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LEG.1/Circ.7
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**GUIDELINES ON THE ORGANIZATION AND METHOD
OF WORK OF THE LEGAL COMMITTEE**

- 1 The Legal Committee, at its ninety-ninth session (16 to 20 April 2012), agreed to amendments to its Guidelines on the organization and method of work to reflect the decision of the Council, at its twenty-sixth extraordinary session (November 2011), to incorporate a checklist for identifying administrative requirements and burdens. The checklist has been added as annex 4, and suitable footnotes have been inserted at the end of paragraphs 4.7.4 and 4.11.6.
- 2 Member Governments are invited to apply the annexed revised Guidelines, as appropriate, and to bring them to the attention of their representatives to meetings of the Legal Committee, advising them to observe the Guidelines strictly.
- 3 This circular revokes circular LEG.1/Circ.6.

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GUIDELINES ON THE ORGANIZATION AND METHOD OF WORK OF THE LEGAL COMMITTEE

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1 INTRODUCTION

Purpose and application

1.1 The purpose of these Guidelines is to provide a uniform basis for the Legal Committee to conduct its work in an efficient and effective manner and to strengthen the linkage between the Organization's strategy, the work of the Committee and the biennial budget with a view to achieving IMO's objectives and the priorities over a biennium.

1.2 Proper application of the Guidelines will also enhance the ability of Committee members to cover the full spectrum of IMO activities relevant to their work and thus provide for their effective participation in the rule-making process of the Organization. It is also expected that the Guidelines will enable the Committee to further improve its decision-making functions.

1.3 The Guidelines are applicable to the work of the Committee as well as to working groups, drafting groups and correspondence groups. The Chairmen of the Committee and of working groups, drafting groups and correspondence groups should make all efforts to ensure strict compliance with the Guidelines.

1.4 The Guidelines will be kept under review and they will be updated as necessary in the light of experience gained in their application, taking into account the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1013(26)), as may be amended.

Objectives

- 1.5 The provisions of these Guidelines are aimed at achieving the following objectives:
- .1 to align and strengthen the planning and reporting processes by more clearly linking agenda setting and reporting to the Strategic Plan and High-level Action Plan;
 - .2 to strengthen the linkage between the planned outputs and the resources required to deliver the outputs;
 - .3 to facilitate the efforts of the Committee in controlling and monitoring the Organization's work;
 - .4 to promote a greater understanding and assimilation of the interconnections between the Strategic Plan and High-level Action Plan and the planned outputs;
 - .5 to promote a new culture and discipline in adherence to the planning procedures and Guidelines;
 - .6 to promote objectivity, clarity and realistic time frames in the establishment of biennial agendas by the Committee;
 - .7 to ensure maximum possible participation of all Member States and organizations with observer status in the work of the Committee; and
 - .8 to establish responsibilities and promote involvement in the planning and reporting processes of the Organization.

2 DEFINITIONS

2.1 For the purposes of the Guidelines, as appropriate, the following definitions will apply:

- .1 *Strategic Plan* is the Strategic Plan for the Organization for the six-year period adopted by the Assembly, which includes key strategic directions to enable IMO to achieve its mission objectives.
- .2 *High-level Action Plan* is the High-level Action Plan of the Organization and the biennium's priorities, as adopted by the Assembly, which enables the Organization to effectively address strategic directives, identifies high-level actions necessary to achieve the IMO objectives and priorities over a biennium; and provides the linkage between the Organization's strategy, the work of the various IMO organs and the biennial budget.
- .3 *Planned output* is a product planned in the High-level Action Plan to be delivered by the Organization during a biennium.
- .4 *Unplanned output* is a product that may be agreed by the Committees to be delivered during a biennium after the adoption of that biennium's High-level Action Plan.
- .5 *Provisional agenda* is a list of outputs for discussion at a particular meeting.
- .6 *Biennial agenda* is a list of planned outputs to be delivered during a biennium by the Committee.
- .7 *Post-biennial agenda* is a list of accepted outputs to be delivered or initiated beyond a current biennium.

3 COORDINATION OF WORK

3.1 The Committee should function as a policy-making body and its working, drafting or other groups as purely technical bodies.

3.2 The Committee should routinely examine its planned and accepted outputs.

3.3 The Committee should regularly review the status of all conventions, protocols and other major instruments under its purview.

3.4 When an issue is transferred to the Committee by another Committee of the Organization for specific action, the Committee, before including the subject in question in the biennial agenda, must decide that the provisions of section 4, as appropriate, are fully satisfied, even if the issue, in accordance with the criteria of the referring Committee, satisfies the requirements of resolutions A.500(XII), A.777(18) and A.900(21).

4 WORK PLANNING AND DELIVERY PROCESS

Planned outputs

4.1 The Committee should identify, in a timely manner, the products to be included as planned outputs in the High-level Action Plan for the coming biennium, as such identification provides a basis for making an estimate of the budget required for that biennium.

4.2 In the process of making a proposal for planned outputs for inclusion in the High-level Action Plan, due account should be taken, inter alia, of:

- .1 planned outputs, the delivery of which, have been postponed from a prior biennium;
- .2 final outputs that may need to be produced following the delivery of related interim outputs in a prior biennium;
- .3 any specific requirement to review the effectiveness of planned outputs delivered in a prior biennium;
- .4 accepted outputs on the post-biennial agendas; and
- .5 new planned outputs.

