

# **IMO VOLUNTARY MEMBER STATE AUDIT SCHEME**

## **AUDIT OF DENMARK 18 – 25 SEPTEMBER 2006**

### **FINAL REPORT 9 FEBRUARY 2007**

#### **1. Executive Summary**

- 1.1 An audit of the Maritime Administration of the Kingdom of Denmark was undertaken between 18 and 25 September 2006 by four auditors drawn from Canada, Argentina, Cyprus and the United Kingdom. The scope of the audit included the Flag, Port State and Coastal State obligations of Denmark in relation to the IMO Mandatory Instruments it had acceded to. Visits were made by the auditors to the responsible entities within the four Ministries that make up the Administration and audit was conducted through presentations, interviews and the examination of documents.
- 1.2 The auditors concluded from the information available to them that Denmark substantially meets its obligations in respect of the IMO Mandatory Instruments and also the Code implementing those instruments. They identified that were a number areas of good practice which were innovative and of considerable assistance to the maritime community. They also identified areas where improvement was possible. The latter however were relatively minor in relation to the overall efficiency of the administration.

#### **2 Introduction**

- 2.1 This report presents the findings of the IMO Voluntary Member State Audit of the Maritime Administration of the Kingdom of Denmark. It draws together the Interim Report produced on the 16<sup>th</sup> October 2006 and the Corrective Action plans developed by the Administration in respect of the auditors' findings. The evidence to support the findings is provided in relevant appendices.

#### **3 Background**

- 3.1 Following adoption of the IMO Voluntary Member State Audit Scheme at its 24<sup>th</sup> Assembly session a number of IMO Member States volunteered for audit under

the scheme. The current audit of Denmark is the first to be undertaken using fully the principles established under A24/Res.974 and the Code for Implementation of Mandatory Instruments A24/Res.973. This report sets out the findings of this audit in the format adopted under the scheme.

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5 Involved Officials from the Member State:

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6 Acknowledgement:

- 6.1 The Auditors wish to express their considerable thanks to the various members of staff interviewed and forming the Danish Maritime Authority for their unstinted cooperation during this audit. In particular thanks are due to Mr Hindborg for his efforts during the preparation for this audit and for its facilitation.

## 7 **Scope, Objectives and Activities of the Audit**

- 7.1 The Scope of the audit addressed the Flag, Port and Coastal State obligations of the Maritime Administration of Denmark. In addition to including mainland Denmark the scope includes Greenland.

7.2 The objectives of the audit were :

- .1 to determine the extent the Maritime Administration of the Kingdom of Denmark addressed the obligations imposed upon it through its adoption of the following applicable IMO Mandatory Instruments,
  - .1 the International Convention for the Safety of Life at Sea (SOLAS 74) as amended;
  - .2 the International Convention for the Safety of Life at Sea (SOLAS 74) as amended and as modified by its 1978 Protocol;
  - .3 the International Convention for the Safety of Life at Sea (SOLAS 74) as amended and as modified by its 1988 Protocol;
  - .4 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by its 1978 Protocol (MARPOL 73/78);

- .5 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1878 (STCW), as amended;
- .6 the International Convention on Load Lines 1966, (LL 66);
- .7 the International Convention on Load Lines, 1966 (LL 66) as modified by its 1988 Protocol
- .8 the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 69); and
- .9 the Convention on the International Regulations for Preventing Collisions at Sea, 1972, (COLREG 72), as amended.

and;

- .2 the effectiveness of the implementation of these objectives.

Implicit in this was also the degree of compliance with the Code for the Implementation of Mandatory Instruments (the Code) which mirrors many of the references set out in the Mandatory Instruments.

- 7.3 The audit was conducted using the programmes at Appendix 1. There were no exclusions in scope. The methodology used being to establish through a series of visits, interviews, examination of written records and databases, the objective evidence which would determine the extent to which the Administration achieved the objectives.
- 7.4 The programme followed a process which sought initially to determine the Strategy for the implementation of the Instruments, the review processes in place and the arrangements for continual improvement. Following this, an examination of the national legislation in place which provides the Mandatory Instruments with force of law. Then the processes by which the State develops and makes known its interpretations, policies and instructions regarding these instruments and finally the practical implementation of these arrangements.
- 7.5 An opening meeting was conducted in accordance with the procedures and agenda and list of attendees is attached as Appendix 2. It was stated that at the closing meeting a draft interim report would be tabled which would assist in focussing discussion and the next steps to be taken.

## **8 Overview and general maritime activities of the State**

### **8.1 General**

- 8.1.1 The Maritime Administration of Denmark is divided between four Government Ministries. Appendix 3 sets out in diagrammatic format the general structure and responsibilities of each of the entities. These same Ministries are largely responsible for determining maritime policy for Greenland, however Greenland has limited home role and as such has some self determination with regard to environmental issues.
- 8.1.2 In general discussions which were held following the opening meeting it was established that service level agreements or contracts have been developed between each of the ministries and the various entities. These set out objectives or performance targets to be achieved during the year and the methods for the periodic reporting of these. It can be seen from Appendix 3 that a number of areas of work and for which the Instruments are involved are divided between several entities. It was stated that general objectives for these are developed from the Government plan - The Danish Maritime Cluster – An Agenda for Growth, an extract of which is attached as Appendix 4. Performance for each of the entities is, as previously described monitored through contracts,
- 8.1.3 To resolve issues of common interest between the entities a large number of bilateral and multilateral groups have been developed see appendix 5 the principal group being the Cross Governmental Board, the terms of reference of which are at Appendix 6. The minutes of the following groups were examined the Trans SAR Council minutes of 15 June 2006 – appendix 7, RDANH and Kadastre – TOR at appendix 8 and Minutes of meeting held 27 March 2006 appendix 9. Whilst all of these indicated a strong working relationship to resolve common concerns it was not clear how individual but related and connected areas were being collectively assessed in terms of objective setting and performance evaluation. For example pollution prevention is divided between several entities but it is not clear how the overall performance of the Administration is effectively determined.
- 8.1.5 The Code states in paragraphs 3.3 and 3.4 that overall organizational performance is key to the effectiveness of the State and whilst there are numerous examples of effective performance within ministries overall performance cannot be determined.

