

**MEMORANDUM OF COOPERATION  
BETWEEN THE REPUBLIC OF LITHUANIA AND THE INTERNATIONAL MARITIME  
ORGANIZATION  
CONCERNING PARTICIPATION IN THE IMO MEMBER STATE AUDIT SCHEME**

**Preamble**

1        *Whereas* the Assembly of the International Maritime Organization (IMO) has adopted resolution A.1070(28) on the *IMO Instruments Implementation (III) Code*; and resolution A.1067(28) on the Framework and Procedures for the IMO Member State Audit Scheme, for the purpose of ensuring the consistent and effective implementation of IMO instruments globally and compliance with their requirements,

2        *Whereas* the Republic of Lithuania supports the principles on which this scheme has been based and is committed to contributing to its success,

3        The Republic of Lithuania and IMO have agreed as follows:

**Section 1 – General**

4        The Republic of Lithuania hereby consents to the conduct of a Member State audit by an IMO audit team, including an on-site follow-up audit, if the latter becomes necessary. This audit and any on-site follow-up audit will be in conformity with the Framework and Procedures set out in Assembly resolution A.1067(28), which may be conducted remotely in whole or in part based on the decision of the Council at C 125.

5        The audit and any on-site follow-up audit, if the latter becomes necessary, will be conducted in accordance with a prescribed sequence of activities. It should be completed within the scheduled period and an agreed timeline, following consultation between the parties to this Memorandum.

**Section 2 – Confidentiality**

6        The parties agree that all information gathered, materials, notes and reports obtained or compiled during this audit and any on-site follow-up audit, if the latter becomes necessary, will be treated in confidence. The term "in confidence" is understood to mean that none of the

above will be communicated or provided by the audit team or the Secretary-General to any other party, unless authorized by the Republic of Lithuania in writing.

7 Notwithstanding the previous paragraph, it is agreed that the executive summary report, the corrective action plan and comments on the progress of implementation of the corrective action plan will be released to all Member States of IMO and the public as individual reports.

### **Section 3 – Member State responsibilities**

8 The Republic of Lithuania agrees to provide the audit team with any cooperation and assistance necessary to the successful completion of the audit and any on-site follow-up audit, if the latter becomes necessary. This includes:

- .1 designating a single point of contact within the Ministry of Transport and Communications for all communications regarding the audit conducted pursuant to this Memorandum;
- .2 assisting with the procedures for any visas or permits that may be necessary for the audit team to perform its duties;
- .3 providing the audit team with copies of, and/or convenient access to, relevant documents and records, including electronically maintained records;
- .4 making the appropriate staff members and officials from its relevant ministries and other state institutions and any other involved organizational elements available for interview by the audit team at a mutually agreed time and place;
- .5 closely monitoring implementation of the agreed timeline for the audit and bringing to the attention of the audit team any conditions which may make adjustments necessary;
- .6 arranging, as may be requested by the audit team, for the team to observe operations or activities that fall within the scope of the audit, provided that

the Member State is not expected to arrange for observations of operations or activities which are not scheduled in the normal course of business; and

- .7 otherwise facilitating the work of the audit team by providing administrative, secretarial, interpretation and transportation services, as appropriate.

#### **Section 4 – IMO responsibilities**

9 The Secretary-General will support the audit and an on-site follow-up audit, if the latter becomes necessary, undertaken pursuant to this Memorandum by:

- .1 designating a single point of contact within the Secretariat for all communications regarding the audit conducted pursuant to this Memorandum;
- .2 selecting the audit team leader and members of the audit team, the composition of which (names, nationalities and qualifications and other relevant information that may be necessary to facilitate entry) will be provided to the Republic of Lithuania prior to the audit;
- .3 closely monitoring implementation of the agreed timeline for the audit and bringing to the attention of the audit team and the Republic of Lithuania any conditions which may make adjustments necessary;
- .4 maintaining appropriate records of the audit; and
- .5 providing practical, logistical and other assistance as necessary to facilitate the conduct of the audit.

