisions through appropriate national legislation. Furthermore, the State did not have sufficient personnel with maritime expertise to assist in the promulgation of the necessary laws and to discharge all the responsibilities of the State, including reporting, as required by the mandatory IMO instruments (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; III Code, paragraph 8).

Root cause

61 The following factors contributed to this finding:

- .1 specific responsibility was not adequately assigned for the transposition of the mandatory IMO instruments into national legislation; and
- .2 lack of training, i.e. insufficient training on transposing the mandatory IMO instruments into national law to personnel who managed maritime legislation matters in the maritime administration.

Corrective action

62 The maritime administration will undertake the following actions:

- .1 review State's maritime legislation through a gap-analysis and update the Acts and Regulations, as appropriate, to give full and complete effect to the mandatory IMO instruments and their amendments;
- .2 designate an official to undertake the tracking of amendments to the mandatory IMO instruments and to initiate timely transposition of the amendments into national law; and
- .3 with the assistance of IMO and/or through regional cooperation, provide training to all staff members and legal personnel in the maritime administration in order to upgrade their knowledge in transposing the mandatory IMO instruments into national law as a basis to discharge all the responsibilities of the State, including communication to IMO, as a capacity building measure.

This corrective action will be completed by 31 December 2022.

FD

63 The State had not implemented a system to meet its obligations with regard to communication of information to IMO as required by the mandatory IMO instruments (SOLAS 1974, article III; SOLAS 1974, regulation V/7.2; MARPOL, article 11; LL 1966, article 26; TONNAGE 1969, article 15; STCW 1978, article IV; STCW 1978, regulation I/7; STCW 1978, regulation I/8.3; III Code, paragraph 9).

Root cause

64 There was a lack of policies and procedures for the communication of information to IMO, as well as inadequate coordination within the departments/divisions responsible.

Corrective action

65 The responsible entity will implement the following actions:

- .1 develop and implement a procedure for communicating information to IMO under the mandatory IMO instruments. This procedure will include periodicity of communication to IMO and traceability of all the communication through a centralized mechanism; and
- .2 coordinate with other relevant entities within the maritime administration for collecting relevant information and communicate them to IMO (which will include, inter alia, reporting of national laws, independent evaluation under STCW 1978, marine safety investigation reports and search and rescue information).

This corrective action will be completed by 31 December 2022.

FD

66 The entities participating in the maritime administration did not have documented procedures to define the controls needed for the identification, storage, protection, retrieval and disposition of records. Furthermore, the records were not readily identifiable and retrievable (III Code, paragraph 10).

Root cause

67 The following factors contributed to this finding:

- .1 lack of knowledge of the scope of requirements for record keeping in accordance with the III Code; and
- .2 certain practices for archiving records were inconsistent due to the lack of a documented system for the management of records.

Corrective action

68 The responsible entity will implement the following actions:

- .1 develop and implement a documented procedure for managing records, and establish a centralized electronic recording system for the maintenance and easy retrieval of records, which will include all records related to ships and marine casualties;
- .2 include steps required for the identification, storage, protection, retrieval, retention time and disposition of documents and records in the procedure and communicate it to all relevant entities of the maritime administration for implementation and compliance with the procedure; and
- .3 coordinate with IMO and regional cooperation arrangements to provide assistance and training to personnel in maritime administration in understanding and complying with the requirements of the III Code.

This corrective action will be completed by 31 December 2022.

FD

69 The State did not continually improve the measures taken to give effect to the mandatory IMO instruments through effective application and enforcement of national legislation and monitoring of compliance (III Code, paragraph 11).

Root cause

70 There was a lack of understanding of the obligations under the III Code on effecting continual improvement and monitoring of compliance, and there was no responsibility assigned within the maritime administration to monitor and review the measures taken for effective implementation and enforcement of the mandatory IMO instruments.

Corrective action

71 The responsible entity will implement the following actions:

- .1 develop and implement procedures and analysis tools to evaluate and report the performance of the State once a year;
- .2 designate an official to review the performance report and take measures to continually improve the implementation and enforcement of the requirements stemming from the mandatory IMO instruments; and
- .3 coordinate with IMO and regional cooperation arrangements to provide assistance and training to maritime administration personnel in understanding and complying with the provisions of the III Code.

This corrective action will be completed by 31 December 2022.

FD

72 Transposition of the applicable mandatory IMO instruments and their amendments into national legislation, including those amendments entering into force under the tacit acceptance procedure, was not systematically carried out by the State for all mandatory IMO instruments to which the State was Party. In addition, the personnel with maritime expertise in the maritime administration was not commensurate with the responsibilities assigned to them for the promulgation of the necessary national legislation (SOLAS 1974, article I; SOLAS PROT 1988, article I; MARPOL, article 1; LL 1966, article 1; LL PROT 1988, article I; TONNAGE 1969, article 1; COLREG 1972, article I; III Code, paragraph 4; III Code, paragraph 8.1; III Code, paragraph 8.3).

Root cause

73 Despite the fact that the Maritime administration was aware of all the new amendments, there was a shortage of personnel, heavy workload and priority of other legislations Office.

Corrective action

74 The maritime administration will implement the following actions:

- .1 the mechanism for tracking amendments to the mandatory IMO instruments will be reviewed and implemented 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 which share responsibilities for the implementation and enforcement of the aforementioned 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 new support staff with legal background will be recruited within the Shipping Division to help with the preliminary drafting of new maritime legislation prior to its submission to the State Law Office.

This corrective action will be completed by 31 December 2022.

FD

75 The State did not comply fully with the communication of information requirements in the mandatory IMO instruments to which the State was Party (SOLAS 1974, article III; MARPOL, article 11; LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

76 There was no designated Officer to monitor and oversee the provision of national legislation and undertake the reporting duties to IMO on an ongoing basis.

Corrective action

77 The Administration will appoint a dedicated officer (Marine Information Officer) to liaise with all involved entities of the State and communicate all mandatory information to IMO, including through the relevant GISIS modules, based on the existing procedure on communication of information to IMO under the existing QMS of the Administration. This corrective action will be completed by 30 June 2021.

FD

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

Root cause

79 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

80 The Administration will:

- .1 develop and implement policies through a mechanism for monitoring and reviewing the measures adopted to effectively implement and enforce the mandatory 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 aforementioned instruments. Within the mechanism, objectives and key performance indicators will be established. A dedicated unit within the Administration will be responsible for establishing the mechanism, for coordinating all involved State entities, and for its implementation and follow up;
- .2 develop and implement a procedure to ensure the identification and elimination of the causes of non-compliance with the applicable IMO instruments; and
- .3 new support staff with legal and maritime background will be recruited within the Administration.

This corrective action will be completed by 31 December 2021.

Observations (OB)

81 Although the State had a national maritime policy in place, it did not constitute an overall strategy of the State to fully meet its obligations and responsibilities under the applicable mandatory IMO instruments (III Code, paragraph 3).

Root cause

82 The lack of awareness on maritime matters hindered the approval of the overall strategy, and the lack of knowledge of the obligations and responsibilities under the III Code, contributed to this finding.

Corrective action

83 The State will implement the following actions:

- .1 establish an inter-institutional working group consisting of all the entities participating in the maritime administration, which will be tasked to develop a national overall maritime strategy that will define the responsibilities of each entity involved in the implementation and enforcement of the requirements stemming from the applicable mandatory IMO instruments; and
- .2 appoint a coordinating government entity as a focal point for the development of the overall maritime strategy. Establish and implement a methodology for monitoring and evaluating performance in carrying out flag, coastal and port State activities, based on set objectives and key performance indicators (KPI). This 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 28 April 2023.

OB

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

Root cause

85 There was a lack of awareness of the provision of the III Code on the development of an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met.

Corrective action

86 Responsible Ministry, in cooperation with all involved entities of the maritime administration, will implement the following actions:

- .1 national legislation implementing the mandatory IMO instruments will be amended, the existing situation will be analysed, and further activities identified in order to fully meet the objectives of the III Code;

- .2 an overall maritime strategy will be developed and implemented to ensure the fulfilment of international obligations and responsibilities in the area of the flag, port and coastal State activities;
- .3 within the scope of the development of the relevant Strategy and action plans, the gaps in the implementation and enforcement, as well as deadlines for meeting the international obligations and responsibilities in the area of the flag, port and coastal State activities will be established, as well as a methodology to monitor and evaluate whether the strategy ensures the effective implementation and enforcement of relevant binding international instruments; and
- .4 following the development and implementation of the overall strategy, it will be continually audited in order to achieve, maintain and enhance the State's overall organizational performance and capability as the flag, port and coastal State.

This corrective action will be completed by 31 December 2022.

OB

87 The State had not developed a comprehensive overall maritime strategy to ensure that all its obligations and responsibilities under the mandatory IMO instruments were fulfilled (III Code, paragraph 3).

Root cause

88 The following factors contributed to this finding:

- .1 all obligations and responsibilities of the State had not been fully captured in the strategy document under development; and
- .2 lack of technical capacity hampered the development and implementation of a comprehensive strategy, in accordance with the III Code.

Corrective action

89 The State will implement the following actions:

- .1 carry out consultations with the stakeholders and experts to develop and implement a maritime policy and overall strategy for the State, in accordance with the III Code; and
- .2 this overall strategy will capture all State functions and obligations under the mandatory IMO instruments, as well as details on agency responsibilities within the maritime realm.

This corrective action will be completed by 31 December 2021.

OB

90 The State did not have an overall strategy to ensure that its international obligations and responsibilities were met and to ensure the effective implementation and enforcement of the mandatory IMO instruments (III Code, paragraph 3).

Root cause

91 There was a lack of understanding of the scope of the development of an overall strategy that complies with paragraph 3 of the III Code.

Corrective action

92 The responsible entities of the Government will implement the following actions:

- .1 develop and implement an overall strategy for the State that complies with paragraph 3 of the III Code;
- .2 establish a mechanism for evaluation and review of the implementation and enforcement of the mandatory IMO instruments to identify deficient areas and take appropriate corrective actions; and
- .3 assign responsibility to appropriate individuals and entities to periodically review and update the strategy.

This corrective action will be completed by 30 November 2021.

OB

93 The State did not have an overall strategy for meeting its obligations and responsibilities under the mandatory IMO instruments, and for its monitoring, assessment, and review, in accordance with the provisions of the III Code (III Code, paragraph 3).

Root cause

94 The State had developed a strategy framework for the maritime transport sector in the State, based on the policies outlined in policy framework for the maritime sector of the State, but approval of the strategy framework from all concerned authorities was still in progress.

Corrective action

95 The responsible ministry will implement the following actions:

- .1 pursue approval from all authorities and implement the strategy framework for maritime transport sector in the State, as a mechanism to ensure that international obligations and responsibilities of the State stemming from the mandatory IMO instruments are met;
- .2 communicate the strategy framework to all entities within the maritime administration;
- .3 establish a methodology to monitor and assess the effectiveness of the strategy;
- .4 periodically review and evaluate the strategy and performance of all entities involved, to facilitate continuous improvement, as outlined in the strategy framework; and

- .5 update the strategy as and when required, to improve organizational performance.

This corrective action will be completed by 31 December 2022.

OB

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

Root cause

97 The lack of coordination amongst various entities that deal with maritime affairs contributed to this observation.

Corrective action

98 The maritime administration will implement the following actions:

- .1 develop and implement an appropriate strategy document, in consultation with relevant entities, so that compliance with paragraph 3 of the III Code is achieved;
- .2 The Administration will take the lead in co-ordination with the various entities concerned to institutionalize the strategy and to ensure that their respective roles and responsibilities under national law are included and defined within the strategy;
- .3 an effective methodology will be established and implemented to periodically monitor and assess that the adopted strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and
- .4 a mechanism will be developed and implemented to continuously review the adopted strategy, to achieve, maintain and improve the overall organizational performance capability as flag, port and coastal State.

This corrective action will be completed by 31 December 2022.

FLAG STATE ACTIVITIES

Findings (FD)

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

Root cause

100 The following factors contributed to this finding:

- .1 lack of awareness of the provisions of the mandatory IMO instruments related to safety and environmental protection; and
- .2 no specific responsibilities had been assigned and no guidelines had been developed for the formulation of policies through national legislation to assist in the effective implementation of the aforementioned instruments.

Corrective action

101 The Administration will implement the following actions:

- .1 with the consent of the Ministry of Defence, a working group will be appointed consisting of technical personnel and representatives from other entities of the State to formulate policies and criteria, through the development and issuance of new national legislation, or amending the existing, including decrees, procedures, administrative instructions or guidelines, mainly for the implementation of MARPOL Annex VI; as well as to define how the interrelation and coordination with other entities of the State responsible for implementing and/or enforcing the applicable mandatory IMO instruments will be structured. Furthermore, the working group will also be responsible for updating and revising any adopted policy, if required;
- .2 based on proposals by the working group, responsibilities and roles will be assigned by relevant entities and key personnel will be familiarized with the outcome of the deliberations of the working group. The Administration will be responsible for monitoring the policies to be adopted and for drafting and implementing legal requirements that are to be developed; and
- .3 technical assistance will be requested from IMO, and other regional organizations, to train and assist the Administration's staff and the working group on issues related to the formulation of policies for the implementation and enforcement of the applicable mandatory IMO instruments.

This corrective action will be completed by 30 November 2022.

FD

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

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

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

Root cause

103 The following factors contributed to this finding:

- .1 lack of legal basis, as well as the lack of a system for monitoring, assessing, incorporating, and implementing amendments to the applicable mandatory IMO instruments. In addition, there was insufficient trained personnel to draft national legislation and to regulate the implementation of the mandatory IMO instruments;
- .2 no specific responsibilities had been assigned for the formulation of policies related to the issuance of administrative instructions to assist in the effective implementation of the applicable mandatory IMO instruments; and
- .3 lack of a management system and procedures to establish a safety and environmental protection programme.

Corrective action

104 The Administration will implement the following actions:

- .1 establish and implement a safety and environmental protection programme, based on the outcome and proposals of a working group, to be created. 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 and for assigning responsibilities by relevant entities;
- .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. 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; and
- .3 a management system will be established, 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.

This corrective action will be completed by 30 November 2022.

FD

105 The Administration had not established necessary measures and legal framework to ensure effective enforcement of the requirements stemming from the mandatory IMO instruments, such as, providing penalties, including fines of adequate severity to discourage violation of international rules, regulations and standards; ensuring through national legislation the effective enforcement mechanism; and having sufficient qualified personnel to implement

and enforce national legislation, including personnel for performing investigations and surveys (III Code, paragraph 22.5; III Code, paragraph 24.1; III Code, paragraph 24.2).