**8.1.6 Finding:**

**The Administration has a highly organised structure within which individual Government entities set agreed objectives and continually review their performance against these.**

**Observation:**

**No apparent methods for determining overall organizational performance between Ministries having corresponding work; an example is Pollution Prevention and follow up.**

**Corrective Action:**

**To instigate permanent annual meetings between the Director Generals of the various authorities of the Maritime Administration to develop objectives and performance indicators for areas of work which are divided between Government authorities. To provide the Minister for Economic and Business Affairs with information of the status of initiatives to improve safety and counter pollution at sea and to develop further initiatives as appropriate and ongoing developments promoting safety at sea and counter pollution.**

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## 8.2 Flag State Activities

8.2.1 The Danish Maritime Authority (DMA) is primarily the responsible entity for implementing, enforcing and monitoring the Mandatory Instruments relating to Flag State activities. Environmental aspects involving discharges and emissions from Danish ships are under the jurisdiction of the Environmental Protection Agency (DEPA). The DMA is also responsible for conducting Maritime Accident Investigations, and both functions relate to Denmark and Greenland, it is divided into the following divisions: (see also appendix 10).

8.2.2 Strategic Planning Division which is responsible for:

- Preparing the performance contract of the DMA with the Ministry of Economic and Business Affairs, this contract sets out performance measures for statutory surveys and productivity, safety of navigation, port state control, accident investigation, education of seafarers, personnel and utilisation of resources. Continuous monitoring of these targets is undertaken through the Executive Information System (EIS) appendix 11 gives a synopsis of the information available;
- Preparing performance contracts with each division and the Board of Directors which extend those set to the Agency to the divisions and personnel;
- External and internal communication as well as design websites and publications;
- Statistical Analysis as may be required by any division within the DMA.

8.2.3 During the audit it was established that the remit applicable to the SPD only extends to the DMA; also that its functions are largely those of reporting rather than planning. More detailed progress on the performance targets is regularly reported upon to the DMA board an extract is attached as Appendix 12.

8.2.4 Denmark is a member of the MAIG (Maritime Administrations' Implementation Group) which develops common performance indicators to permit Administrations (Germany, Denmark, Norway, Netherlands Sweden and UK) to mutually benchmark performance as a way seeking continual improvement. It is intended that performance in this area will also be regularly reported to the management board.

8.2.5 The performance indicators and objectives set by the DMA are effective and wide ranging across the spectrum of its activities.

8.2.6 The Centre for Maritime Regulation is a newly established division formed in January 2006 which is responsible for:

- Drafting Primary legislation as appropriate to enact Mandatory instruments
- Translating new or amended international instruments into Danish and forwarding to relevant divisions for agreement;
- Transposition of the mandatory instruments into Danish Law usually as secondary legislation with the exception of aspects of MARPOL which fall to the; Danish Environmental Protection Agency (DEPA) to develop.
- Providing technical advice to the Centre of Ships for exemptions, equivalents. Also providing interpretations of the mandatory instruments;

8.2.7 In general amendments to the Mandatory Instruments are enacted through the enabling provisions of two sections of primary legislation, this permits rapid enforcement of these provisions together with a degree of flexibility as to their interpretation. Primary legislation which involves Parliamentary approval for is only necessary for new Instruments. Authorization for the issue of legislation is generally delegated to CMR officials, though Ministerial authority is required in certain cases.

All legislation is accessible through the public database “Retsinformation” but in Danish only. Non official extracts and translations are available through the DMA “rulefinder” or “Søfartsstyrelsens Meddelelsaer B” referred to later in this report.

8.2.8 All new instruments or amendments to these are tracked by the CMR using spreadsheets. These record the implementation date, action dates for CMR staff which are usually set well before implementation date, action required of CMR staff and who is responsible for this. Each year an action plan is developed by the heads of division setting out the priorities for the year to enable timely implementation of the Instruments into Law. This forms one of the core performance measures for the division and is highly efficient

8.2.9 Following adoption of the legislation all the legislation is linked by a “Rule Finder”, this enables those accessing it to determine what rules apply to ships of various type, age, tonnage. This is a web based application which is accessible by all through the DMA website.

8.2.10 Briefly the procedure for transposition of mandatory instruments which fall under the Division’s jurisdiction into national legislation is;  
Amended or new instrument → CMR Database → Work plan → Assignment → Translation → Consultation with interested parties → Verification by Surveyor in DMA → Approval by Division Head → Secondary Legislation → Printed → Published - hard copy and on the web. See appendix 13

- 8.2.11 The Division has established a Quality Management System, which although not independently certified appears to satisfy the objectives of such a system. Other divisions within the DMA have established similar systems. See comments generally relating to management systems under paragraph 4.1.18.
- 8.2.12 The division is highly effective in initiating development and controlling progress of the implementation of Mandatory Instruments and their amendments.
- 8.2.13 The Danish Environmental Protection Organisation (DEPA) has responsibility amongst others for the oversight of emissions or discharges from Danish registered ships. For the implementation of MARPOL there is accordingly a division of responsibility for the transposition of the various annexes to the Convention into Danish Law. The Søfartssyrelsens Meddelelser B indicates those areas relevant to the DEPA by the letter M and as with the DMA these parts of the convention are implemented by Departmental Order. However the text of the Søfartssyrelsens Meddelelser B for these areas mirrors the text of the convention and depending upon whether the Administration has put a different interpretation into its national law there may be differences between these. A further issue is that the text of the law produced by the DEPA is only available in Danish (unlike the text of other convention requirements as adopted by Denmark which are available through the Søfartssyrelsens Meddelelser B in English).
- 8.2.14 The Code requires at paragraph 18.4 that RO's are provided with "all appropriate instruments" however it is argued by the DEPA that the RO's would not need to be aware of those parts of the convention that had been interpreted differently, and also that no separate explanatory memoranda or instructions are necessary. This is surprising particularly in relation to Annex VI of MARPOL and the NOx Code in which the Administration is required to give guidance and interpretation of several requirements.

**8.2.15 Finding:**

**The Administration meets its obligations under paragraph 15 of the Code in relation to the adoption of suitable instruments to enable the provisions of the Mandatory Instruments with force of law.**

**Observation:**

- **It was established that the legislation incorporating the Enhanced Survey Programme (ESP) into Danish Law, contained a reference to Resolution A.744(18) as amended. The method of recording these amendments is by using footnotes which included previous amendments eg. MSC.125 (75) but there was no intention of incorporating the latest amendment MSC.197 (80). It is left to the discretion of the person drafting this legislation as to what course of action to take.**
- **An examination of the implementation of the Fire Safety Systems (FSS) Code indicated the potential that amendments to the Code may not correspond with the legislation in force at the time. i.e. the period between the coming**

**into effect of an amendment to the Code and its subsequent incorporation into Danish Law.**

**Corrective Action:**

**To revise the policy described in the internal quality system so that revisions to the Mandatory Instruments are incorporated directly into Danish legislation. To revise the policy so that new IMO Guidelines, performance standards etc are incorporated into periodical DMA notices and to ensure that that the next revision of legislation they are included as appropriate. A schedule to be developed to ensure timely implementation.**

