

# **VOLUNTARY IMO MEMBER STATE AUDIT SCHEME**

## **AUDIT OF ESTONIA**

**18 – 25 OCTOBER 2010**

### **FINAL REPORT**

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

1.1 The audit of Estonia was undertaken between 18 and 25 October 2010, by three auditors drawn from United Kingdom, Romania and Spain. The scope of the audit included the flag, port and coastal State obligations of Estonia in relation to the mandatory IMO instruments it had acceded to and which fall within the scope of the Voluntary IMO Member State Audit Scheme.

1.2 The opening meeting was held at the premises of the Estonian Maritime Administration in Tallinn, on 18 October 2010, after which the audit team visited various entities within the maritime administration of Estonia that were subject to the audit. These included the Ministry of Economic Affairs and Communications, Ministry of Environment, Board of Police and Border Guard, Environmental Inspectorate and the Estonian Maritime Administration.

1.3 At the end of the audit, the closing meetings were held on 25 October 2010 at the premises of Estonian Maritime Administration, Tallinn.

1.4 The auditors concluded from the information available to them that Estonia substantially meets the requirements in respect of the relevant mandatory IMO instruments, which fall within the scope of the audit, and the Code for the implementation of mandatory IMO instruments (hereinafter referred to as "the Code"). They identified a number of areas of good practice but also there were some areas where improvement was needed, such as the transposition of the Convention requirements into national law, ensuring a sufficient number of trained staff available, development of procedures to ensure greater consistency of interpretation of convention requirements and a more efficient overall assessment of the effectiveness of the State in meeting its obligations.

1.5 The following report provides details of the findings and additional information on the findings can be found in the annexes of this report. The maritime administration has in general accepted these findings and has developed a corrective action plan to address relevant issues, with dates for completion ranging between 2011 and 2014. In some areas full agreement on findings could not be reached between the auditors and the maritime administration and these are indicated in italics within the report. Feedback received by the auditors from the administration regarding the conduct and value of the audit was very positive.

#### **2. Introduction**

2.1 This report presents the findings of the audit of the maritime administration of Estonia under the Voluntary IMO Member State Audit Scheme. Its purpose is to draw together the conclusions gathered over the five days of the audit in a format for consideration of the Member State. The sections of the report correspond with the sections of the Code for the implementation of mandatory IMO instruments, with appropriate references to the mandatory IMO instruments themselves and which are referenced elsewhere in this document.

### **3. Background**

3.1 Following the adoption of the Framework and Procedures for the Voluntary IMO Member State Audit Scheme (resolution A.974(24)) by the 24<sup>th</sup> regular session of the Assembly, Member States were requested to volunteer for audit under the scheme. The current audit of Estonia was undertaken using fully the principles established under resolution A.974(24) and the Code for the implementation of mandatory IMO instruments (resolution A.996(25) as amended by A.1019(26)). This report sets out the findings of the audit in the format adopted under section 7.2 of the Procedures for the Scheme.

### **4 Members of the Audit Team**

Captain Richard Rees (United Kingdom) Audit Team Leader  
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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, those involved in developing the audit and also personnel generally within the maritime administration of Estonia for their fullest cooperation during this audit.

### **7 Scope, objectives and activities of the Audit**

7.1 The Scope of the audit addressed flag, port and coastal State obligations of the maritime administration of Estonia.

7.2 The objectives of the audit were:

- .1 to determine the extent to which Estonia met the obligations imposed upon it through its ratification of the following applicable mandatory IMO instruments:
  - .1 the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974);
  - .2 the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1978);;
  - .3 the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1988);;
  - .4 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);
  - .5 the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL PROT 1997);
  - .6 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 1978);
  - .7 the International Convention on Load Lines 1966, (LL 66);

- .8 the Protocol of 1988 relating to the International Convention on load lines, 1966 (LL PROT 1988);
  - .9 the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 1969); and
  - .10 the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 72); and
- .2 the effectiveness of the implementation of these objectives.

7.3 Implicit in this was also the degree of compliance with the Code for the implementation of mandatory IMO instruments (the Code), which mirrors many of the references set out in the applicable mandatory IMO instruments.

7.4 No areas were excluded from the audit.

7.5 The audit was conducted using the programme set out at appendix 1. The methodology used being to establish through a series of visits, interviews, examination of written records, databases, and other objective evidence to determine the extent to which the maritime administration achieved the objectives.

7.6 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 was conducted of the national legislation in place that provides the instruments with force of law. The processes by which the State develops and makes known its interpretations, policies and instructions regarding these instruments, as well as the practical implementation of these arrangements were also reviewed.

7.7 An opening meeting was conducted on Monday 18<sup>th</sup> October 2010, in accordance with the Procedures for the Scheme. A draft interim report was tabled for discussion at the closing meeting held on Monday 25<sup>th</sup> October 2010. Agendas for the meetings are at appendix 2 and list of participants is at appendix 3.

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

### **8.1 General**

8.1.1 Responsibility for maritime affairs within Estonia rests with four ministries, being the Ministry of Economic Affairs and Communications, Ministry of Environment, Ministry of Interior and Ministry of Foreign Affairs. The role of the latter is mainly confined to developing and maintaining the ratification legislation and formally initiating the ratification process for Government endorsement. Each ministry develops and publishes a Statute defining the functions, responsibilities and authority of its constituent parts and also those of its primary officials.

8.1.2 With reference to this audit, the primary role of the Aviation and Maritime Department within the Ministry of Economic Affairs and Communications is the development of strategic plans and the drafting of legislation. Subordinate to the Ministry is the Estonian Maritime Administration (EMA), whose general duties are largely the discharge of many of the obligations arising under the conventions e.g. safety inspections, casualty investigation, the ship board aspects of MARPOL, hydrography and navigation matters.

8.1.3 The Ministry of the Interior has responsibilities over a wide public sector. Of relevance to this audit are maritime pollution counter measures in conjunction with the Department of the Environment and, through the Board of Police and Border Guard, the provision of Search and Rescue (SAR) facilities.

8.1.4 The Ministry of the Environment has a wide remit over the environmental aspects of public sector policy. Of relevance to this audit is the development of legislation relating to MARPOL in conjunction with the Ministry of Economic Affairs and Communications. Also the development of policy for the implementation of the non ship board aspects of the MARPOL Convention is within its remit. Subordinate to the Ministry is the Environmental Inspectorate, whose maritime responsibilities include the follow up to pollution incidents, collation of statistics and the oversight of appropriate reception facilities required under the annexes to the MARPOL Convention.

8.1.5 There is a quality management system being maintained by the EMA, which is currently being extended to encompass the whole Marine Safety Division during 2011. The current scope is restricted to departments responsible for ports, ship registration and implementation of the STCW Convention.

8.1.6 The Ministry of the Environment has an Internal Auditing Department, which assures consistency and provides the review process for continual improvement. A monitoring program covering the activities of the Ministry is available through the Information Centre.

### *Strategy*

8.1.7 For some time it had been recognised by the Government of Estonia that reforms were needed to certain transport policies to achieve greater efficiency. A National Transport Development Plan was produced some time ago with the intention that Government departments would draw from this in developing their own plans and programmes, thus serving as a strategy, which would lead to improvements.

8.1.8 Whilst there were references within the Plan to areas within the maritime sector, it was considered that, given the division of maritime responsibilities between the Ministries, a further plan was needed to achieve a more joined-up approach toward improvement. Work began on the development of such a plan some 18 months ago and continues. A draft shown to the auditors proposed the setting up of a standing group drawn from each of the Ministries with the development of economic targets and reforms as its objective. During the audit, the strategy proposed by the Code was discussed and, in response to how it was being deployed in Estonia, reference was made to the two plans described above. On reviewing these two documents against paragraphs 3, 11, 12 and 13 of the Code, it became evident that, whilst there were some synergies, there were substantive gaps, in particular no review mechanism for determining overall organizational performance in meeting the obligations of the State under the mandatory IMO instruments. There is clearly no evidence of communication of the strategy as required under paragraph 9 of the Code as this has yet to be developed.

8.1.9 The Ministry of the Environment has a strategy plan referred to as the Ministry Development Plan, which covers a period of 3 years, from 2009 to 2011. A subordinate action plan for the same period is giving more detailed activities on marine environment protection. The Environmental Action Plan covering the period up to 2021 is in the process of finalization.

8.1.10 The measures for achieving the objectives described in the maritime activities segment of the Action Plan include:

- enforcing international requirements to stop illegal discharges into the sea;
- organizing reception of waste from ships in ports; and
- implementing measures to minimize air pollution from ships according to the requirements of IMO.

Resources for these activities depend upon the budgetary situation and according to the annual volume of activities set out in the Baltic Sea Action plans and National Implementation Plan.

### *Communication*

8.1.11 There is anecdotal evidence regarding lack of communication of policies in some areas, such as the implementation of MARPOL Annexes I, IV and V, where, although reception facilities have been declared, inspectors are not always aware of them or of the process of certification. Examples were also noted in other areas.

## Legislation

8.1.12 The Estonian Constitution provides for acts of Parliament to be developed as primary legislation and either Government regulations and orders or Ministerial regulations and orders to be developed as secondary legislation. Publication or promulgation of national law is effected through the Official Journal (OJ) and is required by the Constitution to be in the Estonian national language. Provision also exists for guidelines and circular letters to be developed, but these have a non-mandatory status.

8.1.13 With regard to the mandatory IMO instruments, the principal act of relevance is the Maritime Safety Act of 2001 (the Act), as amended. The Act contains an extensive number of provisions covering seafarers, the ship, the maritime environment and the legal aspects of these.

8.1.14 There are some ambiguity over the method of transposition of the mandatory IMO instruments into national law. One method is stated to be that by reference to accession to a convention given in the Act, the provisions of the convention concerned then has the force of law for Estonian registered ships and for non Estonian registered ships within its territorial waters. The Act also stipulates that upon publication of resolutions and circulars on both the EMA website and in the Official Journal they become mandatory “for shipowners”. The other method is stated to be that the Constitution requires the text of both, convention and/or amendment, to be placed in the OJ in the national language for effective promulgation.

8.1.15 Whichever method is accepted, it appears that effective promulgation only results when the text of the convention appears in the Official Journal. An examination of the status of the mandatory IMO instruments in the OJ revealed the following:

- Tonnage Convention 1969 – no articles or annexes have been transposed;
- LoadLine Convention 1966 – no articles or annexes have been transposed;
- LoadLine Protocol 1988 – all articles and annexes transposed;
- SOLAS 74 – all articles and text of the original transposed, no amendments visible;
- SOLAS Protocol 1988 – all articles transposed;
- COLREG 72 – all articles transposed, no amendments visible;
- STCW 1978 as amended – original 1978 articles have been transposed, but not the Protocol 1995 nor subsequent amendments; and
- MARPOL 73/78 and protocols – all articles and annexes transposed with the exception of Annex I.

8.1.16 The conclusion drawn is that that there is ineffective promulgation of the mandatory IMO instruments. It was stated in the pre-audit questionnaire for this audit that there had been no transmission of the national legislation to IMO as is required by each of the mandatory IMO instruments.

8.1.17 Resolutions and circulars issued on the basis of the conventions to which the Republic of Estonia has acceded are applied in Estonia. the EMA shall publish the specified resolutions and circulars on its website and in the *Veeteede Ameti Teataja*. After publication, the specified resolutions and circulars are mandatory for shipowners. Of concern is the effect of giving mandatory status to resolutions and circulars, immediately pursuant to publication, and without any form of expressing qualification. Some resolutions and most circulars are advisory in nature and giving them mandatory status could place an unreasonable burden upon those affected. Also, many amendments do not become mandatory until after a given date, therefore conferring “blanket” mandatory status potentially introduces a much earlier implementation date with unintentional consequences. Subsequent to the audit it was stated by the EMA that some selection is made as to which resolution or circulars require publication. Though there remains the question over the method of promulgating to Estonian registered vessels those resolutions that are provided on an informative basis.

8.1.18 The process of transposition involves the translation of complex technical documents into the Estonian language, which was stated to be at times difficult to accurately achieve and highly time consuming. There are some 5 persons who undertake this task within the Ministry of Economic Affairs and Communications, in addition to other duties. It is evident that a substantial number of future amendments

need urgently to be incorporated into the OJ and as seen earlier there is also a backlog of amendments to be incorporated.

8.1.19. The national law which transposes and governs the provisions related to non-ship aspects of MARPOL 73/78, annex VI, is the Ambient Act. This is drafted in co-operation with all relevant ministries.

8.1.20 Within the Department of the Environment there are 6 persons employed in its Marine Environment Department who have responsibility for drafting national environmental requirements for maritime aspects

8.1.21 The Ministry of the Environment, among other entities which are fulfilling the requirements of the MARPOL 73/78 Convention, only deals with the environmental issues related to waste outside ship.

#### **8.1.22 Findings**

##### ***Non-conformity***

- .1 The legislation incorporating mandatory IMO instruments into the State's law have not been communicated to IMO (SOLAS 1974 Article III (b); SOLAS PROT 88 Article III; and MARPOL 73/78 Article 11 1 (a); Code, Part 1, paragraph 7.3 ). See NC-01**

##### ***Corrective action***

Responsible entity will notify IMO about the mandatory IMO instruments that have been transposed into national legislation and forward relevant texts of laws, decrees, orders and regulations to IMO. The deadline for the implementation of this corrective action is December 2011. For continuous compliance with reporting requirements in the future, the State's strategy, to be developed by July 2013 in accordance with the requirements of the Code, will determine the responsible authority and provide an outline of the process for reporting to IMO.

##### ***Root cause***

It was not determined who was responsible for communication with IMO at the national level.

##### ***Observations***

- .2 There was no evidence available of a strategy which meets the requirements of paragraphs 3, 11, 12, 13 and 14 of the Code (Code, Part 1, paragraph 3). See OB-01**

##### ***Corrective Action***

A committee, composed of representatives from ministries and other entities forming a part of the State's maritime administration, will be established in 2011, with the primary task to develop the State's strategy for implementation and enforcement of the mandatory IMO instruments by July 2013. Thereafter, the committee will be tasked to carry out regular reviews of the strategy, with a view of its improvements, and will be provided with sufficient financial support for that purpose.

##### ***Root Cause***

Maritime affairs were not prioritized on the national level. Due to lack of competent personnel and insufficient financing, the strategy for implementation and enforcement of the mandatory IMO instruments was not developed.

- .3 Although there was evidence of the transposition of some mandatory IMO instruments into national law, there was also evidence that many had not been**

**promulgated in the Official Journal as required under the Constitution to give them force of law (Code, Part 1, paragraph 7.1). See OB-02**

#### ***Corrective Action***

Several regulations have been published in the Official Journal since the completion of the audit. An evaluation will be carried out to determine which mandatory IMO instruments need to be published in the Official Journal by December 2011. Based on the evaluation results, all the necessary mandatory IMO instruments will be translated and promulgated. For translation of IMO instruments, dedicated funding will be allocated in the budget for years 2011 and 2012. After 2012, dedicated financing for translation will be planned according to actual needs. The method of transposing of IMO instruments into national law, as well as the responsibility for reporting to IMO will be determined in the Strategy for implementing IMO instruments, which will be developed by July 2013.