Root cause

106 The absence of a comprehensive legal framework to impose penalties and fines on those who violate requirements stemming from international rules and standards and the lack of assigned responsibilities between relevant entities of the State, contributed to this finding.

Corrective action

107 The Administration will implement the following actions:

- .1 propose amendments to the Government Agreement concerned, in order to establish a robust legal framework for enforcing the requirements stemming from the mandatory IMO instruments. The aforementioned law will serve as a deterrent, providing penalties and fines consistent with the severity of the offense; and
- .2 establish a working group, led by the Administration and comprising relevant entities of the State, with the task to propose the formulation of policies for the implementation and enforcement of requirements stemming from the mandatory IMO instruments. The working group will also be responsible for proposing measures and the need for additional national legislation, if necessary, related to the enforcement of requirements emanating from the aforementioned IMO instruments. In addition, based on proposals by the working group, responsibilities will be assigned by relevant entities and key personnel will be familiarized and trained in their assigned tasks. The Administration will be responsible for monitoring the policies to be adopted and for drafting and implementing new national legislation once enacted through the existing legal process.

This corrective action will be completed by 30 November 2022.

FD

108 The arrangements for conducting marine safety investigations did not comply with the Casualty Investigation Code. In particular, the objectivity and impartiality of investigators was not ensured, investigation reports were not released to the public; and IMO guidelines to assist the investigators had not been considered in the investigation and reporting (SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 6.2; Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 38; III Code, paragraph 41).

Root cause

109 The following factors contributed to this finding:

- .1 although the Casualty Investigation Code had been transposed into the national legislation, related regulations have not been issued, therefore, related requirements had not been implemented; and
- .2 lack of trained personnel to implement the Casualty Investigation Code.

Corrective action

110 The Administration will implement the following actions:

- .1 develop subsidiary national legislation, procedures and guidelines to assist in the implementation of the requirements stemming from the Casualty Investigation Code and to assist the investigators in the investigation process;
- .2 arrangements will be established to ensure the impartiality and objectivity of the investigators and the publication of investigation reports to the public; and
- .3 technical assistance will be requested from IMO and other organizations to train and assist the Administration's staff in the development and implementation of the aforementioned corrective actions.

This corrective action will be completed by 30 November 2022.

FD

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

Root cause

112 The lack of awareness of the requirements of the III Code, as well as the lack of assigned responsibilities between the responsible entities of the State to perform a periodic evaluation of performance in the conduct of flag State activities, contributed to this finding.

Corrective action

113 The development of an overall strategy will allow the Administration to coordinate with all relevant entities of the State who share responsibilities for flag State activities and to develop a mechanism with clear lines of authority, assigned responsibilities, as well as defined objectives and key performance indicators 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. The Ministry of Defence, through the Administration, will be responsible for coordinating, implementing, and following up on the mechanism. This corrective action will be completed by 30 November 2022.

FD

114 Although the Administration developed a procedure to deal with the requirements that are left "to the satisfaction of the Administration" in the applicable IMO instruments, not all the requirements had been identified and appropriate guidance or approved interpretations provided (SOLAS 1974, regulation II-1/3-6.2.3; III Code, paragraph 16.5).

Root cause

115 The Administration did not have an adequate number of personnel with maritime expertise, in legal and marine department, to assist in the development of comprehensive

administrative instructions and technical guidance for those items that are left "to the satisfaction of the Administration" in the mandatory IMO instruments.

Corrective action

116 The Administration will recruit additional personnel with maritime expertise for assisting in drafting interpretative national rules and developing administrative instructions and guidelines covering the items left "to the satisfaction of the Administration" in IMO conventions. An in-house training programme for improving competence in the implementation of those guidelines will be developed. This corrective action will be completed by 22 December 2022.

FD

117 The Administration did not develop nor 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. In addition, the number of qualified personnel to implement and enforce national legislation, including personnel for performing investigations and surveys and to ensure the training and oversight of the activities of flag State surveyors and investigators was insufficient with regard to the size of the fleet registered under the flag of the State (III Code, paragraph 23.2; III Code, paragraph 24.2; III Code, paragraph 24.5).

Root cause

118 There was no archiving system in place, and duties and responsibilities were not assigned to develop and implement a control and monitoring programme for the collection of statistical data on the fleet, so that trend analyses can be conducted to identify problem areas. In addition, a lack of human resources hindered the implementation of a monitoring programme to ensure effective enforcement of the requirements stemming from the applicable mandatory IMO instruments, including the recruitment process which is under the authority of Civil Service Commission and not directly handled by the Administration.

Corrective action

119 The Administration will implement the following actions:

- .1 develop and implement a documented procedure to collect statistical data on the fleet, for analysis purposes, in order to identify problem areas and ensure that they are addressed;
- .2 recruit sufficient number of trained and qualified personnel with adequate expertise required to implement and enforce the national legislation; and
- .3 develop and implement a training programme and oversight of the activities of flag State surveyors and investigators.

This corrective action will be completed by 22 December 2022.

FD

120 The arrangements for conducting marine safety investigations did not comply with the Casualty Investigation Code and guidelines developed by IMO. Procedures that would guide the investigation process for very serious marine casualties were not in place nor a mechanism to ensure that the investigation reports were released to the public (Casualty Investigation Code, paragraph 6.2; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 41).

Root cause

121 The lack of awareness of the requirements stemming from the mandatory IMO instruments related to casualty investigation, the absence of national legislation (Ministerial decree, Circulars, Directives, etc.), as well as the lack of personnel with appropriate knowledge and skills contributed to this finding.

Corrective action

122 The Administration will implement the following actions:

- .1 ensure that the Casualty Investigation Code and related provisions of the mandatory IMO instruments are implemented through promulgated national legislation (Ministerial decree, Circulars, Directives, etc.);
- .2 develop and implement specific processes and relevant documented procedures for conducting marine safety investigations, in accordance with the Casualty Investigation Code and the guidelines assisting investigators in their implementation (resolution A.1075(28)), including the mechanism for communication of casualty investigation reports to IMO and release of results of investigation to the public;
- .3 a recruitment plan for qualified investigators will be developed and implemented, and a mechanism to ensure impartiality and objectivity of investigators will be established and implemented; and
- .4 a training programme, for investigators, on the conduct of casualty investigations will be developed and put in place.

This corrective action will be completed by 22 December 2022.

FD

123 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, paragraph 16.1; III Code, paragraph 16.5).

Root cause

124 There were no policies in place on issuing written procedures and administrative instructions within the Administration and responsibilities were not assigned. The Administration relied on ROs to use their own interpretations and was not aware of its role under the requirements of the mandatory IMO instruments.

Corrective action

125 The Administration will implement the following actions:

- .1 by-law on Internal Organization and Systematization of the responsible Ministry will be amended to clearly define the competence of the organizational units within the responsible entity to monitor and initiate incorporation of amendments to the mandatory IMO instruments into national legislation. Through the quality management system of the responsible entity, the policies and manner in which the entity will monitor and apply international standards will be defined and implemented;
- .2 the entity responsible for maritime safety and port management will review existing instructions; as well as identify the need, develop, and implement additional instructions to assist in the implementation of the mandatory IMO instruments and their amendments. Inter alia, the procedure for carrying out the technical inspection of the ships flying the flag of the State will be improved;
- .3 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; and
- .4 the training of officers of the responsible entities will be conducted in order to acquire adequate knowledge and skills for appropriate interpretation and application of the term "to the satisfaction of the Administration".

This corrective action will be completed by 31 December 2022.

FD

126 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; III Code, paragraph 17).

Root cause

127 There was a lack of clear assignment of responsibilities to monitor and ensure that the amendments to the mandatory IMO instruments were transposed into national legislation and implemented.

Corrective action

128 The Administration will implement the following actions:

- .1 competencies of the responsible entity to monitor and implement the mandatory IMO instruments into national legislation will be defined;
- .2 a new by-law will be enacted and implemented on the minimum number of crew members, in line with resolution A.1047(27); and

- .3 a mechanism of internal audit will be established to monitor consistent implementation of the new by-law.

This corrective action will be completed by 31 December 2021.

FD

129 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 engaged on international voyages, through establishing a mechanism for enforcement of the requirements stemming from the mandatory IMO instruments, with an appropriate number of qualified personnel to implement and enforce the national legislation (III Code, paragraph 15; III Code, paragraph 22.1; III Code, paragraph 24.1; III Code, paragraph 24.2).

Root cause

130 Policies, guidelines and 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. Administrative structure and personnel to provide oversight and monitoring activities, including training of flag State surveyors, were inadequate.

Corrective action

131 The Administration will implement the following actions:

- .1 in the forthcoming amendments to the Rules on Internal Organization and Systematization, the responsible entity will stipulate the expansion of human resources and the capacity to conduct flag State inspections of vessels flying the flag of the State engaged in international navigation will be enhanced;
- .2 the nodal Ministry, through its responsible entities will organize training for its officials appointed to monitor binding IMO instruments, in cooperation with a regional maritime agency;
- .3 national legislation will be enacted and implemented, supplemented by administrative instructions, in order to ensure compliance with the mandatory IMO instruments and effective flag State enforcement; and
- .4 responsible entities will establish a monitoring and control system ensuring compliance with the mandatory IMO instruments, including flag State enforcement actions. Human resources will be provided for that purpose.

This corrective action will be completed by 31 December 2022.

FD

132 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, regulation 14.3;

MARPOL, Annex I, regulation 14.4; III Code, paragraph 15; III Code, paragraph 24.1; III Code, paragraph 24.2; III Code, paragraph 24.5).

Root cause

133 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, as well as inadequate monitoring mechanism of national legislation for the enforcement of the requirements stemming from the mandatory IMO instruments.

Corrective action

134 The Administration will implement the following actions:

- .1 amendments to the Law on Maritime Navigation Safety stemming from the relevant mandatory IMO instruments, applicable to ships on domestic voyages and fishing vessels, will be enacted and implemented;
- .2 the technical rules, to be published on the website of the responsible Ministry, will define the application of technical requirements stemming from SOLAS 1974, Chapter V, MARPOL and other relevant IMO instruments to ships on domestic voyages and fishing vessels;
- .3 the responsible entities will, in cooperation with a regional maritime agency, organize trainings for their officers appointed to monitor and implement binding IMO instruments, to facilitate development of future technical rules;
- .4 the responsible entity will stipulate the expansion of human resources for monitoring mandatory IMO instruments and for the technical inspection of State's domestic vessels; and
- .5 also, through the QMS maintained by the responsible, the procedure for carrying out technical inspection of ships on domestic voyages and fishing vessels will be improved and monitoring of its consistent implementation ensured.

This corrective action will be completed by 31 December 2022.

FD

135 There was no evidence that the Administration had:

- .1 issued specific instructions to ROs detailing actions to be followed in the event a ship is found unfit to proceed to sea;
- .2 provided ROs with all appropriate instruments of national laws and interpretations thereof; and
- .3 established or participated in an oversight programme with adequate resources for monitoring of, and communication with, its ROs

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

Root cause

136 There was a lack of legal basis and a lack of policies and criteria for providing adequate resources for monitoring of, and communication with, the ROs. In addition, there was a lack of technical personnel and a QMS.

Corrective action

137 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;
- .2 new legislation will be consistently implemented, including issuing specific instructions to ROs detailing actions to be followed in the event of an unseaworthy ship, as well as providing all new legislation to the ROs; and
- .3 documented procedures will be developed and implemented within the QMS to establish an oversight programme for monitoring of ROs. The responsible office within the Administration will be a new dedicated unit for IMO-related matters and appropriate number of qualified personnel will be recruited.

This corrective action will be completed by 31 December 2022.

FD

138 There was no evidence of clear policy defined on the responsibilities of flag State surveyors; legal arrangements defining the responsibilities, authority and interrelationship of surveyors were not stipulated in national legislation; and identification documents were not issued to surveyors. 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 tasks they were authorized to undertake (III Code, paragraph 15; III Code, paragraph 28; III Code, paragraph 35; III Code, paragraph 37).

Root cause

139 There was an inadequate assignment of roles and responsibilities and an absence of a QMS.

Corrective action

140 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;

- .3 a documented system will be developed, which will capture existing qualifications, identified individual training needs and trainings received for each surveyor as appropriate to the tasks they are authorized to undertake; and
- .4 development of in-house training programmes, as well as participation in training courses organized by regional maritime agency and IMO 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 2022.

FD

141 The arrangements for casualty investigations were not found to be fully in compliance with the provisions of the Casualty Investigation Code, in particular there was no national provision to communicate report of casualty investigations to IMO (Casualty Investigation Code, paragraph 14.1; III Code, paragraph 41).

Root cause

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

Corrective action

143 The Administration will implement the following actions:

- .1 under the project on reviewing national legislation, new legislation related to implementation of the Casualty Investigation Code will be developed, including provision for reporting to IMO; and
- .2 a new casualty investigation unit will be created, reporting directly to the State Government, 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.

This corrective action will be completed by 31 December 2021.

FD

144 In the cases of detention of a ship entitled to fly the flag of the State, the Administration did not ensure that appropriate corrective measures were taken to bring the ship in question into immediate compliance with the applicable international instruments (III Code, paragraph 25).

Root cause

145 There was the absence of 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

146 The Administration will implement the following actions:

- .1 clearly define the responsibilities and improve measures to be taken to prevent the detention of ships flying the flag of the State, including overseeing those corrective actions to rectify deficiencies in case of detention are implemented by the company, establishing 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 improve coordination and establish a procedure defining the necessary communications between the responsible entity for the registry of ships, 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 31 December 2022.

FD

147 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, paragraph 42; III Code, paragraph 43).

Root cause

148 There was the absence of 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

149 The Administration will implement the following actions:

- .1 clearly define the responsibilities and improve measures to be taken to prevent the detention of ships flying the flag of the State, including overseeing those corrective actions to rectify deficiencies in case of detention are implemented by the company, establishing 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 improve coordination and establish a procedure defining the necessary communications between the responsible entity for the registry of ships, 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 31 December 2022.

FD

150 Although there was national legislation and guidance in place for many technical areas to assist in the implementation and enforcement of related requirements of the mandatory IMO instruments to ships flying the flag of the State, the implementation mechanism used by the Administration was inadequate to effectively discharge its responsibilities and obligations. Policies were not developed for implementation and enforcement of the provisions of the mandatory IMO instruments that were applicable to ships on domestic voyages. Furthermore, policies established for periodical inspection of ships on international voyages was not implemented (MARPOL, Annex I, regulation 6; III Code, paragraph 15).