**Observation:**

- **There is no written authorization for the division heads of the Centre for Maritime Regulation to signing secondary legislation.**

**Corrective Action**

**A central policy to be developed for authorizing employees to sign certificates and secondary legislation.**

**Observation**

- **Legislation produced by DEPA is not always accurately reflected in the text of the Søfartssyrelsens Meddelelser B.**
- **RO surveyors do not have access to a suitable translation of DEPA legislation nor have they been informed of potential differences between the DMA and DEPA text of this legislation particularly in relation to MARPOL Annex VI**
- **The scope that DMA surveyors apply when performing surveys relating to MARPOL on Danish ships will only cover convention requirements. Additional or national interpretations of these provisions can only be applied by the DEPA who take no part in the survey process.**

**Corrective Action:**

**The DMA and DEPA will ensure consistency between the translations of the various part of MARPOL including annexes. In the longer term cooperation agreements will be developed between the two to ensure greater consistency between legislation produced by each in relation to MARPOL**

8.2.16 The Centre for Seafarers and Fishermen is responsible for:

- Safe Manning Issues;
- Issuance of National Certificates of Competencies;
- Issuance of Endorsements attesting the recognition of a non Danish Certificate of Competency;
- Setting up the Standards for the Maritime Educational institutes in Denmark
- Auditing and evaluating the performance of the Maritime Educational institutes in Denmark a database is maintained containing the results of these audits and follow up action;
- Implementation of COLREG;

- Implementation of Flag State related regulations incorporated in SOLAS Chapters IV and V.

8.2.17 was established that Denmark is a contributing Government under Reg 6 of SOLAS Chapter V to the International Ice Patrol. Contributions required under Annex V to Chapter 5 are deposited pending a request from those administering the scheme. Information on weather and surface ice movements in the vicinity of Greenland is regularly made available to the USA and Canada. The requirements set out in Reg 6.1 of Chapter V are applied only indirectly to Danish registered vessels i.e. by virtue that Chapter V is applicable to Danish ships. DMA has assumed responsibility for all matters relating to registration of radio equipment, issue of call signs and MMSI numbers, EPIRB data bases. In addition it oversees the issue of exemptions under Chapter IV and the development of policy requirements for inspections in conjunction with the Centre for Ships.

8.2.18 The Division has its own Quality Management System, which although not accredited by an external organization as meeting an international standard appears to incorporate all those features which such a management system would require. It was observed that a programme for the inspection of educational establishments had been developed together with spreadsheets recording the findings and follow up actions required. Responsibility for the issue of certification is not done as individual appointments but collectively through the management system, this mirrors the practice in other management systems within the DMA (see appendix 13A). It was not clear whether the scope of such appointments within the DMA as whole fully meet the implications of paragraph 27 of the Code.

#### **8.2.19 Finding:**

**The scope of the audit in relation to the STCW convention is limited and set out in appendix 14. In relation this it was established that for the STCW convention, Dispensations have been reported to the IMO from January 2005, and that other areas of the convention to be addressed by the VMSAS are met.**

#### **Comment:**

**In common with the quality management systems of other divisions within the DMA, there is no formal policy requiring written authorizations for the issue and verification of certificates under the STCW convention. However it was established that under the Quality Management system, procedures are in place which ensure that those personnel issuing the certificates have authority to do so.**

#### **Note:**

**As set out in paragraph 8.2.15 DMA is revising its policy on authorization so that a documented procedure will be put in place.**

8.2.20 The Centre for Ships is responsible for:

- Surveys and Certification of Danish Passenger Ships for this the centre maintains a database containing survey status, certificate status (anniversary dates etc), records of surveys, plan and other document approval. The system gives automatic notification of any overdue surveys or follow up actions but only for those surveys for which the DMA has primary responsibility e.g. passenger ship ;
- Surveys and Certification of non convention Danish (including Greenland) ships trading into domestic waters;
- Surveys and Certification of Danish Fishing vessels ships trading into domestic waters;
- Flagging in Surveys; These are always undertaken by DMA surveyors in conjunction with an RO and only where a satisfactory standard is achieved is a Trading Permit issued. Without this certificate the ship cannot trade.
- Follow up actions on Danish Ships that have been detained by foreign PSC Authorities and Unscheduled Inspections on Danish Ships;
- ISM Audits and Certification on Passenger Ships;
- ISM Audits and Certification to Companies
- Monitoring of the performance of the Recognized Organizations to whom DMA has delegated authority for all cargo vessels.

8.2.21 The Centre is also responsible for preparing guidelines, instructions, checklists for the surveyors and to forward to the Centre for Maritime Regulations applications for exemptions, equivalents and interpretations of the mandatory instruments. The Centre is responsible for informing and monitoring the regional office and updating the rule finder.

8.2.22 For the monitoring arrangements of ROs the Centre has developed an annual plan showing the anticipated audits of offices of the ROs and ship they survey on behalf of the Administration. An example is at Appendix 15. This is based on a three year cycle. Samples of survey reports were sighted example is attached as appendix 16. A series of meetings is also conducted with the RO's in order to examine areas of mutual concern and also for information interchange. Minutes of one such meeting are at Appendix 17 . Monitoring is also undertaken by virtue that the centre has electronic access to the databases of its Recognised Organisations holding survey records of Danish registered ships. It relies upon these organisations informing the DMA where conditions of class or other non conformities resulting in the seaworthiness of the vessel not being properly maintained. This includes the reporting of invalid certificates. This is an explicit provision of the Danish Class Agreement (S.9) though there is potentially some ambiguity here, as to the auditors knowledge the view taken by many ROs is that, by providing electronic access to their records this discharges this obligation. It was for example established that the certificates of survey for the MV Hamburg

Express were overdue due to ongoing repairs, though the latter was not visible nor had it been reported to the administration.