#### ***Root Cause***

There was no strategy on how to transpose relevant international mandatory instruments into national law. It was also not clearly defined which regulations have to be published in the Official Journal and which regulations can be published on the State's maritime administration's website only.

- .4 There was evidence that there was insufficient personnel necessary to complete the transposition of the mandatory IMO instruments into national law, as well as reporting as required by the respective conventions (Code, Part 1, paragraph 7.3). See OB-03**

#### ***Corrective Action***

Ministry responsible for transport will carry out an analysis to assess the need for personnel. The analysis will be completed by November 2011. To ensure compliance with the mandatory requirements, the primary objective is to increase the competence and capability of existing personnel. In that context, the responsibilities of individual officers will be defined and the cooperation between departments and the State's maritime administration will be improved. A National maritime policy, to be adopted in 2011, and a maritime committee, consisting of the competent professionals to implement the policy, will constitute the necessary mechanism through which the responsibilities of different institutions will be defined. It will also determine the necessary staff level and the roles and responsibilities of officials will be evaluated on a regular basis. The training of personnel will be conducted on a regular basis to increase competences with a view to ensure compliance with the mandatory functions and tasks.

#### ***Root Cause***

The State's maritime administration cannot afford a large number of officials and therefore, the goal was to raise the administrative capacity and effectiveness of various entities with existing personnel. However, tasks and responsibilities of departments and officers, as well as of other entities within the maritime administration have not been sufficiently defined.

## **8.2 Flag State Activities**

### **Implementation**

8.2.1 Many of the flag State functions and obligations under the mandatory IMO instruments are undertaken by the EMA. It has three main divisions, being Marine Safety, Hydrography and Aids to Navigation, and Administration. Further activities relate to vessel traffic surveillance. The statute and

objectives for the EMA are derived from the parent Ministry's plans and objectives with provision for an annual review.

8.2.2 The EMA has its headquarters in Tallinn and regional offices at Haapsalu, Kuressare, Pärnu, Jõhvi and Tallinn. Total resources including technical, management, surveyors, legal and administration number approximately 110 persons. The breakdown of these and the scope of services provided are as detailed in the pre-audit questionnaire.

8.2.3 In relation to the MARPOL 73/78 Convention, the Ministry of Environment is, in general, responsible for the development of policies, strategies and development plans, drafting of legislation, certification and foreign co-operation. It also deals with marine protection affairs, including marine research, implementation of international conventions, and issuance of environmental permits at sea. The division of responsibilities between ministries is broadly that the Ministry of Environment deals with non-ship aspects of MARPOL whilst the Ministry of Economic Affairs and Communications has responsibility for the ship side of the Convention.

8.2.4 The relevant legislation for dealing with ship waste is drafted in co-operation with the Ministry of the Environment and the Ministry of Economic Affairs and Communication. There is a national Waste Management Plan, which has been approved by the Environmental Board. Mandatory reporting to IMO in relation to port reception facilities is made by the Ministry of Economic Affairs and Communication.

8.2.5 The process for continually reviewing the accuracy of existing national legislation takes place through participation of Government officials to the relevant IMO meetings, mostly MEPC and MSC.

8.2.6 The national fleet is small, comprising 4 cargo ships (including 1 tanker), 15 passenger ships (internationally trading ferries) and a number of smaller ships, largely fishing vessels. The majority of statutory functions are delegated to recognised organisations (ROs), except exemptions, exceptions and ISM audits.

8.2.7 The mandatory IMO instruments contain a number of references to equipment, design, etc. being to "the satisfaction of the Administration". The EMA states that, in many cases, IACS Unified interpretations are adopted, though the extent of these is not documented nor the alternatives that would apply where there are no Unified interpretations.

8.2.8 The process for carrying out ISM audits is defined within the quality management system and generally satisfies the requirements of resolution A.1022(26). Records of audits for 2 Estonian registered ships were sampled and one Document of Compliance. Each showed a consistent method of approach in planning for the audit, a record of the findings and appropriate follow-up where non-conformities were observed. There are 3 auditors nominated for carrying out ISM audits and training records for these were sampled and found satisfactory. It was observed that the form used for Safety Management Certificates was out of date. A revised version has been developed but requires Ministerial approval to take effect. It is understood that delays in this system have prevented the correct form being used by the appropriate date.

8.2.9 Surveyors perform random inspections and surveys for the issuance of Certificate of Seaworthiness for Estonian registered ships, which are dealt with elsewhere in this report.

8.2.10 The EMA, in conjunction with its parent Ministry, contributes to the development of a substantial number of Ministerial regulations dealing with infrastructure arrangements for nationally registered ships, which are in the Estonian language. There are no general guidelines amplifying Estonian interpretations of convention requirements or outlining processes to be followed, e.g. detailing actions to be taken under the Enhanced Survey Programme arrangements. With the limited number of ships on the Estonian register and the close relationship that exists with shipowners, this is not an essential feature. However, should the register grow, it will be necessary to introduce more rigid mechanisms to ensure consistency of interpretation. There are, however, instances where more specific guidance is required such as the



procedure to be followed in Regulation 14.6 of Annex VI to MARPOL regarding the methods of record keeping.

8.2.11 The EMA is also responsible for the oversight and policy development for implementation of MARPOL onboard ships. Whilst statutory surveys under the Convention have been delegated to ROs, The EMA retains responsibility for the issue of exemptions and exceptions. It was stated that no exemptions or exceptions have been issued for Estonian registered ships under the MARPOL Convention, and, consequently, there were no reports to IMO. Penalties for infringement of MARPOL are combined with others and are detailed under the Maritime Safety Act.

8.2.12 There are no specific procedures in the quality system detailing steps to be taken by the EMA, following a detention of one of Estonian registered ships. It was stated that, in the event of a detention, each would be dealt with on a case by case basis. Given the small number of Estonian ships on the register and the State's position on the Paris MOU "white list" this may be acceptable. However, as in other areas, if the national fleet was to grow, procedures to be followed upon a detention would be necessary to ensure consistency.

### **Delegation of authority**

8.2.13 Estonia authorises 7 ROs to undertake statutory surveys on its behalf. These are Lloyds Register, Germanischer Lloyd, American Bureau of Shipping, Bureau Veritas, Det Norske Veritas, Registrano Italiano Navale and Russian Maritime Register of Shipping.

8.2.14 Formal agreements were concluded with each of these ROs during 1996, with amendments in relation to reporting arrangements during 2006. A comparison of these agreements with resolution A.739(18) indicated some discrepancies such as the scope of limited authorization, as set out in Appendix 4, the legal basis of the functions under authorization, cooperation in the development of rules, etc. It was also not clear what information had been made available to ROs regarding the national legislation of Estonia, for example the status of Annex VI to the MARPOL Convention.

8.2.15 Periodic monitoring of ROs' is undertaken through the oversight programme described below, analysis of reports of audits received from other Administrations and reports from ISM audits, as well as through monitoring of port State control (PSC) records of Estonian registered ships.

8.2.16 Reports on the monitoring arrangements of ROs' were sampled. These indicated, in general, a satisfactory level of performance. In the report for the period from 1 January 2007 to 31 December 2008 it was noted that some dissatisfaction existed with the reporting arrangements to the Administration from all ROs'. However, it was not clear what action the EMA had subsequently taken to rectify this issue and to what extent things had improved. It was also noted that Estonia has not conducted audits of its own nor participated in audits with other Administrations of ROs' that it authorizes.

8.2.17 The oversight programme that the EMA has established consists of periodic random inspections of its registered fleet, the issue of Certificates of Seaworthiness to its registered fleet and a trend analysis comparing flag State inspections results with PSC statistics.

8.2.18 Certificates of Seaworthiness are required under the Maritime Safety Act for all registered seagoing ships, with period of validity of five years, subject to annual surveys. Powers within the Act prevent Estonian registered ships proceeding to sea without this certificate being valid. The surveys are part of the EMA quality management system and procedures were sighted during the audit regarding their conduct. In essence, the principle of the survey is to sample areas from, e.g. Load Lines and safety equipment surveys to ascertain the effectiveness of these surveys. The surveys for the Certificate of Seaworthiness are carried out following the annual statutory surveys. The results of these surveys, and also those of the random inspections, are entered into a spreadsheet, which is accessible by authorised staff, both within the headquarters and regional offices of the EMA. There are regular meetings held between the EMA and shipowners' representatives.

8.2.19 A quarterly review of flag State control (FSC) and PSC results is undertaken by the Maritime Safety Division. In the review, results by categories of deficiencies have been analysed, e.g. radio, navigation, construction. Trends are then established, comparing the results with previous quarters and displayed graphically. Attempts are then made at identifying causes and future actions. This analysis seems to have no input to the general performance characteristics of the EMA, as stated in paragraph 44 of the Code.

8.2.20 Generally, the current arrangements for monitoring the recognised organisations are satisfactory. The oversight scheme involving Certificates of Seaworthiness is very good and effectively applied.

## **Enforcement**

8.2.21 Enforcement activities are generally divided between the EMA and the Environment Inspectorate in relation to offences arising either under the Maritime Safety Act or the Ambient Act. Criminal proceedings are dealt separately by the Board of Police and Border Guard.

8.2.22 The Environmental Inspectorate, under the Ministry of Environment, has general responsibilities for coordinating and carrying out environmental supervision and enforcement in all environmental sectors. The Inspectorate conducts proceedings of environmental misdemeanours and carries out initial investigation in criminal cases.

In case of marine pollution, the Environmental Inspectorate has the responsibility of:

- identifying the offender;
- gather evidence of the offence;
- collecting samples;
- assessment of spill movement/impact;
- apply sanctions including prosecution;
- calculate and collect pollution charges; and
- seeking compensation for environmental damage.

8.2.23 As a result of these enforcement processes, there were 8 prosecutions involving MARPOL Annex I related pollution in 2009.

8.2.24 Statistics from the EMA for the 12 months preceding the audit are that three shipping companies and one individual were fined for offences relating to the Maritime Safety Act. Enforcement action also arises from PSC actions. Enforcement arrangements, as detailed within the Code, are being met.

## **Flag State surveyors**

8.2.25 The qualifications for recruitment of the EMA's flag State surveyors are:

- Master <3000GT;
- Chief Mate >3000GT;
- Second Engineer>3000 Kw; or
- Naval Architect.

8.2.26 Currently, there is no formal training program in place for new entrants. Such a system is being developed before the end of the year, though no substantiating documents were produced. At present, new entrants undergo on-the-job training with experienced surveyor over a range of activities. After a certain period of time and number of surveys and after satisfactory evaluation, he/she is permitted to work independently. There does not appear to be a formalized system in place to update their knowledge as appropriate. No evidence was produced which documents the roles and responsibilities of surveyors or the structured approach to qualifications as set out in paragraph 35 of the Code.

8.2.32 At the end of each year, the divisions of the EMA prepare the training plans for the following year, depending on the needs and the budget. The Director General of the EMA decides on the final training courses to be attended in the following year. Total budget in 2010 for training plan is 179.293 Estonian

Kroons. The annual training plan includes normally the following courses: EMSA, Paris MOU, Estonia Maritime Academy, IMO and national seminars organized internally in the EMA. There is a database with the record of all the EMA inspectors, and physical files are kept by the Personnel Department of the Administrative Division.

## **8.2.27 Findings**

### ***Non-conformity***

- .1 The form in use for Safety Management Certificate was not in accordance with the current requirements of the ISM Code (ISM Code, paragraph 16.1; Code, Part 1, paragraph 7.1). See NC-02**

### ***Corrective action***

The form of Safety Management Certificate has been updated in the Official Journal and now meets the requirements. The strategy, to be developed by July 2013, will provide a framework for continuous compliance with new amendments to the mandatory IMO instruments in the future.

### ***Root Cause***

There was no strategy on how to ensure a consistent transposition of the mandatory IMO instruments into national legislation.

- .2 The logbook referred to in regulation 14.6 of MARPOL Annex VI has not been specified by the Administration (MARPOL 73/78, Annex VI, regulation 14.6; Code, Part 2, paragraph 16.5). See NC-03**

### ***Corrective action***

The Administration will amend the ministerial regulation on log books. Engine log book and radio log book will be amended by July 2011, to comply with the regulation 14.6 of MARPOL 73/78, Annex VI. An effective system of reviewing the amendments to the conventions will be established by December 2011, in order to identify the need to amend national legislation.

### ***Root Cause***

The relevant amendments to MARPOL 73/78 Convention were not addressed timely and were not analysed.

### ***Observations***

- .3 Whilst there are formal agreements between the Administration and recognized organizations (ROs), which take into account the resolution A.739(18), additional elements from that resolution should be included to strengthen the agreement. Information on national legislation has not been communicated to ROs. There is also evidence that follow-up to the results of reviews of the ROs' work has not been carried out in an effective way (Code, Part 1, paragraph 14 and Part 2, paragraph 18.4). See OB-04**

### ***Corrective action***

The Administration will review and amend agreements with ROs and will introduce an active follow up to the results of reviews of the work of ROs. The next monitoring report of ROs for the period 2009-2010 will be amended accordingly and results of the review will be

monitored and attached to the report. This corrective action will be implemented by December 2011.

#### **Root Cause**

The biennial reviews of ROs' agreements did not have the provision to assess the effectiveness of the agreements and their compliance with the requirements. The results of the reviews were not monitored properly.

#### **.4 A documented system for qualification and updating knowledge of flag State surveyors was not in place (Code, Part 2, paragraph 35). See OB-05**

#### **Corrective action**

The Administration will develop a documented training program for flag State surveyors and include it in its quality system by December 2011. The Code will be reviewed to identify all related requirements and appropriate actions will be taken, if the need has been identified, by July 2011.

#### **Root Cause**

The requirements of the Code were not identified and implemented.

### **8.3 Investigation of maritime accidents**

8.3.1 The EMA is responsible for the investigation of maritime accidents. If a marine casualty consists only of environmental pollution, the investigation is conducted by the Environmental Inspectorate. This arrangement will change next year, when, in compliance with European Union's legislation, the investigation of maritime accidents will be placed outside of the EMA's structure, as a separate body. It will be placed in the Ministry of Economic Affairs and Communications to satisfy the requirement of independence of the investigation body from the enforcement functions of the EMA

8.3.2 A team of six maritime investigators, including the Heads and Deputy Heads of the Department of Maritime Casualties Investigation and Maritime Safety Development Department, is responsible for investigating accidents on Estonian ships and to non-Estonian ships within Estonian territorial waters. In case of very serious casualty, which involves loss of life or severe pollution, or which may imply a possible conflict of interest, the EMA sends a report to the Minister of Economic Affairs and Communications in order to establish an investigation committee. Experts from Estonian Maritime Academy could also be nominated to that Committee.

