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UNEP-PNUE

REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE  
FOR THE MEDITERRANEAN SEA (REMPEC)



EURO-MEDITERRANEAN PARTNERSHIP

EUROMED COOPERATION ON MARITIME SAFETY AND PREVENTION OF POLLUTION FROM SHIPS  
(SAFEMED)

*EU-Funded MEDA Regional Project MED 2005/109-573*

## SHORT COURSE ON FLAG STATE IMPLEMENTATION

World Maritime University, Malmö, Sweden  
5 - 9 November 2007

SAFEMED Project Task 1.10 O

REPORT

EUROMED

## **INTRODUCTION**

1. A one week training course on flag State implementation (hereinafter referred to as the course) was held in Malmö, Sweden, within the premises of the World Maritime University (WMU), between Monday 5<sup>th</sup> and Friday 9<sup>th</sup> November 2007. The course was organised by WMU at the request of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), within the framework of the MEDA Regional Project “Euromed Cooperation on Maritime Safety and Prevention of Pollution from Ships – SAFEMED” (MED 2005/109-573) financed by the European Union (hereinafter referred to as “the SAFEMED Project”).
2. The course was organised in terms of Task 1.10 O (Short specialised course on flag State implementation based on relevant international (IMO) conventions and related EU legislation) of Activity 1 (Towards an effective flag State implementation and monitoring of classification societies) of the SAFEMED Project which is being implemented by REMPEC in ten Euromed Mediterranean partners, namely Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Syria, Tunisia and Turkey.

## **PARTICIPATION**

3. The organisation of the course and the participation of two representatives from the beneficiaries of the SAFEMED Project in the course was financed by the SAFEMED Project. Fourteen participants from eight beneficiaries attended the course. The Palestinian Authority could not nominate delegates because of travel restrictions in the Gaza strip, whilst Israel did not nominate any participants. Moreover, one Lebanese participant had difficulties in obtaining his visa and could not travel, whilst Syria nominated only one delegate.
4. Eight out of fourteen participants were flag State / port State inspectors directly involved in flag State implementation, one of the main target audiences for this course. The rest were mostly senior officials from the project beneficiaries' respective maritime administrations. A complete list of participants is attached in **ANNEX I** to this report.

## **OBJECTIVES**

5. The main objectives of the course were:
  - a) to provide general training on flag State implementation and flag State performance to the personnel employed in the maritime administrations and associated agencies;
  - b) for participants to acquire thorough and sufficient knowledge of relevant IMO conventions and related EU maritime legislation;
  - c) to improve technical and administrative infrastructure in the concerned administrations of the Mediterranean partners;
  - d) for participants to acquire knowledge on applicable legislation, recommendations and policy aspects at the European level.

## **TRAINING COURSE CONTENT AND SCHEDULE**

6. The content of the course and schedule were discussed and agreed upon with WMU prior to and as part of the preparations for the organisation of the course. The course content was based upon the main objectives mentioned above. It covered such topics as: what is flag State performance and why is it important, presentation of IMO and other relevant international organisations such as ILO, main international maritime Conventions and resolutions, including the Voluntary IMO Member State Audit Scheme and Code for the Implementation of Mandatory Instruments A.973 (24), monitoring of Recognised Organisations and the EU maritime legislation and policies, including the three maritime safety packages

## **ORGANIZATION AND LOGISTICS**

7. In accordance with Task 1.10 O of the SAFEMED Project, Mr. Albert Bergonzo, Project Officer, Maritime Administration, coordinated the preparations for and, together with other SAFEMED Project staff, assisted in the organisation of the course managed by officials from WMU. All the participants were issued with economy class air tickets and assisted to obtain the required Swedish entry visa in time. During the week, participants were accommodated at WMU's Henrik Smith Residence, on a Bed & Breakfast basis. WMU provided lunch and transport to and from the Residence to the WMU premises on a daily basis. Transport to and from Copenhagen Kastrup airport to the Residence and vice versa was also organised for all the participants. In order to assist the SAFEMED-sponsored participants in all their needs, including the payment of the Daily Subsistence Allowance and other incurred expenses, and to ensure the smooth start of the course itself, Mr. Jonathan Pace, REMPEC's Senior Programme Officer, and Mr. Albert Bergonzo were present on the first two days of the course. At the same time, they also held various meetings with WMU officials regarding the allocation of SAFEMED sponsored WMU scholarships for the 2008-2009 Master of Sciences, preparation for the Workshop on the Voluntary IMO Member State Audit Scheme to be organised under task 1.8 O of Activity 1 of the SAFEMED project, and the organisation of a casualty investigation course under the rescheduled Task 1.6 O of Activity 1 of the Project.