- 8.2.23 The flag state monitoring programme is driven by statistics supplied to the centre by the SPD and Port State Control detention results. Other drivers are the DMA “Survey Strategy 2003” which follows on from the Survey Strategy of 1998. A Health and Safety Action plan was also developed during 2005 which concentrated upon improving mortality rates among seafarers and bringing them into line with those of comparable organisations ashore. Whilst however there is some anecdotal evidence, there is no formal analysis of trends developed from the results of PSC inspections of Danish ships which have not been detained, flag state inspection results or ISM findings which could be used to inform the future direction and prioritisation of flag state inspections, particularly those below 3000GT which form a substantial portion of the Danish Fleet. There is considerable evidence that the follow up actions to detentions are rigorous, however from a planning perspective these are comparatively retrospective in nature.
- 8.2.24 An analysis of the SPD results of detained Danish ships (Appendices 18,19,20, 20A) indicate that during 2004/5/6 a relatively few number of companies contributed to around 50% of detentions. Whilst statistically given the numbers involved, this may not be significant it is noticeable that there are shipping companies common to all of these e.g. (H. Folmar & Co, CEC Ship Management). The inference drawn from this is that enforcement provisions may not be sufficiently robust to deal with a very small number of companies. It was for example stated that for legal reasons it is very difficult if not impossible to de-register a ship other than by mutual consent, or to withdraw a Document of Compliance issued to a shipping company under the ISM Code.
- 8.2.25 Enforcement action for infringements of the COLREGS by Danish ships is undertaken by the by the Police, the Centre being responsible only for passing on the facts. The process however is laborious taking on average two years to reach trial generally with most cases settled out of court with comparatively minor penalties. The policy for dealing with infringements of COLREGS within Danish waters is to make a report to the flag of a ship outlining the circumstances and subsequent action is left to their decision. There is no evidence to suggest that these policies lead to a failure to discourage violations however to meet the provisions of paragraph 21.7 of the Code it is recommended these are reviewed to determine whether strengthened measures are necessary

### **8.2.26 Findings:**

**The Administration meets its obligations arising under paragraphs 18 to 20 of the Code and relevant sections of the Mandatory Instruments relating to the delegation of statutory surveys. It also meets its requirements with regard to paragraphs 27 to 37 and related sections of Mandatory Instruments in relation audits and surveys that have not been delegated. It also substantially meets its obligations arising under paragraphs 21 to 26 of the code in relation to the enforcement of those provisions.**

#### **Observations:**

- **Number of detentions for the current year (10) has exceeded target (9)**
- **Reoccurrence of same companies in detention statistics (e.g. H. Folmar & Co, CEC Ship Management).**
- **In 2006 -5- companies contributed to 52% of detentions, in 2005 -4- companies contributed to 45% and 2004 -7- companies contributed to 55% of deficiencies.**
- **Follow up unscheduled inspections appear to have concentrated more on the seaworthiness of the vessels rather than their operational efficiency. It was noted that arrangements are in hand to deal with this**
- **Police investigations into breaches of COLREGs are lengthy, averaging 1 to 2 years to complete with cases usually being settled out of court with comparatively minor penalties.**
- **Withdrawal of the company DOC or Ship Registration was for legal reasons potentially difficult.**

#### **Also a need for:**

- **A written policy which anticipates and prioritises inspections of Danish registered vessels under a Flag State inspection programme.**
- **A more effective analysis PSC inspection results of Danish flagged ships.**
- **More effective monitoring of statutory survey records held by Recognised Organisations**

#### **Corrective Action:**

**DMA to review its existing arrangements and to develop a new Flag State Inspection programme which will take account of the observations made above. These will also include introducing a risk based model for targeting ships, and strengthening existing arrangements taking into account Danish legislation and civil rights..**

## **8.3 Investigation of Maritime Accidents**

8.3.1 The Division for Investigation of Maritime Accidents is responsible for investigating accidents on Danish vessels to which the Mandatory Instruments apply, and to non Danish vessels within Danish territorial waters these include occupational accidents. It is also responsible for the investigation of accidents on ships flying the flag of Greenland and for accidents in Greenland waters. It

maintains its own team of investigators which are separate from other departments of the DMA. A small anomaly appears to exist with Greenland however in that inspectors of the DMA office in Greenland are empowered to collect data and conduct the necessary investigation in Greenland on behalf of the Division under the relevant provisions of Danish Law. Strictly this may lead to conflict between the implied principles of accident investigation and the express duties of a surveyor.

- 8.3.2 Accidents are categorized as per IMO guidelines and based on this categorization, relevant reports are produced within prescribed time period; 8 months for very serious accidents and 4 months for others.
- 8.3.3 The Division is under the authority of the Director General of the DMA though separate and independent of other Divisions of the Agency . It has access to all relevant files and documents of the various divisions, its files and records are however confidential to the division.
- 8.3.4 As with other divisions The Division has its own Quality Management System, which however has not at the time of this report been accredited by any external organization.

**8.4 Finding:**  
**The Administration meets its obligations arising under SOLAS I. 21**

**9 Port State Activities**

- 9.1 The Danish Maritime Authority is the responsible entity for implementing, enforcing and monitoring all the international instruments relating to Port State Control. This done through a network of Marine offices located at the major ports The Environmental Protection Agency is the responsible entity oversight and enforcement of port reception facilities.
- 9.2 The Centre for Ships is informed on a daily basis about the vessels currently in Danish Ports and for vessels bound for the Danish Ports. A file is then created and inserted to the SIRENAC system and relative target factor is linked to each ship. All relevant information is then passed to the Regional Offices in order to select ships for PSC. Anecdotal evidence received during a visit to a field office was that the scope of inspections did not yet encompass MARPOL Annex VI.
- 9.3 After the completion of the PSCI the report is brought back to the secretariat in the Centre for Ships to be inserted in the SIRENAC system. In the case that the vessel is detained the Paris MOU Secretariat, relevant Flag State and Class are informed.

- 9.4 The Centre for Ships has an annual target of inspecting 25 % of the individual calls of foreign ships in Danish Ports. This is followed on a weekly basis.
- 9.5 Environmental Protection Agency is responsible for Reception Facilities in all Danish Ports. Furthermore DEPA is responsible for Garbage and AFS control of all ships calling in Danish ports.
- 9.6 The Environmental Protection Agency has its own Quality Management System verified and certified by Det Norske Veritas.

**9.7.1 Finding:**

**The Administration exercises its right under SOLAS I.19 and XI-1.4 et al to carry out Port State Control of non national ships visiting its ports. The Administration follows the guidelines established under Res A.787(19).**

**Comment**

**It was stated anecdotally during the audit that provisions of MARPOL ANNEX VI are not yet enforced during Port State Control Inspections.**

**Corrective Action;**

**Note**

**This will be reviewed as part of the corrective action outlined in paragraph 8.2.15.**

## **10 Coastal State Activities**

- 10.1 The responsibility for the activities related to Coastal State is divided to the following entities:
- Royal Danish Administration of Navigation and Hydrographic (RDANH)
  - Admiral Danish Fleet (ADF)
  - Danish Meteorological Institute (DMI)
  - The National Survey and Cadastre (KMS)
- 10.2 The Royal Danish Administration of Navigation and Hydrographic (RDANH) is responsible for:
- The provision of Aids to Navigation:
  - Automatic Identification Systems
  - Coastal Rescue
  - Hydrographic Surveying
  - Provision of Nautical Publications, warnings and Notices to Mariners
- RDANH is also responsible for the provision of pilotage facilities though the inclusion of these was considered beyond the scope of the audit.