8.3.3 The qualifications of the investigators are 4 masters and chief mates, and 2 chief engineers. If the investigation would need other qualifications, e.g. naval architect, it would be included as well. The investigators have received the ECDIS course, to be updated with modern technologies. It was observed during the audit that investigators are trained and have appropriate experience. They are independent in performing the investigation activities. Personal data concerning persons involved in a marine casualty and witnesses, their letters of explanation, reports and minutes of interviews shall not be public.

8.3.4 The investigation of maritime accidents is regulated by the Maritime Safety Act, and there is also Ministerial Regulation No. 77, of 22<sup>nd</sup> December 2002. There are also specific procedures in the the EMAs' quality management system. The Administration conducts investigations in accordance with IMO resolution MSC.255(81) and appropriate IMO guidelines, which are published on the EMA's web site.

8.3.5 There was evidence of communication to IMO of serious and very serious casualties in accordance with requirements of the SOLAS Convention. Summary of accidents and recommendations are published on the EMA's web site. Records of investigations were sampled and found to be very detailed. The results of investigations have been communicated to interested parties, including the

conclusions and recommendations obtained. Evidence exists as to how these will be applied as appropriate.

8.3.6 According to national law, reports of the investigations should not be used for purposes other than to enhance maritime safety. It was observed that the casualty investigators are also responsible for the assessment of competence of seafarers, approval of maritime educational and training institutions, assessment of the compliance of organizations which carry out the audit of the quality system of maritime education and training institutions, as well as for supervision of maritime training institutions. Some concern arises that this dual role of could lead to their impartiality in casualty investigation being compromised. The Administration has stated that the system will be reviewed in 2011.

## **9 Port State Activities**

### *Port State control*

9.1 The EMA is the responsible body for implementing, enforcing and monitoring all the international instruments relating to port State control. It represents Estonia at the applicable international meetings, and is party to the Paris Memorandum of Understanding on Port State Control (Paris MoU) since 2005. The EMA regularly participates in all meetings under the Paris MoU, including annual sessions of Paris MoU Committee, seminars, workshops, etc. PSC officers (PSCOs) take part in exchange programmes available within the Paris MoU and vice versa. Estonia invites PSCOs from other Member States of the MoU.

9.2 PSC inspections are undertaken by 10 PSCOs from headquarters of the Maritime Safety Division in Tallinn, as well as from the 4 regional offices of the EMA. PSCOs deal with flag State inspections as well. According to international commitments, the EMA has an annual target of inspecting 25 % of the number of individual foreign ships calling in Estonian ports, which has been accomplished every year, as the average number of inspections are 380-400 per year. The number of ships detained was 4 in 2007, 5 in 2008 and 3 in 2009.

9.3 Estonia rigidly enforces the “no more favourable treatment” clause of the 1978 SOLAS Protocol.

9.4 The qualifications for recruitment of PSCOs are:

- Master or Chief Mate > 3000GT and five years of sea experience;
- Chief Engineer > 3000GT and five years of sea experience; or
- Naval Architect with five years of practice.

9.5 PSCOs shall have worked as flag State surveyors for two years before being assigned PSCO duties. There is no formal training programme for PSCOs. However, individual annual training programme is developed, depending upon financial constraints. The Director General of the EMA decides on the final training courses for the following year.

9.6 The selection of ships to be inspected is done on a daily basis, according with the information provided by SIRENAC data base, and the one to be visited is evaluated after applying target factor criteria.

### *Port reception facilities*

9.7 The Ministry of Environment is the responsible authority for the transposition of MARPOL requirements into national law. The Environmental Board is responsible for issuing appropriate certification for port reception facilities (PRF). Evidence from field visits did not confirm this. Subsequent to the audit, the following comment was received from the Ministry of the Environment:

*“In most of the ports, fulfilment of MARPOL Annexes I, II, IV and V is guaranteed by mutual contracts between the Port and a waste handling enterprise. The latter may also have non-stationary facilities for the reception. Also, the stationary reception facilities are mostly not owned*

*and operated by the Port Administration, but instead by a waste handling enterprise. In cases where stationary reception facilities exist in the port, inspectors are well aware of them.”*

9.8 There are national regulations in place with provisions for the control of PRFs, as well as enforcement provisions. The Environment Inspectorate has responsibility for the control and supervision of PRFs.

9.9 Generally, port administrations are private entities, i.e. not managed by the EMA or the Ministry of Environment. Each port administration is responsible for the control and provision of discharge arrangements under the MARPOL annexes and for keeping records of details of the wastes discharged within the ports. It was stated that this information is provided to the Environment Inspectorate on an annual basis.

9.10 Estonia provides port reception facilities for MARPOL Annexes I, II, IV and V. This was sampled during the audit by visits to two reception facilities. In both cases, no lists of the facilities available within the ports could be produced. Inspectors of the Environment Inspectorate did not seem aware of the facilities that had been certified by the Ministry of the Environment. No records could be produced of periodic checks of the declared facilities carried out by the Environment Inspectorate. No procedures or guidelines covering these processes could also be produced or method by which the suitability of the facility was to be assessed and checked. Subsequent to the audit, the following information was provided by the Environment Inspectorate:

*“The Environmental Inspectorate has a yearly Work plan, which includes a chapter for the inspection of the ports. An extract from the 2009 work plan (the ports inspection part) was sent to the auditors. This plan included the inspection of 23 ports in Estonia. Port inspection by the Environmental Inspectorate consists of the control of an inspection for the fulfilment of the requirements for waste management by the ports, including control of the reception facilities. There have been no notifications of cases where the facilities provided under the MARPOL regulations were alleged to be inadequate. A training course for inspectors was held in 2008.”*

9.11 MARPOL Annex VI, regulation 18.9.1 requires that the Party to the Protocol appoints an appropriate authority to maintain a list of suppliers of fuel oil. From field visits undertaken by the auditors it was not possible to identify either the appropriate authority or the official list of suppliers maintained by them. Subsequent to the audit, the following comment was provided by the Environment Inspectorate:

*“A list of suppliers of fuel oil is kept by the Tax and Customs Board. Data on suppliers and annual fuel oil quantities is available. The Tax and Customs Board is working in close co-operation with the Environment Research Centre (Ministry of the Environment). The centre takes samples and analyses fuel oils (sulphur content etc).”*

## **9.12 Findings**

### ***Non-conformity***

- .1 No appropriate authority was identified for recording lists of fuel oil suppliers and official list of suppliers was not available (MARPOL 73/78, Annex VI, regulation 18(7); Code, Part 4, paragraph 52.). See NC-04**

**Note:** *The Ministry of the Environment provided the following comment:*

*“Some statements by the auditors may have been caused by misunderstandings. Therefore we find that Non-conformity No. NC-04 is incorrect.”*

### ***Corrective Action***

The responsible entity of the State will include relevant information on marine fuels and ship inspections in its Fuel Quality Management database. Responsibilities among various entities and more strict distribution of duties will be set out in the existing adequate acts or in a new Marine Environment Protection Act. The deadline for the implementation of this corrective action is December 2013.

#### **Root Cause**

There was dispersion of responsibilities and insufficient collaboration among various ministries and institutions.

#### **Observation**

- .2 There was no formal evaluation of the capacity required for waste reception, according to the needs of ships using them, no formalized periodic inspection and review of these facilities, as well as lack of training of inspectors and lack of appropriate control procedures (Code, part 4, paragraph 58). See OB-06**

***Note:** The Ministry of the Environment has expressed its disagreement with this finding.*

#### **Corrective action**

The responsible entity of the State will ensure, through the process of approval of ports waste management plans, that the capacities required for waste reception in ports are adequately evaluated, taking into account data on inadequacies detected in the course of environmental inspections, as communicated by a responsible inspection entity. Ports waste management inspections will be carried out in 2011 for all major ports in accordance with the annual programme.

As part of the corrective measure, a special port inspection training will be carried out in accordance with the annual plan for 2011 for all inspectors responsible for port inspection, as well as for other environmental specialists. In addition, the check-list for port environmental inspection will be updated to include inspection of port reception facilities by 31 December 2011. As a mechanism for continuous compliance with related requirements of the Code thereafter, a continual training of inspectors will be implemented, based on annual plans. Control procedures and inspection plans will be developed and port waste management inspections will be carried out according to an inspection programme.

#### **Root Cause**

Lack of time for developing procedures corresponding to the highest standards.

## **10 Coastal State Activities**

10.1 Estonia has implemented a number of policies giving effect to coastal State provisions of the mandatory IMO instruments, these include national plans for SAR and pollution response. The annual working plans of the EMA and Board of Border Guard and Police are developed. There is a system in place within the maritime administration to update and revise any relevant policies adopted, as necessary.

10.2 The EMA and Ministry of Economic Affairs evaluate the level of completion of tasks from the working plan at the end of a year. A personal development scheme, in the form of interviews held annually has been introduced, which gives valuable input to the development of training programmes for employees and indicates whether the personnel is adequate for the assigned tasks. The above mentioned measures are identical for all Government bodies in Estonia.

## Hydrographic services

10.3 The EMA is the responsible body for the provision of hydrographic services, for public waterway areas and national territorial waters as determined by national legislation. Port authorities are responsible for hydrographic surveys of entrances and internal areas of a port.

10.4 The hydrographic surveys in Estonian sea areas and navigable inland waters follow the IHO "Standards for Hydrographic Surveys" (S-44). Surveyor undertaking a hydrographic survey must be approved by the EMA. Hydrographic data approved by the EMA can be used in official navigational notices. Data which are not approved by the EMA cannot be used either in depth accuracy declaration of harbour or chart compilation.

10.5 Areas for survey are developed through intergovernmental plans such as HELCOM's Baltic Sea Action Plan, national transportation plans and information originating within the Department. There are three departments with roles in this area. They are: the Waterways Department, which deals with policy issues; the Hydrography Department having executive functions for surveys; and the Cartography Department, which has the responsibility for producing charts. The methodology for conducting hydrographic surveys was sampled, but the seeming complexity of the arrangements rendered this not possible to explore to any detail.

## Aids to navigation (AtoN)

10.6 The responsible entity for the provision of Aids to Navigation is the Aids to Navigation Department of the EMA, in accordance with national legislation.

10.7 The principal aim of the Hydrographic and Aids to Navigation divisions of the EMA is to ensure safe navigation in Estonian waters, including sea and inland waters by collecting reliable information, preparing navigational warnings and publishing Notices to Mariners (NtM-s) according to:

- Joint IMO/IHO/WMO Manual on Maritime Safety Information 2009 (IHO standard S-53);
- Statute of Hydrography and Aids to Navigation Division of the EMA; and
- the EMA quality management system's document "VA 04 01 Informatsiooni hankimine ja töötlemine ning navigatsiooniteabe edastamine".

Information collated is examined and then released to Tallinn Radio or/and Baltic and Stockholm Radio.

10.8 The EMA publishes monthly NtM-s in Estonian and in English. At the time of the audit, 108 notices had been published. NtM-s are also accessible to the public via the EMA's website.

10.9 A database of navigational aids provides information in digital form for use in navigational publications, e.g. NtM-s, navigational charts, List of Lights, Pilot book. The aids are provided with "electronic identities" permitting remote access. The database of navigational aids is available to the public via internet and provides the current situation on navigational aids in Estonian waters (<http://195.50.203.61/SLAID1EN.HTM>, <http://195.50.203.61/SLAID1T.HTM>).

10.10 There are 1091 navigational aids in Estonian waters, as published on 28 May 2010, including aids to navigation as specified in the table below:

	COASTAL WATERS	INLAND WATERS	TOTAL
LIGHTHOUSE	40	1	41
LIGHT BEACON	213	6	219
DAYMARK	18	12	30
BUOY	193	7	200
SPAR- BUOY	337	264	601



10.11 In Estonian waters, there are 388 private navigational aids and 703 governmental navigational aids. A total of 254 fixed marks and 154 buoys are provided with light. All aids with lights are under an AtoN monitoring system.

10.12 The EMA participates as a partner in Baltic Sea Region Programme project #13 – EfficienSea. the EMA-s main interest in this project is Work Package 4 – e-Navigation. Special software module “AIS AtoN Router” was developed for delivering e-Navigation service components, such as broadcasting of “Aids to Navigation Report” AIS M21 and “Safety Related Message” AIS M12 and M14. AIS AtoN Router can be used for broadcasting or transmission of MSI information. Currently the EMA has no user interface and regulations for compiling MSI into Safety Related Messages.

10.13 The technology being used is for automatic transmissions of AIS M12 or AIS M14 on aids to navigation failures and off-position reports. The EMA has commenced a synthetic AIS AtoN service with 24 floating AtoN (about 25% of the total number of monitored buoys with light) from the beginning of December 2009.

10.14 The EMA has technical readiness for broadcasting of virtual AtoNs. After solving issues of definition, specification, registration in database, user interface and interfacing with AIS AtoN router, the EMA is planning a virtual AtoN trial to be carried out at the end of 2010.

10.15 In relation to NAVTEX, the information is compiled by the Hydrography and Aids to Navigation Division and transmitted to Tallinn Radio, which relays it to the office in Sweden which is responsible for processing NAVTEX messages in the Navarea I.

10.16 The Administration has guidelines to obtain, process and distribute navigational information. There is a very effective and comprehensive system for ensuring availability of AtoNs in real time. There are navigational charts which can be downloaded free of charge through the EMA website.

#### *Automatic Information System*

10.17 The AIS requirements prescribed by SOLAS, including IALA recommendations, are implemented in Estonian legislation. The shore based system has been working since 2004. The competent authority for provision and maintenance of AIS infrastructure is the EMA. There are 13 AIS stations; 9 of which are placed in the Gulf of Finland and are linked with the ships reporting system (GOFREP). These can transmit and receive AIS information. The other four AIS stations are placed outside the GOFREP area and are capable only of receiving AIS information. It is understood that this situation will change in the near future, and all the stations will be able to transmit and receive. These stations cover a substantial part of the Estonian SAR area.

10.18 The main use of AIS is for VTS and GOFREP. At present AIS shore stations are not used to transmit navigational information, but in the near future changes are anticipated to enable transmission of maritime information on way points for navigation during periods of ice or other information relevant to the safety of navigation.

10.19 The information provided by AIS is available to Pilots, JRCC, Ports and Environmental Inspectorate, but it can be seen also by ship agents, maritime academy or other interested parties, using a password provided by the EMA.

#### *Vessel Traffic Services*

10.20 The EMA has the responsibility to provide vessel traffic services in Estonia. There is one coastal VTS station in Estonia in the area of the Port of Tallinn. The routeing scheme being covered has not been approved by IMO, as it is within the territorial waters of Estonia.

