

Question 1

The International Maritime Organization is considered to be the specialized agency of the United Nations, which was established in Geneva in 1948 with its headquarters in London, and today it unites approximately 169 member countries together with three Associate members. The main goal for operation of this agency is to develop and sustain the powerful legislative framework for shipping, including safety and security regulations, technical cooperation, legal matters, effectiveness of shipment and the number of environmental concerns. It is governed by the Assembly of members and is administered by the Council that needs to be appointed during this Assembly. Basically, the international shipping standards are promoted by means of five major committees, which are, respectively, supported by technical subcommittees. Being the UN organization allows other UN organizations observe the proceedings. The IMO finds its support in the permanent Secretariat of employees who are regarded to be the representatives of its members. The Secretariat should consist of Secretary-General and the Heads of various divisions like marine safety, conference section, environmental division and some others. The work of IMO is directed to cover the regulatory development of international trade between state members, facilitating shipment, safety at sea and maritime environment. Most of the international standards are promoted with the help of implementation, control and coordination. To be precise, the IMO conducts the comprehensive review of the basic obligations of states from IMO treaty instruments, monitors the current levels of implementation of the initiatives, regularly estimates the state's capacity in terms of flag, port, coastal line and identifies the potentially hazardous zones of implementation, identifies the reasons for shipping difficulties among states, develops the programs to aid the states to comply with the chief IMO instruments, develops the maintenance system with the knowledge-based mechanisms as the support for the decision-making process, constantly revises the international standards and makes the regular updates of systemized and harmonized guidance to survey the certification-related requirements, collects the proposals and recommendations, concerning its functioning at the Assembly.

Talking about IMO flag state enforcement of its conventions, we should mention that, generally, the inspection of the nature world takes place under jurisdiction of the port state. However, in case some offence is noticed in international waters, “the responsibility for imposing a penalty rests with the flag State” (International Maritime Organization 2011). If the offence happens within the jurisdiction of the other state, the proceedings should be analyzed in accordance with the respective state's law, notifying the fact to the flag state, which has to take the necessary measures immediately. Talking about the implementation and enforcement of the international convention, we should mention that IMO was established to adapt the law and force the national governments to be responsible for implementation of respective laws. Accepting the laws of International Convention, the government is obliged to treat them like a domestic law with general national significance and regulatory power. So, the IMO has the general power to improve the enforcement of its international convention. It can also be understood due to the fact (main reason) that not all member states have enough resources, expertise and experience to implement their own regulatory principles properly. And they have to use international power in order to establish such strong regulatory policy.

It is clear that IMO annually develops the number of various maritime programs to foster the international trade in terms of shipping. For example, it has the GESAMP, Globallast Partnerships, REMPEITC-Carib, REMPEC, PEMSEA and Marine Electronic Highway. Let us observe in detail *one* initiative, which is Marine Electronic Highway. Basically, The project is targeted to establish the mechanism in Straits of Malacca and Singapore for the enhanced maritime safety-security and marine environment protection with the “sustainable financial component in cooperative arrangement”, containing three chief littoral States of Indonesia, Singapore and Malaysia with the partnership in Republic of Korea: the International Hydrographic Organization, the International Chamber of Shipping and the International Association of Independent Tanker Owners. The project takes the form of the technological network and cooperative partnership that both succeed in complying with the Article 43 of the

United Nations Convention on the Law of the Sea. The project tends to foster the development of marine communications, navigation and environmental impact with the purpose of reducing the number of ship accidents over the area. The project also helps to reduce the amount of shipping costs by permitting the secure and safe navigation, where even the insurance costs can be reduced due to optimal loading. The System is seen to combine the Electronic Chart Display, Information System, shore-based marine information databases, advanced ship-to-store communications and automated identification system (MEH Demonstration Project 2011, 2011). Additionally, this system allows giving the specific information on the speed of the ship, its location and direction.

Question 2

Talking about port State Control, we should say that it is extremely effective as the back up to flag state enforcement of international conventions. Basically, Port State Control stands for the inspection of the foreign ships in domestic (national) ports in order to test whether the condition of the ship and its basic equipment comply with international regulations and whether the ships are manned and operated in compliance with such rules. Such inspection is the real back up to the flag State implementation. That should be understood on the regional bases. For example, the ship, which is going to the certain country, will normally swim through some other countries. So, the close regional control is advised to be implemented. The primary responsibility for standards is noticed to rest with the flag State: if the maximum possible number of ships is inspected, this can mean that the ships cannot be delayed because of some unnecessary inspections (International Maritime Organization. Port State Control, 2011).

