

## **Resolution A.1084(28)**

**Adopted on 4 December 2013**

### **AMENDMENTS TO THE INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF SHIPS, 1969**

THE ASSEMBLY,

Assembly in relation to regulations and guidelines concerning maritime safety,

RECALLING ALSO that, by resolution A.1070(28), it adopted the IMO Instruments Implementation Code (III Code),

NOTING proposed amendments to the International Convention on Tonnage Measurement of Ships, 1969 (1969 Tonnage Measurement Convention) to make the use of the III Code mandatory,

NOTING ALSO that the Maritime Safety Committee, at its ninety-first session, adopted the proposed amendments in accordance with article 18(3)(a) of the 1969 Tonnage Measurement Convention,

HAVING CONSIDERED the proposed amendments to the 1969 Tonnage Measurement Convention,

1. **ADOPTS**, in accordance with article 18(3)(b) of the 1969 Tonnage Measurement Convention, the amendments, set out in the annex to the present resolution;
2. **DETERMINES** that, pursuant to new regulation 8 of annex III, 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. **REQUESTS** the Secretary-General, in accordance with article 18(3)(b) of the 1969 Tonnage Measurement Convention, to transmit certified copies of the present resolution and its annex to all Contracting Governments to the said Convention, for consideration and acceptance, and also to transmit copies to all Members of the Organization;
4. **URGES** all Governments concerned to accept the amendments at the earliest possible date;
5. **RESOLVES** that, should entry into force of the aforementioned amendments take place following their unanimous acceptance in accordance with article 18(2) of the 1969 Tonnage Measurement Convention, prior to entry into force based on their acceptance as requested by this resolution, this resolution shall become invalid.

#### **Annex**

### **AMENDMENTS TO ANNEXES I AND III TO THE INTERNATIONAL CONVENTION ON TONNAGE MEASUREMENT OF SHIPS, 1969**

#### **ANNEX I**

#### **REGULATIONS FOR DETERMINING GROSS AND NET TONNAGES OF SHIPS**

##### **Regulation 2 – Definitions of terms used in the annexes**

1 The following definitions are added after definition (8):

"(9) 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.

(10) Audit Scheme means the IMO Member State Audit Scheme established by the Organization and 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)."

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

(12) Audit Standard means the Code for Implementation

2 A new Annex III is added after Annex II to read as follows:

## **"ANNEX III**

### **Verification of compliance with the provisions of this Convention**

#### **Regulation 8**

##### *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 9**

##### *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:
  - .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization\*; and
  - .2 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)."

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