Root cause

151 The following factors contributed to this finding:

- .1 absence of appropriate national legislation for ships engaged in domestic voyages, as well as absence of supporting guidelines/instructions for survey of such ships; and
- .2 lack of a documented programme for implementing the policy on periodic inspections of ships engaged on international voyages and for follow-up on corrective actions.

Corrective action

152 The Administration will implement the following actions:

- .1 promulgate regulations to implement provisions stemming from the mandatory IMO instruments that are applicable to ships engaged on domestic voyages, and develop and implement instructions and guidelines for surveyors;
- .2 develop and implement a programme for implementing the policy on periodic inspections of ships engaged on international voyages, as well as for following-up on corrective actions and identifying detainable and non-detainable deficiencies; and
- .3 develop and implement national legislation and define and undertake additional measures to deal with non-conformance by ships flying the flag of the State.

This corrective action will be completed by 31 December 2021.

FD

153 The Administration did not periodically evaluate its performance with respect to the implementation of administrative processes and procedures necessary to meet its flag State

obligations. Measures such as PSC detention rates, flag State inspection results, casualty statistics, communication and information processes and annual loss statistics, or other appropriate performance indicators, had not been included to evaluate the performance as a flag State (III Code, paragraph 42; III Code, paragraph 43).

Root cause

154 There was a lack of documented procedures encompassing indicators relevant for flag State evaluation, and insufficient coordination between the entities in the Administration to collate information as a basis for undertaking evaluation of flag State performance.

Corrective action

155 The Administration will implement the following actions:

- .1 develop and implement a reporting procedure for gathering information on flag State performance, including all areas under paragraph 44 of the III Code;
- .2 develop and implement a "flag State monitoring and evaluation mechanism" for monitoring and evaluating performance in the conduct of flag State activities, once in a year; and
- .3 develop and implement a procedure to conduct, record and retain results of periodic performance evaluations through a quality management system, to be established.

This corrective action will be completed by 31 December 2022.

FD

156 The Administration had developed policies and procedures for the issuance of safe manning certificates to ships flying the flag of the State. However, these were not implemented to ensure that ships were sufficiently and efficiently manned (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

157 There was a lack of an effective document control process in implementing the procedure established for the issuance of Safe Manning Certificates to ships flying the flag of the State.

Corrective action

158 The Administration will implement the following actions:

- .1 ensure that procedures and guidelines are documented and that responsibilities are assigned through the quality management system for the implementation of, and tracking changes to, the requirements related to minimum safe manning. These will also include document control measures so as to avoid inadvertent use of obsolete documents in future cases;

- .2 develop and implement a new software (i.e. database) to automatically calculate the minimum safe manning requirements for ships, based on their particulars, to ensure that ships are sufficiently and efficiently manned; and
- .3 verify during periodic and supplementary flag State inspections that the ships are sufficiently and efficiently manned, taking into account applicable standards.

This corrective action will be completed by 31 December 2021.

FD

159 The Administration did not regulate delegation of authority in accordance with the requirements of the mandatory IMO instruments. Some of the agreements concluded between the Administration and ROs were not in accordance with the RO Code. Specific instructions were not issued to ROs detailing actions to be followed in the event that the ship is found unseaworthy (SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; III Code, paragraph 18.2; III Code, paragraph 18.3; III Code, paragraph 21).

Root cause

160 The following factors contributed to this finding:

- .1 lack of human resources in the Administration to perform the delegation of authority to ROs; and
- .2 the procedures to regulate the delegation of authority to ROs were not effectively implemented.

Corrective action

161 The Administration will undertake the following actions:

- .1 recruit additional personnel with sufficient maritime knowledge to perform required tasks with regard to the delegation of authority to ROs; and
- .2 develop and further improve systems and procedures in the quality management system in order to regulate the delegation of authority to ROs in accordance with the RO Code. Accordingly, all existing RO agreements will be reviewed and updated, as necessary, including actions to be taken by ROs when ships are found unseaworthy.

This corrective action will be completed by 31 December 2021.

FD

162 The Administration did not implement or participate in an oversight programme for monitoring the survey and certification activities delegated to ROs. Furthermore, provisions in national law for conducting supplementary surveys of ships entitled to fly the flag of the State had not been implemented (III Code, paragraph 20).

Root cause

163 The following factors contributed to this finding:

- .1 lack of a mechanism to effectively carry out an oversight programme of ROs, in accordance with the required standards; and
- .2 insufficient human resources with technical maritime expertise to provide regular oversight of ROs.

Corrective action

164 The Administration will implement the following actions:

- .1 recruit additional personnel with sufficient technical expertise to conduct oversight of ROs;
- .2 develop and implement new procedures and methodologies for conducting supplementary surveys of ships, through the quality management system (QMS); and
- .3 develop and implement a new oversight programme in QMS for monitoring ROs, in accordance with the RO Code, which will also include initial and follow-up audits of ROs, analysis of RO-related detentions, ship casualties and supplementary surveys of ships, and updating of existing communication procedures with ROs.

This corrective action will be completed by 31 December 2021.

FD

165 Measures taken by the Administration to secure observance of rules and standards by ships entitled to fly the flag of the State were inadequate and the actions taken were not in accordance with the procedures established in national law. Periodic inspections of ships entitled to fly the flag of the State had not been conducted to verify that the actual condition of ship and its crew is in conformity with the certificates they carried. The national law did not include a provision to enable the Administration to institute proceedings against individuals holding endorsements who have violated provisions of the mandatory IMO instruments. Proceedings in accordance with national law had not been instituted in case of violations (III Code, paragraph 22).

Root cause

166 The following factors contributed to this finding:

- .1 lengthy legal processes and administrative difficulties hindered the enforcement of the requirements stemming from the mandatory IMO instruments;
- .2 lack of legislative provisions to deter violations;
- .3 lack of follow-up on corrective actions after reported ship deficiencies; and
- .4 lack of human resources, in particular, suitably qualified and competent technical and administrative personnel in the Administration.

Corrective action

167 The Administration will implement the following actions:

- .1 undertake legislative reform to facilitate enforcement of the requirements stemming from the mandatory IMO instruments;
- .2 develop and implement a follow-up programme, which will include simplified enforcement procedures to follow-up deficiencies reported during flag State inspections and offences/violations of regulations;
- .3 develop and implement new legislation to deal with and address violations and non-conformance by ships and seafarers;
- .4 conduct a review of the current practice regarding the verification of observance of international rules and standards through the implementation and enforcement of flag State activities, and introduce measures to strengthen the programme of flag State inspections to ensure that the international obligations and responsibilities with regard to enforcement are met; and
- .5 deploy adequate technical and administrative personnel with appropriate levels of maritime expertise to carry out the aforementioned tasks.

This corrective action will be completed by 31 December 2022.

FD

168 The Administration had not implemented a control and monitoring programme in order to provide for prompt and thorough casualty investigations and the collection of statistical data on its fleet so that trend analyses could be conducted to identify problem areas (III Code, paragraph 23).

Root cause

169 The following factors contributed to this finding:

- .1 the process to initiate marine safety investigations was lengthy;
- .2 absence of an efficient monitoring and evaluation mechanism for the outcome of marine safety investigations;
- .3 lack of an institutional process to report all maritime accidents and incidents to the Administration; and
- .4 lack of a system to collect statistical data and carry out trend analysis, in accordance with the III Code, primarily due to insufficient personnel with maritime expertise.

Corrective action

170 The following actions will be undertaken by the Administration:

- .1 establish and implement legal provisions requiring that all maritime accidents and incidents involving ships flying the flag of the State are reported to the Administration;
- .2 establish and implement a monitoring and evaluation mechanism to streamline the investigation process, exercise control and monitoring of statistical data and carry out trend analysis to identify problem areas;
- .3 establish and implement a maritime safety investigation monitoring and evaluation programme for ships on domestic voyages;
- .4 review and amend the relevant marine notice to reduce the time taken to initiate and complete maritime safety investigations;
- .5 further develop and implement a monitoring and evaluation programme based on the review and improvements of the existing procedure in order to provide prompt and thorough casualty investigations in accordance with the requirements of the Casualty Investigation Code and the III Code; and
- .6 deploy sufficient personnel with technical expertise, based on a study to be undertaken on the need for additional resources, and provide training on conducting and analysing safety investigations to improve the capabilities of existing and newly recruited personnel.

This corrective action will be completed by 31 December 2021.

FD

171 The responsibilities and authority of flag State surveyors were not defined and documented. There was no evidence available for a documented system for qualification of surveyors and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake. Identification documents were not issued to flag State surveyors and flag state inspectors (III Code, paragraph 28; III Code, paragraph 35; III Code, paragraph 37).

Root cause

172 The following factors contributed to this finding:

- .1 the Administration perceived that the letters of appointment of surveyors had sufficiently detailed the scope of responsibilities and authority of appointed surveyors. Hence, a separate system was not established to document qualifications and training of surveyors;
- .2 lack of human resources to continuously update and maintain training records of flag State surveyors;
- .3 lack of awareness of the requirement for flag State surveyors and inspectors to carry identification cards, as these were not required under any of the conventions to which the State is Party; and
- .4 absence of a system for issuing identification documents as well as a lack of human resources.

Corrective action

173 The Administration will implement the following actions:

- .1 develop and implement a documented system for mandatory qualification and training to qualify as a flag State surveyor, including on-going training for continuous updating of knowledge of flag State surveyors as appropriate to the tasks they are authorized to undertake, based on the individual needs to be identified;
- .2 develop and implement a training record maintenance policy as part of a quality management system to be established;
- .3 develop and implement additional instructions and guidance for surveyors to carry out their tasks; and
- .4 develop and implement a system and provide resources for the issuance of identification documents to all appointed flag State surveyors.

This corrective action will be completed by 30 June 2022.

FD

174 The Administration had not investigated and reported ship casualties in accordance with the mandatory IMO instruments. The process established by the national law for the conduct of flag State investigations did not ensure impartiality and objectivity of investigations. Moreover, it could not be demonstrated that investigators participating in marine safety investigations had suitable qualification and knowledge, and that the final investigation reports were made available to the public and the shipping industry (SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); Casualty Investigation Code, paragraph 11.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 38; III Code, paragraph 41).

Root cause

175 The following factors contributed to this finding:

- .1 lack of provisions in the national legislation defining the responsibilities for conducting, and reporting on, marine safety investigations in accordance with the mandatory IMO instruments;
- .2 lack of an established process to ensure impartiality and objectivity of marine safety investigations;
- .3 lack of personnel development programme in the area of marine safety investigations;
- .4 lack of knowledge and understanding of the requirements of the Casualty Investigation Code, as well as a documented procedure for conducting marine safety investigations; and
- .5 lack of sufficient qualified personnel and financial resources to fulfil its responsibilities in conducting marine safety investigations.

Corrective action

176 The Administration will implement the following actions:

- .1 adopt national regulations to address responsibility requirements for conducting, and reporting on, marine safety investigations in accordance with the Casualty Investigation Code, including notification to substantially interested States;
- .2 institute a systematic personnel training programme to address and provide the training needs of existing staff members and new recruits;
- .3 establish and implement a documented procedure and incorporate it into the quality management system to ensure marine safety investigations are conducted impartially and objectively, and that the authority for review and approval of investigation reports is independent from those associated with the ship and crew certification process;
- .4 adopt steps to ensure that marine safety investigations are conducted by impartial and objective investigators who are suitably qualified and knowledgeable in matters relating to the casualty and who report to an authority that is not responsible for statutory certification activities. Administration will implement the above-mentioned steps to designate qualified investigators for this purpose;
- .5 allocate adequate financial resources for conducting marine safety investigations; and
- .6 marine safety investigation reports will be made available to IMO, public and the industry, as required under the Casualty Investigation Code.

This corrective action will be completed by 31 December 2021.

FD

177 It was established that the Administration did not develop or document interpretations, nor provided guidance concerning those requirements left to "the satisfaction of the Administration" under the mandatory IMO instruments (MARPOL, Annex I, regulation 6; COLREG 1972, annex I, paragraph 14; COLREG 1972, annex III, paragraph 3; III Code, paragraph 16.5).

Root cause

178 The Administration did not have sufficient personnel with maritime expertise to assist in the development of necessary administrative instructions and technical guidance for those items that are left "to the satisfaction of the Administration" under the mandatory IMO instruments.

Corrective action

179 The following actions will be implemented by the Administration, in collaboration with other State entities:

- .1 recruit additional human resources having maritime expertise within the Administration, as well as provide training to existing personnel dealing with various national interpretations and guidelines;
- .2 develop interpretative national rules to address those requirements that are left "to the satisfaction of the administration" in the mandatory IMO instruments;
- .3 develop detailed administrative instructions and guidelines to ensure effective implementation and enforcement of the mandatory IMO instruments; and
- .4 conduct in-house training programmes to improve the competence of those staff members responsible for implementing the relevant guidelines.

This corrective action will be completed by 30 November 2021.

FD

180 There was no evidence that the nomination of surveyors for the purpose of carrying out surveys, audits, and inspections on behalf of the Administration were regulated. There were no instructions on procedures in place for conduct of various surveys assigned to nominated surveyors or for actions to be taken when a ship is found unseaworthy (III Code, paragraph 18.3; III Code, paragraph 21).

Root cause

181 Due to a lack of a policy for nomination of surveyors for conducting ship surveys, no documented procedures were developed for nomination of surveyors or conduct of surveys.

Corrective action

182 The following actions will be implemented by the Administration:

- .1 review the current provisions in the national law for nomination of surveyors and identify gaps for improvement; and
- .2 develop and implement legislation, procedures and guidelines for the appointment and oversight of nominated surveyors and conduct of surveys.

This corrective action will be completed by 30 November 2021.

FD

183 There was no evidence that the Administration had established an oversight programme for monitoring the survey and certification activities delegated to nominated surveyors in order to ensure that requirements for ships, including those on domestic voyages, stemming from the applicable IMO instruments were complied with (III Code, paragraph 20).

Root cause

184 There was a lack of policies for carrying out an oversight programme of nominated surveyors.

Corrective action

185 The following actions will be implemented by the Administration:

- .1 develop and implement policies and guidelines for appointing and overseeing the work of nominated surveyors, taking into account the Code for Recognized Organizations (RO Code), as well as incorporating them into a quality standard system of the Administration, to be developed; and
- .2 engage flag State inspectors to conduct random flag State inspections (FSI) as part of the oversight programme of delegated tasks.