- 10.3 The Aids to Navigation division maintains some 194 lighthouses, 400 buoys and approximately 1350 navigational marks. In addition there are a number of navigation marks which have been established that are privately maintained; though the standards used for development and maintenance of these follow the requirements of RDANH. Standards for the national navigational marks are based on those developed by IALA. All Aids to Navigation are subject to a regular periodic maintenance system and the RDANH has two main depots with repair facilities at Grenå and Korsør two buoy tenders are also co-located. Effectiveness and reliability of these Aids is reliant in part upon electronic monitoring of the major lights and also on ad hoc reports from mariners, pilots etc as users of these facilities. Discussions revealed there were no formalised “user” groups to determine the effectiveness of these or to indicate where improvements could be achieved. A site visit which included the maintenance station at Aarhus was undertaken in verification of the above.
- 10.4 A comprehensive coverage for AIS is stated to have been established by Denmark through with 18 shore stations, each maintaining A1 coverage. There are also liaison arrangements with neighboring countries which effectively extend the network to in excess of 110 stations. Time did not permit an effective evaluation of these however the facilities matched those of other administrations and no issues are considered to arise.
- 10.5 The Oceanography Division of RDANH is responsible for the development of the annual Danish hydrographic programme. This responsibility extends also to Greenland. Implicit in this is the efficient collection, validation storage and administration of data to support the safety at sea. Resources for the surveys including survey vessels are maintained by ADF. There is a forward five year plan to for these activities and policy is to ensure that main routes used by international shipping with Danish waters are assigned primacy for survey. Regular planning meetings with KMS and ADF are maintained. Surveys are undertaken between April and November. Anecdotal evidence was given during interviews that complaints had been received that there had been some neglect of minor routes. This was not supported by evidence and it is understood that with the ongoing development of new techniques – in particular developments with side scan sonar, mitigation of these concerns can be achieved. It was noted that whilst a great deal of effort was placed in the planning of these activities there were no focus groups, user groups etc. which could contribute to an evaluation of the effectiveness of these measures.
- 10.6 The Oceanography department is also maintains observation posts around the coast of Denmark gathering information on salinity, wind, surface current etc which in turn are made available to Mariners through a website. Weather forecasts are also produced in conjunction with the Danish Meteorological Institute for a forecast period of 48 hours.

- 10.7 Two mathematical models have been produced have been produced in conjunction with adjoining States; the High Resolution Model of the Baltic (HIROMB) is a three dimensional prediction of water circulation patterns within the Baltic and the High Resolution Limited Area Model (HIRLAM) developed jointly by the Danish and Swedish Meteorological Institutes is a predictive tool for wind forecasts.
- 10.8 Other models developed from these more specifically for Danish waters are the “Oresund Model” which predicts height of tides within the “Sound” and “SeaTrack” which has been developed from HIROMB as tool to predict the dispersal path of an oil spill. The latter is in use by ADF.
- 10.9 RDANH is the responsible authority for collating and disseminating navigational warnings and important information to interested parties - mariners, pilots, ADF etc. on a 24hour basis. Relevant info is also forwarded to ADF to be transmitted through NAVTEX, television text and Radio Stations
- 10.10 The coastal rescue craft around the coast of Denmark are maintained by public funds and RDANH has the responsibility for maintaining these resources, operationally they become “assets” under the direction of ADF. There are 21 national stations operating approximately 30 in shore and off shore craft and a number of shore based vehicles. There are approximately 200 staff operating this service a substantial number of these are made up by volunteers. Response times and targets are developed in conjunction with those for ADF. Joint exercises are held at least once a year between the ADF and RDANH and each base maintains an exercise schedule.
- 10.11 The Danish Meteorological Institute is responsible for producing meteorological data and forwarding them to RDNAH in order to be broadcast.
- 10.12 The National Survey and Cadastre (KMS) is responsible for the production of Nautical Charts and Chart Correction based upon survey information supplied by the RDANH. During the periodic planning meetings with RDANH KMS presents areas for survey based upon historical survey data it holds, while RDANH controls the budget for technical resources.
- 10.13 Information obtained from ADF resources is validated by RDNAH and passed to KMS. KMS compares the information with existing information and if there seems to be a large discrepancy contests this with RDANH.
- 10.14 Information relating to chart corrections is obtained from a large number of sources including within Denmark Harbour authorities, RDANH and externally from other Hydrographic offices, seafarers, pilots.

**10.15 Finding:**

**The Administration fully meets its obligations arising under Chapter V of SOLAS in respect of Hydrographic Services, Navigational Warnings, Aids to Navigation, Meteorological services and warnings and provision of Charts and publications.**

**Observation:**

**It was established during the audit that no independent evaluation of the effectiveness of navigational information provided by RDANH and DMI.**

**Corrective Action;**

**A review will be commissioned from an independent consultant which in consultation with RDANH, KMS and DMI will seek opinions from SOLAS ships in Danish ports or passing through Danish waters. The review will evaluate the effectiveness of the navigational information provided by Denmark and will make recommendations as appropriate.**

10.16 Admiral Danish Fleet (ADF) is responsible for the following areas:

- Safety of Navigation; includes monitoring of traffic separation schemes, hailing regime (to permit knowledge of ships esp DG ships in the area to be determined) VTS and general coordination issues. The VTS is provided primarily to cover the safety of the road bridge spanning the Great Belt. Coverage presently extends to approx 15 miles north and south of the bridge though there are plans in May to extend the northern coverage to 30 miles. Current watch manning of the VTS consists of 1 supervisor and 2 operators.
- Ice breaking;
- Maritime Security;
- Oil or other counter pollution and subsequent enforcement action in the Danish Waters; Pollution satellite picture are share between adjacent countries to trace pollution by ships. Air plane surveillance is used in order to confirm picture from satellite.
- Search and Rescue Coordination:

10.17 The principal Joint Rescue Coordination Centre is located at Aarhus with two sub stations acting as communication points with third parties. It is understood that plans are place for direct communication facilities to be added to the JRCC in the near future. All three locations are staffed on a 24 hour basis.

10.18 Resources for rescue that are available to the JRCC include joint services airborne assets, Naval home guard, Maritime Surveillance units which also include shore based radar, coastal lookout, aerial surveillance (including satellite).

10.19 There are extensive agreements and plans for joint SAR operations with adjacent countries which are periodically exercised. A programme for annual exercises is in place for SAR and the participation of other national and international entities.

A plan for 2006/7 is found under Appendix 21 . Each exercise is followed by a de-briefing session in which areas of good practice and areas for improvement determined.

