

RESOLUTION MSC.375(93)

(adopted on 22 May 2014)

AMENDMENTS TO THE PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966, AS AMENDED

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO article VI of the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (hereinafter referred to as the "1988 Load Lines Protocol") concerning amendment procedures,

RECALLING FURTHER that the Assembly, by resolution A.1070(28), adopted the IMO Instruments implementation Code (III Code),

NOTING proposed amendments to the 1988 Load Lines Protocol to make the III Code mandatory,

HAVING CONSIDERED, at its ninety-third session, amendments to the 1988 Load Lines Protocol proposed and circulated in accordance with paragraph 2(a) of article VI thereof,

1 ADOPTS, in accordance with paragraph 2(d) of article VI of the 1988 Load Lines Protocol, amendments to the 1988 Load Lines Protocol, the text of which is set out in the annex to the present resolution;

2 DETERMINES that, pursuant to new regulation 53 of Annex IV, whenever the word "should" is used in the III Code (annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;

3 DETERMINES ALSO, in accordance with paragraph 2(f)(ii)(bb) of article VI of the 1988 Load Lines Protocol, that the said amendments shall be deemed to have been accepted on 1 July 2015, unless, prior to that date, more than one third of the Parties to the 1988 Load Lines Protocol or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of all the merchant fleets of all Parties, have notified their objections to the amendments;

4 INVITES the Parties concerned to note that, in accordance with paragraph 2(g)(ii) of article VI of the 1988 Load Lines Protocol, the amendments shall enter into force on 1 January 2016 upon their acceptance in accordance with paragraph 2 above;

5 REQUESTS the Secretary-General, in conformity with paragraph 2(e) of article VI of the 1988 Load Lines Protocol, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the 1988 Load Lines Protocol;

6 ALSO REQUESTS the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization, which are not Parties to the 1988 Load Lines Protocol.

ANNEX

AMENDMENTS TO ANNEX B TO THE PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966, AS AMENDED

ANNEX B

ANNEXES TO THE CONVENTION AS MODIFIED BY THE PROTOCOL OF 1988 RELATING THERETO

Annex I

Regulations for determining load lines

Chapter I

General

Definitions of terms used in the annexes

1 The following new definitions are added after definition (16):

"(17) *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

(18) *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization*.

(19) *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

(20) *Audit Standard* means the Code for Implementation.

* Refer to the Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28)."

ANNEX B

ANNEXES TO THE CONVENTION AS MODIFIED BY THE PROTOCOL OF 1988 RELATING THERETO

2 A new annex IV is added after annex III, to read as follows:

"Annex IV

Verification of compliance

Regulation 53

Application

Contracting Governments shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.

Regulation 54

Verification of compliance

(1) Every Contracting Government shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.

(2) The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization*.

(3) Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization*.

(4) Audit of all Contracting Governments shall be:

(a) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization*; and

(b) conducted at periodic intervals, taking into account the guidelines developed by the Organization*.

* Refer to the Framework and Procedures for the IMO Member State Audit Scheme, adopted by the Organization by resolution A.1067(28)."
