

Delegation, Recognized Organizations & RO Code

Why, What and How

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IMO mission: safe, secure and efficient shipping on clean oceans



IMO

- **Specialised UN agency**
- **Headquarters in UK since 1958**
- **Annual budget £30+ million**
- **Secretariat – 300 staff, more than 50 nationalities**



Ten largest contributors to IMO in 2013

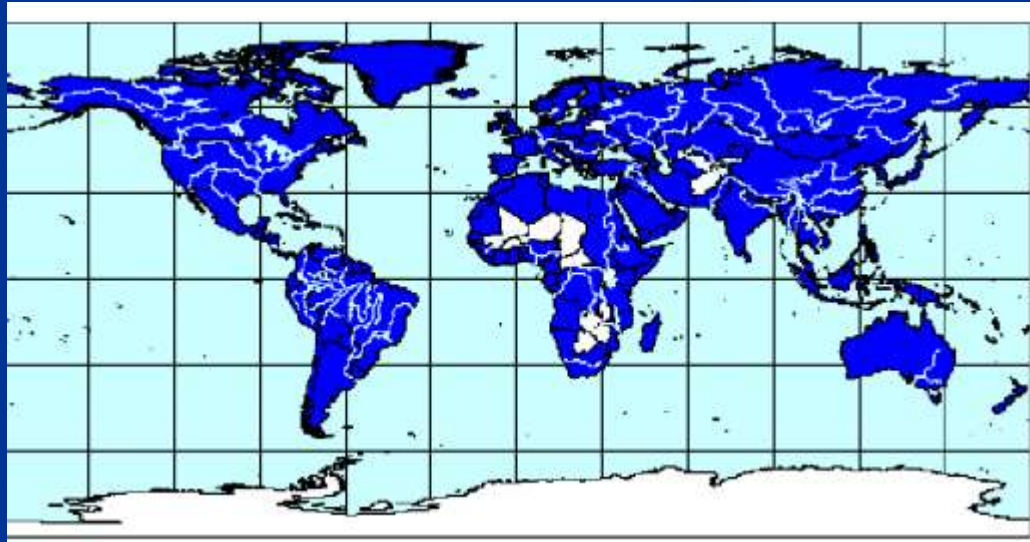
Assessed contributions based on flat base rate with additional components based on ability to pay and merchant fleet tonnage

	Amount GBP	% of total
1 Panama	5,519,785	18.29
2 Liberia	3,212,409	10.65
3 Marshall Islands	2,031,796	6.74
4 Singapore	1,460,995	4.84
5 United Kingdom	1,426,952	4.73
6 Bahamas	1,345,313	4.46
7 China	1,103,219	3.66
8 Malta	1,091,162	3.62
9 Greece	1,079,047	3.58
10 Japan	1,010,345	3.35

IMO - global coverage

170 Member States, three associate members

IGOs and NGOs participate as observers



IMO at work

- **Assembly**
- **Council – 40 Members**
- **Committees:**
 - **Maritime Safety Committee (MSC)**
 - **Marine Environment Protection Committee (MEPC)**
 - **Legal Committee (LEG)**
 - **Facilitation Committee (FAL)**
 - **Technical Cooperation Committee (TCC)**

Sub-Committees

- **Sub-Committee on Ship Design and Construction (SDC)**
- **Sub-Committee on Pollution Prevention and Response (PPR)**
- **Sub-Committee on Human Element, Training and Watchkeeping (HTW)**
- **Sub-Committee on Ship Systems and Equipment (SSE)**
- **Sub-Committee on Navigation, Communication and Search**
- **Cargoes and Containers (CCC)**
- **Sub-Committee on Implementation of IMO Instruments (III)**



Progress of measures at IMO



- **Proposals for new, or amendments to existing, mandatory instruments**
- - a **compelling need** for such amendments should be demonstrated by the proponent(s), and an analysis of the implications of such amendments, particularly those with far-reaching implications and consequential proposals for other amendments, having regard to the costs to the maritime industry, the legislative and administrative burdens involved and benefits which would accrue therefrom, should be provided.....