This corrective action will be completed by 30 November 2021.

FD

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

Root cause

187 The following root causes contributed to this finding:

- .1 the Administration did not have a policy on qualification of surveyors or fulfilling their training needs; and
- .2 absence of any legal procedures and processes for recruitment and training of surveyors.

Corrective action

188 The following actions will be implemented by the Administration, in collaboration with other relevant entities in the State:

- .1 develop and implement policies, procedures and processes in the quality standard system for recruitment and training of surveyors in accordance with the provisions in the III Code;
- .2 establish, implement and document training programmes for existing and new surveyors in order to keep their knowledge updated, based on their individual needs and as appropriate to the tasks they are authorized to undertake; and
- .3 organize training programmes for flag State surveyors on flag State inspections, in 2020, to build their capacity and expertise.

This corrective action will be completed by 30 November 2021.

FD

189 The Administration had not issued appropriate identification documents for its surveyors to carry when performing their tasks (III Code, paragraph 37).

Root cause

190 There were no provisions under the national law for the issuance of identification cards to flag State surveyors.

Corrective action

191 The following actions will be implemented by the Administration:

- .1 review and amend the relevant national laws to include the requirement for identification of surveyors while conducting their assigned surveys/inspections;
- .2 incorporate procedures and processes into quality standard system for the issuance of identification cards to surveyors; and
- .3 issue appropriate identification cards to all surveyors within the Administration, and to all new surveyors at the time of their induction into service.

This corrective action will be completed by 30 November 2021.

FD

192 There was no system established by the Administration to evaluate its performance with respect to the implementation of administrative processes, procedures, and resources necessary to meet its obligations in the conduct of flag State activities (III Code, paragraph 42).

Root cause

193 The following root causes contributed to this finding:

- .1 responsibility had not been assigned to conduct performance evaluation activities of the Administration;
- .2 lack of continuity and training among staff members to evaluate performance of the Administration; and
- .3 lack of detailed policies to carry out periodic evaluations of performance in fulfilling the obligations under the mandatory IMO instruments.

Corrective action

194 The following actions will be implemented by the Administration:

- .1 establish and implement policies, procedures and processes for the Government to evaluate performance of the Administration in respect of the implementation and enforcement of the mandatory IMO instruments;
- .2 designate personnel to manage quality standard system, schedule internal audit plans and periodic evaluations of the Administration; and
- .3 arrange internal audits and evaluation in accordance with policies, procedures and processes in the quality standards system.

This corrective action will be completed by 30 November 2021.

FD

195 The Administration did not have a system in place to ensure that the State's policies and legislation had been effectively implemented while discharging its flag State responsibilities. Furthermore, the State had not assigned responsibilities for updating and revising the policies adopted (III Code, paragraph 15.1; III Code, paragraph 15.2).

Root cause

196 There was a lack of understanding on the steps required to be undertaken by a flag State to effectively discharge its responsibilities and obligations under the provisions of the mandatory IMO instruments.

Corrective action

197 The responsible entity will implement the following actions:

- .1 organize a training and familiarization programme on steps needed for implementing international conventions and protocols, for all personnel responsible for flag State implementation and enforcement;
- .2 establish relevant policies and measures through national legislation and guidance for flag State implementation and enforcement of the mandatory IMO instruments, and promulgate these policies to all stakeholders for implementation; and
- .3 designate an official and assign responsibility to periodically review and update the aforementioned adopted policies.

This corrective action will be completed by 31 December 2022.

FD

198 The Administration did not establish adequate resources and processes capable of administering a safety and environmental protection programme, including:

- .1 administrative instructions to implement mandatory IMO instruments;
- .2 an independent audit and inspection programme;
- .3 compliance with international standards for training, certification and watchkeeping of seafarers;
- .4 conduct of investigations into casualties; and
- .5 guidance on those requirements in IMO instruments that were left to the "satisfaction of the Administration"

(III Code, paragraph 16)

Root cause

199 There was a lack of suitably qualified personnel within the Administration to develop policies, processes and procedures, as well as to coordinate various flag State implementation and enforcement activities.

Corrective action

200 The responsible entity will undertake the following actions:

- .1 the national legislation will be amended in order to appoint suitably qualified personnel for the purpose of establishing processes, procedures, guidelines and instructions for the implementation and enforcement of flag State obligations and responsibilities. Through these processes, inter alia, administrative instructions, audit and inspection programme, training and certification of seafarers, conduct of marine safety investigations and provision of guidance on those requirements that were left to the "satisfaction of the Administration" will be developed and updated;
- .2 allocate adequate financial resources in order to recruit suitably qualified administrative and technical personnel within the Administration; and
- .3 assign tasks and responsibilities to develop and implement procedures and to monitor and review the aforementioned steps for effective implementation.

This corrective action will be completed by 31 December 2022.

FD

201 Although national regulations had been put in place, there was objective evidence to demonstrate that the Administration did not establish the processes for implementing the requirements related to STCW 1978 (STCW 1978, regulation I/10; III Code, paragraph 16.3).

Root cause

202 There was a lack of suitably qualified personnel within the Administration to establish and implement processes for the recognition of certificates of competency in accordance with regulation I/10 of STCW 1978.

Corrective action

203 The responsible entities will undertake the following actions:

- .1 appoint personnel with appropriate qualifications in the Administration to monitor marine training centres and to ensure the implementation of STCW 1978;
- .2 develop and implement a quality management system (QMS), which will include processes and procedures for the administration of seafarers training and certification, including recognition of certificates of competency, in accordance with STCW 1978; and

- .3 conclude agreements with other States within the region to enhance mutual recognition of certificates of competency and professional training of seafarers.

This corrective action will be completed by 31 December 2022.

FD

204 There was evidence to demonstrate that authority was delegated to an organization for conducting surveys and audits, without determining that it had adequate resources in terms of technical, managerial and research capabilities to accomplish the assigned tasks, in accordance with the RO Code. Furthermore, the Administration did not have a system in place to ensure that the formal agreements with its ROs were made in accordance with the national legislation and the RO Code. Additionally, the State had not developed relevant instructions, interpretations and guidance (RO Code, part 2, section 8; III Code, paragraph 18.1; III Code, paragraph 18.2; III Code, paragraph 18.4).

Root cause

205 The following factors contributed to this finding.

- .1 lack of suitably qualified personnel within the Administration for the control of delegation of authority to recognized organizations (ROs); and
- .2 lack of internal procedures for delegation of authority to ROs as well as the lack of implementation of the RO Code.

Corrective action

206 The responsible entities will implement the following actions:

- .1 recruit suitably qualified personnel within the Administration to regulate the process of delegation of authority to ROs and the implementation of the RO Code;
- .2 establish and implement an internal procedure for the delegation of authority to ROs in accordance with the RO Code and national law;
- .3 review existing agreements with ROs and sign new (or revised) agreements with ROs in accordance with the RO Code; and
- .4 develop and communicate to ROs instructions, interpretations and guidance for exercising the delegated authority.

This corrective action will be completed by 31 December 2022.

FD

207 The Administration had not established or participated in an oversight programme, nor provided adequate resources for monitoring of, and communication with, its ROs in order to ensure that its international obligations are fully met (III Code, paragraph 20).

Root cause

208 The following factors contributed to the finding:

- .1 lack of suitably qualified staff within the Administration for the control and oversight of authority delegated to recognized organizations (ROs); and
- .2 lack of internal procedures for supervising and monitoring ROs.

Corrective action

209 The responsible entities will implement the following actions:

- .1 recruit suitably qualified personnel within the Administration to manage the supervision and monitoring of ROs and the implementation of the RO Code;
- .2 establish and implement a procedure and programme for effective oversight of ROs; and
- .3 assign responsibility to a designated official for supervising and monitoring ROs, in accordance with the RO Code and III Code.

This corrective action will be completed by 31 December 2022.

FD

210 The Administration did not, in all circumstances, provide measures in its national laws and regulations for penalties of adequate severity to discourage violations of international rules and standards (III Code, paragraph 22.5).

Root cause

211 There was a lack of sufficient personnel within the Administration to periodically review the adequacy of penal provisions and, when necessary, to initiate action to amend national legislation in order to incorporate sufficiently severe penalties.

Corrective action

212 The relevant ministry will implement the following actions:

- .1 deploy suitably qualified personnel within the Administration to review the existing penal provisions in the national legislation and to draft new legislation to amend penalties;
- .2 review and update the existing national legislation by including penalties of adequate severity and empowering officials of the Administration to have control and oversight of the ship registry for enforcing the provisions of said legislation; and
- .3 file and maintain all records of enforcement measures taken and penalties imposed at the Administration.

This corrective action will be completed by 31 December 2022.

FD

213 The State did not develop and implement a control and monitoring programme in order to provide for prompt and thorough casualty investigations and reporting to IMO, as appropriate (III Code, paragraph 23.1).

Root cause

214 The following factors contributed to this finding:

- .1 insufficient personnel within the Administration for developing a system to monitor marine casualties and to conduct casualty investigations in accordance with the Casualty Investigation Code;
- .2 lack of trained investigators within the Administration to conduct marine casualty investigations; and
- .3 lack of a documented system to maintain and monitor relevant records of casualty investigations and ensure reporting to IMO.

Corrective action

215 The responsible ministry will implement the following actions:

- .1 sufficient personnel with maritime experience will be recruited in the Administration to monitor marine casualties and to implement provisions of the Casualty Investigation Code;
- .2 establish an independent authority in the State for conducting marine safety investigations;
- .3 provide capacity-building training programmes on conducting investigations and reporting for officers and investigators, in accordance with the Casualty Investigation Code;
- .4 establish and implement a system to file and maintain all records related to marine casualties and investigations, and to communicate reports to IMO, stakeholders and the public at large.

This corrective action will be completed by 31 December 2022.

FD

216 The Administration did not have a system in place to provide a sufficient number of qualified flag State personnel to investigate incidents where ships entitled to fly the flag of the State had been detained by port States (III Code, paragraph 24.3).

Root cause

217 The following factors contributed to this finding:

- .1 due to an overall shortage of qualified personnel with maritime experience in the State, the Administration could not appoint a sufficient number of flag State surveyors;

- .2 due to the lack of procedures to document tasks of surveyors and recognized organizations (ROs), monitoring and following-up on port State control (PSC) detentions of ships flying the flag of the State was not one of the identified tasks; and
- .3 there was a lack of communication within the Administration in cases of PSC detention of ships flying the flag of the State.

Corrective action

218 The responsible entity will implement the following actions:

- .1 recruit sufficient surveyors with maritime expertise within the Administration, to control and monitor PSC detentions of ships flying the flag of the State;
- .2 provide necessary instructions to be followed by ROs during PSC detentions, by including them in the RO agreements that will be updated/renewed in accordance with the RO Code;
- .3 develop and implement a documented procedure for reporting PSC detention of ships flying the flag of the State to the Administration and to carry out necessary monitoring and follow-up functions; and
- .4 establish a mechanism to maintain all records of PSC detentions and follow-up actions at the office of the Administration.

This corrective action will be completed by 31 December 2022.

FD

219 There was no objective evidence to demonstrate that statutory certificates were issued to a ship only after appropriate surveys had been carried out to verify compliance with all applicable requirements (SOLAS 1974, regulation I/6; SOLAS 1974, regulation I/10; SOLAS 1974, regulation I/12; III Code, paragraph 26).

Root cause

220 The following contributed to this finding:

- .1 lack of competent personnel and guidelines for the control and oversight of statutory survey and certification of ships; and
- .2 lack of a proper record keeping system for the survey and certification of ships under the mandatory IMO instruments.

Corrective action

221 The entities responsible will implement the following actions:

- .1 develop and implement documented procedures and a monitoring system to ensure that statutory certificates are only issued to ships that comply with the provisions of the mandatory IMO instruments;

- .2 appoint suitably qualified personnel as surveyors to control and oversee the issuance of statutory certificates to ships; and
- .3 establish and implement an online electronic records system for ship survey and certification that will connect recognized organizations (ROs) and the Administration at all times and facilitate the survey and certification monitoring system.

This corrective action will be completed by 31 December 2022.

FD

222 The Administration had not defined or documented the responsibilities, authority and interrelation of all personnel who managed, performed and verified work relating to and affecting safety and pollution prevention (III Code, paragraph 28).

Root cause

223 The following factors contributed to this finding:

- .1 due to practical difficulties in a small Administration with limited staff, documented procedures were not developed for defining tasks, responsibilities and authorities of personnel;
- .2 lack of training programmes developed for staff performing tasks related to flag State activities, in accordance with the III Code; and
- .3 lack of awareness and understanding of the requirements to document related responsibilities of personnel within the Administration.

Corrective action

224 The responsible entities will implement the following actions:

- .1 create a new post to manage the implementation and enforcement of flag State activities;
- .2 develop and implement regulations and associated procedures under the existing national legislation, detailing individual responsibilities and authority of personnel, in particular for flag State surveyors; and
- .3 develop and implement training programmes, with assistance from IMO and through regional cooperation to ensure continuous development for all personnel performing duties related to flag State implementation and enforcement, in particular on documentation requirements.

This corrective action will be completed by 31 December 2022.

FD

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

Root cause

226 The following factors contributed to this finding:

- .1 lack of personnel with technical expertise within the Administration to develop a documented system for qualification and continuous updating of knowledge of flag State surveyors and auditors; and
- .2 lack of training programmes provided to staff assisting in the tasks related to flag State implementation and enforcement.

Corrective action

227 The entities responsible will implement the following actions:

- .1 create a new post to manage matters related to flag State implementation and enforcement;
- .2 develop and implement regulations as prescribed by the existing national legislation on the qualification and training programme of surveyors and other staff members;
- .3 develop and implement a documented system for qualification of personnel and continuous updating of their knowledge, with the assistance from IMO and through regional cooperation, including associated training programmes for new and existing staff members. Through this system, the updating of staff member's knowledge in performing duties related to flag State implementation and enforcement will be achieved and documented, based on the identification of their individual training needs, commensurate to the tasks they are authorized to undertake.

This corrective action will be completed by 31 December 2022.

FD

228 The Administration had not ensured that a casualty investigation was conducted into every very serious marine casualty, as required by the Casualty Investigation Code (Casualty Investigation Code, paragraph 6.1; Casualty Investigation Code, paragraph 6.2; III Code, paragraph 41).