The E.C. Directives are understood as European Commission Directives. The Commission usually operates as the authorized body of European Communities. In our case, in Ireland we have the specific E.C. Directive, controlling and regulating the import-export of foodstuffs. All foodstuffs need to be relevant and have to comply with the recent EU legislation in terms of labeling, hygiene, additives and contaminants. There are also various considerations,

concerning quotas, customs' duties. From the Irish side, the Exports-Imports Division of Customs and Excise, the Department of Agriculture, Food and the Marine or the Sea-Fisheries Protection Authority are also involved in such procedures (Food Safety. Authority in Ireland, 2011). In most cases, the Border Inspection Post for veterinary checks is done by Dublin Port. Each particular product should come from EU approved establishment and have Health Certificate. Each product has to be properly wrapped and labeled with the trademark and health mark. The importer needs to be registered in the above mentioned Irish departments to be able to import his products. Finally, the importer has to notify the fact of shipment or import to Dublin Port in advance (at least 24 hours before the shipment).

The New Inspection Regime was implemented for port State control. During memorandums in Paris and Naples, the European Committee decided that the implementation of the new inspection regime is the effective method of controlling shipping. So, this NIR was implemented on January 1, 2011 by European Commission, European Maritime Safety Agency and the Secretariat. Basically, it is considered to be a risk-based mechanism, which is targeted to reduce inspection of ordinary ships, concentrating more on high-risk ships. The Voluntary IMO Member State Audit Scheme is used for the identification of the risk profile of numerous ships together with the flag State and recognized organization. The inspection is expected to depend upon the age of the ship, its direction and type. The New Inspection Regime is supported by means of electronic information system called 'THETIS'. Talking specifically about Ireland and investigating precisely how the respective Directive is used in this country, let us focus upon the Ballast Water Management Convention. This BWM was invented as the attachment to the Convention by Irish Department of Transport, Tourism and Sport. The Convention is strongly advised to be analyzed by the ship owners and managers in order to determine the applicability of regulations to their ships. The Ballast Water Management Convention was adopted by the IMO in London in 2004 and after twelve months it represented the thirty-five percent of the world merchant shipping tonnage. After the Ireland's maritime administration prepares all

necessary documentation and legislation, the Convention will be ratified. The shipping standards will be set in motion in 12 month after the ratification. The Convention possesses many regulatory requirements indicated as G-1 to G-14. To be precise, it covers the survey and certification of vessels, training of officers and crew, fitting of treatment equipment, operation of ballast water management plan, port entry requirements, facility for the retention and treatment of the ballast tank sediment in defined circumstances (IRELAND - Ballast Water Management Convention, 2011).

Question 3

Here, we are aimed at analyzing one of the Marine Notices issued by the Department of Transport, concerning merchant shipping legislation. We are particularly interested in Marine Notice No. 05 of 2011 (Marine Notice No. 05 of 2011 - European Communities, 2011). This Marine Notice refers to all ship-owners, agents, shipmasters, vessel owners, managers, marine suppliers, ship chandlers, distributors and maintainers. Basically, when observing the document, we can see two basic *E.C. Directives*, which shape the legislation (Directive 2005/35/EC of the European Parliament and the Council and Directive 2009/123/EC ship-source pollution). The Ship-Source Pollution initiative is supported by the introduced variety of penalties, including some criminal penalties, “for the illegal discharges of polluting substances into the marine environment” (Marine Notice No. 05 of 2011 - European Communities, 2011). Talking about the *Regulations*, we should mention the Sea Pollution Acts from 1991 to 1996. Such regulations can impose criminal sanctions if required. This way, any person who is intended to commit any offence against the ship or has the intention to help somebody commit such offence, is liable to be held responsible under the Regulations. Talking about the *international convention*, we should mention Annex I (oil) and Annex II (noxious liquid substances carried in bulk) of the MARPOL Convention for the Prevention of Pollution from Ships. We have to remember that the regulations are applied to *Irish ships* (respectively, domestic environment - Ireland) and some other ships when they are going in inland waters and exclusive economic zone of the country.

Speaking about the *specific legislative requirements*, we should specify that the *pollution discharges are forbidden in internal waters and ports, in the exclusive economic zone of the country and in high seas and territorial waters of the EU country.*

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