Application to real ships

	Parties	World Tonnage
■ SOLAS	162	99.20%
■ Load lines	161	99.19%
■ MARPOL	152	99.20%
■ COLREGS	155	98.71%
■ STCW	156	99.22%

IMO instruments



- **Some 50 IMO Conventions and Protocols**
- **Hundreds of codes, guidelines and recommendations**
- **Almost every aspect of shipping covered:**
 - **Design**
 - **Construction**
 - **Equipment**
 - **Maintenance**
 - **Navigation**
 - **Communication**
 - **SAR**
 - **Cargoes**
 - **Crew**
 - **Security**
 - **Pollution prevention**

Maritime Administration (MA)

- **Purpose**
- **Development**
- **Duties**
 - **[Registration of Ships]**
 - **Certification of Seafarers**
 - **Regulation of Shipping (construction, equipment, navigation, loading, etc.)**

Maritime Administration (MA)

- **Duties (continued)**
 - **Ship Inspection**
 - **Maritime Training and Safety Standards**
 - **Casualty Investigation**
 - **Investigation (Incompetence / Misconduct)**
 - **Staff Recruitment**
 - **Staff Training**

Maritime Administration (MA)

- **Duties (continued)**
 - **Inter-Agency Cooperation**
 - **Service Levels**
 - **Consultation**
 - **International Cooperation**

CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS

- **IMO developed initially:**
 - **A.973(24) - Code for implementation of mandatory IMO instruments in 2005, as revised by**
 - **A.1054(27) in 2011 and again by**
 - **A.1070(28) in 2013 and made mandatory**

IMO INSTRUMENTS IMPLEMENTATION (III) CODE

III Code (Res. A.1070(28))

Resolution A.1077-Obligations under III Code

- **Obligations of Contracting Governments/Parties**
- **Specific Flag State Obligations**
- **Specific Coastal State Obligations**
- **Specific Port State Obligations**

Delegation of work

- **need for delegation**
- **virtually all Administrations find it necessary to delegate some or all of the survey and certification work associated with the international conventions on safety and the prevention of pollution.**
- **the Conventions require authority to be delegated only to "**recognized organizations**" which, in practice, are certain classification societies.**
- **delegation arises from the Administration's need for:**
 - .1 **the **in-depth technical expertise** possessed by the established classification societies;**
 - .2 **the **world-wide service** which the societies can provide; and**
 - .3 **avoiding duplication of surveys and inspections and the consequent costs to the shipowner.**

Delegation of work

- **extent of delegation - delegation of authority is found to be most necessary in the following Conventions:**
 - **SOLAS;**
 - **MARPOL;**
 - **Load Lines; and**
 - **Tonnage.**

Delegation of work

- in practice, the scope of delegation varies between:
 - **full delegation**, in which the society reviews plans, carries out surveys and issues certificates;
 - **partial delegation**, in which the society reviews plans and carries out surveys but where the Administration issues the certificates; or
 - **limited** to a case by case or geographical basis.
- in general Administrations use partial delegation for SOLAS and MARPOL and full delegation for Load Line and Tonnage work

Delegation of work

- procedures for delegation
- SOLAS, MARPOL and Load Line Conventions require Administrations to inform IMO of those persons or bodies which they have authorized to act on their behalf.
- in case of **SOLAS and MARPOL Conventions specific responsibilities** and conditions delegated are to be **notified to IMO**
- Resolution **A.739(18)** gives "Guidance on the authorization of organizations acting on behalf of the Administration"
- Resolution **A.789(19)** gives "Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration".

Delegation of work

- **2006 amendments:**
- The following new paragraph 2-1 is added after the existing paragraph 2:
- **"2-1 The organization should perform survey and certification functions of a statutory nature by the use of only exclusive surveyors and auditors, being persons solely employed by the organization, duly qualified, trained and authorized to execute all duties and activities incumbent upon their employer, within their level of work responsibility. While still remaining responsible for the certification on behalf of the flag State, the organization may subcontract radio surveys to non-exclusive surveyors in accordance with the relevant provisions of resolution A.789(19)."**

A.789 (19) SPECIFICATION ON SURVEY AND CERTIFICATION FUNCTIONS OF R/Os

- **TO DEVELOP UNIFORM PROCEDURES AND MECHANISMS FOR DELEGATION**
- **CONTAINS MINIMUM SPECIFICATIONS FOR R/Os TO BE RECOGNIZED AS CAPABLE OF PERFORMING STATUTORY WORK ON BEHALF OF ADMINISTRATIONS**