## **THE COURSE**

8. The course was well organised and professionally delivered by WMU. The topics covered reflected the syllabus that was agreed between WMU and REMPEC, with a specific part covering EU legislation. Lecturers came from various backgrounds: Professors and Lecturers at the WMU, Master Mariners and officials from Maritime Administrations. The variety of topics and presentation from various professional perspectives generated much interest from the participants throughout the whole duration of the course.
9. An analysis of the feedback form, which is attached in **ANNEX III** to this report, shows an overall satisfaction level of 84%, with the remaining 16% considering that not all their expectations were met. None of the participants declared that the course was simply not satisfactory. As to the structure of the course, most praise went to the clarity and interest generated by the lecturers, with most regrets expressed regarding the short duration of the lectures on each topic. Other aspects underlined by the participants were the richness of the course on flag State implementation (FSI). This shows that the course met its target. Suggestions for the future include an extension of the duration of the course, an in-depth coverage of the United Nations Convention on the Law of the Seas (UNCLOS), translation of presentations in French and a practical on-board training exercise.

## **CONCLUSION**

10. The course on flag State implementation, organised by WMU at the request of REMPEC, with its extensive range of topics, was quite successful. The response received from the participants both during the course and through the feedback form indicate the satisfaction of course participants. The professionalism and experience of WMU was a determining key in this success. Also the quality and various backgrounds of lecturers allowed encompassing a broad range of approaches.
11. Finally, it is recommended that, for SAFEMED II, REMPEC will renew the collaboration with WMU for the organisation of the FSI courses.

## ANNEX I

<b>Participants</b>			
<b>Country</b>	<b>Name</b>	<b>Position</b>	<b>Office Address</b>
Algeria	Mr. Mohamed Redouane CHAKOUR	Charge d'Etudes	Ministre Des Transports, Direction de la Marine Marchande, 01, Rue Ben Badis El mer, El-Biar, Alger, Algerie
	Mr. Djamel DERARDJA	Sous Directeur Charge Des Affaires Pédagogiques	Institut Superieur Maritime, Ism-Bou Ismail BP G1 - TIPA 7A, Algerie
Egypt	Mr. Ahmed Fathy ABD EL BAKY	Marine Inspection Engineer (Flag State)	Egyptian Authority for Maritime Safety (EAMS), Department of Marine Inspection, Sharm el Sheik
	Mr. Sameh Sherif AHMED ZAKY	Marine Inspection Engineer (Flag State)	Egyptian Authority for Maritime Safety (EAMS), Department of Marine Inspection, Gate No. 1, Elgomrok, Alexandria, Egypt Central
Jordan	Mr. Mohammad Ahmad SALMAN	Port State Control Officer	Minsitry Of Transport, Jordan Maritime Authority, Al Rasheed Street, P.O. Box (171) , Aqaba 77110, Jordan
	Mr. Abedalmuez Akram ALDABET	Port State Control Officer	Minsitry Of Transport, Jordan Maritime Authority, Al Rasheed Street, P.O. Box (171) , Aqaba 77110, Jordan
Lebanon	Mr. Hassan CHABAN	Technical Advisor	Ministry of Public Works and Transport, Directorate General of Land and maritime Transport, George Picot Street, SATRCO Building, 3rd Floor, Beirut, Lebanon
Morocco	Mr. Mohamed BOUGHALEB	Inspecteur de Navigation	Direction de la Marine Marchande, Ministère de l'équipement et du transport, Boulevard Felix Houphouet Boigny 20000, Casablanca, Maroc.
	Mr. Mohammed EL MANYANI	Administrateur des affaires Maritmes	Direction de la Marine Marchande, Ministère de l'équipement et du transport, Boulevard Felix Houphouet Boigny 20000, Casablanca, Maroc.