Root cause

229 The following factors contributed to this finding:

- .1 lack of personnel, documented procedures and policies for conducting and reporting marine casualty investigations;
- .2 the decision taken to establish an independent authority for conducting marine safety investigations in accordance with the Casualty Investigation Code was still in the implementation stage; and
- .3 lack of training programmes provided for staff members conducting marine safety investigations.

Corrective action

- 230 The entities responsible will implement the following actions:
- .1 create a new post to manage all matters related to ship casualties and marine safety investigations;
 - .2 develop and implement regulations, guidelines and policies for conducting and reporting casualty investigations according to the Casualty Investigation Code;
 - .3 develop and implement training programmes, with assistance from IMO and through regional cooperation, for relevant staff members and investigators on conducting and reporting casualty investigations in accordance with the Casualty Investigation Code; and
 - .4 establish an independent authority that will be tasked to conduct all marine safety investigations in the future.

This corrective action will be completed by 31 December 2022.

FD

231 The Administration did not have a system in place to evaluate its performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the mandatory IMO instruments (III Code, paragraph 42).

Root cause

232 There was a lack of human resources within the Administration to establish a mechanism, policies and guidelines to evaluate its performance as a flag State.

Corrective action

- 233 The responsible ministry will implement the following actions:
- .1 provide human resources by establishing a joint audit team comprising relevant government entities to develop a system for the evaluation of flag State performance, including conducting audits;
 - .2 develop and implement a mechanism containing clear lines of authority and assigned responsibilities to evaluate the performance in the conduct of flag State activities;
 - .3 define key performance indicators (KPI) to measure the performance in the conduct of flag State activities, taking into account paragraphs 43 and 44 of the III Code;
 - .4 develop and implement procedures for periodical review and evaluation of flag State performance and carry out audits of all areas of flag State activities on an annual basis; and

- .5 evaluate the outcome of the audits and take corrective actions for continual improvement.

This corrective action will be completed by 31 December 2022.

FD

234 There was evidence that the processes and procedures established were inadequate for the timely issuance of administrative instructions and interpretative national regulations, where necessary, to give full effect to the applicable IMO instruments. This includes instructions on issuing exemptions, equivalents and type approvals. In addition, it was established that there was no specific national provision to address, for example, the application of the requirements of SOLAS 1974, Chapter V, and to extend the implementation of the provisions of MARPOL, Annex I to ships entitled to fly the flag of the State, regardless of their size and area of operation (SOLAS 1974, regulation V/1.4; SOLAS 1974, regulation XI-1/5.3; MARPOL, Annex I, regulation 14.3; MARPOL, Annex I, regulation 14.4; MARPOL, Annex I, regulation 15.6.2; III Code, paragraph 16.1).

Root cause

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

Corrective action

236 The Administration will implement the following actions:

- .1 recruit technical and legal personnel with maritime expertise to assist in the rapid development of the necessary administrative instructions, national regulations and guidance;
- .2 recruit additional 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 review existing processes, policies and procedures, identify any gaps and implement any necessary updates, including developing missing administrative instructions and guidance as required in the various mandatory IMO instruments, regardless of the size of ships entitled to fly the flag of the State and their area of operation; and
- .4 an oversight programme will be established to ensure that activities of the entity responsible for the registry are in compliance with the State's obligations under respective IMO instruments.

This corrective action will be completed by 31 December 2022.

FD

237 The Administration had not established resources and processes capable of administering a safety and environmental protection programme consisting of an independent audit and inspection programme for the entity that issued 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, paragraph 16.2).

Root cause

238 The lack of human and financial resources contributed to this finding.

Corrective action

239 The Administration will implement the following actions:

- .1 secure financial support from respective Ministry;
- .2 develop and implement procedures for the authorisation of nominated surveyors based overseas 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; and
- .3 designate local adequately qualified nominated surveyors on a "earn as you work" basis to assist the Administration with surveys and inspections of ships.

This corrective action will be completed by 31 December 2022.

FD

240 The Administration had not:

- .1 determined that some of its ROs had adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned;
- .2 updated existing agreements with ROs to meet the mandatory requirements of the RO Code;
- .3 issued specific instructions to ROs detailing actions to be followed in the event of an unseaworthy ship; and
- .4 established or participated in an oversight programme with adequate resources for monitoring of, and communication with its ROs in order to ensure that its international obligations are fully met.

(SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 2.1; III Code, paragraph 18.1; III Code, paragraph 18.2; III Code, paragraph 18.3; III Code, paragraph 20).

Root cause

241 The lack of human and financial resources contributed to this finding.

Corrective action

242 The Administration will implement the following actions:

- .1 establish and implement a system and an oversight programme of ROs, including a programme of audits to verify compliance of all ROs with the requirements of the RO Code with respect of concluded agreements;
- .2 existing agreements with ROs will be reviewed and re-modelled taking into consideration the local legal system and the RO Code requirements;
- .3 ROs will be provided with all appropriate instruments of national law and any additional applicable standards including instructions to be followed in the event that a ship is found unfit to proceed to sea;
- .4 develop and implement mechanism to determine that ROs had adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned, prior to their authorization; and
- .5 provide sufficient human and financial resources to assist in the implementation of the established oversight programme.

This corrective action will be completed by 31 December 2022.

FD

243 The Administration did not fully ensure that ships entitled to fly the flag of the State were in compliance with the applicable mandatory IMO instruments due to the absence of an inspection programme; that the ship's complement could effectively coordinate activities in an emergency situation; and that the assigned seafarers are duly familiar with their specific duties and ship's arrangements, installations, equipment and procedures (III Code, paragraph 22.2; III Code, paragraph 22.3; III Code, paragraph 22.4).

Root cause

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

Corrective action

245 The Administration will:

- .1 recruit additional flag State surveyor with adequate level of maritime expertise to conduct periodic inspections on board ships entitled to fly the flag of the State, to ensure that the assigned seafarers are duly familiar with their specific duties and ship's arrangements, installations, equipment and procedures;
- .2 review the actual inspection system;
- .3 develop and implement an enhanced inspection programme to verify that the actual condition of ships entitled to fly the flag of the State and its crew are in conformity with the carried certificates; and
- .4 develop and implement a mechanism to ensure that ship's complement can effectively coordinate activities in an emergency situation and in the performance of functions vital to safety or to the prevention or mitigation of pollution.

This corrective action will be completed by 31 December 2022.

FD

246 The Administration had not ensured that appropriate number of qualified personnel was available with the necessary maritime expertise needed to implement and enforce the provisions stemming from the applicable mandatory IMO instruments (III Code, paragraph 24).

Root cause

247 Scarcity of appropriate personnel and the issue with salary scales were at the root of this finding.

Corrective action

248 Necessary arrangements will be made by the Administration, in collaboration with the relevant authorities, to establish an incentive mechanism for attracting qualified personnel to join the service. Surveyors will be recruited on permanent or on a contract basis. This corrective action will be completed by 31 December 2022.

Observations (OB)

249 The Administration did not establish documented training programmes for flag State surveyors and investigators to update their knowledge regarding amendments to the mandatory IMO instruments, ships and their operation, as well as provisions of national legislation and international instruments necessary to perform their duties (III Code, paragraph 32).

Root cause

250 The lack of awareness of the requirements of the III Code, as well as the lack of coordination with regional organizations to which the State is a member in managing and implementing training activities, contributed to this finding.

Corrective action

251 The Administration will implement the following actions:

- .1 an assessment will be carried out to identify the existing levels of qualification and training of flag State surveyors, port State control officers (PSCOs) and investigators, the type of training needed, the need for additional human and financial resources, a schedule for continuous updating of the knowledge of flag State surveyors, PSCOs, and investigators, and the initial training plan for newly recruited inspectors; and
- .2 request technical assistance from IMO to develop training programmes for surveyors performing flag and port State control surveys/inspections and investigators, and coordinate with other regional organizations to include flag State surveyors, PSCOs and investigators in attendance to regional training workshops, which will allow the Administration to organize in-house trainings thereafter.

This corrective action will be completed by 30 June 2022.

OB

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

Root cause

253 The following factors contributed to this finding:

- .1 although the Casualty Investigation Code had been transposed into the national legislation, related regulations have not been issued, therefore, related requirements had not been implemented; and
- .2 lack of trained personnel to implement the Casualty Investigation Code.

Corrective action

254 The Administration will regulate the Casualty Investigation Code through additional national legislation and guidance in order to ensure an adequate investigation process and, in addition, implement provisions to investigate accidents involving personal injury necessitating absence from duty of three days or more, in accordance with the provisions of the III Code. This corrective action will be completed by 30 November 2022.

OB

255 The Administration could not ensure ready access to expertise in the conduct of marine safety investigations (III Code, paragraph 39).

Root cause

256 There was a lack of trained and qualified investigators with working knowledge and practical experience in those subject areas pertaining to casualty investigation. The existing organizational structure established to deal with casualty investigation was not yet fully operational.

Corrective action

257 The Administration will implement the following actions:

- .1 a list of experts whose knowledge is complementary to the competence of investigators will be drawn up so that they can, according to the category/type of accidents, assist the investigators on a case-by-case basis. Moreover, a minimum level of expert knowledge will be defined;
- .2 implement related procedures and guidelines to assist in the investigation process, particularly for very serious casualties; and
- .3 develop and implement a specialized training programme for investigators in the field of maritime casualty investigation, in accordance with the requirements of international conventions and Casualty Investigation Code.

This corrective action will be completed by 22 December 2022.

OB

258 Although the existing flag State surveyors met the qualifications criteria as stipulated in the III Code, relevant qualification criteria for recruitment of surveyors were not defined and regulated in line with the III Code (III Code, paragraph 29; III Code, paragraph 31; III Code, paragraph 32).

Root cause

259 There was a lack of awareness on relevant qualification criteria for recruitment of surveyors as defined in the III Code.

Corrective action

260 The relevant entities of the Administration will implement the following actions:

- .1 relevant Law will be amended to create a legal basis prescribing the qualification criteria for flag State surveyors, who perform the supervision, inspections and audits of ships flying the flag of the State and their companies, in accordance with the requirements prescribed in paragraphs 29 to 32 of the III Code. In addition, the amendment of the By-law on Internal Organization and Systematization of the responsible entity will transpose the obligations from the Law concerning flag State surveyors and inspectors; and
- .2 the responsible entity will develop and implement an annual training plan for flag State surveyors, through which their practical and theoretical knowledge of the ship, ship operations and international and national regulations will be acquired and updated.

This corrective action will be completed by 31 December 2021.

OB

261 There was no system in place to ensure ready access to expertise in all required areas. 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 (III Code, paragraph 39; III Code, paragraph 40).

Root cause

262 There was a lack of awareness on the need to ensure ready access to expertise in all required areas of casualty investigation and to investigate accidents involving personal injury necessitating absence from duty of more than three days and any deaths resulting from occupational accidents.

Corrective action

263 The relevant entities of the Administration will implement the following actions:

- .1 national legislation will be amended to change the definition of marine accidents and incidents in accordance with the III Code and the Casualty Investigation Code;

- .2 following the entry into force of the amendments to the national legislation, new by-laws will be drafted, adopted and implemented in order to achieve compliance with the III Code and the Casualty Investigation Code; 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.

OB

264 There was no system in place to ensure that accidents involving personal injuries resulting in absence from duty for three or more days are systematically investigated and that results of such investigations are made public (III Code, paragraph 40).

Root cause

265 There was a lack of coordination between entities responsible for the implementation of labour laws and the Administration, as well as absence of guidelines on accidents involving personal injuries.

Corrective action

266 The Administration will implement the following actions:

- .1 take the lead for the implementation of mandatory requirements related to casualty investigation, establish a mechanism of coordination with the respective Ministry and all stakeholders, such as ship owners, operators and masters of ships flying the flag of the State, will be informed accordingly;
- .2 a documented procedure for implementation of mandatory requirements related to casualty investigation as per paragraph 40 of the III Code will be developed and implemented, and a continuous training programme for all personnel involved in flag State investigations will be established; and
- .3 guidelines and instructions 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 once all clearances have been obtained from the respective Ministry.

This corrective action will be completed by 31 December 2022.

COASTAL STATE ACTIVITIES

Findings (FD)

267 The State did not assign responsibilities and issue appropriate legislation, guidance and procedures for the provision of SAR services. In addition, plans for cooperation in case of emergency involving passenger ships calling at the ports of the State had not been developed (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.3; III Code, paragraph 46; III Code, paragraph 47).

Root cause

268 The following factors contributed to this finding:

- .1 lack of legal basis, policies and administrative structure to provide SAR services; and
- .2 lack of financial resources to fulfil SAR obligations and responsibilities.

Corrective action

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

- .1 the Ministry of Defense, through the nodal responsible entity will lead an inter-institutional working group with participation from the responsible government entities, which will be tasked to draft national legislation and to clearly document respective responsibilities for ensuring the availability of SAR services, for further enactment, and to identify necessary equipment to be acquired to ensure SAR coverage in areas under the jurisdiction of the State;
- .2 in accordance with the defined responsibilities, manuals, procedures and working instructions will be developed, as necessary, and processes will be put in place for 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;
- .3 the nodal responsible entity will include the requirement for the provision of equipment within the annual and multiannual procurement plan of the Ministry of Defense to ensure its subsequent acquisition; and
- .4 once the status of SAR services has been regularized, mandatory information will be communicated to IMO.

This corrective action will be completed by 30 November 2022.

FD

270 The maritime administration had not established a mechanism for the provision of radiocommunication services, including the assignment of GMDSS identities, delimitation of sea areas, use of digital selective calling and provision of appropriate shore based facilities for radiocommunication services for transmitting urgent messages relating to safety of navigation, and for receiving maritime emergency radiocommunications (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation IV/5-1; SOLAS 1974, regulation V/4; SOLAS 1974, regulation V/31.2; III Code, paragraph 47; III Code, paragraph 49).

Root cause

271 The following factors contributed to this finding:

- .1 lack of awareness of coastal State obligations;

- .2 absence of a legal basis, including regulations, guidelines and procedures; and
- .3 absence of infrastructure, financial resources and coordination among relevant entities of the State.

Corrective action

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

- .1 establish an inter-institutional working group, comprising all entities involved in the implementation and enforcement of SOLAS 1974, Chapters IV and V, which will be tasked to define and propose the assignment of related responsibilities and obligations of involved entities, to analyse the need and propose development of additional national legislation for further drafting and enactment, including regulations, guidelines and procedures, and to evaluate the performance of the involved entities through a mechanism to be implemented within the new overall strategy;
- .2 relevant authorities of the State will assess the needs of the State in establishing the radiocommunication services under SOLAS 1974, Chapter IV, request additional funds from the Government and procure necessary equipment in accordance with the requirements of the mandatory IMO instruments. The need to establish specific responsible units will also be assessed, and organizational structures will be established accordingly.

