



INTRODUCTION TO THE RESULTS OF THE
**IMO PUBLIC CONSULTATION
ON ADMINISTRATIVE
REQUIREMENTS IN
MARITIME REGULATIONS**



This publication presents the main findings and conclusions of the first-ever public consultation undertaken by the International Maritime Organization (IMO) on administrative burdens associated with mandatory IMO instruments, i.e. conventions, codes and other instruments.

In order to encourage the widest possible participation by everyone with an interest in or relevant knowledge of or work experience with IMO regulations, the consultation was launched under the banner “Have your say!” on a dedicated webpage. The webpage was active over a period of six months (May-October 2013) and responses could be given either on behalf of an organization or in a personal capacity.

All responses were processed and analysed by the Steering Group for Reducing Administrative Requirements (SG-RAR) supported by the IMO Secretariat. The Steering Group was established by IMO’s Council and its tasks were to review responses from the consultation and develop recommendations for consideration by the Council. Having decided that the outcome of the consultation process should be made available publicly, in the interest of full transparency, the Council approved, in general, the final report, of which this publication is a summary.

The main objective of the consultation was to identify those administrative requirements in mandatory IMO instruments perceived as “unnecessary, disproportionate or obsolete”. These requirements may therefore hinder effective regulatory compliance, making it more complex and difficult, with implications for the efficiency of the daily operations of shipping. Administrative requirements are, amongst others, obligations to keep records, display information on board the ship, retain seafarer certificates for inspection, and provide information to authorities or to IMO.

The shipping industry dedicates significant resources and incurs considerable costs to achieve and maintain the global standards developed and adopted by IMO for safety at sea, maritime security and protection of the environment from pollution by ships. As the competent body recognized under international law, IMO has a responsibility in ensuring that any such costs are moderate in order for the shipping industry to continue to serve international maritime transportation and global commerce efficiently.



However, this responsibility is a shared one. Through their input into IMO’s consensus-driven regulatory processes, the shipping industry and other maritime stakeholders are an integral part of the solution to reduce administrative burdens and thus achieve better and smarter regulation. This close cooperation is also in the interests of the longer-term sustainability of international shipping as it is confronted with ever-increasing, as well as stricter safety, security and environmental regulations in response to the demands of civil society. In short, it is of vital importance that IMO conventions and other instruments keep pace with the ever-evolving needs of a modern industry, including making the best use of technological advances such as electronic solutions to fulfil administrative requirements and other enhanced systems to facilitate regulatory compliance.

In November 2011, IMO’s governing Assembly adopted a resolution on the Periodic Review of Administrative Requirements in Mandatory IMO Instruments (resolution A.1043(27)). This led to the creation of an Inventory of Administrative Requirements in Mandatory IMO Instruments, which was submitted to the IMO Council in June 2012. It identified a staggering number of

administrative requirements – over 560 – and became a vital tool in the preparation of the consultation exercise and the subsequent analysis of responses.

It is against this background that the importance of the consultation process being open to everyone with a legitimate interest must be understood. The structure of the consultation process was tailored to the various stakeholder groups so that every respondent could more easily choose which mandatory instruments – and which specific administrative requirements therein – to comment upon. The broad stakeholder categories were: ship’s management (including ship masters, crews and shipping companies); nominated surveyors and recognised organizations; governments (in their capacity as Parties to IMO conventions) and maritime administrations (of flag, port and coastal States); IMO Secretariat (including the Secretary-General); and other stakeholders with an interest in maritime regulation. The selected categories pertaining to mandatory IMO instruments were related to safety (the SOLAS Convention); environmental protection (the MARPOL Convention); seafarers’ training and certification (the STCW Convention); liability and various other areas of regulation.

“Have your say!” marks an innovative IMO approach to smarter regulation.”

The current challenge for IMO is to decide on the best way forward and to learn from the many comments, views and suggestions this innovative exercise has generated for alleviating perceived administrative burdens, or removing them altogether, in the interests of more effective and efficient regulation. Administrative requirements that have been identified as particularly burdensome may nevertheless be essential to ensure full implementation and effective enforcement of IMO regulations and should therefore continue to be legal obligations. The 13 recommendations presented to the Council provide concrete opportunities to guide further work by IMO, in cooperation with its shipping industry partners and other maritime stakeholders, to achieve improved solutions for meeting those obligations.

“The shipping industry is part of the solution to reduce administrative burdens.”