Syria	Mr. Mohammad AHMAD	Engineer in Training Centre	Ministry of Transport, General Directorate of Ports, Lattakia, P.O. Box 505, Syria
Tunisia	Mr. Moncef TEKAYA	The Regional Maritime's Chief Safety Service of Teboulba	Merchant marine and Ports Office, Regional Maritime Safety Service of Teboulba, Sokrine Port de Pêche, BP No. 6- CP5080, Tunisia
	Mr. Fredj DEROUICHE	Chef du Service Regional de Securite maritime de Bizerte	Office de la Marine Marchande et des Ports, Region Maritime de Bizerte, 7000 - Bizerte - Tunisie
Turkey	Mr. Hakan AKYILDIZ	Flag State Control Officer	General Directorate of Maritime Transportation, Marine Environment Department, GMK Bulvari No.128, 06570 Maltepe – Ankara
	Mr. Mehmet Akif HOSANLI	Chief Operator	General Directorate of Maritime Transportation, Marine Environment Department, GMK Bulvari No.128, 06570 Maltepe – Ankara
REMPEC	Mr. Jonathan Pace	Senior Programme Officer	Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), Manoel Island, Gzira GZR 03, Malta
	Mr. Albert Bergonzo	SAFEMED Project Officer, Maritime Administration	Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), Manoel Island, Gzira GZR 03, Malta

## ANNEX II

### Monday, November 5<sup>th</sup>:

- 0900-0915: Welcome and Introduction (Schröder)
- 0915-1000: What is flag State performance and why do flag States have to deal with it? (Schröder)
- 1000-1030: *Coffee break*
- 1030-1200: International standard-setting at IMO (Schröder)
- IMO as a UN agency
  - Mandate of IMO
  - Structure of IMO
  - FSI sub-committee
  - Decision-making at IMO
- 1200-1330: *Lunch*
- 1330-1500: The main legal instruments of IMO
1. SOLAS (Jönsson)
  2. MARPOL (Jönsson)
  3. Anti-fouling (Jönsson)
- 1500-1530: *Break*
- 1530-1700: The main legal instruments of IMO (cont.)
4. Tonnage Convention (Wernhult)
  5. COLREG (Lennart Andersson)

**Tuesday, November 6<sup>th</sup>:**

- 0900-1030: Legal requirements of Flag State performance (Mejia)
- UNCLOS – definition of flag States (Mejia)
  - IMO Res.A.973(24) – Code for the implementation of mandatory IMO instruments (Mejia)
  - IMO Res.A.912(22) – Self-assessment of flag State performance (Mejia)
  - IMO Res.A.974(24) – Framework and procedures for the voluntary IMO member State audit scheme (Mejia)
- 1030-1100: *Coffee Break*
- 1100-1200: ILO – Consolidated Maritime Labour Convention (Storhaug)
- 1200-1330: *Lunch*
- 1330-1500: What are instruments and applications to demonstrate flag State performance?
1. Seafarer issues (Storhaug)
    - STCW
    - Manning and qualification
    - Working hours
    - Repatriation of seafarers
- 1500-1530: *Break*
- 1530-1700: What are instruments and applications to demonstrate flag State performance? (*cont.*)
2. Domestic legal framework of flag States (Mejia)
    - Ratification of IMO instruments
    - Implementation of international instruments into national law
    - Enforcement

**Wednesday, November 7<sup>th</sup>:**

- 0900-1030: What are instruments and applications to demonstrate flag State performance? (*Continued from Tuesday*)
3. Relations with and monitoring of recognized organizations (Schröder)
- Model agreement
  - Supervision of surveys
  - Auditing of RO's
  - Change of flag
  - ISM/ISPS Code matters
- 1030-1100: *Coffee Break*
- 1100-1230: 4. Direct performance indicators
- Maritime casualty investigation developments (Schröder)
  - Port State control records (Mejia)
- 1230-1330: *Lunch*

**EU Legislation: Enforcement of Maritime Safety and Marine Environmental Pollution Prevention Standards (Jenisch)**

- 1330-1500
1. The EU as a Maritime Player (the European Maritime Dimension, Green Book, Blue Book)
2. Maritime Transport Legislation
- the early phase
  - safe seas policy
  - safety of passenger ships
  - other recent legislation
- 1500-1530: *Coffee Break*
- 1530-1700
3. The ERIKA I Package:
- Directive 2001/105 of 19 Dec '01, repealed Directive 94/57 of 12 Dec '94
  - Directive 2001/106 of 19 Dec '01, repealed Directive 95/21 of 7 Jul '95
  - Regulation 417/2002 of 18 Feb, '02
4. The ERIKA II Package:
- Directive 2005/59 of 27 Jun, '02 repealed Directive 93/75 of 13 Sep, '93
  - Regulation 1406/2002 of 27 Jun, '02
5. The ERIKA III Package:
- Directive 2009/2002- Established Committee on Safe Shipping (COSS)
  - Draft Directives on Criminal Sanctions Against Environmental Crimes (COM 2003/92)



- Draft Regulation on enhancing Ship and Port Facility Security (COM 2003/299 final)
- Draft Directive for Improvement of Port Security (COM 2004/76 final)
- Draft Regulation on revision of regulation 3051/95 on Safety Management of Ships.
- Council conclusions on EU strategy to reduce Atmospheric Emissions from Ships.