Recognition of organizations

- Legal basis of recognition

SOLAS REG I/6:

- **THE INSPECTION AND SURVEY OF SHIPS SHALL BE CARRIED OUT BY OFFICERS OF THE ADMINISTRATION.**
- **“THE ADMINISTRATION MAY HOWEVER ENTRUST ... TO ORGANIZATIONS RECOGNIZED BY IT”.**

Recognition of organizations

SIMILAR PROVISIONS IN:

- **1966 L/ L CONVENTION (ART 13)**
- **1973/78 MARPOL (REG 4 OF ANNEX 1 AND REG 10 OF ANNEX 2)**
- **1969 TONNAGE (ART 6)**

Recognition of organizations

- Resolution A.739(18) contains in its Annex general **guidelines for the authorization** of organizations acting on behalf of the Administration;
- in its Appendix 1, minimum standards that an organization should demonstrate in order to perform statutory work on behalf of the Administration; and
- in its Appendix 2, the elements that must be included in a **written agreement** between the Administration and the recognized organization that formalizes the authorization to perform this work

Recognition of organizations

- the **basis of recognition** between the Administration and the recognized organization should be **in the form of the written agreement** or equivalent
- an Administration should **restrict the number of organizations** it appoints in accordance with its **capability of monitoring** the performance of those organizations
- the Administration should ensure that the recognized organization has **adequate resources** (technical, managerial, research) to fulfil the delegated functions

Recognition of organizations

- **form of agreement with the organization**
- **Appendix 2 of Resolution A.739(18) lists 10 basic elements of an agreement including the following:**
 - .1 execution of functions;**
 - .2 legal basis of functions;**
 - .3 reporting to the Administration;**
 - .4 development of rules;**
 - .5 confidentiality;**
 - .6 specification of the authorization; and**
 - .7 supervision by the Administration.**
- **the agreement may also contain other elements to meet national legislation or other requirements.**

RESPONSIBILITIES OF ADMINISTRATION ASSIGNING AUTHORITY TO R/O

- **DETERMINE THAT R/O HAS ADEQUATE RESOURCES
(TECHNICAL, MANAGERIAL, RESEARCH)**
- **HAVE FORMAL AGREEMENT
(INCLUDING AS A MINIMUM: NUMBER OF
ELEMENTS)**
- **INSTRUCTION ON ACTIONS TO BE FOLLOWED WHEN
FLAGSHIP IS CONSIDERED UNSEAWORTHY**
- **PROVIDE R/O WITH NATIONAL LAWS**
- **R/O TO PROVIDE ADMINISTRATION WITH RECORDS
ON ACTIVITIES WITH REGARD TO FLAGSHIPS**

VERIFICATION AND MONITORING

- **CLEAR PROCEDURE FOR COMMUNICATION AND REPORTING**
- **REGULAR REPORTING TO ADMINISTRATION**
- **ADDITIONAL SHIP INSPECTION BY ADMINISTRATION**
- **EVALUATION OF CERTIFICATES BY ADMINISTRATION**
- **PERIODIC REVIEW OF THE ORGANIZATION'S QUALITY MANAGEMENT SYSTEM (QMS)**

MINIMUM STANDARDS FOR R/Os

- **SIZE**
(GEOGRAPHICAL COVERAGE TO PROVIDE REQUIRED SERVICES)
- **STRUCTURE**
(ABILITY TO HANDLE TASKS DELEGATED, TECHNICAL AND MANAGERIAL SUPPORT STAFF)
- **EXPERIENCE**
(ASSESSING DESIGN, CONSTRUCTION AND EQUIPMENT)

CLASSIFICATION SOCIETIES

- **CLASSIFICATION RULES PREDATE IMO**
- **MANY HAVE BEEN IN EXISTENCE FOR OVER 200 YEARS**
- **TRADITIONALLY ADDRESSED**
 - **HULL STRUCTURE**
 - **MACHINERY**
 - **COMPUTATION OF LOAD LINE**