This corrective action will be completed by 30 November 2022.

FD

273 The maritime administration had not implemented a system to periodically evaluate its performance in the conduct of coastal State activities, for the purpose of verifying compliance with the obligations of the State under the applicable mandatory IMO instruments to which the State is Party (III Code, paragraph 51).

Root cause

274 The lack of awareness of the requirements of the III Code, as well as the lack of assigned responsibilities among relevant entities of the State to perform a periodic evaluation of performance in the conduct of coastal State activities, contributed to this finding.

Corrective action

275 The development and implementation of an overall strategy will enable the involved entities of the maritime administration who share responsibilities for coastal State activities to improve their coordination and to develop a mechanism with clear lines of authority, assigned responsibilities, as well as defined objectives and key performance indicators 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. The Ministry of Defense, through nodal responsible entities, will be responsible for coordinating, implementing, and following up on the mechanism. This corrective action will be completed by 30 November 2022.

FD

276 The State did not make available all appropriate shore-based facilities for radiocommunication services to transmit navigational warnings, danger messages, meteorological and other urgent messages relating to safety of navigation, and for receiving maritime emergency radiocommunications (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/4; SOLAS 1974, regulation V/5; III Code, paragraph 47).

Root cause

277 There was an absence of a legal basis, including regulations, guidelines and procedures, and a lack of infrastructure.

Corrective action

278 The relevant government entities will undertake the following actions:

- .1 enact and implement relevant national legislation as a basis to establish and operate a coastal radio station, in order to broadcast navigational warnings, danger messages, meteorological information and other urgent messages related to safety of navigation in accordance with the mandatory requirements ;
- .2 develop and implement relevant guidelines and documented procedures necessary to ensure the availability of radiocommunication services, and devise and assign tasks and responsibilities among the State entities responsible for coastal State activities;
- .3 put into operation coastal radio stations with necessary equipment and qualified and trained personnel, through a contract between the concerned entities of the State to provide radiocommunication services; and
- .4 information on radiocommunication services will be communicated to IMO.

This corrective action will be completed by 22 December 2022.

FD

279 There was no evidence of an effective control and monitoring programme in place for timely response to pollution incidents. Although the National Emergency Response Plan in the Event of Sea Pollution from Vessels was approved, it was confirmed that all the information required to be provided in its annexes was not made available, to assist in its effective implementation. In addition, it could not be established that substances containing oil or chemicals were approved by a responsible entity for use in combatting pollution incidents, in accordance with MARPOL requirements (MARPOL, Annex I, regulation 4.3; MARPOL, Annex II, regulation 3.1.3; III Code, paragraph 50.2).

Root cause

280 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 clearly assigned to a specific agency and the work on existing plan was not concluded (e.g. list of contacts, list of equipment, etc.).

Corrective action

281 The maritime administration will implement the following actions:

- .1 enact and implement amendments to the relevant Law and issue necessary bylaws, including assigning related responsibilities for developing and implementing a pollution response plan, as well as provisions for approval of discharge of NLS and substances containing oil for the purpose of combating pollution incidents;
- .2 adopt and implement the revised National Emergency Response Plan; and
- .3 establish a system for monitoring effectiveness of the Plan through periodic exercises.

This corrective action will be completed by 31 December 2022.

FD

282 There was no enforcement mechanism in place under the existing ship reporting system, including relevant provisions in national law (III Code, paragraph 47; III Code, paragraph 49).

Root cause

283 There was a lack of relevant provisions in national law and a lack of procedures.

Corrective action

284 The responsible Ministry and entity will implement the following actions:

- .1 the enforcement mechanism for mandatory reporting ADRIREP system will be established in the national legal framework; and
- .2 the reporting requirements under resolution MSC.139(76) will be identified and procedures will be drafted, approved, and implemented.

This corrective action will be completed by 31 December 2020.

FD

285 The State had not implemented a system of periodic evaluation of performance of its coastal State activities for the purpose of verifying compliance with its obligations under the mandatory IMO instruments (III Code, paragraph 51).

Root cause

286 There was a lack of awareness of the requirement to implement a system of periodic evaluation of performance in the conduct of coastal State activities for the purpose of verifying compliance with the State's obligations under the mandatory IMO instruments.

Corrective action

287 A system to periodically review and evaluate the performance of all entities participating in the conduct of coastal 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 all agencies of the maritime administration. In the interim, the responsible 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 31 December 2022.

FD

288 The State had no arrangements in place for the collection and compilation of hydrographic data and the publication, dissemination and updating of nautical information necessary for safe navigation. In addition, there was no system in place to carry out hydrographic surveys and provide up-to-date nautical information necessary for safe navigation of ships through waters under the jurisdiction of the State (SOLAS 1974, regulation V/9; III Code, paragraph 47).

Root cause

289 The following factors contributed to this finding:

- .1 lack of awareness and understanding of the obligations to conduct hydrographic services, as well as the assumption that the existing hydrography arrangements were sufficient to meet the obligations under SOLAS 1974; and
- .2 lack of human capacity to conduct hydrographic surveys.

Corrective action

290 The State will implement the following actions:

- .1 create a national hydrographic coordinating committee based on guidance from International Hydrographic Organization (IHO), publication M-2, and address the lack of human capacity to conduct hydrographic surveys;
- .2 develop and implement a hydrographic survey programme in the waters under the jurisdiction of the State;
- .3 conclude a memorandum of understanding and permit the main responsible entity to use hydrographic survey data for updating and disseminating nautical publications and charts for the waters under the jurisdiction of the State;
- .4 collect and provide hydrographic survey data, as well as data gathered from data holders and managers of marine data within the State's maritime limits, to the main responsible entity in order to fulfil its shared responsibility for the provision of hydrographic services to facilitate safe navigation of ships; and
- .5 coordinate an agreement with the coral reef research agency in the State to deploy its scientific research boat to conduct hydrographic surveys, and

establish and implement documented procedures to allow data acquisition, in accordance with IHO standards.

This corrective action will be completed by 30 June 2022.

FD

291 The State had not taken necessary measures to ensure the availability and maintenance of AtoN in the waters under the jurisdiction of the State. No assessment had been made on the requirement of AtoN based on volume of traffic and degree of risk (SOLAS 1974, regulation V/13; III Code, paragraph 47).

Root cause

292 There was a lack of financial resources and there was no clear responsibility assigned with regard to the establishment and maintenance of Aids to Navigation (AtoN) services.

Corrective action

293 The responsible entity will implement the following actions:

- .1 conduct a comprehensive risk assessment to determine the requirements for all AtoN;
- .2 based on the aforementioned assessment, install AtoN;
- .3 create a database to ensure the service and maintenance of AtoN; and
- .4 establish an AtoN maintenance fund to provide required financial resources.

This corrective action will be completed by 31 December 2022.

FD

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

Root cause

295 This finding resulted due to the lack of awareness of the information that is required to be communicated to IMO, as well as the lack of a coordinating mechanism and documented procedures for communicating information on SAR facilities to IMO.

Corrective action

296 The responsible entity will implement the following actions:

- .1 establish and implement a coordinating mechanism to collect necessary details of SAR facilities, as part of a quality management system, to be established; and
- .2 all information on SAR facilities will be communicated to IMO.

This corrective action will be completed by 31 December 2020.

FD

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

Root cause

298 The following factors contributed to this finding:

- .1 lack of awareness of the scope of requirements for record keeping with regard to the conduct of evaluation of coastal State functions; and
- .2 lack of a comprehensive monitoring and performance evaluation programme to fulfil the coastal State obligations.

Corrective action

299 The responsible entity will implement the following actions:

- .1 establish and implement a mechanism to collect data from relevant entities for the purpose of monitoring and periodically evaluating performance in the conduct of coastal State activities. All coastal State functions, including SAR response, AtoN, pollution response, hydrographic services, meteorological and radio-communication services, will be included in the evaluation; and
- .2 establish a documented procedure to record and retain results of periodic evaluations, as part of a quality management system, to be established.

This corrective action will be completed by 30 June 2021.

FD

300 The State did not establish appropriate shore-based facilities, either on its own or in cooperation with other States, for the provision of radiocommunication services (SOLAS 1974, regulation IV/5; III Code, paragraph 47).

Root cause

301 The following root causes contributed to this finding:

- .1 lack of human and material resources to provide appropriate radiocommunication services that covered coastal waters under the jurisdiction of the State; and
- .2 lack of any cooperation agreements with other Member States to provide such services.

Corrective action

302 The following actions will be implemented by responsible entities:

- .1 renew the bi-lateral agreement with a neighbouring Member State in order to extend their assistance for ensuring full radiocommunications coverage of sea areas under the jurisdiction of the State;
- .2 provide adequate human and material resources for the operation and maintenance of radiocommunication equipment; and
- .3 evaluate the need and establish appropriate shore-based facilities for the provision of radiocommunication services.

This corrective action will be completed by 30 November 2021.

FD

303 There was evidence to demonstrate that SAR services in the State did not fully meet the provisions of regulation V/7 of SOLAS 1974. Adequate means of locating and rescuing persons at sea were not available. Plans had not been developed for cooperation between SAR services and passenger ships calling regularly at ports within the State (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.3; III Code, paragraph 47).

Root cause

304 The following root causes contributed to this finding:

- .1 absence of policies or regulations on SAR arrangements;
- .2 responsibility was not assigned to any entity to fulfil SAR obligations of the State;
- .3 lack of a national SAR plan; and
- .4 lack of policies and guidance for cooperation in SAR operations with neighbouring States.

Corrective action

305 The following actions will be implemented by responsible entities in the maritime administration:

- .1 develop and implement national regulations for SAR and assign responsibility for fulfilling SAR obligations;
- .2 finalize a national SAR plan;
- .3 develop and implement a process for developing plans for cooperation between SAR services and passenger ships, and conduct periodic drills based on these plans; and
- .4 develop and implement a guidance for SAR cooperation with a neighbouring State.

This corrective action will be completed by 30 November 2021.

FD

306 The State did not make necessary arrangements for carrying out hydrographic surveys on a regular basis, to fulfil its obligations of providing hydrographic services in compliance with the mandatory requirements (SOLAS 1974, regulation V/9; III Code, paragraph 47).

Root cause

307 There were insufficient resources in the maritime administration to carry out regular hydrographic surveys and provide related services.

Corrective action

308 The maritime administration will strengthen the existing cooperation agreement with a neighbouring State and obtain their expert guidance to acquire equipment/hardware for hydrographic survey data collection and to develop in-house capability for data collection and transfer. This corrective action will be completed by 30 November 2021.

FD

309 The State had not determined the extent to which AtoN were needed in its coastal waters in order to establish and operate AtoN in compliance with mandatory requirements (SOLAS 1974, regulation V/13; III Code, paragraph 47).

Root cause

310 Responsibility was not assigned for assessing and determining the extent to which AtoN were needed in the coastal waters of the State. In addition, human and financial resources available for establishing and maintaining AtoN were insufficient.

Corrective action

311 The maritime administration will implement the following actions:

- .1 assign responsibility through national laws to establish and maintain AtoN;
- .2 conduct an AtoN needs assessment study, and provide and maintain AtoN in coastal waters under the jurisdiction of the State, as needed;
- .3 allocate necessary human and financial resources in order to undertake these tasks;
- .4 conduct training courses for personnel in establishing and maintaining AtoN; and
- .5 submit technical needs assessment report and the AtoN risk assessment report prepared by the State to the International Association of Lighthouse Authorities (IALA).

This corrective action will be completed by 30 November 2021.

FD

312 The State had not established a mechanism for timely response to pollution incidents in its waters and had not conducted exercises to evaluate pollution control preparedness on a periodical basis (III Code, paragraph 50.2).

Root cause

313 The following factors contributed to this finding:

- .1 the national maritime oil spill contingency plan had not been properly implemented due to the lack of coordination between involved stakeholders; and
- .2 there was a lack of oil spill response equipment, lack of technical capability, and related responsibility had not been assigned.

Corrective action

314 The following actions will be implemented by responsible entities of the maritime administration:

- .1 collaborate with the regional environment cooperation programme to identify possible areas of assistance and advice in oil spill response;
- .2 assign responsibility for coordinating with the stakeholders in the State to conduct and record drills and exercises according to the national maritime oil spill contingency plan;
- .3 specific pollution response equipment will be identified and provided, as necessary; and
- .4 develop and implement policies and procedures to respond to any oil pollution disaster within the coastal waters of the State, which will also form part of the quality standards system to be established.

This corrective action will be completed by 30 November 2021.

FD

315 The State did not periodically evaluate its performance in respect of meeting its obligations and responsibilities as a coastal State under the mandatory IMO instruments (III Code, paragraph 51).

Root cause

316 The root causes to this finding were:

- .1 lack of policies to conduct periodic evaluation of performance of the maritime administration;
- .2 lack of skills and awareness within the maritime administration for conducting such evaluation; and

- .3 responsibility had not been assigned to oversee this obligation under the current structure of the maritime administration.

Corrective action

317 The following actions will be implemented by responsible entities of the maritime administration:

- .1 develop and include policies, procedures and processes for evaluation of performance of coastal State functions in a quality standards system to be established;
- .2 evaluate the performance of all concerned entities responsible, inter alia, for AtoN, radiocommunication services, meteorological services, SAR and pollution response; and
- .3 assign responsibility for the aforementioned tasks to personnel who will be/has been trained and is adequately qualified to oversee this specific area in coordination with all concerned entities.

This corrective action will be completed by 30 November 2021.

FD

318 The State did not fulfil all its obligations with regard to making available appropriate shore-based facilities for provision of radiocommunication services, either on its own, or in cooperation with other States (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/31.2; III Code, paragraph 47; III Code, paragraph 49).

Root cause

319 There was a lack of resources and financial support to provide space radiocommunication services, in accordance with SOLAS 1974.

Corrective action

320 The State will conclude a formal cooperation agreement with neighbouring States, with the assistance of IMO and through regional cooperation, for the provision of space radiocommunication services and communication of danger messages to other interested States, in order to fulfil its obligation as a coastal State. The State is not in a position to provide hardware and equipment for space radiocommunication services on its own due to its size and location. This corrective action will be completed by 31 December 2022.