## 6. Group Discussion

**Thursday, November 8<sup>th</sup>:**

EU Legislation: Enforcement of Maritime Safety and Marine Environmental Pollution Prevention Standards (Jenisch) (*Con't. from Wednesday*)

- 0900-1030: Port Legislation (waste reception, shore side electricity, ISPS implementation)
- 1015-1030: *Coffee Break*
- 1030-1130: EMSA
- 1130-1230: *Lunch*
- 1230-1330: Transport to Trelleborg
- 1330-1630: Field Visit to TT-Lines AB onboard *M/V Nils Dacke*, Trelleborg (Schröder, Dahl & Jenisch)

**Friday, November 9<sup>th</sup>:**

- 0900-1030: How should flag State performance be embedded in the legal framework of a flag State? How to formulate and enact a maritime policy (Jenisch)
- Contents
  - Implementation
- 1030-1100: *Coffee Break*
- 1100-1200: How should flag State performance be embedded in the legal framework of a flag State? How to formulate and enact a maritime policy ( *cont.*) (Jenisch)
- Enforcement
    - a. Benchmarking the success
    - b. Stakeholder participation
    - c. Performance indicators
- 1200-1230: Conclusion and presentation of certificates

## ANNEX III

### PDC FEEDBACK FORM SAFEMED Flag State Implementation *held at WMU 5-9 November 2007*

Have you previously participated in any of our courses?

Yes/ No 9 participants indicated "No", 2 participants indicated "Yes", 3 participants blanked.

Please use the criterion below:

1. It was not satisfactory to my needs.
2. It only met a few of my needs.
3. It was satisfactory for my needs.
4. It was more than satisfactory for my needs.
5. Outstanding – it far exceeded my expectations!

	1	2	3	4	5
Range of topics (2 blanked)	-	2	6	3	1
Length of time on each topic	-	4	8	2	-
Appropriateness of content	-	1	8	5	-
Potential for your future needs	-	1	6	7	-
Instructors were clear and interesting	-	3	1	5	5

1. What did you like most about this course?

- Rich on FSI x2
- Structure of all instruments of IMO, ILO, in the main monitoring of recognized organizations.
- "Non conventional ships inspections and requirements for flying state flag".
- Monitoring of the classification societies.
- Implementation and maritime policy topics x2.
- Varieties of topics and the instructors, in particularly Prof. Schröder.
- The way the course was taught.
- Very interesting instructors x2 and the course materials was very useful.
- Relations with and monitoring of recognized organizations and domestic legal framework of flag state.
- International standards; law audit of maritime policy.
- Presentation about the flag state performance.
- "All subjects are sufficient".
- Audit scheme

2. What did you like least about this course?

- Session about Maritime Policy of the EMSA because the participant has a different objective within the same environment.

- EU Sea laws and conventions.
- The tonnage convention x2.
- So much information, so little time – one week is not enough x3
- “Everything was good”.
- Maritime policy and future role of EMSA in European waters.
- The visit to the port of Trelleborg x2.
- Solas
- “Nothing”

### 3. Changes / additional topics that you recommend for the next time:

- Develop a session on Maritime Law UNCLOS – interpreting all confusions. With practical case studies.
- The topics are appropriate, but more information related to Conventions should have been given.
- Management Shipping
- More detailed information about Regional Regulations related to their countries.
- Add inspection training on board with more details.
- The amount of information must be for MED, not only EU.
- General FSI statistics in each country in the Mediterranean Sea.
- Data Management and Field Study.
- More time allocated to Law of the Sea (Convention)
- Practical monitoring and control of ships in European Union, ports.
- Port State Implementations
- Sharing of any resolutions, adoptions to upgrade the participants' experiences as neighbors.
- Go deeper in details with technical, administrative procedures regarding AFS – BWM (as additional topic) – MARPOL Annex 6 & SAR.

### 4. What can we do to make this course more interesting?

- The course is very interesting.
  - Very fruitful, liked this programme; however require more information on Conventions.
  - Translate to other languages, such as French.
  - Great, but need more time to revise.
  - Add a practical training on board to make it more interesting x2
  - Adding more time to make it easier and more expanded x3.
  - More exercises
  - More practical research.
  - Give more time to group discussion.
  - More technical details.
  - Nothing, everything was ok!
-