CLASSIFICATION SOCIETIES

- **CONDITIONS OF ASSIGNMENT**
- **STABILITY**
- **FIRE SAFETY**
- **LIFE SAVING APPLIANCES**
- **NAVIGATION EQUIPMENT**
- **RADIOCOMMUNICATIONS**
- **IMO INCORPORATED CLASS RULES INTO CONVENTIONS**

CLASSIFICATION SOCIETIES

- **REPUTABLE CLASSIFICATION SOCIETIES ARE MEMBERS OF IACS**
 - **QUALITY STANDARDS CONTROLLED BY IACS**
 - **NEW RULES APPROVED BY IACS COUNCIL**
 - **SURVEYORS WORLD-WIDE**

CLASSIFICATION SOCIETIES

- **IMO PARTICIPATES IN IACS QUALITY STANDARDS**
- **IMO SETS OVERALL SAFETY OBJECTIVES**
 - **CLASSIFICATION SOCIETIES THROUGH IACS DEVELOP ACTUAL STANDARDS**

CODE FOR RECOGNIZED ORGANISATIONS (R/O CODE)

- **RESOLUTION MSC.349(92) – adopted 06/2013**
- **The code was developed on the basis of**
 - **A.739(18) - Guidelines for the Authorization of Organizations acting on behalf of the Administration; and**
 - **A.789(19) - Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration**
- **Not revoked or superseded – only after entry into force of R/O Code**

R/O CODE

- **RESOLUTION MSC.350(92) – Amendments to 1974 SOLAS adopted 06/2013**
- **RESOLUTION MSC.356(92) – Amendments to 1988 LL Protocol - adopted 06/2013**
 - **To make Parts 1 and 2 of the R/O Code mandatory under SOLAS and LL**
- **RESOLUTION MEPC.237(65) – MEPC65 adopting the R/O Code**
- **RESOLUTION MEPC.238(65) – Amendments to 1978 MARPOL -**
 - **To make it mandatory under Annexes 1 and 2 of the 1978 MARPOL Protocol**

R/O CODE

- **.1 provides flag States with a standard that will assist in achieving harmonized and consistent global implementation of requirements established by this instrument for the assessment and authorization of recognized organizations (R/Os);**
- **.2 provides flag States with harmonized, transparent and independent mechanisms, which can assist in the consistent oversight of R/Os in an efficient and effective manner; and**
- **.3 clarifies the responsibilities of R/Os for a flag State and overall scope of authorization.**

R/O CODE

■ PART 1 – GENERAL

- 1 PURPOSE
- 2 SCOPE
- 3 CONTENTS
- 4 DELEGATION OF AUTHORITY
- 5 COMMUNICATION OF INFORMATION
- 6 REFERENCES

R/O CODE

Scope

- **Applies to**
 - **Organizations to be recognized**
 - **Flag States intending to recognize**
- **Establishes**
 - **mandatory requirements for recognition**
 - **mandatory requirements for R/O to fulfill**
 - **mandatory requirements for flag States for recognition of R/Os**
 - **Guidelines for R/O oversight by Flag States**
- **Defines functional, organizational and control requirements applicable to R/Os**

R/O CODE

- **PART 2 – RECOGNITION AND AUTHORIZATION REQUIREMENTS FOR ORGANIZATIONS**
 - **1 TERMS AND DEFINITIONS**
 - **2 GENERAL REQUIREMENTS FOR R/Os**
 - **3 MANAGEMENT AND ORGANIZATION**
 - **4 RESOURCES**
 - **5 STATUTORY CERTIFICATION AND SERVICES PROCESSES**
 - **6 PERFORMANCE MEASUREMENT, ANALYSIS AND IMPROVEMENT**
 - **7 QUALITY MANAGEMENT SYSTEM CERTIFICATION**
 - **8 AUTHORIZATION OF R/Os**

R/O CODE

- **2 GENERAL REQUIREMENTS FOR R/Os**
 - **2.1 General**
 - **2.2 Rules and Regulations**
 - **2.3 Independence**
 - **2.4 Impartiality**
 - **2.5 Integrity**
 - **2.6 Competence**
 - **2.7 Responsibility**
 - **2.8 Transparency**