10.21 In the Gulf of Finland there are traffic separation schemes adopted by IMO, initially by resolution A.284(VIII). Finland, Estonia and the Russian Federation proposed amendments to this traffic separation scheme to NAV48, which were adopted by COLREG.2(52). The same countries proposed a new ships'

reporting system GOFREP for the Gulf of Finland, and it was adopted by resolution MSC.139(76). Both proposals were made after a risk analysis, taking into account the heavy traffic in the Gulf of Finland and its special characteristics (presence of ice, high sensitivity of the area, high number of oil tankers, etc). The decision to put in place the system was adopted at a HELCOM meeting in 2001.

10.22 In the case of contraventions of COLREG or ship's reporting obligations, the VTS records the violation. Such records are maintained indefinitely, even though the regulation only requires maintaining the records for one year. If the ship is bound to an Estonian port, the EMA inspectors undertake the investigation and impose the penalty, if applicable. In the event the ship is bound to a port in another State, the EMA forwards the information to the Administration of that State, with the evidence.

10.23 There is a quality management system in place for the VTS. This is evidenced by the Manual of Procedures on VTS and GOFREP. The Manual on VTS has been reviewed and approved by the EMA, and the Manual on GOFREP has been reviewed and approved by relevant entities of Estonia, the Russian Federation and Finland.

10.24 Estonia has implemented, in Ministerial regulation No. 78, the international requirements for VTS, IALA V103 guidelines, as well as resolution A.857(20). Consequently, VTS Operator has to:

- .1 hold a valid STCW Certificate of Competency, regulation II/1;
- .2 hold a valid ROC GMDSS;
- .3 successfully undergo psychological test;
- .4 satisfactorily pass an employment interview, including knowledge of English;
- .5 successfully pass a basic training course (2 weeks); and
- .6 successfully pass 2 weeks on the job training.

10.25 Estonia has implemented VTS Supervisor training, as well as upgrading training (annually, theoretical and simulator) and refresher training (every three years) for operators. By regulation No. 83 of the Ministry of Economic Affairs, Estonia regulates VTS training requirements in accordance with IALA V103 guidelines and resolution A.857(20).

10.26 VTS watches consist of four persons during office hours and three at night and holidays. The VTS operators are responsible for compiling NAVTEX information out of office hours. Information is then sent to Tallinn Radio for relaying to the Swedish authorities, who are responsible for NAVTEX transmission. The VTS facilities are very modern and well equipped.

#### *Search and rescue services*

10.27 The Ministry of Interior is the responsible authority for the administrative control of SAR services, which are based on the provisions, general guidelines and operational procedures given in international conventions on SAR, both for shipping and aviation.

10.28 Within the Ministry of Interior, the Border Guard Department has the operational capability to provide SAR services. The SAR system has the following components:

- maritime units: 62 (2 maritime rescue craft, 4 patrol craft, 18 coastal patrol craft, 36 motorboats, 2 hovercrafts); there is one ship for fighting marine pollution, and in 2012 a new one is going to be purchased, with increased capacity;
- air units: 3 (1 plane, 2 helicopters Augusta Westland);
- 20 radars that covers the Territorial Sea of Estonia, and almost all the SAR region under the responsibility of Estonia (10 long range radars and 10 short range radars); and
- Maritime Coordination Centres: 2 (JRCC Tallinn and MRSC Kuressaare).

10.29 The coordination of an operation is made from JRCC Tallinn and, in cases of major accidents or spills, this JRCC, in conjunction with the 24/365 centre in the Information and Analysis Department of the Ministry of Interior, decides to activate a higher decision making level, the Crisis Committee, comprised of high representatives of various ministries involved in the operation. There are procedures on co-operation

between JRCC and the Information and Analysis Department of the Ministry of Interior, which are to be updated next year, in order to incorporate the amendments in the structure of the Ministry.

10.30 There is a clear strategy on SAR, based on a quadrennial action plan that is reviewed annually. The plan contains various indicators for set objectives, such as that to increase the success rate of SAR operations. At present, the result quoted is 91%, and the aim is to increase this percentage. However, the meaning of this percentage could not have been clearly explained i.e. what kind of failure does the remaining 9% indicate?

10.31 There was objective evidence that SAR cooperation plans were developed in conjunction with passenger ships' operating companies in accordance with SOLAS V/7.3, and there was evidence as well of SAR exercises carried out with passenger ships involved, on annual basis. There are at least three exercises each year, one on a national level that is coordinated by the MRSC, and two on international level. Those international exercises are carried out on the basis of trilateral participation. All of these exercises are analyzed by the participants to assess their effectiveness.

10.32 Although there was no minimum entry requirement available for the post of a SAR Operator, there is a training program in place that includes a minimum STCW ancillary courses and a three week course on SAR management. After completing those courses, the candidate has to undergo a supervised training period in the JRCC for one month.

10.33 The role of the National SAR Coordinator is not clearly defined. The operational side was satisfactorily presented, but the overall responsibility has not been assigned.

10.34 In relation to SOLAS regulation V/8, on life-saving signals during SAR operations, there is no national regulation or instruction for their use on board SAR units. Manual III of IAMSAR is used on board those units, but its use is not regulated by national law.

#### *Meteorological services and warnings*

10.35 The Ministry of Environment is the responsible authority for meteorological services and warnings. In practice, the task is undertaken by the Estonian Institute for Meteorology and Hydrology. This Institute is required to prepare the weather forecasts, storm warnings and ice prognoses, as well as ice maps regarding the maritime areas and navigable inland waters of Estonia. The Institute communicates specified information, without charge, to the maritime administration for publication by the State Infocommunication Foundation and the Eesti Raadio.

10.36 In accordance with World Meteorological Organization-system, the weather information is broadcast by NAVTEX through Navarea I/Baltic Sea section. Further written forecasts are made available in the English language and the meteorological information is available on the Internet.

#### *Pollution response*

10.37 The Police and Border Guard Board is the responsible authority for the detection and response at operational level in case of pollution for all Estonian waters. There is a National Contingency Plan, which entered into force in January 2008. The objective of the Plan is to set certain procedures in prevention, detection and control of maritime pollution, by making use of State owned, private and public resources. The Plan consists of strategic and operative parts and gives an overview of relevant resources in Estonia. This Plan has to be updated to reflect the amendments to the functions of the Border Guard and it has been planned for 2011.

10.38 Pollution response operation is led and coordinated by JRCC. The On Scene Commander is a Border Guard vessel, which arrives on the pollution scene. In cases of severe pollution (over 50 tons) Government Crisis Committee appoints a Crisis Management Team, which leads the response activity.

10.39 During the pollution response operation, and even before launching one, the leader of the response operation can rely on expert knowledge rendered by Operative Expert Group.

10.40 With regard to marine environment protection within regional co-operation, there is a Protocol between Estonia and Finland and a second Trilateral Protocol between Estonia, the Russian Federation and Finland. Estonia is also party to the Helsinki Convention 1992 with 9 other countries.

10.41 International cooperation is based on HELCOM and EMSA activities, agreements and recommendations, for example:

- Annual response exercises HELCOM Baltex Delta and Clean Sea (Finland, Sweden); annual aerial surveillance operations CEPCO and Super CEPCO;
- Cooperation with neighbouring countries' MRCCs;
- Receiving satellite imagery via EMSA;
- Participation in CECIS – Common European Communication and Information: information regarding pollution cases and requests for help; and
- As agreed with Finland, carrying out synchronised and coordinated surveillance flights, entering each other's areas of responsibility.

10.42 Pollution control capability:

.1 Activities at sea:

- Border Guard ships PVL-202 Kati (side skimmers, 200m booms), PVL-109 (800 m booms), Maritime Administration ship EVA 316 (side skimmers), SEKTORI (booms and side skimmers, rented from Finland for 5 years);
- Capability of cleaning 1,8 km<sup>2</sup> in 24 hours is below the HELCOM recommendation: of 4,5 km<sup>2</sup>/24h;
- The HELSINKI Convention requires that parties' ships should be capable of being at the scene of a pollution incident within 6 hours. However, to meet this obligation the maritime administration considers that it would be necessary to have available 5 ships within Estonia. Currently there are only two ships available, with a third due for delivery during 2012.
- Skimmers total capacity (not counting skimmers onboard the ship): 300 m<sup>3</sup>/h; high sea booms: 2,0 km; PVC booms: 4,5 km.

.2 Activities at shore:

Estonian capacity to store collected pollutants is 2500 tons in a 3 day period.

10.43 The strategy on pollution response is based on a quadrennial Action Plan that is reviewed annually. The Plan includes some indicators for set objectives, such as to increase annually the area of pollution response that can be reached in 24 hours, from current 28% of the Helcom recommendation in 2009 to 42% in 2011.

10.44 Exercises simulating national and international incidents are regularly undertaken. All of these exercises are analyzed by the participants to assess the effectiveness.

## 10.45 Findings

### *Non-conformity*

- .1 **There is no provision in national law or regulation to require the use of life-saving signals by search and rescue facilities engaged in SAR operations (SOLAS, regulation V/8; Code, part 3, paragraph 47). See NC-05**

### **Corrective Action**

The re-organization of responsible entity of the State has been completed and responsible SAR department has been designated. A manual for SAR units, which includes a chapter on life saving signals, will be adopted by the responsible entity in the first half of 2011.

### **Root Cause**

The re-organization of the responsible entity was under progress.

### **Observation**

- .2 The mechanism for periodic review of existing aids to navigation as to their ongoing effectiveness or for establishing the need for additional aids to navigation could not be determined (Code, Part 3, paragraph 49). See OB-07**

### **Corrective Action**

After the completion of comprehensive projects aiming at improving the effectiveness of AtoN, which have been implemented over the last two decades, the system of periodic inspections of AtoNs is being prepared and will be implemented by 2015, as a basis for further periodic review.

### **Root Cause**

There were reconstruction projects taking place over the last two decades and, consequently, there was no need to conduct long-term periodic inspections at regular intervals so far.

## **11 Conclusions**

### **Areas of Positive Development**

11.1. Areas of positive development include:

- .1 It was evident from the interviews carried out during the audit that there was considerable dedication and will to improve from all those that took part in the audit. In an organization which places an emphasis on the continual review, such approach of staff is important and the maritime administration can draw confidence that improvements can be readily achieved.
- .2 The oversight scheme (certificates of seaworthiness) in place for Estonian registered ships is effective and can provide a model to many other Administrations.
- .3 Estonia's progression to the "White List" of the Paris MOU is to be congratulated.
- .4 The maritime administration has a highly effective system in place to detect and respond to failures in Aids to Navigation.
- .5 The maritime administration provides detailed and downloadable navigational information of very high quality.

### **Areas for further Development**

11.2 Areas for further development include:

- .1 The concept of implementation of areas found in the mandatory IMO instruments as being “to the satisfaction of the Administration” needs to be clarified and defined, particularly if the number of ships on the Estonian register is increased.
- .2 Consideration should be given to reviewing the need for all mandatory requirements to be listed in the Official Journal. The current process seems unwieldy and unnecessarily time consuming.
- .3 The development of flag State guidelines should be considered, particularly if the size of the national fleet is to increase. These guidelines should focus on the Estonian interpretation of the operational aspects of the mandatory IMO instruments and be made available to ROs, shipowners and other interested parties.
- .4 Consideration should be given for relevant personnel either to participate in audits by other Administrations of ROs’ which are commonly authorised or, alternatively, to conduct stand alone audits.
- .5 The results obtained through the quarterly evaluation of PSC and FSC statistics should be considered when developing performance targets for the Administration.
- .6 Guidelines should be developed for dealing with instances where either a detention or a serious deficiency is identified during a PSC inspection, which should have been noted during a statutory survey undertaken by an RO.
- .7 Consideration should be given to develop a mechanism to assess the perception of direct users with regard to hydrographic services and aids to navigation in order to identify areas for improvement.
- .8 The role of the National SAR coordinator needs to be clearly defined.

## 12 **Appendices**

### 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

### 12.2 **Non-conformities**

Form A-NC-01  
Form A-NC-02  
Form A-NC-03  
Form A-NC-04  
Form A-NC-05

**AUDIT OF MARITIME ADMINISTRATION OF ESTONIA****(Form A)**

<b>FINDINGS</b>	
<b>Member State:</b> Estonia	<b>Audit period:</b> 18-25 October 2010
<b>Department:</b> All Ministries	<b>File No.:</b>
<b>Non-conformity No.:</b>	<b>Observation No.:</b> OB-01
<b>FINDING:</b>  No evidence available of a strategy meeting the requirements of paragraphs 3, 11 – 14 <b>Evidenced by:</b>  No strategy is developed in the plans to fulfil the obligation of the State.	
<b>APPLICABLE PROVISION OF AUDIT STANDARD:</b>  <u>Code, Part 1, paragraphs 3, 11 – 14:</u> 3 In order for a State to meet the objective of this Code, a strategy should be developed, covering the following issues: <ul style="list-style-type: none"><li>.1 implementation and enforcement of relevant international mandatory instruments;</li><li>.2 adherence to international recommendations, as appropriate;</li><li>.3 continuous review and verification of the effectiveness of the State in respect of meeting its international obligations; and</li><li>.4 the achievement, maintenance and improvement of overall organizational performance and capability.</li></ul> In implementing the aforementioned strategy, the guidance given in this Code should be adhered to.  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.  12 The State should stimulate a culture which provides opportunities to people for improvement of performance in maritime safety and environmental protection activities.  13 Further, the State should take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence, including: <ul style="list-style-type: none"><li>.1 review and analysis of non-conformities;</li><li>.2 implementation of necessary corrective action; and</li><li>.3 review of the corrective action taken.</li></ul> 14 The State should determine action to eliminate the causes of potential non-conformities in order to prevent their occurrence.	
<b>Auditor:</b> Serban Berescu, Julian Abril	<b>Date:</b> 18 October 2010

<b>Team leader: Richard Rees</b>	<b>Date: 18 October 2010</b>
<b>Member State: Estonia</b>	<b>Date received: 25 October 2010</b>



# AUDIT OF THE MARITIME ADMINISTRATION OF ESTONIA

(Form B)

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>					
<b>Member State</b> Estonia		<b>Audit Period:</b> 18–25 October 2010			
<b>Department:</b> All Ministries		<b>Auditor:</b>			
<b>Findings Type:</b> Observation		<b>No.</b> 01	<b>File No:</b>		
<b>Proposed Corrective Action:</b> A Committee composed of ministries and other administrations will be formed in 2011. Its primary task will be to work out a strategy on how to implement IMO mandatory instruments etc. The strategy will be developed by July 2013.					