- 10.20 Similar arrangements to other Government departments are in place with annual performance contracts established between ADF and the relevant Ministry in which performance objectives are determined and measured on a periodic basis. Examples of these are attached as Appendix 22. Records of recent results were examined and found to be within the parameters established. The effectiveness of SAR arrangements is also assessed through committees drawn from interested parties. The parent group established is the SAR Council and working groups set up under this develop improvements to strategy TOR and example of minutes of meetings are attached as Appendices 23 and 24
- 10.21 It was established that emergency co-operation plans for passenger ships are being assessed by the ADF in accordance with SOLAS CHV.7.7. Appendix 25 provides an example. It could not however be determined from the documentation that these were periodically exercised, such exercises were stated to be within the narrative of logs and would be readily available.
- 10.22 Admiral Danish Fleet has its own Quality Management System, which at the time of audit had not been accredited by an external organization though plans are in place for this to be undertaken in the near future.
- 10.23 From Appendix 3 it can be determined that responsibilities for Counter pollution extend across several Government entities. There are extensive plans in place for combating various pollutants and at Appendix 26 is an organizational chart setting out various responsibilities. As with SAR the arrangements are exercise on a regular basis and at appendix is a programme for 2006/7.
- 10.24 An extensive scheme of voluntary reporting of oil pollution has been promoted by the ADF in which members of the public as well as maritime interests are encouraged to report sightings. At appendix 27 is an example of some of the material provided in the publicity packs. The campaign has been considered a substantial success during which large numbers of reports were received by ADF See appendices 28 and 29. There was some ambiguity of the results of this see appendices and. It is concluded enforcement action has been and is being taken in several cases, however because of the nature of the statistics including the follow to the sightings and significance of the event there is insufficient data on which to make an assessment of the effectiveness of the action taken. It was stated that because of the substantial international traffic in Danish waters this made it difficult to identify possible offenders, and Danish law/UNCLOS did not allow legal action against a ship that had not been positively identified as being the cause of the oil spill. Legal grounds can only be established by visual

identification and/or by technical evidence for example established through a Port State Control of possible offenders. However this notwithstanding from the statistics supplied during the period 2005/ 2006; of 197 cases of oil pollution where the cause was identified only 15 cases resulted in legal action which seems a comparatively number.

## **10.25 Findings**

**The Administration meets its obligations arising under SOLAS Chapter V with regard to the provision of Search and Rescue facilities, Navigation Safety (viz Ship Routeing and Ship Reporting, Vessel Traffic services in the Great Belt)**

**Observations:**

- **It could not be determined during the audit that Enforcement provisions are sufficiently robust to assist in deterring pollution.**
- **Periodic exercises as required by SOLAS Ch V Reg 7.3 could not be verified as being undertaken.**

**Corrective Actions:**

**ADH will review the procedure to include records being kept of periodic exercises involving the JRCC**

## **11 Conclusions**

### **11.1 Areas of positive development**

11.1.1 It was noted that the methods of transposing the Mandatory Instruments into Danish Law were very effective. The process based upon the use of secondary legislation allowed Heads of Division to effectively issue the legislation subject to certain restrictions. This resulted in the transposition process being very rapid and incorporated into Danish Law either on or before the entry into force date.

11.1.2 The development of the “Rule Finder” as a tool to enable the Danish shipping industry to rapidly determine the applicable legislation to its ships is a very positive development. Based on general criteria it is easy to use and provides worthwhile results.

11.1.3 The spreadsheets developed by the Centre for Maritime Regulation which track the status of all IMO Mandatory Instruments and their amendments provides an excellent tool to verify that all of these have been transposed properly and on time.

- 11.1.4 An effective programme has been developed to ensure that the standards of colleges for seafarer training remain at acceptable levels. This is achieved by a planned system of audits and follow up action.
- 11.1.5 DMA surveyors are provided with an effective system which allows access to ship details and previous survey records. This together with detailed checklists, guidance notes, instructions, remote access to legislation ensures a consistent approach to the conduct of surveys.
- 11.1.6 The system for the issue of exemptions or equivalents from the requirements of Mandatory Instruments is centralised and this ensures consistency of approach.
- 11.1.7 The selection procedure and subsequent training programme for DMA, ADF, RDANH and DEPA personnel is to a high standard.
- 11.1.8 Performance objectives are set through contractual agreements between Ministries and their respective Agencies. These objectives are measurable and provide a means on which future continual improvement can be based.
- 11.1.9 Hailing regime: Since September 2005 a hailing regime has been established in the transit routes through Danish waters. The hailing regime is a part of the ministerial action plan. All ships encompassed by the recommendations in the IMO resolution MSC 138(76) (encouraging the use of a pilot while navigation the transit routes through Danish waters) are hailed if they do not fully comply with the recommendation in order to ensure that all masters of the ships are aware of the IMO resolution. The hailing regime has already resulted in an increased number of vessels taking pilots through Danish waters.
- 11.1.11 Campaign to Stop Oil pollution: Admiral Danish Fleet has launched a campaign to increase the monitoring of the sea-environment and enhance the awareness among industry and the population. Due to the campaign, more than 4.000 owners of pleasure craft have signed up to report oil spills. As a result, Admiral Danish Fleet is receiving an increased number of oil observations in Danish Area of Responsibility. The awareness of the initiative is a vital proactive objective in order to counter illegal pollution.
- 11.1.11 Transparency: It is a policy by the Admiral Danish Fleet to ensure transparency. This goal is achieved through a published website where everyone can seek information about the activities of the ADF, for example, all cases of reported oil-pollution, and all SAR-cases. The website is updated continuously, enabling for example a person who has reported an oil-spill is able to follow the actions that are/have been taken as a consequence.

## **11.2 Areas for Further Development**

- 11.2.1 Consider developing objectives and performance indicators for areas of work which are divided between Ministries.
- 11.2.2 Consider within DMA whether further guidance is needed to ensure a consistent approach to the development of Explanatory Notices accompanying legislation.
- 11.2.3 Consider within DMA the development of a central policy for authorizing the issue of legislation and flag state certification.
- 11.2.4 Consider whether translations of legislation developed jointly by DMA and DEPA can be presented together.
- 11.2.5 Consider whether enforcement action can be strengthened in relation to COLREGS, MARPOL and SOLAS as a method of deterring future infringements of these.
- 11.2.6 Consider reviewing the method of selection of ships for flag state inspection to determine whether this can be done more effectively.
- 11.2.7 Consider the development of user groups to determine the effectiveness of Navigational information and publications including charts.
- 11.2.8 Consider an alternative method of record keeping demonstrating compliance with SOLAS ch V.7.3.