A full list of the administrative requirements and the various categories of impacted stakeholders can be found on the SG-RAR website, which also offers other background information, www.imo.org/OurWork/rar





ANALYSIS OF RESPONSES AND MAIN FINDINGS

The experiences of ships' crews, who are at the frontline of shipping operations, every day of the year, are of particular interest to any review of the effectiveness of maritime regulations. It has been very encouraging that many seafarers took part in the public consultation. Some 60% of total responses came from ship masters, senior officers and ships' crews. The analysis of their feedback, together with that of other respondents, also sought to establish whether administrative requirements were perceived to be problematic (or not problematic) by an individual respondent (e.g. a senior ship officer), by a particular stakeholder group (e.g. ships' crews), or by a variety of stakeholder groups (e.g. ships' crews and shipping companies).

“The vast amount of administrative requirements, seen as a whole, together represents a huge administrative burden for the company and crew on board.”

A major – and perhaps surprising – finding has been that the majority of administrative requirements addressed in the consultation process, 351 out of the total of 563, or some 66%, were not perceived as being individually

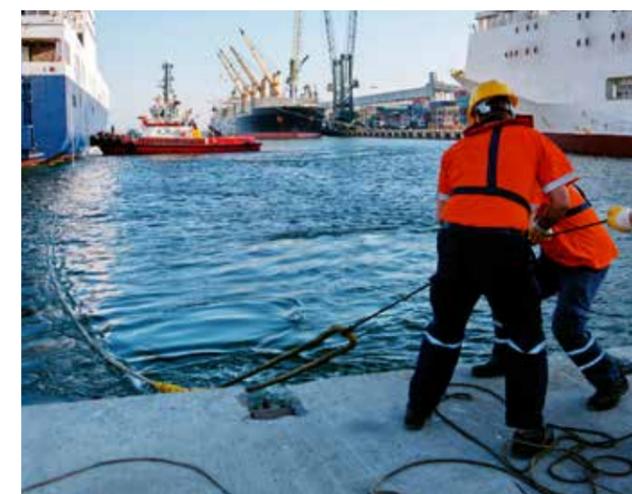
burdensome by any of the respondents. This result was captured in the reported view of one stakeholder on the voluminous paper work imposed by charterers, ship management companies, P&I Clubs and port agencies, stating that administrative burdens emanating from IMO instruments were “the very minimum” by comparison.

However, even when individual administrative requirements are justified, their combined volume causes ships' crews to spend considerable time on bureaucratic tasks, rather than actually manning and operating the ship, and this in itself may risk compromising safety. In a similar vein, inspectors focus to a large extent on verifying conformity with the correct procedures and establishing that the necessary checklists, reports and other paperwork have been produced to prove that the procedures were followed correctly. An inspection thereby becomes “control of control”, with a tendency to evaluate the quality of the oversight system rather than the quality of the ship and the crew. In this regard, it is not necessarily a specific administrative requirement which generates the bureaucracy but rather the indirect impact of having to report and document daily routines.

Nonetheless, the nature of the listed requirements and the stakeholder types involved provided a rather diffuse picture that cautioned against drawing firm conclusions. A careful analysis of each of the 182 administrative requirements (out of the total of 563) that were perceived as burdensome by at least one respondent, representing some 34% of the total, revealed that many responses did identify problems with excessive paperwork associated with regulatory compliance. Comments included suggestions for urgent change, for instance, by working with “intelligent” databases on websites with secure access in order to rationalise the fulfilment of administrative requirements.

This is indicative of a new, IT-savvy generation seriously questioning the necessity of keeping multiple records covering the same event or subject matter, and asking why inspectors seemingly spend more time poring over a ship's certificates than physically looking over the ship. It was instead recommended that certificates could be posted on a website with access provided to accredited authorities, or, according to one stakeholder, “a Facebook for ships”, with all certificates available for observation.

As one stakeholder put it, the tendency to “smother everything we do with paper” is also a result of a blame orientated and litigious culture, encouraging everybody to increase the paperwork as a means to demonstrate that everything has been done to prevent mistakes or mishaps and thus to avoid legal liability – by pointing the blame elsewhere.



While the processing and assessment of responses involved a significant effort in statistical analysis,

considerations of a qualitative nature were also important to address the two key purposes of the consultation process. These were, first, to consider whether the administrative requirements in mandatory IMO instruments are still necessary, proportionate and relevant, and, second, to consider measures that could potentially alleviate administrative burdens resulting from compliance with the requirements (and thus release resources for Administrations, industry stakeholders and the IMO Secretariat) – but without compromising IMO's overriding priorities to protect safety of life at sea, maritime security and the environment.