<b>For Action:</b>			
Member State:	Estonia		
	Name	Date	
Copies to: <input type="checkbox"/>	Name	Name	Name
(Date Received):	Date	Date	

<b>Root Cause:</b> Maritime affairs have not been paid sufficient attention on the national level. Due to lack of competent personnel and insufficient financing the strategy for enforcing IMO mandatory instruments has not been developed.
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<b>Proposed Preventive Action:</b> The assembled committee will be provided sufficient financial support to develop the strategy and to continue work after the strategy has been developed. Its main task will be to regularly review and improve the strategy.
---

<b>Action Plan Submitted:</b>			
By	M Rauk	On	15 April 2011
To: Audit Team Leader:	Richard Rees	IMO Secretariat:	
	Name		Name
<input type="checkbox"/> For Review:		<input type="checkbox"/> For Information:	

	Signature _____	Date _____		Signature _____	Date _____
Copies to:	<input type="checkbox"/>		<input type="checkbox"/>		
	<input type="checkbox"/>		<input type="checkbox"/>		

<b>Action Implemented:</b>	
By _____	On _____

<b>Verification of Effective Implementation:</b>			
Sign off, as appropriate:			
<b>Member State Representative</b>	Date _____	<b>Audit Team Leader</b>	Date _____
<b>Relevant Department Head</b>	Date _____	<b>IMO Secretariat</b>	Date _____

<b>Comments (if any):</b>
<span style="width: 45%; text-align: center;">_____ <b>Audit Team Leader</b></span> <span style="width: 45%; text-align: center;">_____ <b>Date</b></span>

**AUDIT OF MARITIME ADMINISTRATION OF ESTONIA****(Form A)**

<b>FINDINGS</b>	
<b>Member State: Estonia</b>	<b>Audit period: 18-25 October 2010</b>
<b>Department:</b> Ministry of Economic Affairs and Communications	<b>File No.:</b>
<b>Non-conformity No.:</b>	<b>Observation No.: OB-02</b>
<b>FINDING:</b>  Although there is evidence of the transposition of some mandatory IMO instruments into national law, there is also evidence that some of these have not been promulgated in the Official Journal as required by the State's Constitution to give them force of law.  <b>Evidenced by:</b>  The Official Journal did not contain all the appropriate legislative text of some mandatory IMO instrument.	
<b>APPLICABLE PROVISION OF AUDIT STANDARD:</b>  <u>Code, Part 1, paragraph 7.1:</u>  .1 the ability to promulgate laws which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag and, in particular, provide the legal basis for general requirements for registries, the inspection of ships, safety and pollution-prevention laws applying to such ships and the making of associated regulations;	
<b>Auditor:</b> Serban Berescu, Julian Abril	<b>Date:</b> 18 October 2010
<b>Team leader:</b> Richard Rees	<b>Date:</b> 18 October 2010
<b>Member State:</b> Estonia	<b>Date received:</b> 25 October 2010

# AUDIT OF THE MARITIME ADMINISTRATION OF ESTONIA

(Form B)

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>					
<b>Member State</b>	Estonia			<b>Audit Period:</b>	18–25 October 2010
<b>Department:</b>	Ministry of Economic Affairs and Communications			<b>Auditor:</b>	
<b>Findings Type:</b>	Observation	<b>No.</b>	02	<b>File No:</b>	
<p><b>Proposed Corrective Action:</b></p> <p>Several regulations have already been published or incorporated into national legislation; hence their separate disclosure is not required.</p> <ul style="list-style-type: none"> <li>• EU directives or regulations often take over the IMO regulations (for an example the Athens protocol etc). These EU instruments have been incorporated into national legislation, so that their separate disclosure is not required.</li> <li>• IMO issues consolidated texts or major revisions to the conventions in revised wording (for an example the Manila amendments, MARPOL Annex I etc). These revisions or consolidated texts incorporate old regulations and amendments, and therefore if the newest amendments are published or incorporated into national law, the translation of previous amendments is not reasonable or necessary.</li> <li>• In accordance to our court system, in case of a dispute in court, texts of international agreement in their official language shall prevail over Estonian translation of these regulations.</li> </ul> <p>An evaluation will be carried out, to determine which IMO mandatory instruments need to be published in the Official Journal (December 2011). Based on the evaluation results, all the necessary mandatory IMO instruments will be translated and published in The Official Journal.</p>					

<b>For Action:</b>			
Member State:	Estonia		
	Name		Date
Copies to:	<input type="checkbox"/> Name	<input type="checkbox"/> Name	
(Date Received):	Date		Date

<p><b>Root Cause:</b></p> <p>There is no strategy how to transpose relevant international mandatory instruments into national law. There is also an uncertainty about the enforcement of regulatory arrangements (uncertainty about which regulations have to be published in the Official Journal and which regulations can be published on the Estonian Maritime Administration's web-page).</p>
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**Proposed Preventive Action:**

For translation of IMO instruments, dedicated financing will be allocated in the budget of 2011 and 2012. After 2012, dedicated financing for translation will be planned according to actual needs, as translating the IMO regulations or transposing them to national law is a continuous process. Strategy for implementing IMO instruments will determine the optimum method of transposing IMO regulations into national law and which authority is responsible for reporting to the IMO. (July 2013)

**Action Plan Submitted:**

By M Rauk On 15 April 2011

To: Audit Team  
Leader:

Richard Rees

IMO

Secretariat:

Name

Name

☐ For Review:

☐ For Information:

Signature

Date

Signature

Date

Copies  
to:

☐

☐

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☐

**Action Implemented:**

By \_\_\_\_\_ On \_\_\_\_\_

**Verification of Effective Implementation:**

Sign off, as appropriate:

**Member State  
Representative**

**Date**

**Audit Team Leader**

**Date**

**Relevant Department  
Head**

**Date**

**IMO Secretariat**

**Date**

**Comments (if any):**

**Audit Team Leader**

**Date**

**AUDIT OF MARITIME ADMINISTRATION OF ESTONIA****(Form A)**

<b>FINDINGS</b>	
<b>Member State:</b> Estonia	<b>Audit period:</b> 18-25 October 2010
<b>Department:</b> Ministry of Economic Affairs and Communications	<b>File No.:</b>
<b>Non-conformity No.:</b>	<b>Observation No.:</b> OB-03
<b>FINDING:</b>  There is evidence that there are insufficient personnel necessary to complete the transposition of the mandatory IMO instruments into national law, as well as reporting as required by the respective conventions.  <b>Evidenced By</b>  Information provided by Estonia in the Audit pre-questionnaire I.4, and the findings within the audit.	
<b>APPLICABLE PROVISION OF AUDIT STANDARD:</b>  <u>Code, Part 1, paragraph 7.3:</u> 3 the availability of sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions.	
<b>Auditor:</b> Serban Berescu, Julian Abril	<b>Date:</b> 18 October 2010
<b>Team leader:</b> Richard Rees	<b>Date:</b> 18 October 2010
<b>Member State:</b> Estonia	<b>Date received:</b> 25 October 2010

# AUDIT OF THE MARITIME ADMINISTRATION OF ESTONIA

(Form B)

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>					
<b>Member State</b>	Estonia			<b>Audit Period:</b>	18–25 October 2010
<b>Department:</b>	Ministry of Economic Affairs and Communications			<b>Auditor:</b>	
<b>Findings Type:</b>	Observation	<b>No.</b>	03	<b>File No:</b>	
<b>Proposed Corrective Action:</b> Ministry of Economic Affairs and Communications will carry out an analysis to assess the need of personnel. (November 2011) To ensure compliance with the mandatory functions and tasks, the primary objective is to increase the competence of existing personnel. Ministry of Economic Affairs and Communications Aviation and Maritime departments and Legal Departments work is supported by other departments (for an example the Transport Development and Investment Department which has developed the national maritime policy and is responsible for implementing the measures set out in the policy etc) whose tasks also include some areas of maritime affairs. In order to improve the capability of existing personnel, the responsibilities of individual officers will be defined and the cooperation between departments and administration will be improved.					

<b>For Action:</b>			
Member State:	Estonia		
	Name	Date	
Copies to:	<input type="checkbox"/> Name	<input type="checkbox"/> Name	
(Date Received):	Date	Date	

<b>Root Cause:</b> Estonia is a small country that can not afford a large number of officials and therefore increasing the number of personnel has never been the objective by itself. Our goal has been to raise the administrative capacity and to establish an effective state. Several state functions are delegated to various agencies and administrations to increase the administrative capacity. Tasks and responsibilities of different officers and departments (also between agencies and administrations) have not been sufficiently defined.
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<b>Proposed Preventive Action:</b> The need for personnel, roles and responsibilities of officials will be evaluated on a regular basis. Training of the personnel will be conducted on regular basis to increase its competence with a view to ensure compliance with the mandatory functions and tasks. Adoption of national maritime policy (2011) and other relevant sectoral policy documents together with establishing a maritime committee consisting of the best professionals to implement the policies are one of the primary means to enhance the role of maritime affairs,
---

to define the responsibilities of different institutions and to raise the competent of officials.

**Action Plan Submitted:**

By M Rauk On 15 April 2011

To: Audit Team  
Leader:

Richard Rees

IMO

Secretariat:

Name

Name

☐ For Review:

☐ For Information:

Signature

Date

Signature

Date

Copies ☐  
to:

☐

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☐

**Action Implemented:**

By \_\_\_\_\_ On \_\_\_\_\_

**Verification of Effective Implementation:**

Sign off, as appropriate:

**Member State  
Representative**

**Date**

**Audit Team Leader**

**Date**

**Relevant Department  
Head**

**Date**

**IMO Secretariat**

**Date**

**Comments (if any):**

**Audit Team Leader**

**Date**



**AUDIT OF MARITIME ADMINISTRATION OF ESTONIA****(Form A)**

<b>FINDINGS</b>	
<b>Member State:</b> Estonia	<b>Audit period:</b> 18-25 October 2010
<b>Department:</b> Estonia Maritime Administration	<b>File No.:</b>
<b>Non-conformity No.:</b>	<b>Observation No.:</b> OB-04
<b>FINDING:</b>  Some improvements are needed to the formal agreements with the RO's to bring them into line with Res A. 739(18) and the provision of information on national legislation to the RO's. More effective follow up to the results of reviews of the work of the RO's are also needed.  <b>Evidenced by:</b>  Inconsistencies with Res. A.739(18) and evidences during audit	
<b>APPLICABLE PROVISION OF AUDIT STANDARD:</b>  <u>Code, Part 1, paragraph 18.2:</u>  18..2 have as its basis a formal written agreement between the Administration and the recognized organization which, as a minimum, includes the elements set out in the relevant IMO resolution†, or equivalent legal arrangements, and which may be based on the model agreement for the authorization of recognized organizations acting on behalf of the Administration‡;  <u>SOLAS, Chapter XI-1 regulation 1</u>	
<b>Auditor:</b> Richard Rees, Serban Berescu	<b>Date:</b> 21 October 2010
<b>Team leader:</b> Richard Rees	<b>Date:</b> 21 October 2010
<b>Member State:</b> Estonia	<b>Date received:</b> 25 October 2010

# AUDIT OF THE MARITIME ADMINISTRATION OF ESTONIA

(Form B)

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>					
<b>Member State</b> Estonia			<b>Audit Period:</b> 18–25 October 2010		
<b>Department:</b>		Estonian Maritime Administration		<b>Auditor:</b> R. Rees	
<b>Findings Type:</b> OB		<b>No.</b> 04		<b>File No:</b>	
<b>Proposed Corrective Action:</b> Agreements with the RO's to be reviewed and brought in line with Res A.739(18) and the active follow up to the results of reviews of the work of the RO's to be introduced. <b>(December 2011)</b>					

<b>For Action:</b>			
Member State:	Estonia		
	Name _____	Date _____	
Copies to: <input type="checkbox"/>	Name _____	<input type="checkbox"/>	Name _____
(Date Received):	Date _____		Date _____

<b>Root Cause:</b> The biannual reviews do not have the provisions to assess the effectiveness of the agreements and their compliance with the requirements (A.739(18)). The results of the reviews are not monitored properly.
--

<b>Proposed Preventive Action:</b> The next monitoring report for the period 2009-2010 to be amended respectively and results of the review to be monitored, closed and attached to the report. <b>(April 2011)</b>
--

<b>Action Plan Submitted:</b> By _____ M Rauk _____ On 15 April 2011
---

To: Audit Team Leader:	Richard Rees _____ Name	IMO Secretariat:	_____ Name
<input type="checkbox"/> For Review:		<input type="checkbox"/> For Information:	
Copies to:	Signature _____ Date		Signature _____ Date
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

<b>Action Implemented:</b>	
By _____	On _____

<b>Verification of Effective Implementation:</b>			
Sign off, as appropriate:			
<b>Member State Representative</b>	<b>Date</b>	<b>Audit Team Leader</b>	<b>Date</b>
<b>Relevant Department Head</b>	<b>Date</b>	<b>IMO Secretariat</b>	<b>Date</b>

<b>Comments (if any):</b>
<span><b>Audit Team Leader</b> _____</span> <span><b>Date</b> _____</span>

## AUDIT OF MARITIME ADMINISTRATION OF ESTONIA

(Form A)

FINDINGS	
<b>Member State:</b> Estonia  <b>Department:</b> Estonia Maritime Administration	<b>Audit period:</b> 18-25 October 2010  <b>File No.:</b>

<b>Non-conformity No.:</b>	<b>Observation No.: OB-05</b>
<b>FINDING:</b>  The Code requires a documented system for qualification and updating knowledge, this is currently not in place.  <b>Evidenced by:</b>  Information provided by Estonia in the Audit pre-questionnaire IV.1, and the findings within the audit.	
<b>APPLICABLE PROVISION OF AUDIT STANDARD:</b>  <u>Code, Part 1, paragraph 16.3:5, Part 2 paragraph 31</u>  16.3.5 administrative arrangements, including those involving training, assessment and certification activities conducted under the purview of another State, are such that the flag State accepts its responsibility for ensuring the competence of masters, officers and other seafarers serving on ships entitled to fly its flag*; 31 In addition such personnel should have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes.	
<b>Auditor:</b> Julian Abril	<b>Date:</b> 20 October 2010
<b>Team leader:</b> Richard Rees	<b>Date:</b> 20 October 2010
<b>Member State:</b> Estonia	<b>Date received:</b> 25 October 2010

# AUDIT OF THE MARITIME ADMINISTRATION OF ESTONIA

(Form B)

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>					
<b>Member State:</b> Estonia			<b>Audit Period:</b> 18–25 October 2010		
<b>Department:</b>		Estonian Maritime Administration		<b>Auditor:</b> R. Rees	
<b>Findings Type:</b> OB		<b>No.</b>	05	<b>File No:</b>	
<b>Proposed Corrective Action:</b> The documented training program for Flag State surveyors to be developed and approved in the EMA's quality system by <b>December 2011</b> , combining the current practice, EU regular training courses, etc. into one document.					