R/O CODE

- **3 MANAGEMENT AND ORGANIZATION**
 - **3.1 General**
 - **3.2 Quality, safety and pollution prevention policy**
 - **3.3 Documentation requirements**
 - **3.4 Quality manual**
 - **3.5 Control of documents**
 - **3.6 Control of records**
 - **3.7 Planning**
 - **3.8 Organization**
 - **3.9 Communication**
 - **3.10 Management review**

R/O CODE

- **4 RESOURCES**
 - **4.1 General**
 - **4.2 Personnel**
 - **4.3 Infrastructure**
 - **4.4 Work environment**

- **5 STATUTORY CERTIFICATION AND SERVICES PROCESSES**
 - **5.1 General**
 - **5.2 Design and development**
 - **5.3 Design and development inputs**

R/O CODE

- **5.4 Design and development outputs**
- **5.5 Design and development verification**
- **5.6 Control of design and development changes**
- **5.7 Control of production and service provisions**
- **5.8 Property of clients**
- **5.9 Subcontracting and service suppliers**
- **5.10 Control of monitoring and measuring devices**
- **5.11 Complaints**
- **5.12 Appeals**

R/O CODE

- **6 PERFORMANCE MEASUREMENT, ANALYSIS AND IMPROVEMENT**
 - **6.1 General**
 - **6.2 Internal audit**
 - **6.3 Vertical contract audit**
 - **6.4 Monitoring and measurement of processes**
 - **6.5 Control, monitoring and measurement of non-conformities; including statutory deficiencies**
 - **6.6 Improvement**

R/O CODE

- **7 QUALITY MANAGEMENT SYSTEM CERTIFICATION**
- **8 AUTHORIZATION OF RECOGNIZED ORGANIZATIONS**
 - **8.1 General**
 - **8.2 Legal basis of the functions under authorization**
 - **8.3 Specification of authorization**
 - **8.4 Resources**
 - **8.5 Instruments**
 - **8.6 Instructions**
 - **8.7 Records**

R/O CODE

- **PART 3 – OVERSIGHT OF R/Os**
 - **1 PURPOSE**
 - **2 SCOPE**
 - **3 REFERENCES**
 - **4 TERMS AND DEFINITIONS**
 - **5 ESTABLISHING AN OVERSIGHT PROGRAMME**
 - **6 PRINCIPLES OF AUDITING**
 - **7 MANAGING AN OVERSIGHT PROGRAMME**

R/O CODE

- **5 ESTABLISHING AN OVERSIGHT PROGRAMME**
 - **5.1 Oversight**
 - **5.2 The flag State's supervision of duties delegated to an R/O**
 - **5.3 Verification and monitoring**
- **6 PRINCIPLES OF AUDITING**
- **7 MANAGING AN OVERSIGHT PROGRAMME**
 - **7.1 General**
 - **7.2 Oversight programme objectives and extent**
 - **7.3 Oversight programme responsibilities, resources and procedures**
 - **7.4 Oversight programme monitoring and reviewing**