Significantly, it was noted that while the majority of the (182) administrative requirements perceived as burdensome were still necessary, proportionate and relevant, it is often the accumulation of requirements that represents a burden and this is an important issue IMO needs to address.

Many of the administrative requirements gave rise to long debates in the Steering Group, but it was able to adopt recommendations to the Council by consensus. These address a wide variety of pertinent matters. For instance, as regards possible measures to alleviate the administrative burden, it was concluded that burdens related to administrative requirements perceived as burdensome – some 24% – could be reduced by using forms of electronic reporting or notification. The figure was 14% with regard to the shipboard carriage of certificates and similar documents, for which electronic versions should be acceptable. Similarly, some 13% of burdensome requirements could be met more efficiently by electronic recording of information.

[The full list of recommendations is provided in the infographic overleaf.]





RECOMMENDATION 1 USE ELECTRONIC MEANS FOR REPORTING

IMO should ensure that requirements to provide information to and from IMO could be fulfilled by electronic means.



RECOMMENDATION 2 ESTABLISH IMO WEB-BASED INFORMATION PORTAL

A web-based, secure information portal to fulfil reporting requirements should be established by IMO.



RECOMMENDATION 8 IMPROVE MARITIME SECURITY AWARENESS

More work needs to be done to explain the reasons that led IMO to adopt the security provisions in SOLAS Chapter XI-2 and the International Ship and Port facility Security Code (ISPS Code), as these are perceived as burdensome and disproportionate.



RECOMMENDATION 9 AVOID ACCUMULATION OF ADMINISTRATIVE REQUIREMENTS

When developing regulatory proposals, it is important to pay attention to the burden that can arise from the combined effect of two or more administrative requirements, which may not be burdensome on their own.



RECOMMENDATION 3 RECOGNIZE ELECTRONIC CERTIFICATES

Electronic certificates should be recognized as equivalent to original paper certificates and similar documents.



RECOMMENDATION 4 ACCEPT ELECTRONIC RECORD-KEEPING

Electronic recording of information should be accepted as a full alternative to paper versions.



RECOMMENDATION 5 RECOGNIZE ELECTRONIC DOCUMENTS (OTHER THAN CERTIFICATES)

Electronic versions of documents required to be carried on board should be recognized as equivalent to original paper documents.



RECOMMENDATION 6 AVOID MULTIPLE REPORTING

Reporting to a single entity should be introduced to avoid the need to report the same information to multiple entities, in particular in cases of accidents.



RECOMMENDATION 7 ACCEPT OTHER ELECTRONIC SOLUTIONS

Particularly burdensome administrative requirements should be reviewed to ensure universal acceptance of electronic or software solutions.



RECOMMENDATION 13 INCREASE EFFORTS TO AVOID FUTURE ADMINISTRATIVE BURDENS

Every effort should be made to identify possible burdens before approving proposals for developing new regulations or amendments to existing regulations. It is recommended that the IMO Council amends procedures to ensure that the checklist for identifying administrative requirements and burdens is strictly applied and also identifies possible electronic solutions.



RECOMMENDATION 12 MONITOR AND REVIEW EXISTING REGULATIONS

No piece of legislation should be written in stone. It is important to keep an open mind on the continuous relevance, adequacy and effectiveness of existing regulations. Regulations that have become out-of-date, superfluous, inappropriate or ineffective should be removed, based on the changing needs of the shipping industry and technological advances.



RECOMMENDATION 10 AVOID BURDENS FROM NON-MANDATORY INSTRUMENTS

Fulfilling guidelines and other non-binding instruments often involves administrative tasks that add to the burden associated with mandatory administrative requirements. Such potentially adverse consequences must be taken into consideration when introducing non-binding instruments.



RECOMMENDATION 11 ADOPT IMO RESOLUTION ON EFFICIENT REGULATION

The IMO Assembly should adopt a resolution reaffirming the Organization's commitment to efficient regulation and ensure that the regulatory process systematically addresses the problems of duplication, complexity, and lack of coherence and transparency.



OUR RECOMMENDATIONS



4 Albert Embankment
London SE1 7SR
United Kingdom

Tel +44 (0)20 7735 7611
Fax +44 (0)20 7587 3210
Email administrativeburdens@imo.org

www.imo.org