<b>For Action:</b> Member State: Estonia			
Name		Date	
Copies to:	<input type="checkbox"/> Name	<input type="checkbox"/> Name	
(Date Received):	Date	Date	

<b>Root Cause:</b> The requirement of the Code were not identified and implemented.
--

<b>Proposed Preventive Action:</b> The Code to be reviewed to identify possible existing “grey” areas and appropriate corrective actions taken if such areas are identified. ( <b>July 2011</b> )
--

<b>Action Plan Submitted:</b> By M Rauk On 15 April 2011
---

To: Audit Team Leader:	Richard Rees _____ Name	IMO Secretariat: _____	_____ Name
<input type="checkbox"/> For Review:		<input type="checkbox"/> For Information:	
Copies to:	Signature _____ <input type="checkbox"/>  <input type="checkbox"/>	Date _____	Signature _____ <input type="checkbox"/>  <input type="checkbox"/>

<b>Action Implemented:</b>	
By _____	On _____

<b>Verification of Effective Implementation:</b>			
Sign off, as appropriate:			
<b>Member State Representative</b>	<b>Date</b>	<b>Audit Team Leader</b>	<b>Date</b>
<b>Relevant Department Head</b>	<b>Date</b>	<b>IMO Secretariat</b>	<b>Date</b>

<b>Comments (if any):</b>	
<b>Audit Team Leader</b>	<b>Date</b>

**AUDIT OF MARITIME ADMINISTRATION OF ESTONIA****(Form A)**

<b>FINDINGS</b>	
<b>Member State: Estonia</b>	<b>Audit period: 18-25 October 2010</b>
<b>Department:</b> Estonia Maritime Administration	<b>File No.:</b>
<b>Non-conformity No.:</b>	<b>Observation No.: OB-06</b>
<b>FINDING:</b>  No formal evaluation of the capacity required for waste reception, no formalized periodic inspection and review of these facilities, Environmental inspectors unaware of the facilities, lack of training and appropriate control procedures.  <b>Evidenced by:</b>  Visit to Reception Facilities and interviews within Environmental Inspectorate	
<b>APPLICABLE PROVISION OF AUDIT STANDARD:</b>  <u>Code, Part 4, paragraphs 50, 58</u>  50 Port States have certain rights and obligations under various mandatory IMO instruments. When exercising their rights under the instruments, port States incur additional obligations. 58 Port States should periodically evaluate their performance in respect of exercising their rights and meeting their obligations under mandatory IMO instruments.  <u>MARPOL Annex I regulations 38.4, 38.5, 38.6, Annex IV regulation 12.1, Annex V regulations 5.4 and 7.1</u>	
<b>Auditor:</b> Serban Berescu	<b>Date:</b> 22 October 2010
<b>Team leader:</b> Richard Rees	<b>Date:</b> 22 October 2010
<b>Member State:</b> Estonia	<b>Date received:</b> 25 October 2010

# AUDIT OF THE MARITIME ADMINISTRATION OF ESTONIA

(Form B)

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>					
<b>Member State</b>	Estonia		<b>Audit Period:</b>	18–25 October 2010	
<b>Department:</b>	Environmental Inspectorate	<b>Auditor:</b>	Serban Berescu		
<b>Findings Type:</b>	<b>Observation</b>	<b>No</b>	<b>6</b>	<b>File No:</b>	
<b>Proposed Corrective Action:</b>					
<ul style="list-style-type: none"> <li>Environmental Inspectorate will take an initiative to improve cooperation with the Environmental Board in order to guarantee that the capacity required for waste reception will be adequately evaluated during the procedures of affirming the ports waste management plans, for which the Board is responsible. EI will guarantee, that all inadequacies detected in course of inspections will be communicated to the Board.</li> <li>Ports waste management control (inspections) will be carried out according to the EI inspection programme for 2011. According to the programme, most of the ports (excluding only smaller harbours) are to be inspected. Inspection of the waste reception facilities will be a part of the port environmental control.</li> <li>In 2011 for all the inspectors, responsible for port inspection, a special port inspection training will be carried out (according to the 2011 training plan). In addition, the Ministry of Environment will organise a training for both the specialists from the Environmental Board and the inspectors from EI.</li> <li>EI will update the check-list for port environmental inspection (deadline 31.12.2011).</li> <li>An e-project (ESTPort Net) is under development, according to which all data about the ships' and ports' waste management documents would be available online. The project is in the starting phase and in case of positive developments will give a result in 2014.</li> </ul>					

<b>For Action:</b>			
Member State:	Estonia		
	Name	Date	
Copies to:	<input type="checkbox"/> Name	<input type="checkbox"/> Name	
(Date Received):	Date	Date	

<p><b>Root Cause:</b> Lack of time for developing procedures corresponding to the highest standards. <b>Note:</b> Ministry of the Environment has expressed its disagreement with the auditor's conclusions in its letter to IMO.</p>
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<p><b>Proposed Preventive Action: Continuous training of inspectors according to the training plan; development of the control procedures, development of the inspection plan and carrying out port waste management inspections according to the inspection programme.</b></p>
---

<b>Action Plan Submitted:</b>			
By _____		M Rauk	
On _____		15 April 2011	
To: Audit Team		Richard Rees	
Leader:		IMO	
_____		Secretariat: _____	
Name		Name	
<input type="checkbox"/> For Review:		<input type="checkbox"/> For Information:	
_____		_____	
Signature		Date	
Copies to: <input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	

<b>Action Implemented:</b> By _____ On _____
---

<b>Verification of Effective Implementation:</b>			
Sign off, as appropriate:			
<b>Member State Representative</b>	<b>Date</b>	<b>Audit Team Leader</b>	<b>Date</b>
<b>Relevant Department Head</b>	<b>Date</b>	<b>IMO Secretariat</b>	<b>Date</b>

<b>Comments (if any):</b>	
<b>Audit Team Leader</b>	<b>Date</b>

**AUDIT OF MARITIME ADMINISTRATION OF ESTONIA****(Form A)**

<b>FINDINGS</b>	
<b>Member State: Estonia</b>	<b>Audit period: 18-25 October 2010</b>
<b>Department:</b> Estonia Maritime Administration	<b>File No.:</b>
<b>Non-conformity No.:</b>	<b>Observation No.: OB-07</b>
<b>FINDING:</b>  The mechanism for periodic review of the existing system as to its effectiveness or the need for additional aids to navigation could not be determined.  <b>Evidenced by:</b>  During the audit	
<b>APPLICABLE PROVISION OF AUDIT STANDARD:</b>  <u>Code, Part 3, paragraph 49</u>  49 Coastal States should periodically evaluate their performance in respect of exercising their rights and meeting their obligations under mandatory IMO instruments.	
<b>Auditor:</b> Serban Berescu	<b>Date:</b> 22 October 2010
<b>Team leader:</b> Richard Rees	<b>Date:</b> 22 October 2010
<b>Member State:</b> Estonia	<b>Date received:</b> 25 October 2010

# AUDIT OF THE MARITIME ADMINISTRATION OF ESTONIA

(Form B)

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>					
<b>Member State:</b> Estonia			<b>Audit Period:</b> 18–25 October 2010		
<b>Department:</b>		Estonia Maritime Administration		<b>Auditor:</b> Serban Berescu	
<b>Findings Type:</b> OB		<b>No.</b> 07		<b>File No:</b>	
<b>Proposed Corrective Action:</b>					
By 2015 the periodic inspections of AtoNs will be implemented.					

<b>For Action:</b>			
Member State:		Estonia	
Copies to: <input type="checkbox"/>		<input type="checkbox"/>	
(Date Received):			

<b>Root Cause:</b>
<p>During the past 20 years, after being liberated from the Soviet State an intensive work has been carried on in achieving the desired contemporary effectiveness and quality of all aids to navigation. For that purpose all aids to navigation have been subjected to annual comprehensive inspection and resultant priority works list regarding the estimated work capacities of the aids to navigation has been compiled and relevant activity pursued with regard to the available budgetary measures to ensure the safety of navigation. Due to that there has been no need to conduct long-term periodic inspections at regular intervals so far.</p> <p>The root cause of the absence of periodic inspections was the change of power at the state level. This caused intensive reconstruction of the aids to navigation to give way to the stable effort on the contemporary level.</p>
<b>Proposed Preventive Action:</b>
<p>To fulfil the task enlisted in the Notes the Maritime Administration has employed more substantial measures than long-term inspections. As of 1993 annual inspections of aids to navigation have taken place and resultant plan (list of priority works) has been compiled by the Maritime Administration to improve and modernise the aids to navigation. Additionally,</p>

a comprehensive survey has been conducted in West-Estonian Archipelago to modernise the shipping routes and relevant aids to navigation which makes principally half of the total number of fixed aids to navigation in Estonia. In the course of the survey the assessment of the condition and level of the aids to navigation was given resulting in comprehensive package of projects to ensure the effective operation of the aids to navigation for the coming fifty years. The project comprises 115 projects concerning 102 fixed aids to navigation in the area as follows:

Construction designs of demolition of old AtoNs	27
Construction designs of reconstruction of old AtoNs	27
Construction designs of repairs of old AtoNs	32
Construction designs of architectural heritage	7
New construction designs of onshore fixed AtoNs	21
New construction designs of offshore fixed AtoNs	1

Regarding other areas relevant inspection has been conducted in 2010 and construction design is underway.

Evaluation and assessment on inner waterways aids to navigation was conducted from 2005-2007 and implemented.

After the completion of the abovementioned comprehensive projects the Maritime Administration is planning to implement the periodic inspections as of 2015.

Preliminary preparation for transition to periodic inspections to be finalized in 2015 is being commenced in 2011.

<b>Action Plan Submitted:</b>			
By _____ M Rauk		On 15 April 2011	
To: Audit Team		Richard Rees	
Leader:		IMO Secretariat:	
Name		Name	
<input type="checkbox"/> For Review:		<input type="checkbox"/> For Information:	
Signature		Signature	
Date		Date	
Copies to:			
<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	

<b>Action Implemented:</b>	
By _____	On _____

<b>Verification of Effective Implementation:</b>			
Sign off, as appropriate:			
<b>Member State Representative</b>	<b>Date</b>	<b>Audit Team Leader</b>	<b>Date</b>
<b>Relevant Department Head</b>	<b>Date</b>	<b>IMO Secretariat</b>	<b>Date</b>

<b>Comments (if any):</b>	
<b>Audit Team Leader</b>	<b>Date</b>

**AUDIT OF MARITIME ADMINISTRATION OF ESTONIA****(Form A)**

<b>FINDINGS</b>	
<b>Member State:</b> Estonia	<b>Audit period:</b> 18-25 October 2010
<b>Department:</b> All Ministries	<b>File No.:</b>
<b>Non-conformity No.:</b> NC-01	<b>Observation No.:</b>
<b>FINDING:</b>  The State did not communicate to IMO the texts of laws, decrees, orders and regulations incorporating mandatory IMO instruments into national legislation  <b>Evidenced by:</b>  Lack of evidence of communications to IMO	
<b>APPLICABLE PROVISION OF AUDIT STANDARD:</b>  <u>SOLAS 74 Article III (b), SOLAS PROT 88 Article III; MARPOL 73/78 Article 11 1 (a), as well as other similar provisions of the other mandatory IMO Instruments</u>	
<b>Auditor:</b> Serban Berescu, Julian Abril	<b>Date:</b> 18 October 2010
<b>Team leader:</b> Richard Rees	<b>Date:</b> 18 October 2010
<b>Member State:</b> Estonia	<b>Date received:</b> 25 October 2010

# AUDIT OF THE MARITIME ADMINISTRATION OF ESTONIA

(Form B)

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>					
<b>Member State</b>	Estonia			<b>Audit Period:</b>	18–25 October 2010
<b>Department:</b>	All Ministries			<b>Auditor:</b>	
<b>Findings Type:</b>	Non-conformity	<b>No.</b>	01	<b>File No:</b>	
<b>Proposed Corrective Action:</b> IMO will be notified about instruments that have been transposed into national law. The texts of laws, decrees, orders and regulations incorporating mandatory IMO instruments into national legislation will be forwarded to IMO. (December 2011)					

<b>For Action:</b> Member State: Estonia			
	Name		Date
Copies to: <input type="checkbox"/>	Name	<input type="checkbox"/>	Name
(Date Received):	Date		Date

<b>Root Cause:</b> It has not been determined who is responsible for communication with the IMO on national level.
---

<b>Proposed Preventive Action:</b> Strategy for implementing the IMO instruments will determine which authority is responsible for reporting to the IMO. Strategy will also indicate how the communicating is conducted. (July 2013)
---

<b>Action Plan Submitted:</b> By M Rauk On 15 April 2011
---

To: Audit Team Leader:	Richard Rees	IMO Secretariat:	
	Name		Name
<input type="checkbox"/> For Review:		<input type="checkbox"/> For Information:	
Signature	Date	Signature	Date
Copies to: <input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	

<b>Action Implemented:</b>	
By _____	On _____

<b>Verification of Effective Implementation:</b>			
Sign off, as appropriate:			
<b>Member State Representative</b>	<b>Date</b>	<b>Audit Team Leader</b>	<b>Date</b>
<b>Relevant Department Head</b>	<b>Date</b>	<b>IMO Secretariat</b>	<b>Date</b>

<b>Comments (if any):</b>	
<b>Audit Team Leader</b>	<b>Date</b>

## AUDIT OF MARITIME ADMINISTRATION OF ESTONIA

(Form A)

FINDINGS	
<b>Member State: Estonia</b>	<b>Audit period: 18-25 October 2010</b>



<b>Department:</b> Ministry of Economic Affairs and Communications	<b>File No.:</b>
<b>Non-conformity No.:</b> 02	<b>Observation No.:</b>
<b>FINDING:</b>  The form in use for Safety Management Certificate is not in accordance with the current requirements of the ISM Code.  <b>Evidenced by:</b>  Certificates provided by E.M.A	
<b>APPLICABLE PROVISION OF AUDIT STANDARD:</b> <u>SOLAS, Chapter IX, ISM Code regulation 16</u>  <u>Code, Part 1, paragraph 7.1:</u> 7 When a new or amended IMO mandatory instrument enters into force for a State, the Government of that State must be in a position to implement and enforce its provisions through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure. This means that the Government of the State must have: .1 the ability to promulgate laws which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag and, in particular, provide the legal basis for general requirements for registries, the inspection of ships, safety and pollution-prevention laws applying to such ships and the making of associated regulations;	
<b>Auditor:</b> Richard Rees	<b>Date:</b> 19 October 2010
<b>Team leader:</b> Richard Rees	<b>Date:</b> 19 October 2010
<b>Member State:</b> Estonia	<b>Date received:</b> 25 October 2010

# AUDIT OF THE MARITIME ADMINISTRATION OF ESTONIA

(Form B)