FD

321 The maritime administration had not established sufficient measures for consistent implementation and verification of its obligations and responsibilities in relation to SAR services, in accordance with the mandatory IMO instruments (SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; SOLAS 1974, regulation V/7.3; III Code, paragraph 47; III Code, paragraph 49).

Root cause

322 There was a lack of financial resources to establish search and rescue (SAR) infrastructure and to coordinate actions required to fulfil the obligations and responsibilities of SAR services.

Corrective action

323 The Ministry, in liaison with the relevant State entities, will implement the following actions:

- .1 develop and implement a mechanism containing clear lines of authority and assigned responsibilities on SAR;
- .2 provide adequate financial resources for assessing needs and providing SAR infrastructure, in fulfilling SAR obligations in accordance with the mandatory IMO instruments;
- .3 establish a working group to develop a SAR plan and to monitor and coordinate between the relevant entities of the maritime administration in providing effective SAR services;
- .4 assess the needs and provide SAR services and infrastructure, as deemed practicable and necessary, for seagoing traffic within the State, in cooperation with neighbouring States;
- .5 develop and implement SAR cooperation plans for passenger ships in accordance with SOLAS 1974, regulation V/7.3, including periodic SAR exercises; and
- .6 communicate information to IMO concerning SAR facilities of the State.

This corrective action will be completed by 31 December 2022.

FD

324 The maritime administration had not established a system to ensure that hydrographic services, including surveys, were carried out for the purpose of aiding safe navigation (SOLAS 1974, regulation V/9; III Code, paragraph 47).

Root cause

325 The following factors contributed to this finding:

- .1 lack of awareness and understanding of the importance and benefits of hydrography and nautical charting, as well as the obligations of the State under SOLAS 1974;
- .2 insufficient capability within the State to undertake hydrographic surveying or issue nautical publications; and
- .3 lack of competent personnel and insufficient financing to carry out hydrographic services.

Corrective action

326 The responsible ministry will implement the following actions:

- .1 adequate personnel will be appointed, financial resources will be provided and responsibilities will be assigned in order to develop capability in the State for carrying out hydrographic surveying;
- .2 provide training to relevant personnel in establishing the required infrastructure and carrying out hydrographic surveying, with the assistance of potential donor States and organizations to assist the State in capacity-building; and
- .3 formalize the existing cooperation and assistance arrangements with other countries, in order to conduct risk assessments, assist in carrying out hydrographic surveying of areas where charts are not up to date, share and manage hydrographic data and issue all nautical publications necessary for safe navigation of ships through the waters of the State, including through paper and electronic charts.

This corrective action will be completed by 31 December 2022.

FD

327 The maritime administration had not developed and implemented a control and monitoring programme in order to provide for the allocation of statistical data so that trend analyses could be conducted to identify problem areas; to establish mechanisms for timely response to pollution incidents in its waters; and to cooperate with other States in investigation of maritime casualties (III Code, paragraph 50).

Root cause

328 The following factors contributed to this finding:

- .1 inadequate legal and regulatory framework for a controlling and monitoring programme that impeded analysis of statistical data, timely response to pollution incidents and cooperation with interested States on marine safety investigations;
- .2 insufficient personnel within the maritime administration to undertake responsibilities on oil pollution response;
- .3 lack of awareness of the importance of oil spill response which led to inadequacies in oil spill response capability; and
- .4 insufficient financial resources for establishing and implementing an oil spill response system and training of personnel involved.

Corrective action

329 The maritime administration will implement the following actions:

- .1 develop and implement a control and monitoring programme that provides for the collection and analysis of statistical data on coastal State functions;

- .2 incorporate provisions for cooperation with interested States on marine safety investigations in the regulations to be established on the Casualty Investigation Code;
- .3 review and update the National Spill Contingency Plan and allocate adequate funds to implement the plan;
- .4 implement the preparedness and response mechanism covered in the national plan to facilitate emergency preparedness and timely response to pollution incidents;
- .5 update cooperation agreements between government agencies responsible for environmental protection in order to promote efficient and coordinated pollution response; and
- .6 appoint adequate personnel and provide training to all personnel in oil spill response in order to upgrade their skills and capabilities.

This corrective action will be completed by 31 December 2022.

FD

330 There were no policies or procedures established by the State to periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the mandatory IMO instruments, in the area of coastal State activities (III Code, paragraph 51).

Root cause

331 There was a lack of human resources (e.g. insufficient staff within the maritime administration) that prevented from establishing a mechanism, policies and guidelines to evaluate its performance as a coastal State.

Corrective action

332 The responsible ministry will implement the following actions:

- .1 provide human resources by establishing a joint audit team, comprising relevant government entities, to develop a system for evaluating coastal State performance, including the conduct of audits;
- .2 develop and implement a mechanism, containing clear lines of authority and assigned responsibilities, as well as key performance indicators (KPIs), to evaluate performance as a coastal State;
- .3 develop and implement procedures for periodical review and evaluation of coastal State performance and carry out audits of all relevant entities, at least once a year; and
- .4 evaluate the outcome of the audit and take corrective actions for continual improvement.

This corrective action will be completed by 31 December 2022.

FD

333 The State had not taken necessary measures to 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 (SOLAS 1974, regulation V/7.3; III Code, paragraph 47).

Root cause

334 There has been a confusion as to which authority was responsible for verifying that passenger ships operating in the waters under the jurisdiction of the State were in possession of plans for cooperation with SAR services in emergency situations, developed between SAR services and the passenger ships, as well as for implementing related requirements.

Corrective action

335 The Administration will undertake the following actions:

- .1 extend the formal arrangements between Administration and the national entity providing SAR services.
- .2 the maritime administration will develop and implement plans for cooperation in emergency situations between the SAR services, companies and passenger ships, in accordance with SOLAS 1974, regulation V/7.3; and
- .3 frequent mock drills to verify the effectiveness of SAR plans will be organized.

This corrective action will be completed by 1 September 2021.

PORT STATE ACTIVITIES

Findings (FD)

336 Although the State was Party to all MARPOL Annexes, regulatory structure was not fully established, analysis of adequacy of port reception facilities had not been carried out, appropriate reception facilities or equivalent arrangements under MARPOL Annex VI were not in place, and the State did not have the capability to accept all generated waste from ships (MARPOL, Annex I, regulation 38.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 9; MARPOL, Annex VI, regulation 17.1; III Code, paragraph 55; III Code, paragraph 56.1).

Root cause

337 The following factors contributed to this finding:

- .1 the absence of subsidiary national legislation, procedures and guidelines to establish port reception facilities in accordance with MARPOL;
- .2 lack of coordination between the competent entities of the State; and
- .3 existing State policy on not receiving organic garbage hampered the efforts in establishing a policy to receive all types of garbage.

Corrective action

338 An inter-institutional working group, comprising of all entities of the State involved in the provision of port reception facilities will be established and it will propose and define responsibilities; analyse adequacy of existing port reception facilities arrangements; conduct a cost analysis for improving existing arrangements; to establish measures necessary for the State to comply with the requirements of MARPOL regarding port reception facilities, which should include monitoring the final disposal of ship-generated waste, taking into account the latest IMO guidelines on port reception facilities. Based on proposals of the working group, additional legislation will be drafted for onward enactment through the legal process, and existing environmental policies will be reviewed and implemented to ensure compliance with international standards, as well as working instructions and process of authorization of external contractors to collect ship-generated waste in ports. In addition, a coordinating entity will be appointed, responsible for the oversight of the implementation of the proposals and decisions of the working group and for the respective follow up. This corrective action will be completed by 30 November 2022.

FD

339 The maritime administration had not implemented the provisions of the IMDG Code, as amended, as well as emergency response and emergency medical care requirements through appropriate national legislation and guidelines. Consequently, practices related to handling of dangerous goods in ports were found not adequately regulated, controlled and/or supervised by State authorities. In addition, a competent authority had not been appointed and a radiation protection programme, as well as a quality management system for handling class 7 dangerous goods was not in place (SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/3; IMDG Code, section 1.5.2; IMDG Code, section 1.5.3; IMDG Code, paragraph 2.0.0.1; III Code, paragraph 55; III Code, paragraph 57).

Root cause

340 The following factors contributed to this finding:

- .1 lack of assigned responsibilities for analysing, monitoring and implementing the latest amendments to the IMDG Code; and
- .2 lack of coordination among the entities of the State responsible for implementing the IMDG Code.

Corrective action

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

- .1 an inter-institutional working group, comprising all entities of the State involved in the implementation of the IMDG Code will be established and it will propose and define responsibilities among relevant entities, ensure compliance with the new system of dealing with amendments to the applicable mandatory IMO instruments, to be established, and ensure that amendments to the IMDG Code are incorporated into national legislation. In addition, a competent authority will be assigned, and a specific entity will be appointed for overseeing the implementation of proposals and decisions of the working group and for respective follow up; and

- .2 the working group will also review the existing legal basis and will propose amendments, if necessary, for further drafting of new legislation and enactment through the legal process, as well as propose additional regulations, guidelines and procedures, which will be developed and implemented, as appropriate, to assist in the effective implementation of the IMDG Code. This will also include emergency instructions and medical guidelines, practices for the handling of dangerous goods in ports, establishment of radiation protection programmes and a quality management system for the handling of dangerous goods under Class 7.

This corrective action will be completed by 30 November 2022.

FD

342 The maritime administration did not ensure required qualifications of PSCOs and did not establish training programmes to ensure continuous updating of knowledge of PSCOs, consistent with applicable procedures of the Organization (III Code, paragraph 61).

Root cause

343 The lack of awareness of the requirements of the III Code prevented the establishment of a documented training programme to ensure the continuous updating of knowledge of port State control officers (PSCOs). The maritime administration relied on the training offered under the regional agreement on PSC to which the State is a member.

Corrective action

344 The responsible entity of the maritime administration will develop and implement a documented training programme based on the latest amendments to the applicable mandatory IMO instruments, the latest IMO Assembly resolution on PSC and guidelines of the regional MoU on PSC, to which the State is a member; to ensure the qualifications and continuous updating of the knowledge of the PSCOs. In addition, a system for PSCOs evaluation of performance will also be implemented. Technical assistance will be requested from IMO and the Secretariat of the regional MoU on PSC, regarding training and workshops for PSCOs. A specific entity of the maritime administration will be appointed as the responsible unit for developing and implementing mentioned actions. This corrective action will be completed by 30 June 2022.

FD

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

Root cause

346 The lack of awareness of the requirements of the III Code, as well as the lack of assigned responsibilities among relevant entities of the State to perform a periodic evaluation of performance in the conduct of port State activities, contributed to this finding.

Corrective action

347 The development of an overall strategy will enable the involved entities of the maritime administration who share responsibilities for port State activities to improve their coordination

and to develop a mechanism with clear lines of authority, assigned responsibilities, as well as defined objectives and key performance indicators 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. The Ministry of Defence, will designate a specific entity as the entity of the State responsible for coordinating, implementing and following up on the mechanism. This corrective action will be completed by 30 November 2022.

FD

348 There was no evidence of adequate legislation, guidance, or procedures in place to ensure that the maritime administration implemented the requirements of the IMDG and IMSBC codes. In particular, there was no evidence that the 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;
- .4 ensured the implementation of loading and unloading requirements in accordance with SOLAS 1974, Chapter VI, and in compliance with the relevant provisions of the IMSBC Code; and
- .5 evaluate periodically its performance in handling of dangerous goods

(SOLAS 1974, regulation VII/3; IMDG Code, section 1.3.1; IMSBC Code, paragraph 4.3.3; III Code, paragraph 54; III Code, paragraph 55; III Code, paragraph 63).

Root cause

349 The provisions of the applicable mandatory IMO instruments related to the handling of dangerous goods were poorly understood. Moreover, there was no national legislation incorporating related mandatory requirements and there was an absence of assigned responsibilities and a mechanism for cooperation among the various entities involved in the management of dangerous goods.

Corrective action

350 The relevant government entities will undertake the following actions:

- .1 enact and implement national legislation, promulgating the requirements of the IMDG and IMSBC Codes, as amended;
- .2 develop and implement guidance or documented procedures for the management of dangerous goods based on the requirements of the mandatory IMO instruments;
- .3 designate the "competent authority" for matters related to handling of dangerous goods and communicate this information to IMO;
- .4 develop and implement detailed instructions on emergency response and emergency medical care required in an event involving dangerous goods;

- .5 develop and implement a training programme for shore-side personnel, as well as for all staff involved in the implementation of the IMDG and IMSBC Codes, as amended;
- .6 conclude a memorandum of understanding between the concerned entities of the state, in order to regulate the implementation and enforcement of the IMDG and IMSBC codes' requirements and clearly define relevant roles and responsibilities, and to strengthen and institutionalize the inter-ministerial cooperation and relations; and
- .7 evaluate periodically their performance in handling of dangerous goods.

This corrective action will be completed by 22 December 2022.

FD

351 There was no evidence that the State regulated the provision of port reception facilities or equivalent arrangements in accordance with the applicable provisions of MARPOL Annexes I, II, IV, V and VI. In addition, 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; III Code, paragraph 55; III Code, paragraph 56.1).

Root cause

352 The requirements of MARPOL on port reception facilities were not sufficiently known. The obligation to set up port reception facilities in accordance with MARPOL requirements was not imposed and had not been clearly indicated in national legislation

Corrective action

353 The maritime administration will implement the following actions:

- .1 develop and implement national legislation, technical directives and notes obliging ports in the State to set up reception facilities to receive waste from ships as referred to in MARPOL Annexes I, II, IV, V and VI;
- .2 develop and implement documented procedures for granting of licenses and authorizations to providers of waste collection services regulated by MARPOL Annexes I, II, IV, V and VI; as well as put in place a mechanism for the collection, transport, treatment and disposal of all types of waste and a mechanism for monitoring and controlling service providers;
- .3 a memorandum of understanding between the concerned entities of the State, will be concluded to implement and enforce the requirements stemming from the mandatory IMO instruments on provision of port reception facilities and waste management, and to define their responsibilities; and
- .4 communicate mandatory information to IMO on the available port reception facilities falling under MARPOL Annexes I, II, IV, V and VI.

This corrective action will be completed by 22 December 2022.

FD

354 The State had not implemented a system of periodic evaluation of performance in the conduct of port State activities for the purpose of verifying compliance with its obligations under the mandatory IMO instruments (III Code, paragraph 63).