#### **Section 5 – Scope of the audit**

10 Using the III Code (resolution A.1070(28)), as the Audit Standard, the following IMO mandatory instruments will be covered by the audit for the purpose of determining how the relevant flag, port and coastal State obligations and responsibilities relating to maritime safety and protection of the environment are carried out by the Republic of Lithuania:

- .1 the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974);
- .2 the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1988);
- .3 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78);
- .4 the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 relating thereto (MARPOL PROT 1997);
- .5 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 1978);
- .6 the International Convention on Load Lines, 1966, as amended (LL 1966);
- .7 the Protocol of 1988 relating to the International Convention on Load Lines, 1966, as amended (LL PROT 1988);
- .8 the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969); and
- .9 the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972).

11 With regard to the STCW Convention, as amended, the audit will not seek to duplicate existing mandatory audit requirements contained in that Convention. Only the aspects of that Convention as stipulated in section A-I/16 of Part A of the Seafarers' Training, Certification and Watchkeeping (STCW) Code will fall fully within the scope of this audit.

12 In the context of the aforementioned mandatory IMO instruments, the administrative, legal and technical areas that would provide the minimum scope of the audit are:

- .1 jurisdiction;
- .2 organization and authority;
- .3 legislation, rules and regulations;
- .4 promulgation of the applicable international mandatory instruments, rules and regulations;
- .5 enforcement arrangements;
- .6 control, survey, inspection, audit, verification, approval and certification functions;
- .7 selection, recognition, authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors;
- .8 investigations required to be reported to the IMO; and
- .9 reporting to the IMO and other Administrations.

13 With respect to an on-site follow-up audit, if that was necessary, the scope will be limited to issues identified during the initial audit as being in need of improvement or further monitoring, which for this purpose are those identified in the findings and observations from the audit.

## **Section 6 – Privileges and immunities and other legal implications**

14 Nothing in this Memorandum shall constitute a waiver, express or implied, of any privilege or immunity which IMO and the Republic Lithuania may enjoy, whether pursuant to the Convention on Privileges and Immunities of the Specialized Agencies, adopted in 1947, or any other convention or agreement, law or decree of international or national character.

15 Individuals who are designated, pursuant to this Memorandum, to serve as auditors will be considered to be IMO experts for the purposes of annex XII of the Convention on Privileges and Immunities of the Specialized Agencies.

16 Nothing in this Memorandum is intended to create any legal right or obligation between the parties or regarding third parties. This Memorandum is not considered an international agreement governed by international law and does not create any rights or obligations under international law.

#### **Section 7 – Settlement of disputes**

17 Any dispute, controversy or claim between the parties arising out of, or relating to, this Memorandum is to be resolved amicably by negotiation.

#### **Section 8 – Suspension, modification or cancellation**

18 This Memorandum may be suspended, modified or cancelled at any time by the Republic of Lithuania by giving one month's written notice, provided that due consideration is given to winding up any arrangements which have been put in place pursuant to this Memorandum.

#### **Section 9 – Validity and duration**

19 This Memorandum shall be valid from the date on which it has been signed by both parties and remain valid for a period of three years, or until an on-site follow-up audit, if that becomes necessary, has been completed, whichever is later. Implementation of this Memorandum is subject to the availability of funding.

#### **Section 10 – Additional provisions**

20 The cost of the travel of the audit team to the Republic of Lithuania will be covered by IMO. The cost of in-country travel of the audit team would be the responsibility of the Republic of Lithuania.

21 In witness whereof the parties have signed the present Memorandum in two originals in English.

On behalf of the Republic of Lithuania

On behalf of IMO

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Marius Skuodis  
Minister of Transport and Communications

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Arsenio Dominguez  
Secretary-General

Date and Place: \_\_\_\_\_

Date and Place: \_\_\_\_\_

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