

Resolution A.1103(29)

Adopted on 26 November 2015 (Agenda item 8)

PRINCIPLES TO BE CONSIDERED WHEN DRAFTING IMO INSTRUMENTS

ASSEMBLY
29th session
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THE ASSEMBLY,

RECALLING resolution A.1043(27) by which it decided to establish a framework for the periodic review of administrative requirements in mandatory IMO instruments, and its instruction to the Council to set up the Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR),

REAFFIRMING its commitment to ensuring that the Organization's aims and objectives of ensuring better regulation are met through a systematic approach to the review of administrative requirements in mandatory instruments, in order to support the efficient use of resources within Administrations and industry,

EXPRESSING ITS APPRECIATION to the Council for establishing the SG-RAR and for the submission of status reports to the twenty-eighth and twenty-ninth regular sessions of the Assembly updating it on progress made in the review of administrative requirements,

RECALLING resolution A.1043(27) through which it agreed on the definition of an administrative requirement arising from a mandatory IMO instrument as "an obligation to provide or retain information and data", and that of an administrative burden as "an administrative requirement that is, or has become, unnecessary, disproportionate or obsolete",

NOTING WITH APPRECIATION the work carried out by the SG-RAR, in particular its work in identifying administrative burdens within the identified administrative requirements and its final report containing 13 specific recommendations,

EXPRESSING ITS SINCERE APPRECIATION to all stakeholders from various backgrounds which participated in the consultation process and provided valuable input resulting from their experiences in performing duties related to the regulatory requirements developed by the Organization,

NOTING that multiple factors may contribute to stakeholders' perception of administrative requirements as burdens including but not limited to:

- (a) unclear purpose,

- (b) undefined relationship to other administrative requirements,
- (c) duplication of work in multiple formats to different parties, not making use of existing and emerging technologies,
- (d) an accumulation of administrative requirements,

NOTING FURTHER that overly burdensome administrative requirements may distract the attention of seafarers, shipowners and ship managers from their primary responsibility of ensuring the safe and secure operation of ships,

RECOGNIZING the continued need to ensure that any work undertaken by the Organization to periodically review existing administrative requirements, or to create new ones, should not compromise its objectives of efficiently regulating the safety and security of shipping and preventing and controlling pollution by ships,

RECOGNIZING FURTHER that the Organization should follow a set of agreed principles when developing future requirements so as to ensure that regulation is of the highest standard and that the same principles are applied when undertaking a review of existing requirements, so that they remain relevant, and that, if not, they are amended or removed,

RECALLING the work currently underway in the relevant committees, at the request of the Council at its 113th session, to review administrative requirements under their purview and the decisions by those committees to include a planned output in the 2016-2017 High-level Action Plan (HLAP) with a target completion year of 2017,

NOTING the request by many respondents to the above-mentioned consultation that increased use be made of electronic solutions for recording information and record-keeping in order to meet reporting requirements and for the carriage of certificates and other documentation,

RECALLING the decision by the Facilitation Committee on acceptance of electronic certificates and other ships' documents by Port State Control that takes into account implementation, enforcement criteria and security protocols; the work on the Single Window concept/electronic information exchange; and the work currently underway in the Marine Environment Protection Committee on the use of electronic record books,

RECALLING FURTHER resolution A.1074(28) concerning the expanded capabilities of the Global Integrated Shipping Information System (GISIS) that have facilitated reporting by Member States, and recognizing the System's potential to play an important role in fulfilling requirements for the reporting and circulation of information,

1 REQUESTS the committees, under the coordination of the Council, to continue their work of reviewing existing requirements in order to identify those that are duplicative or obsolete, or that do not take into account electronic alternatives, and to modify them as necessary;

2 URGES Member States, national maritime administrations, port authorities and relevant stakeholders to accept and further progress the use of electronic alternatives to certificates, record-keeping, and other required documentation;

3 URGES FURTHER Member States, national maritime administrations, port authorities and relevant stakeholders to further develop and progress the use of electronic information exchange for collecting, reporting and sharing standardized information with the aim of providing information only once, for example under a Single Window system;

4 ENCOURAGES the committees, under the coordination of the Council, to apply the principles outlined in the annex to this resolution when drafting requirements or when reviewing existing requirements, with the aim of achieving better regulation;

5 SUPPORTS the Organization's ongoing efforts to conduct an assessment of the capabilities of its existing information systems in relation to the provision of a web-based information system that can meet stakeholder requirements, and looks forward to being kept informed of the Secretariat's proposals on how it will manage future work in this field;

6 INVITES Member States and the Secretariat to continue working together to promote the review of existing requirements and the development of new ones that are free from unnecessary, disproportionate or obsolete administrative demands and do not compromise safety, security and the protection of the environment.

Annex

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The implementation of a systematic framework of better regulation will enable IMO to support the efficient and effective implementation of measures for achieving its objectives of safe and secure shipping and the prevention of pollution by ships.

In an effort to ensure consistency in the review of existing requirements and the development of new requirements, the following principles should be applied. These principles are intended to complement the procedures in the committees' guidelines on the submission of outputs and in other guidelines for drafting IMO instruments.

.1 Regulation should be **necessary**

.1 Before considering the introduction of new regulation, there is a need to establish, in advance, if the administrative requirement can be met by other means. If such is the case, consideration should be given to: 1) including the information from such other means in the requirement; 2) referring to the other means in the requirement; or 3) not taking action.

.2 Before the introduction of a new requirement, there is a need to establish if the requirement can be met in full or partially through an existing regulation. If it is determined that such is the case, consideration should be given to consolidating the new requirement within the existing regulation through amendments, so as to avoid duplication of requirements.

.2 Regulation should be **consistent**

New regulation should take into account existing regulation to ensure that a new requirement does not contradict requirements included in other IMO regulations. If new regulation contradicts existing regulation, the proposed and existing regulations need to be assessed to determine what changes or amendments are necessary to ensure consistency and compatibility between them.

.3 Regulation should be **proportionate**

The introduction of new regulation should be considered as a proportionate solution to the issue it aims to address. The creation of new regulation should provide a balanced response to a need, which takes into account the direct and indirect impacts of its creation.

.4 Regulation should be **fit for purpose**

Consideration should be given to the type of regulation that best suits a particular objective, thus focusing more on the outcome that is sought rather than the specific means of achieving that outcome.

.5 Regulation should be **resilient**

When drafting new regulation, factors external to the Organization, such as the development of technologies and the competences of stakeholders with established and emerging technologies, should be taken into account to ensure that the language used does not render the regulation obsolete in light of these external changes.

.6 Regulation should be **clear**

Regulation should be written in simple, unambiguous language that allows for a clear understanding of the requirement and facilitates implementation, compliance and enforcement. It should state the aims clearly and transparently with the objective of reducing the risk of misinterpretation or misinformation, and should be available and easily accessible to interested stakeholders.

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