## **12 Annexes**

### **12.1 Observations**

- Form A-OB-01
- Form A-OB-02
- Form A-OB-03
- Form A-OB-04
- Form A-OB-05
- Form A-OB-06
- Form A-OB-07
- Form A-OB-08

# IMO - VMSAS

## OBSERVATION / NON-CONFORMITY NOTICE

(Form A)

FINDINGS	
<b>Member State: 0371</b>	<b>Audit Period:</b>
<b>Ministry/Organization</b> ADF,DC,RDANH,DMA,DEPA, KMS,DMI	<b>Department/Section</b>
<b>Non- Conformity No.:</b>	<b>Observation No.: 01</b>
<b>Findings</b>  No apparent methods for determining overall organizational performance between Ministries having corresponding work; an example is Pollution Prevention and follow up.	
<b>Applicable Provisions of the Audit Standard</b>  3 In order for a State to meet the objective of this Code, a strategy should be developed, covering the following issues:  .1 implementation and enforcement of relevant international mandatory instruments; .2 adherence to international recommendations, as appropriate; .3 continuous review and verification of the effectiveness of the State in respect of meeting its international obligations; and .4 the achievement, maintenance and improvement of overall organizational performance and capability. In implementing the aforementioned strategy, the guidance given in this Code should be adhered to.	

<b>Auditor:</b>	<b>Date:</b>
<b>Team Leader: Richard Rees.</b>	<b>Date: 25 September 2006</b>
<b>Member State: 0371</b>	<b>Date Received: 25 September 2006</b>

# IMO - VMSAS

## OBSERVATION / NON-CONFORMITY NOTICE

(Form A)

FINDINGS	
<b>Member State: 0371</b>	<b>Audit Period:</b>
<b>Ministry/Organization: DMA</b>	<b>Department/Section</b>
<b>Non- Conformity No.:</b>	<b>Observation No.: 02</b>
<b>Findings</b>  No consistent policy in relation to the issue of Explanatory Notices when drafting legislation in relation to IMO instruments as may be amended.  Evidenced by:  a. It was established that the legislation incorporating the Enhanced Survey Programme (ESP) into Danish Law, contained a reference to Resolution A.744(18) as amended. The method of recording these amendments is by using footnotes which included previous amendments eg. MSC.125 (75) but there was no intention of incorporating the latest amendment MSC.197 (80). It is left to the discretion of the person drafting this legislation as to what course of action to take.  b. An examination of the implementation of the Fire Safety Systems (FSS) Code indicated the potential that amendments to the Code may not correspond with the legislation in force at the time. i.e. the period between the coming into effect of an amendment to the Code and its subsequent incorporation into Danish Law.	
<b>Applicable Provisions of the Audit Standard</b>  15. In order to effectively discharge their responsibilities and obligations, flag States should:  .1 <b>implement policies</b> through the issuance of national legislation and guidance which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols they are party to.	

<b>Auditor:</b>	<b>Date:</b>
<b>Team Leader: Richard Rees.</b>	<b>Date: Monday, September 25<sup>th</sup> 2006</b>
<b>Member State: 0371</b>	<b>Date Received: Monday, September 25<sup>th</sup> 2006</b>

# IMO - VMSAS

## OBSERVATION / NON-CONFORMITY NOTICE

(Form A)

FINDINGS	
<b>Member State: 0371</b>	<b>Audit Period:</b>
<b>Ministry/Organization: DMA</b>	<b>Department/Section</b>
<b>Non- Conformity No.:</b>	<b>Observation No.: 03</b>
<b>Findings</b> <p>There is no central policy within the DMA formally authorizing the issue of legislation and Flag State certification (Statutory and STCW).</p> <p>Evidenced by:</p> <ol style="list-style-type: none"><li>a. There is no written authorization of the division heads of the Centre for Maritime Regulation for signing secondary legislation.</li><li>b. There is no written authorization empowering surveyors to issue relevant statutory certificates. The only available evidence was a form (BILAG) which defines what a surveyor is capable of doing.</li><li>c. There is no formal policy for the issue of written authorizations empowering the issue and verification of certificates under the STCW convention. However it was established that under the Quality Management system, procedures are in place which ensure that those personnel issuing the certificates have authority to do so..</li></ol>	
<b>Applicable Provisions of the Audit Standard</b> <p>15. In order to effectively discharge their responsibilities and obligations, flag States should:</p> <ol style="list-style-type: none"><li>.1 <b>implement policies</b> through the issuance of national legislation and guidance which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols they are party to.</li></ol> <p>27. The flag State should <b>define and document the responsibilities, authority and interrelation</b></p>	

**of all personnel** who manage, perform and verify work relating to and affecting safety and pollution prevention.

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# IMO - VMSAS

## OBSERVATION / NON-CONFORMITY NOTICE

(Form A)

FINDINGS	
<b>Member State: 0371</b>	<b>Audit Period:</b>
<b>Ministry/Organization: DMA - DEPA</b>	<b>Department/Section</b>
<b>Non- Conformity No.:</b>	<b>Observation No.: 04</b>
<b>Findings</b> <p>There is inconsistency in the translation of Danish legislation implementing the IMO Mandatory Instruments available to the RO's in particular relating to MARPOL Annex VI, and in the surveys undertaken of this by DMA surveyors.</p> <p>Evidenced by:</p> <ol style="list-style-type: none"><li>a. Legislation produced by DEPA is not always accurately reflected in the text of the Søfartssyrelsens Meddelelser B.</li><li>b. RO surveyors do not have access to a suitable translation of DEPA legislation nor have they been informed of potential differences between the DMA and DEPA text of this legislation.</li><li>c. The scope that DMA surveyors apply when performing surveys relating to MARPOL on Danish ships will only cover convention requirements applicable by DMA. The remaining provisions and/or national interpretations of these provisions can only be applied by the DEPA who take no part in the survey process.</li></ol>	
<b>Applicable Provisions of the Audit Standard</b> <p>16. Flag States should establish resources and processes capable of administering a safety and environmental protection programme which, as a minimum, should consist of the following:</p> <ol style="list-style-type: none"><li>.1 administrative instructions to implement applicable international rules and regulations as well as develop <b>and disseminate any interpretative</b> national regulations that may be needed.</li></ol> <p>18. Flag States authorizing recognized organizations to act on their behalf in conducting the surveys, inspections, the issue of certificates and documents, the marking of ships and other statutory work required under the IMO conventions must regulate such authorization in accordance with SOLAS regulation XI-1/1 to:</p>	

.....