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>					
<b>Member State</b> Estonia			<b>Audit Period:</b> 18–25 October 2010		
<b>Department:</b>		All Ministries		<b>Auditor:</b>	
<b>Findings Type:</b>		Non-conformity	<b>No.</b> 02	<b>File No:</b>	
<b>Proposed Corrective Action:</b> The form of Safety Management Certificate has been updated in the Official Journal and now meets the international standards. The Certificate is located at: <a href="https://www.riigiteataja.ee/aktilisa/1210/1201/1007/MKM5_lisa.pdf">https://www.riigiteataja.ee/aktilisa/1210/1201/1007/MKM5_lisa.pdf</a>					

<b>For Action:</b>			
Member State:		Estonia	
Copies to: <input type="checkbox"/>		Name	
		Date	
<input type="checkbox"/>		Name	
		Name	
(Date Received):		Date	
		Date	

<b>Root Cause:</b> There is no strategy on how to ensure a smooth takeover of IMO instruments into national law.
---

<b>Proposed Preventive Action:</b> The strategy will be developed by July 2013.
--

<b>Action Plan Submitted:</b> By <u>                                M Rauk                                </u> On <u>         15 April 2011         </u>
---

To: Audit Team Leader:	Richard Rees _____ Name	IMO Secretariat: _____	_____ Name
<input type="checkbox"/> For Review:		<input type="checkbox"/> For Information:	
Copies to:	Signature _____ Date		Signature _____ Date
	<input type="checkbox"/>		<input type="checkbox"/>
	<input type="checkbox"/>		<input type="checkbox"/>

<b>Action Implemented:</b>	
By _____	On _____

<b>Verification of Effective Implementation:</b>			
Sign off, as appropriate:			
<b>Member State Representative</b>	<b>Date</b>	<b>Audit Team Leader</b>	<b>Date</b>
<b>Relevant Department Head</b>	<b>Date</b>	<b>IMO Secretariat</b>	<b>Date</b>

<b>Comments (if any):</b>	
<b>Audit Team Leader</b>	<b>Date</b>

**AUDIT OF MARITIME ADMINISTRATION OF ESTONIA****(Form A)**

<b>FINDINGS</b>	
<b>Member State: Estonia</b>	<b>Audit period: 18-25 October 2010</b>
<b>Department:</b> Estonia Maritime Administration	<b>File No.:</b>
<b>Non-conformity No.:03</b>	<b>Observation No.:</b>
<b>FINDING:</b>  The logbooks referred to in Regulations 14.6 of MARPOL VI have not been specified by the Administration.  <b>Evidenced by:</b>  During the audit it was not possible to provide evidence	
<b>APPLICABLE PROVISION OF AUDIT STANDARD:</b>  <u>MARPOL, ANNEX VI regulation 14.6</u>  <u>Code, Part 1, paragraph 15.1:</u> 15 In order to effectively discharge their responsibilities and obligations, flag States should: .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 prevention conventions and protocols to which they are party;	
<b>Auditor:</b> Serban Berescu, Julian Abril	<b>Date:</b> 20 October 2010
<b>Team leader:</b> Richard Rees	<b>Date:</b> 20 October 2010
<b>Member State:</b> Estonia	<b>Date received:</b> 25 October 2010

# AUDIT OF THE MARITIME ADMINISTRATION OF ESTONIA

(Form B)

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>					
<b>Member State</b>	Estonia			<b>Audit Period:</b>	18–25 October 2010
<b>Department:</b>	Estonian Maritime Administration			<b>Auditor:</b>	R. Rees
<b>Findings Type:</b>	NC	<b>No.</b>	03	<b>File No:</b>	
<b>Proposed Corrective Action:</b> The ministerial regulation regulating the log books, engine log book and radio log book to be amended to cover the Regulations 14.6 of MARPOL VI. <b>(July 2011)</b>					

<b>For Action:</b> Member State: Estonia			
_____ Name		_____ Date	
Copies to:	<input type="checkbox"/>	_____ Name	<input type="checkbox"/>
		_____ Name	
(Date Received):		_____ Date	_____ Date

<b>Root Cause:</b> The relevant amendments to the MARPOL convention were not addressed timely and analysed.
--

<b>Proposed Preventive Action:</b> Effective system of reviewing the amendments to the convention to be established to identify the need to amend the national legislation. <b>(December 2011)</b>
---

<b>Action Plan Submitted:</b> By _____ M Rauk _____ On 15 April 2011			
To: Audit Team Leader:	Richard Rees	IMO Secretariat:	

<input type="checkbox"/> For Review:	<input type="checkbox"/> For Information:
Signature _____ Date _____	Signature _____ Date _____
Copies to: <input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>

<b>Action Implemented:</b>	
By _____	On _____

<b>Verification of Effective Implementation:</b>			
Sign off, as appropriate:			
<b>Member State Representative</b>	<b>Date</b>	<b>Audit Team Leader</b>	<b>Date</b>
<b>Relevant Department Head</b>	<b>Date</b>	<b>IMO Secretariat</b>	<b>Date</b>

<b>Comments (if any):</b>
<span><b>Audit Team Leader</b> _____</span> <span><b>Date</b> _____</span>

**AUDIT OF MARITIME ADMINISTRATION OF ESTONIA**  
(Form A)

<b>FINDINGS</b>	
<b>Member State:</b> Estonia  <b>Department:</b> Environment Inspectorate	<b>Audit period:</b> 18-25 October 2010  <b>File No.:</b>

<b>Non-conformity No.: NC-04</b>	<b>Observation No.:</b>
<b>FINDING:</b>  No appropriate authority identified for recording lists of fuel oil suppliers and official list of suppliers not available.  <b>Evidenced by:</b>  Interviews within Environment Inspectorate	
<b>APPLICABLE PROVISION OF AUDIT STANDARD:</b> <u>Code, Part 4, paragraphs 52</u>  52 Port States should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations.  <u>MARPOL Annex VI, regulation 18(7)</u>	
<b>Auditor:</b> Serban Berescu	<b>Date:</b> 22 October 2010
<b>Team leader:</b> Richard Rees	<b>Date:</b> 22 October 2010
<b>Member State:</b> Estonia	<b>Date received:</b> 25 October 2010

# AUDIT OF THE MARITIME ADMINISTRATION OF ESTONIA

(Form B)

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>				
<b>Member State</b> Estonia		<b>Audit Period:</b> 18–25 October 2010		
<b>Department:</b> Environmental Inspectorate		<b>Auditor:</b> Serban Berescu		
<b>Findings Type:</b> Non-confirmity		<b>No.</b> 4	<b>File No:</b>	
<p><b>Proposed Corrective Action:</b></p> <p>The Environmental Information Centre has already over a year work in progress to implement in its Fuel Quality Management database (<a href="https://kytus.keskkonnainfo.ee/">https://kytus.keskkonnainfo.ee/</a>) datastructures for marine fuels and ship inspections and marine fuel quality monitoring data. In the next meeting of working group in march 2011 database structure and work plan for procurement of programming tasks will be finalized.</p> <p>All the responsibilities between different institutions will be set out in the existing adequate Acts or in new Marine Environment Protection Act (December 2013).</p>				

<b>For Action:</b>			
Member State:	Estonia		
	Name	Date	
Copies to: <input type="checkbox"/>	Name	<input type="checkbox"/>	Name
(Date Received):	Date	Date	

<p><b>Root Cause:</b> Partially insufficient collaboration between different institutions; dispersion of responsibilities between different ministries and institutions.</p>
--

<p><b>Proposed Preventive Action:</b> Additional measures, including more strict distribution of duties, should be regulated by the existing adequate Acts or by a new Marine Environment Protection Act (December 2013).</p>
---



<b>Action Plan Submitted:</b>			
By _____ M. Rauk _____		On _____ 15 April 2011 _____	
To: Audit Team Leader: _____		IMO Secretariat: _____	
Name _____		Name _____	
<input type="checkbox"/> For Review:		<input type="checkbox"/> For Information:	
Signature _____		Signature _____	
Date _____		Date _____	
Copies to: <input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	

<b>Action Implemented:</b>	
By _____	On _____

<b>Verification of Effective Implementation:</b>			
Sign off, as appropriate:			
<b>Member State Representative</b>		<b>Audit Team Leader</b>	
Date _____	Date _____	Date _____	Date _____
<b>Relevant Department Head</b>		<b>IMO Secretariat</b>	
Date _____	Date _____	Date _____	Date _____

<b>Comments (if any):</b>	
<b>Audit Team Leader</b> _____	<b>Date</b> _____

**AUDIT OF MARITIME ADMINISTRATION OF ESTONIA****(Form A)**

<b>FINDINGS</b>	
<b>Member State: Estonia</b>	<b>Audit period: 18-25 October 2010</b>
<b>Department: Border Guard</b>	<b>File No.:</b>
<b>Non-conformity No.:05</b>	<b>Observation No.:</b>
<b>FINDING:</b>  <b>There is no provision in national law or regulation to require the use of life-saving signals by search and rescue facilities engaged in SAR operations.</b> <b>Evidenced by:</b>  During the audit	
<b>APPLICABLE PROVISION OF AUDIT STANDARD:</b>  <u>SOLAS Chapter V regulation 8</u> Code, Part 3, Paragraph 47 47 Coastal States should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations.	
<b>Auditor:</b> Julian Abril	<b>Date:</b> 19 October 2010
<b>Team leader:</b> Richard Rees	<b>Date:</b> 19 October 2010
<b>Member State:</b> Estonia	<b>Date received:</b> 25 October 2010

# AUDIT OF THE MARITIME ADMINISTRATION OF ESTONIA

(Form B)

<b>CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION</b>					
<b>Member State</b> Estonia			<b>Audit Period:</b> 18–25 October 2010		
<b>Department:</b>		Police and Border Guard Board		<b>Auditor:</b>	
<b>Findings Type:</b>	N/C	<b>No.</b>	6	<b>File No:</b>	
<b>Proposed Corrective Action:</b>  <b>In the run out of 2010 the Police and Border Guard Board composed a manual for SAR units that include the chapter of life saving signals.                  This manual will be adopted in the first half of 2011.</b>					

<b>For Action:</b>			
Member State:		Estonia	
		Name	
		Date	
Copies to:	<input type="checkbox"/>	<input type="checkbox"/>	
		Name	
		Name	
(Date Received):			
		Date	
		Date	

<b>Root Cause:</b>
<b>Indefiniteness with reference to reorganisation of Border Guard structures.</b>

<b>Proposed Preventive Action:</b>
<b>Since beginning 2010 reorganisation was finished successfully and designated responsible SAR department.</b>

<b>Action Plan Submitted:</b>			
By		M Rauk	
		On 15 April 2011	
<b>To: Audit Team</b>		Richard Rees	
<b>Leader:</b>		<b>IMO Secretariat:</b>	
		Name	
		Name	

<input type="checkbox"/> For Review:		<input type="checkbox"/> For Information:	
	Signature	Signature	Date
Copies to:	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

<b>Action Implemented:</b>	
By _____	On _____

<b>Verification of Effective Implementation:</b>			
Sign off, as appropriate:			
<b>Member State Representative</b>	<b>Date</b>	<b>Audit Team Leader</b>	<b>Date</b>
<b>Relevant Department Head</b>	<b>Date</b>	<b>IMO Secretariat</b>	<b>Date</b>

<b>Comments (if any):</b>	
<b>Audit Team Leader</b>	<b>Date</b>

## APPENDICES

### APPENDIX 1 VIMSAS DETAILED AUDIT TIMETABLE AND PROGRAMME

Monday 18 October 2010			
Time	Activity	Participants	Division and Location
10.00 – 10.30	Opening meeting	All Auditors  Deputy Secretary Generals and Head/representative of Departments of relevant Ministries and representatives of relevant Authorities	Ministry of Economic Affairs and Communications, Harju 11, Tallinn A saal
10.30 – 11.15	<b>Overview</b> <ul style="list-style-type: none"> <li>Description of the structure of the maritime administration, general responsibilities of departments/individuals.</li> <li>Flag, Port Coastal state roles</li> <li>Interface arrangements with IMO</li> </ul>	All Auditors  Deputy Secretary Generals and Head/representative of Departments of relevant Ministries and representatives of relevant Authorities  Estonia makes a presentation.	Ministry of Economic Affairs and Communications, Harju 11, Tallinn A saal
11.15 – 12.00	<b>Strategy &amp; performance review</b> <ul style="list-style-type: none"> <li>Development of maritime strategy</li> <li>Arrangements for continual review</li> <li>Overall organization performance</li> <li>Risk analysis and performance indicators</li> <li>Controlling arrangements</li> </ul>	All Auditors  Deputy Secretary Generals and Head/representative of Departments of relevant Ministries	A.996(25): 3, 42, 43, 49, 58 Ministry of Economic Affairs and Communications, Harju 11, Tallinn A saal
12.00 – 13.00	<b>Legislation Processes</b> <ul style="list-style-type: none"> <li>Method of transposition of mandatory instruments into national law (including amendments )</li> <li>Examples</li> </ul>	All Auditors  Lawyers of Ministry of Economic Affairs and Communications, Head/representative of Maritime and Aviation Department	Ministry of Economic Affairs and Communications, Harju 11, Tallinn A saal
13.00 – 14.00	Lunch break	All Auditors	
14.00– 17.00	<b>TONNAGE/ STCW/ COLREG/ MARPOL (ships)</b> <ul style="list-style-type: none"> <li>Review of Legislation,</li> </ul>	Auditor 1, 2, 3  Maritime and Aviation Department	Ministry of Economic Affairs and Communications Harju 11, Tallinn A saal
17.00 –	Debriefing and private meeting	All Auditors	

Tuesday 19 October 2010			
Time	Activity	Participants	Division and Location
09.30– 12.00	<b>SOLAS/ LL</b> <ul style="list-style-type: none"> <li>Review of Legislation, interpretations and guidance notes</li> </ul>	Auditor 1  Maritime and Aviation Department	Ministry of Economic Affairs and Communications Harju 11, Tallinn
09.30 – 12.00	<b>MARPOL (outside ships)</b> <ul style="list-style-type: none"> <li>Legislation processes</li> </ul> <b>Review of Legislation, interpretations and guidance notes</b>	Auditor 2  Marine Environment Department	Ministry of the Environment Narva mnt 7a, Tallinn
09.30 – 10.30	<b>SOLAS (SAR)</b> <ul style="list-style-type: none"> <li>Legislation processes</li> <li>Review of Legislation, interpretations and guidance notes</li> </ul>	Auditor 3  Migration and Border Policy Department	Board of Police and Boarder Guard Pärnu mnt 139/1, Tallinn
10.30 - 1500	<ul style="list-style-type: none"> <li>Implementation of SOLAS (SAR) &amp; MARPOL</li> <li>Operational pollution response and enforcement</li> <li>Coastal rescue</li> <li>SAR Coordination</li> </ul>	Auditor 3  Border Guard Department	Board of Police and Boarder Guard Pärnu mnt 139/1, Tallinn
12.00 – 13.00	<b>Lunch break</b>	<b>All Auditors</b>	
13.00 – 16.00	<ul style="list-style-type: none"> <li>EMA quality management system</li> </ul>	Auditor 1  Quality Manager Head of Ship Supervision Department	Estonian Maritime Administration Valge 4, Tallinn
13.00 – 16.00	<ul style="list-style-type: none"> <li>Implementation of MARPOL (outside ships)</li> <li>Operational pollution response and enforcement</li> </ul>	Auditor 2  Environmental Protection Department, Advisor	Environmental Inspectorate Kopli 76, Tallinn
15.30 - 1700	JRCC	Auditor 3  Head of JRCC	Süsta 15, Tallinn
17.00 –	<b>Debriefing and private meeting</b>	<b>All Auditors</b>	