APPENDIX 1 – REQUIREMENTS FOR TRAINING AND QUALIFICATION OF R/Os' TECHNICAL STAFF

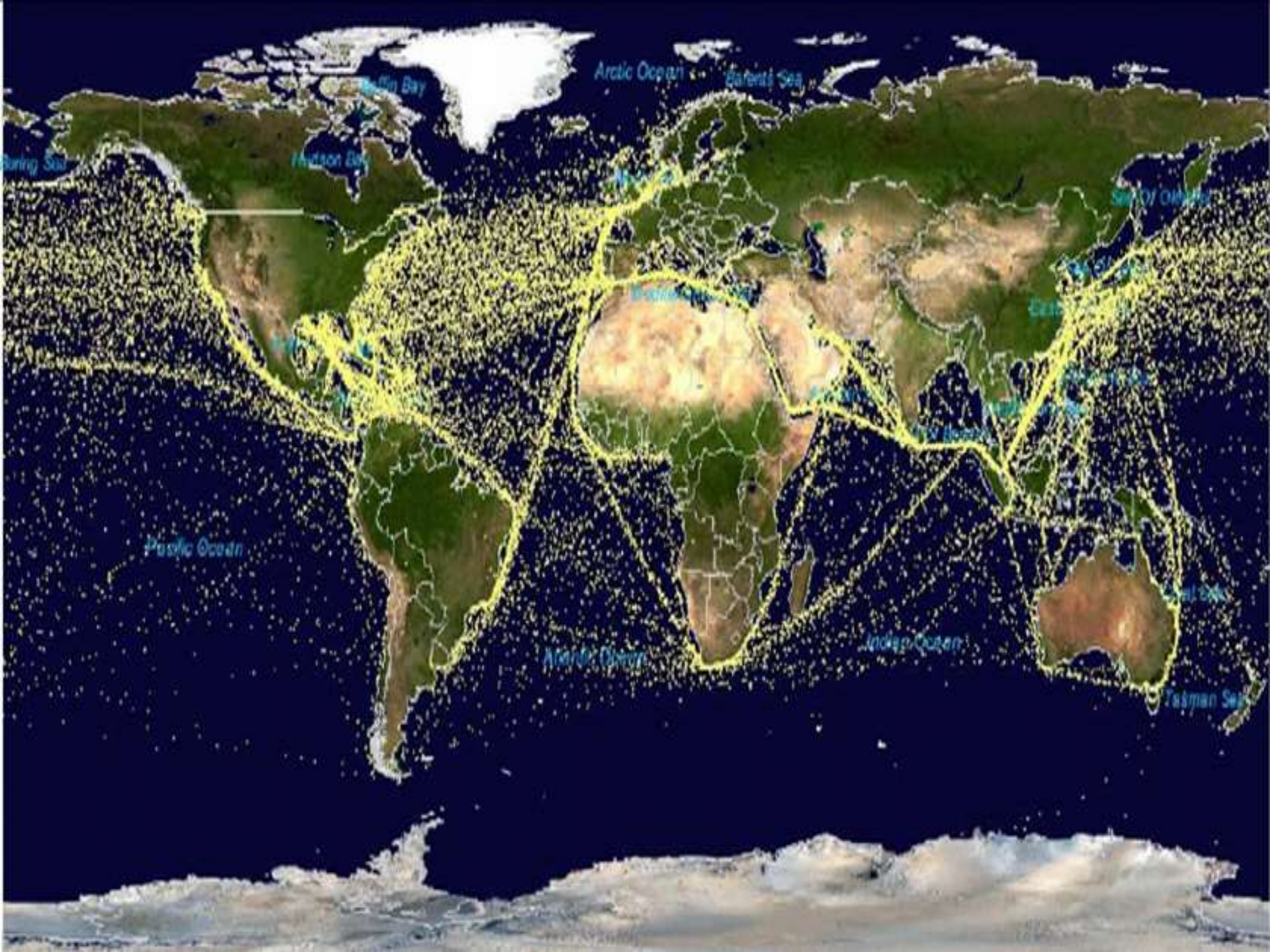
- **A1.1 Definitions**
- **A1.2 Trainee entry requirements**
- **A1.3 Modules**
- **A1.4 Theoretical training for survey and plan approval staff**
- **A1.5 Practical training for survey and plan approval staff**
- **A1.6 Qualification**
- **A1.7 Assessment of training effectiveness**
- **A1.8 Maintenance of qualification**
- **A1.9 Activity monitoring**
- **A1.10 Training of support staff**
- **A1.11 Records**

APPENDIX 2 – SPECIFICATIONS ON THE SURVEY AND CERTIFICATION FUNCTIONS OF R/Os ACTING ON BEHALF OF THE FLAG STATE

- **A2.1 SCOPE**
- **A2.2 AREAS OF INTEREST COVERED BY ELEMENTARY MODULES**
- **A2.3 SPECIFICATIONS PERTAINING TO THE VARIOUS CERTIFICATES**

APPENDIX 3 – ELEMENTS TO BE INCLUDED IN AN AGREEMENT

DISCUSSION



International Maritime Organization

*Safe, secure and efficient shipping
on clean oceans*



Maritime Administration (MA)

Plan of action

- UNCLOS
- FSC
- PSC
- Enforcement
- Status
- Revenue generation
- Structure

Maritime Administration (MA)

Structure

- Safety and Certification
- Registration and Research
- Legal Affairs
- Support Services