.4 provide the recognized organization with all appropriate instruments of national law and interpretations thereof giving effect to the provisions of the conventions or specify whether the Administration.s standards go beyond convention requirements in any respect

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# IMO - VMSAS

## OBSERVATION / NON-CONFORMITY NOTICE

(Form A)

FINDINGS	
<b>Member State 0371</b>	<b>Audit Period:</b>
<b>Ministry/Organization: DMA</b>	<b>Department/Section</b>
<b>Non- Conformity No.:</b>	<b>Observation No.:05</b>
<b>Findings</b> <p>In a few examples it was observed that enforcement action against shipping companies following the detention of their Danish Ships did not appear to have led to a significant improvement in their PSC performance. It was concluded that enforcement provisions did not appear to be sufficiently robust to deal with persistent infringements of mandatory instruments.</p> <p>Evidenced by:</p> <ol style="list-style-type: none"><li>Number of detentions for the current year (10) has exceeded target (9)</li><li>Reoccurrence of same companies in detention statistics (e.g. H. Folmar &amp; Co, CEC Ship Management).</li><li>In 2006 -5- companies contributed to 52% of detentions, in 2005 -4- companies contributed to 45% and 2004 -7- companies contributed to 55% of deficiencies.</li><li>Follow up unscheduled inspections appear to have concentrated more on the seaworthiness of the vessels rather than their operational efficiency. It was noted that arrangements are in hand to deal with this</li><li>Police investigations into breaches of COLREGs are lengthy, averaging 1 to 2 years to complete with cases usually being settled out of court with comparatively minor penalties.</li><li>It was stated that due to legal reasons the withdrawal of the company DOC was potentially difficult.</li></ol>	

**Applicable Provisions of the Audit Standard**

11. States should continually improve the adequacy of the measures which are taken to give effect to those conventions and protocols which they have accepted. Improvement should be made through rigorous and **effective application and enforcement** of national legislation, as appropriate, and monitoring of compliance.

14. The State should **determine action to eliminate the causes** of potential non-conformities in order to prevent their occurrence.

21. Flag States should **take all necessary measures** to secure observance of international rules and standards by ships entitled to fly their flag and by entities and persons under their jurisdiction so as to **ensure compliance** with their international obligations.

22. A flag State should consider developing and **implementing a control and monitoring programme**, as appropriate, in order to:

- .....
- .3 provide for **a timely response** to deficiencies and alleged pollution incidents reported by port or coastal States.

**Auditor:**

**Date:**

**Team Leader: Richard Rees.**

**Date: Monday, September 25<sup>th</sup> 2006**

**Member State: 0371**

**Date Received: Monday, September 25<sup>th</sup> 2006**

# IMO - VMSAS

## OBSERVATION / NON-CONFORMITY NOTICE

(Form A)

FINDINGS	
<b>Member State: 0371</b>	<b>Audit Period:</b>
<b>Ministry/Organization: DMA</b>	<b>Department/Section</b>
<b>Non- Conformity No.:</b>	<b>Observation No.: 06</b>
<b>Findings</b> <p>The monitoring of the performance of Danish registered ships needs to be reviewed to determine whether more effective oversight methods are achievable particularly for ships below 3000GT.</p> <p>Evidenced by a need for</p> <ol style="list-style-type: none"><li>a. A written policy which anticipates and prioritises inspections of Danish registered vessels a Flag State inspection programme.</li><li>b. A more effective analysis PSC inspection results of Danish flagged ships.</li><li>c. More effective monitoring of statutory survey records held by Recognised Organisations.</li></ol>	
<b>Applicable Provisions of the Audit Standard</b> <p>15. In order to <b>effectively discharge</b> their responsibilities and obligations, flag States should:</p> <ol style="list-style-type: none"><li>.1 implement policies through the issuance of national legislation and guidance which will assist in the implementation and enforcement of the requirements of all safety and pollution</li></ol>	

prevention conventions and protocols they are party to; and

22. A flag State should consider developing and **implementing a control and monitoring programme**, as appropriate, in order to:

.....

- .3 provide for a timely response to deficiencies and alleged pollution incidents reported by port or coastal States.

42. The flag States should, on a periodic basis, **evaluate their performances** with respect to the implementation of administrative processes, procedures and resources necessary to meet their obligations as required by the conventions to which they are party.

43. Measures to evaluate the performance of the flag States may include, *inter alia*, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses (CTLs)), and other performance indicators as may be appropriate, to determine whether staffing, resources and **administrative procedures are adequate to meet their flag State obligations**.

<b>Auditor:</b>	<b>Date:</b>
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FINDINGS	
<b>Member State: 0371</b>	<b>Audit Period:</b>
<b>Ministry/Organization: RDANH - DMI</b>	<b>Department/Section</b>
<b>Non- Conformity No.:</b>	<b>Observation No.: 07</b>
<b>Findings</b>  No systematic independent evaluation of the effectiveness of navigational information provided by RDANH and DMI.  Evidenced by:  No user groups or similar established or other independent measures of performance.	
<b>Applicable Provisions of the Audit Standard</b>  47. Coastal States should <b>take all necessary measures</b> to ensure their observance of international rules when exercising their rights and fulfilling their obligations.  49. Coastal States should <b>periodically evaluate their performance</b> in respect of exercising their rights and meeting their obligations under mandatory IMO instruments.	
<b>Auditor:</b>	<b>Date:</b>
<b>Team Leader: Richard Rees.</b>	<b>Date: Monday, September 25<sup>th</sup> 2006.</b>
<b>Member State:</b>	<b>Date Received: Monday, September 25<sup>th</sup> 2006.</b>

# IMO - VMSAS

## OBSERVATION / NON-CONFORMITY NOTICE

(Form A)

FINDINGS	
<b>Member State: 0371</b>	<b>Audit Period:</b>
<b>Ministry/Organization: DOC - ADF</b>	<b>Department/Section:</b>
<b>Non- Conformity No.:</b>	<b>Observation No.: 08</b>
<b>Findings</b>  Evidence of periodic exercises as required by SOLAS Ch. V Reg 7.3 not determinable.  Evidenced by:  No records to demonstrate effective implementation.	
<b>Applicable Provisions of the Audit Standard</b>  47. Coastal States should <b>take all necessary measures</b> to ensure their observance of international rules when exercising their rights and fulfilling their obligations.  49. Coastal States should <b>periodically evaluate their performance</b> in respect of exercising their rights and meeting their obligations under mandatory IMO instruments.	
<b>Auditor:</b>	<b>Date:</b>
<b>Team Leader: Richard Rees</b>	<b>Date: Monday, September 25<sup>th</sup> 2006</b>
<b>Member State: 0371</b>	<b>Date Received: Monday, September 25<sup>th</sup> 2006</b>

**12.2 Non-conformities**

Nil

**12.3 Corrective Action Plans**

**12.4 Appendices**