<b>Wednesday 20 October 2010</b>			
<b>Time</b>	<b>Activity</b>	<b>Participants</b>	<b>Division and Location</b>
<b>09.30 – 12.00</b>	Review of policies for the Implementation of: <ul style="list-style-type: none"> <li>• SOLAS</li> <li>• MARPOL (ships)</li> <li>• TONNAGE</li> <li>• Load Line</li> <li>• COLREG</li> </ul>	All auditors  All Representatives of the EMA	Estonian Maritime Administration Lume 9, Tallinn
<b>12.00 – 13.00</b>	<b>Lunch break</b>	<b>All Auditors</b>	
<b>13.00 – 16.00</b>	Implementation of: <ul style="list-style-type: none"> <li>• SOLAS</li> <li>• TONNAGE</li> <li>• Load Line</li> <li>• COLREG</li> </ul>	Auditor 1  Head of Ship Supervision Department	Estonian Maritime Administration Lume 9, Tallinn
<b>13.00 – 16.00</b>	Implementation of: <ul style="list-style-type: none"> <li>• MARPOL (ships)</li> </ul>	Auditor 2  Dangerous Goods Section, Ship Supervision Department	Estonian Maritime Administration Lume 9, Tallinn
<b>13.00 – 16.00</b>	<ul style="list-style-type: none"> <li>• Casualty investigation</li> </ul>	Auditor 3  Marine Casualties Investigation and Maritime Safety Development Department	Estonian Maritime Administration Lume 9, Tallinn
<b>16.00 –</b>	<b>Debriefing and private meeting</b>	<b>All Auditors</b>	

Thursday 21 October 2010			
Time	Activity	Participants	Division and Location
09.30 – 12.00	<ul style="list-style-type: none"> <li>Implementation of the RO monitoring</li> <li>Surveyor training and recruitment</li> </ul>	Auditors 1+2  Head of Ship Supervision Department	Estonian Maritime Administration Lume 9, Tallinn
09.30 – 12.00	<ul style="list-style-type: none"> <li>Implementation of STCW</li> </ul>	Auditor 3  Marine Casualties Investigation and Maritime Safety Development Department	Estonian Maritime Administration Lume 9, Tallinn
12.00 – 13.00	Lunch break	All Auditors	
13.00 – 16.00	<ul style="list-style-type: none"> <li>Implementation of survey, PSC, Flag State inspection policies</li> </ul>	Auditor 1  Head of Ship Supervision Department	Estonian Maritime Administration Lume 9, Tallinn
13.00 – 17.00	<ul style="list-style-type: none"> <li>PSC inspections in 2 Estonian ports</li> <li>Reception facilities</li> </ul>	Auditors 2 + 3  PSC officers	Port to be determined



Friday 22 October 2010			
Time	Activity	Participants	Division and Location
09.30 – 12.00	<ul style="list-style-type: none"> <li>• <i>Aids to navigation</i></li> <li>• <i>Navigational warnings</i></li> <li>• <i>MET &amp; Hydrography</i></li> </ul>	Auditors 1+2  Deputy Head of Hydrography and Aids to Navigation Division Heads of Hydrography, Cartography and Aids to Navigation Departments	Estonian Maritime Administration Valge 4, Tallinn
09.30 – 12.00	<ul style="list-style-type: none"> <li>• <i>VTS</i></li> <li>• <i>Training policies for VTS</i></li> <li>• <i>AIS</i></li> <li>• <i>LRIT</i></li> </ul>	Auditor 3  Head of Vessel Traffic Management Department Head of Development Department	Estonian Maritime Administration Valge 3, Tallinn
12.00 – 13.00	• Lunch break	<b>All Auditors</b>	
13.00 –	Debriefing and private meeting  Outstanding issues	All auditors	Estonian Maritime Administration Valge 4, Tallinn

Monday 25 October 2010			
Time	Activity	Participants	Division and Location
10.00 – 12.30	Closing Meeting  Submission of draft interim report plus findings.	All Auditors  All Member State representatives	Ministry of Economic Affairs and Communications Harju 11, Tallinn A saal

## **APPENDIX 2**

### **IMO VOLUNTARY MEMBER STATE AUDIT SCHEME**

**AUDIT OF ESTONIA 18 – 25 OCTOBER 2010**

#### **AGENDA - OPENING MEETING**

**1000, 18 OCTOBER 2010**

**MINISTRY OF ECONOMIC AFFAIRS AND COMMUNICATIONS TALLINN**

1. Introductions
2. Purpose of the Audit
3. Audit timetable and Audit Scope
4. Audit procedures and documentation
5. Liaison and facility arrangements
6. Confidentiality of findings and record keeping
7. Closing meeting arrangements
8. Any Other Business

# **IMO VOLUNTARY MEMBER STATE AUDIT SCHEME**

**AUDIT OF ESTONIA 18 – 25 OCTOBER 2010**

**AGENDA - CLOSING MEETING**

**1000, 25 OCTOBER 2010**

**MINISTRY OF ECONOMIC AFFAIRS AND COMMUNICATIONS TALLINN**

1. Introductions
2. Review of purpose, scope and objectives of the audit
3. Review of Findings
4. Presentation of report
5. Next steps
6. Confidentiality of findings and record keeping
7. Acknowledgements
8. Any remaining business

# IMO VOLUNTARY MEMBER STATE AUDIT SCHEME

AUDIT OF ESTONIA MARITIME AUTHORITY 18 – 25 OCTOBER  
2010

## PARTICIPANTS - OPENING MEETING

1000, 18 OCTOBER 2010

MINISTRY OF ECONOMIC AFFAIRS AND COMMUNICATIONS  
TALLINN

PARTICIPANT	POST HELD IN ADMINISTRATION
<i>Gerli Koppel</i>	<i>Executive Officer of Maritime Division</i>
<i>Maria Hest</i>	<i>Executive Officer of Maritime Division</i>
<i>Claudia Laitin</i>	<i>Ministry of the Environment</i>
	<i>Maritime Environment Department</i>
ANTON MERITS	Executive Officer of the Maritime Division
TOOMAS HAIDAK	Head of transport development division MoEAC
RUTH ANNUS	Head of Migration and Border Policy Dept. MoE
PRIIT LÖÖPER	Advisor of EMA
MAREK RAUD	Head of Ship Supervision Department
RENE SIRO	Deputy Director General, Head of maritime safety division of EMA
SERBAN BERDEU	IMO Auditor, Member State (ROMANIA)
JULIAN ABIL	IMO AUDITOR (SPAIN)
KATRIN ALLIKSAAR	COUNSELLOR, Legal Department (Ministry of Ec. Affairs)

# IMO VOLUNTARY MEMBER STATE AUDIT SCHEME

AUDIT OF ESTONIA MARITIME AUTHORITY 18 – 25 OCTOBER  
2010

## PARTICIPANTS - CLOSING MEETING

1000, 25 OCTOBER 2010

MINISTRY OF ECONOMIC AFFAIRS AND COMMUNICATIONS  
TALLINN

PARTICIPANT	POST HELD IN ADMINISTRATION
Gerli Koppel	Executive Officer, Maritime Division
Marilyn Must	Executive Officer, Maritime Division
SERBAN BERESCU	ATH (ROMANIA)
JULIAN ABRIL	ATM (SPAIN)
RENE SIROL	ESTONIAN MARITIME ADMINISTRATION
MAREK RAUK	— — —
RIIT LÖÖPER	— — —
KALMER JÜTT	Estonian Police and Border Guard Board
HATT ILA	— — —
TOOMAS HALDAR	MEAC
ANTON MERITS	Executive Officer, Maritime Division
SILVER VAHTRA	Councillor, Govt of Est
AGNES VILLMANN	Senior Officer of the Ministry of the Environment
SULEV NEMANIN	Director General, MARINE ENVIRONMENT DEPT. Min. of Environ- ment

Appendix 4

**To the AGREEMENT GOVERNING THE DELEGATION OF STATUTORY  
CERTIFICATION SERVICES FOR VESSELS REGISTERED IN ESTONIA**

**Between  
ESTONIAN MARITIME ADMINISTRATION  
and  
BUREAU VERITAS**

**Dated 7.06.1996 with effect from 7.06.1996 covering the:**

**APPLICABLE INSTRUMENT and DEGREE OF AUTHORIZATION**

- 1 BV is hereby authorized as listed below to carry out statutory certification services on behalf of the Administration with respect to vessels and mobile offshore units, registered in ESTONIA.

The following three types of authorizations apply as noted:

- F: Full authorization to perform plan review, approve and inspect materials and equipment and carry out surveys and issue and/or revoke necessary interim and full term certificates.
- P: Partial Authorization to perform plan review, carry out surveys and possible issue of interim certificates. (Specific guidance to be provided by the Administration and full term Certificate is to be issued by the Administration).
- L: Limited Authorization to account for other special categories not covered by the above, such as case-by-case authorization or geographical limitations.

- 2 The listing of Instruments and type of Authorization is as follows:

		Type of Authorization
2	SOLAS Convention 1974 and Protocol 1988, as amended	
	Approval of drawings, calculations, specifications, manuals, materials and equipment	F
2.1	Cargo Ship Safety Construction Certificate	F
	Stability documentation	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
	Exemption certificate	L
2.2	Cargo Ship Safety Equipment Certificate	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
	Exemption certificate	L
2.3	Cargo Ship Safety Radio Certificate	F
2.4	Passenger Ship Safety Certificate	F
	Initial survey and issuance of certificate	F
	Renewal survey and renewal of certificate	F
	Exemption certificate	L
2.5	Carriage of Liquefied Gases in Bulk	F
2.5.1	Certificate of ships built prior to 31 September 1976	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
	Exemption certificate	L

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		Type of Authorization
2.5.2	Certificate for ships built after 31 September 1976 but before 1 July 1986	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
	Exemption certificate	L
2.5.3	International certificate for ships built after 1 July 1985, IGC Code	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
	Exemption certificate	L
2.6	<b>Carriage in Bulk of Dangerous Chemicals</b>	F
2.6.1	Certificate for ships built before 1 July 1986, BCH Code	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
	Exemption certificate	L
2.6.2	International certificate for ships built after 1 July 1986, IBC Code	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
	Exemption certificate	L
2.7	<b>Grain Loading Declaration</b>	F
2.8	<b>Document of Compliance with the Special Requirements for Ships carrying Dangerous Goods</b>	F
3	<b>ISM CODE</b>	
	Assessment and issuance of certificates	L
4	<b>INTERNATIONAL SHIP AND PORT FACILITY SECURITY (ISPS) CODE</b>	
4.1	<b>International Ship Security Certificate</b>	L
	Approval of ship security plan	L
	Initial verification and issuance of certificate	L
	Renewal, annual, intermediate and additional verification and renewal/endorsement of certificate	L
5	<b>MARPOL Convention 1973/78, as amended</b>	
	Approval of drawings, calculations, specifications, manuals, materials and equipment	F
5.1	<b>International Oil Pollution Prevention Certificate, Annex I</b>	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
	Exemption certificate	L
5.2	<b>International Pollution Prevention Certificate for Carriage of Noxious Liquid Substances in Bulk (NLS), Annex II</b>	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
	Exemption certificate	L
5.3	<b>Approval of Damage Stability (Reg. 15)</b>	F
5.4	<b>International Sewage Pollution Prevention Certificate, Annex IV</b>	F
	Initial and renewal survey and issuance of certificate	F
5.5	<b>International Air Pollution Prevention Certificate, Annex VI</b>	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
6	<b>INTERNATIONAL REGULATIONS ON PREVENTING COLLISIONS AT SEA, 1972</b>	
	Approval of drawings, calculations, specifications, manuals	F

		Type of Authorization
7	<b>INTERNATIONAL CONVENTION AND TONNAGE MEASUREMENT OF SHIPS, 1969</b>	
	Measurement of ships and calculation	F
	Issuance of International Tonnage Certificate (1969)	F
8	<b>ILO CONVENTIONS</b>	
8.1	<b>ILO conventions on Accommodation of Crews, No. 92, 133</b>	
	Approval of drawings and specifications	F
	Initial survey and survey report	F
8.2	<b>ILO Cargo Gear Convention, No. 152</b>	
	Survey and issuance of certificates	F
9	<b>INTERNATIONAL CONVENTION ON LOAD LINE, 1966 AND PROTOCOL 1988, as amended</b>	
	Approval of drawings, calculations, specifications, manuals	F
	Approval of intact stability (Reg. 10.2 and 27)	F
	Initial survey and issuance of certificate	F
	Renewal, and annual survey, renewal/endorsement of certificate	F
	Exemption certificate	L
10	<b>MOBILE OFFSHORE DRILLING UNIT CODE, 1989</b>	
	Approval of drawings, specifications and calculations	F
	Initial survey and issuance of certificate	F
	Renewal, annual survey, renewal/endorsement of certificate	F
11	<b>CODE OF SAFETY FOR DYNAMICALLY SUPPORTED CRAFT</b>	
11.1	Construction and Equipment Certificate	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
11.2	Dynamically Supported Craft Permit to Operate	F
12	<b>INTERNATIONAL CODE OF SAFETY FOR HIGH SPEED CRAFT</b>	
12.1	High Speed Craft Safety Certificate	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
	High Speed Craft Permit to Operate	F
13	<b>CODE OF SAFETY FOR SPECIAL PURPOSE SHIP</b>	
13.1	Special Purpose Ship Safety Certificate	F
	Initial survey and issuance of certificate	F
	Renewal, annual and intermediate survey and renewal/endorsement of certificate	F
14	<b>INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS, 2001 (REGULATION (EC) No 782/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 April 2003)</b>	
14.1	International Anti-Fouling System Certificate	F

- 3 The present Appendix 4 comes into effect on 31.08 2006 and supersedes Appendix 3 dated 10.06.2004, except for ISM Code which comes into effect on 01.11.2006 and ISPS Code which comes into effect on 01.01.2007.

For BUREAU VERITAS

Bernard ANNE  
Executive Vice President  
Managing Director / Marine Division

31.08 2006

For ESTONIAN MARITIME  
ADMINISTRATION

Andrus Maidu  
Director General

16.08 2006

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