Root cause

355 The maritime administration did not have a programme or procedure in place for evaluating its performance with respect to the port State obligations. There was also 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

356 The relevant entities participating in the conduct of port State activities stemming from the requirements of the relevant IMO instruments will implement the following actions:

- .1 improve the coordination and establish a documented system to periodically review and evaluate the implementation and enforcement of relevant 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;
- .2 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 related resources and processes are adequate;
- .3 evaluation of effectiveness of implementation of provisions pertaining to dangerous goods, solid bulk cargoes, and grain loading will be carried out after promulgation and implementation of relevant regulations; and
- .4 the need for maritime expertise will be assessed and additional resources provided accordingly.

This corrective action will be completed by 31 December 2022.

FD

357 There was no evidence of adequate legislation, guidance or procedures in place to ensure that the maritime administration implemented the requirements of the IMDG Code, the IMSBC Code and the International Grain 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 and the International Grain Code.

(SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/3; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; IMSBC Code, paragraph 4.3.3; International Grain Code, paragraph 3.4; International Grain Code, paragraph 7.2; III Code paragraph 54; III Code, paragraph 55).

Root cause

358 There was a lack of coordination among the relevant State entities and a lack of awareness of the requirements of the IMDG, Grain and IMSBC codes. In addition, the absence of national legislation and resources contributed to this finding.

Corrective action

359 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 relevant mandatory IMO instruments, including the IMDG, Grain and IMSBC codes, and the responsible entity for the implementation and enforcement of the aforementioned national legislation will be appointed;
- .2 future amendments to the IMDG, Grain 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, which will be tasked to develop and supervise the implementation of instructions related to management and handling of dangerous goods by all involved entities, including relevant IMDG Code requirements, as well as communication of relevant information to IMO;
- .4 the competent authority will coordinate the development and delivery of periodical training programmes for shore-based personnel engaged in handling of dangerous goods; and
- .5 the need for maritime expertise will be assessed and additional resources provided accordingly.

This corrective action will be completed by 31 December 2022.

FD

360 The Administration exercised its right to carry out PSC, however, the processes to administer the programme were not completely consistent with the IMO procedures on PSC (III Code, paragraph 60).

Root cause

361 There was no documented procedure in place for carrying out port State control (PSC) inspections, which was largely due to a lack of sufficient technical personnel.

Corrective action

362 The responsible Ministries will implement the following actions:

- .1 develop and implement a national programme for PSC, including relevant training to be administered, consistent with resolution A.1138(31), as may be amended. The programme will include the development of a targeting matrix for inspection of ships, based on information on ships' calls in the ports of the State; and
- .2 ensure provision of adequate personnel and enhance administrative capacity in order to facilitate the effective implementation of PSC in the State.

This corrective action will be completed by 31 December 2020.

FD

363 The State did not regulate fuel oil suppliers and did not establish a monitoring programme, which includes keeping a register of fuel oil suppliers, regulating the retention of bunker delivery notes by fuel oil suppliers and verification of fuel oil quality (MARPOL, Annex VI, regulation 18.9; III Code, paragraph 54; III Code, paragraph 55; III Code, paragraph 56.3).

Root cause

364 There was a lack of systematic supervision of fuel oil suppliers by the maritime administration.

Corrective action

365 The responsible Ministries will implement the following actions:

- .1 a law on ports will be developed and implemented, which will define responsibilities of involved entities and, inter alia, give effect to regulations related to provision, location, capacities and notices of inadequacy of reception facilities, as well as to oversight of fuel oil suppliers;
- .2 a reporting mechanism will be established, and information will be requested regarding local suppliers of fuel oil from all relevant entities. Responsibility for keeping the register of local suppliers of fuel oil will be defined in law, the register 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, circulated, implemented and monitored; and
- .3 a mechanism for periodical evaluation and review of performance with regard to the requirements stemming from MARPOL, Annex VI, will be established to ensure compliance and further improvements.

This corrective action will be completed by 31 December 2021.

FD

366 Arrangements in place for the conduct of PSC inspections were not adequate, although the right to carry out PSC was exercised by the State. There were no established policies or processes to administer a PSC programme. PSCOs were not duly authorized and qualified (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; TONNAGE 1969, article 12; III Code, paragraph 54; III Code, paragraph 60).

Root cause

367 The national legislation implementing the mandatory IMO instruments was outdated and did not contain appropriate enabling provisions to exercise authority for port State control (PSC). Consequently, there was a lack of regulations and procedures for implementing and administering a PSC programme.

Corrective action

368 The responsible entity will implement the following actions:

- .1 implement the new legislation that has recently become law, which contain enabling provisions for exercising PSC;
- .2 develop and implement guidelines for authorization and training of port State control officers (PSCOs);
- .3 institute a systematic personnel training programme to address the training needs of existing staff and new recruits;
- .4 promulgate regulations and establish procedures for conducting PSC programme in line with IMO resolution A.1138(31), as may be amended; and
- .5 establish and implement a documentation system for maintaining PSC records, under a quality management system, to be established.

This corrective action will be completed by 30 June 2022.

FD

369 There was no legislation, guidance, administrative instructions, or procedures in place to assist in the implementation of the requirements of SOLAS 1974 in respect of verified gross mass (VGM) of containers carried on board ships and of the IMDG Code requirements. In particular, the State did not fulfil the requirements of the IMDG Code, in relation to:

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

(SOLAS 1974, regulation VI/2.4; SOLAS 1974, regulation VII/3; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; III Code, paragraph 54; III Code, paragraph 57;).

Root cause

- 370 The following factors contributed to this finding:
- .1 lack of capacity to provide training for personnel engaged in transport of dangerous goods; and
 - .2 lack of awareness of the need to transpose specific provisions of the mandatory IMO instruments, in particular on verified gross mass of containers and the IMDG Code, into national legislation.

Corrective action

- 371 The responsible entity will implement the following actions:
- .1 carry out a legal gap analysis with regard to the implementation of provisions applicable to a port State, including verified gross mass (VGM) of containers and the IMDG Code;
 - .2 adopt regulations to assist in the implementation of port State obligations, in accordance with SOLAS 1974 and the IMDG Code, including the designation of a competent authority and the establishment of a management system for handling dangerous goods; and
 - .3 provide periodical training on the IMDG Code to relevant personnel engaged in transport of dangerous goods, based on a programme to be developed in cooperation with external partners.

This corrective action will be completed by 31 December 2021.

FD

372 The maritime administration did not periodically evaluate its performance in respect of meeting port State obligations under the mandatory IMO instruments (III Code, paragraph 63).

Root cause

- 373 The following factors contributed to this finding:
- .1 lack of awareness of the scope of requirements for record keeping with regard to the conduct of evaluation of port State functions; and
 - .2 lack of a comprehensive monitoring and evaluation programme to fulfil the port State obligations.

Corrective action

- 374 The responsible entity will implement the following actions:
- .1 establish and implement a mechanism to collect data from relevant entities for the purpose of monitoring and periodically evaluating performance in the conduct of port State activities. All port State functions, such as reception

facilities, fuel oil suppliers, transport of dangerous goods and port State control (PSC), will be included in the evaluation; and

- .2 establish a documented procedure to record and retain results of periodic evaluations, as part of a quality management system, to be established.

This corrective action will be completed by 31 December 2022.

FD

375 The State did not adopt any policies for the implementation of all provisions applicable to various port State activities regulated under the mandatory IMO instruments. In particular, there was evidence that provisions of the IMSBC Code were not implemented (SOLAS 1974, regulation VI/1.2; IMSBC Code, paragraph 4.3.3; III Code, paragraph 54.1).

Root cause

376 The root causes to this finding were:

- .1 lack of national legislation for the implementation of port State obligations; and
- .2 lack of policies and procedures for performing the functions of a port State.

Corrective action

377 The following actions will be implemented by responsible entities of the maritime administration:

- .1 review the relevant laws and regulations covering port State obligations stemming from the mandatory IMO instruments, and amend the national legislation, as needed, in particular to incorporate the requirements of the IMSBC Code into national law;
- .2 develop policies and procedures, and assign responsibility for performing various port State obligations stemming from the mandatory IMO instruments, in particular the IMSBC Code; and
- .3 coordinate with all entities involved to ensure that the aforementioned policies and procedures are implemented.

This corrective action will be completed by 30 November 2021.

FD

378 The maritime administration had not effectively implemented the provisions of the IMDG Code, particularly in relation to:

- .1 a training programme for shore-based personnel engaged in the transport of dangerous goods; and
- .2 detailed instructions on emergency response and medical first aid required in the event of an accident involving dangerous goods

(SOLAS 1974, regulation VII/2.4; IMDG Code, section 1.3.1; III Code, paragraph 55).

Root cause

379 The following factors contributed to this finding:

- .1 insufficient personnel designated for handling and management of dangerous goods; and
- .2 lack of awareness, policies, assignment of responsibility, coordination, appropriate legislation, training policy and emergency preparedness.

Corrective action

380 The following actions will be implemented by responsible entities of the maritime administration:

- .1 review and update relevant legislation to include provisions on safe handling and transport of dangerous goods, including related detailed instructions on emergency response and medical first aid;
- .2 include legal provisions to ensure that all personnel involved in the handling of dangerous goods are appropriately trained;
- .3 assign specific responsibility to all concerned agencies, such as port authority, shippers, inspection agencies, etc., in respective areas to fulfil the obligations under SOLAS 1974 and the IMDG Code;
- .4 include policies, procedures and processes in the quality standards system for safe transport and handling of dangerous goods by all concerned entities;
- .5 assign clear and specific responsibilities to personnel involved in the management and handling of dangerous goods; and
- .6 develop and implement a training programme on the IMDG Code for port personnel, in collaboration with port authority, including:
 - .1 procedures for handling of dangerous goods; and
 - .2 emergency response.

This corrective action will be completed by 30 November 2021.

FD

381 The maritime administration did not periodically evaluate its performance in respect of meeting its obligations under the mandatory IMO instruments in the conduct of port State activities (III Code, paragraph 63).

Root cause

382 The root causes to this finding were:

- .1 responsibility had not been assigned to specific personnel to evaluate performance of the maritime administration in the conduct of port State activities;
- .2 lack of a system for identifying training needs and providing specialized training; and
- .3 lack of detailed policies to carry out periodic evaluation of performance in fulfilling the port State obligations under the mandatory IMO instruments.

Corrective action

383 The maritime administration will implement the following actions:

- .1 establish and implement policies, procedures and processes for the Government to evaluate the performance in conducting port State functions stemming from the mandatory IMO instruments;
- .2 incorporate the policies in the quality standards system and assign responsibility for overseeing that the port State obligations and responsibilities are implemented accordingly; and
- .3 identify and provide expert training to enhance skills and knowledge of personnel designated for evaluation and auditing.

This corrective action will be completed by 30 November 2021.

FD

384 The State did not establish any legislation, guidance or procedures for consistent implementation of its obligations and responsibilities in the conduct of port State activities (III Code, paragraph 55; III Code, paragraph 56.3).

Root cause

385 The following factors contributed to this finding:

- .1 lack of awareness of the provisions of the IMDG Code (including training requirements for shore-based personnel), as well as the need to promulgate separate regulations to implement the IMDG Code;
- .2 lack of coordination between different entities in the State responsible for handling of dangerous goods and keeping a list of fuel oil suppliers; and
- .3 insufficient personnel to develop procedures and provide guidance to implement the IMDG Code.

Corrective action

386 the responsible ministry will implement the following actions:

- .1 restructure the existing administrative arrangement in order to assign responsibilities for coordinating activities with other entities of the maritime administration;

- .2 develop and implement regulations and documented procedures for the full implementation of the IMDG Code;
- .3 assign responsibility and keep a list of fuel oil suppliers in the State;
- .4 appoint a competent authority within the maritime administration to develop procedures and manage the implementation of the IMDG Code in the State; and
- .5 provide training to all personnel involved in handling of dangerous goods, in coordination with the port authority in the State.

This corrective action will be completed by 31 December 2022.

FD

387 The practices concerning handling of dangerous goods in the ports were found to be inadequately regulated, controlled or supervised by the competent authorities, particularly those practices related to:

- .1 the provision on a special list or manifest recording the dangerous goods on board and their location, to be made available by the ship master to the relevant person or organization designated by the port State authority before departure of the ship;
- .2 a training programme for shore-based personnel engaged in handling of dangerous goods;
- .3 a radiation protection programme consisting of systematic arrangements aimed at providing adequate consideration of radiation protection measures;
- .4 a management system, acceptable to the competent authority, covering activities related to handling of radioactive materials (class 7); and
- .5 detailed instructions on emergency response and medical first aid required in the event of an incident involving dangerous goods

(SOLAS 1974, regulation VII/3; SOLAS 1974, regulation VII/7-2.2; IMDG Code, section 1.3.1; IMDG Code, section 1.5.2; IMDG Code, section 1.5.3; III Code, paragraph 55).

Root cause

388 There was a lack of coordination among the relevant entities and a lack of awareness of the requirements of the IMDG Code by cargo operators. In addition, the absence of national legislation and resources contributed to this finding.

Corrective action

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

- .1 the appropriate national legislation, which has already been drafted, will be transposed into national legislation and implemented to give full and complete effect to the provisions of the IMDG Code;

- .2 the competent authority for the implementation of the requirements of the IMDG Code, will establish and coordinate an inter-institutional committee, consisting of representatives from the various entities involved. This committee will attend to dangerous goods matters, including developing and supervising the implementation of the instructions on IMDG Code requirements, as well as communication of relevant information to IMO and the development and delivery of training programmes for shore-based personnel engaged in handling of dangerous goods;
- .3 periodical workshops and training sessions, to enhance the knowledge of IMDG Code requirements, will be planned and conducted;
- .4 a mechanism to ensure that special list or manifest recording the dangerous goods on board and indicating their location, is made available to the port State authority before departure of the ship will be established and implemented;
- .5 radiation protection programme consisting of systematic arrangements aimed at providing adequate consideration of radiation protection measures has been elaborated and implemented;
- .6 a management system covering activities related to handling of radioactive material (class 7) has been elaborated and implemented; and
- .7 detailed instructions on emergency response and medical first aid required in the event of an incident involving dangerous goods will be developed and implemented.

This corrective action will be completed by 31 December 2022.

AREAS OF POSITIVE DEVELOPMENT

Best practices

390 The Oil Company, a subsidiary of National Petroleum Company, have implemented, through their health, safety and environment programme, an Air Compliance Management Programme, by installing on selected vessels engaged in oil terminal support services, air quality sensors for the purpose of analysis and further actions to improve air quality in the oil terminal area.