4.3 Decisions on the inclusion of planned outputs in the High-level Action Plan for the coming biennium should be guided by the strategic directions and high-level actions established in the Strategic Plan and the High-level Action Plan, and should take due account of:

- .1 the anticipated workload of the Committee;
- .2 the demonstrated urgency to deliver the output;
- .3 the personnel and budgetary resources available; and
- .4 the potential adverse impact of a decision as to whether or not to include an output on the ability of the Organization to meet its objectives.

4.4 Such planned outputs may be revised during the biennium by the Committee, taking into account the provisions of paragraph 4.3, if subsequently endorsed by the Council.

4.5 An overview of the Organization's strategic planning process and its steering and reporting flows are shown in diagrams 1 and 2 contained in annex 1 to the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1013(26)).

Unplanned outputs

General

4.6 The Committee, in determining inclusion of unplanned outputs, should at all times be guided by the strategic directions and high-level actions established in the Strategic Plan and the High-level Action Plan, as shown in diagram 3 contained in annex 1 to the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1013(26)), and should, in particular, take due account of:

- .1 the potential impact inclusion of an unplanned output may have on the timely delivery of outputs planned in the current High-level Action Plan;
- .2 the potential impact inclusion of an unplanned output may have on the workload of the Committee;
- .3 the personnel and budgetary resources available; and

- .4 the potential adverse impact of a decision as to whether or not to accept a proposal for inclusion of an unplanned output on the ability of the Organization to meet its objectives.¹

Submission of proposals for unplanned outputs

4.7 To enable the Committee to carry out a proper assessment of proposals for inclusion of unplanned outputs, submissions containing such proposals should, at a minimum, contain the information, including demonstration and documentation, as follows:

- | | | |
|----|----------------------------------|--|
| .1 | IMO's objectives: | Provide evidence whether and how the proposal:

.1 is within the scope of IMO's objective; and

.2 is strictly related to the scope of the Strategic Plan and contributes to the implementation of the high-level actions established in the Strategic Plan. |
| .2 | (Compelling) need: | Demonstrate and document:

.1 the need for a proposed measure; and

.2 the compelling need for a proposal for a new convention or an amendment to an existing convention. |
| .3 | Analysis of the issue: | Provide an analysis of the proposed measure, including a plausible demonstration of its practicability, feasibility and proportionality. |
| .4 | Analysis of implications: | Provide an analysis of the implications of the proposal, addressing the cost to the maritime industry as well as the relevant legislative and administrative burdens. ² |
| .5 | Benefits: | Provide evidence that the benefits vis-à-vis enhanced maritime safety, maritime security or protection of the marine environment expected to be derived from the inclusion of the new item justify the proposed action. |
| .6 | Industry standards: | Provide information on whether adequate industry standards exist or are being developed. |
| .7 | Output: | Specify the intended output in SMART terms (specific, measurable, achievable, realistic, time-bound). If a final output cannot be specified in the submission for a proposal for inclusion of an unplanned output, an interim output to be produced before the end of the current biennium should be specified in SMART terms. |

¹ Refer to the IMO Risk Management Framework (C 100/3(b), appendix 1).

² See annex 4 – Checklist for identifying administrative requirements and burdens.

- .8 **Priority/urgency:** Provide, with reference to the current Strategic Plan and High-level Action Plan, evidence on:
- .1 the urgency of the proposed unplanned output;
 - .2 the date that the proposed unplanned output should be completed; and
 - .3 timescale needed for the IMO organ to complete the work.
- .9 **Action required:** Specify the action required by the IMO organ.

4.8 Member Governments should refrain from submitting to the Committee proposals for unplanned outputs under specific agenda items and the Secretariat should not accept such submissions and advise the submitting Administrations accordingly.

Preliminary assessment by the Committee's Chairman of proposals for unplanned outputs

4.9 In order to facilitate consideration of proposals for inclusion of an unplanned output by the Committee, the Chairman should undertake a preliminary assessment of such proposals. The Chairman should, for that purpose, be supported by the Vice-Chairman and the Secretariat.

4.10 The outcome of the preliminary assessment should be submitted to the Committee for consideration and approval, and should include the Chairman's appraisal of:

- .1 whether the proposal complies with the requirements for the submission of proposals for unplanned outputs, as specified in paragraph 4.7;
- .2 whether the proposal complies with the criteria specified in paragraph 4.11;
- .3 whether the demonstrated urgency of the proposal requires its inclusion in the biennial agenda; and, if so,
- .4 to what extent the general criteria specified in paragraph 4.6 should be taken into account.

Assessment of proposals for unplanned outputs

4.11 Before deciding to include an unplanned output in its biennial agenda, the Committee should carry out a comprehensive and thorough assessment of such proposals, taking into account resolutions A.500(XII), A.777(18) and A.900(21). The assessment should at least include a test against the following criteria:

- .1 Is the subject addressed by the proposal considered to be within the scope of IMO's objectives and the Strategic Plan for the Organization?
- .2 Does the proposal contribute to the high-level actions established in the High-level Action Plan?
- .3 Does the proposal involve the exercising of functions conferred upon the Committee by or under any international convention or related instrument?

- .4 Has a need – or, in the case of proposals calling for new conventions or amendments to existing conventions, a *compelling* need – for the measure been demonstrated and documented?
- .5 Has an analysis been provided that demonstrates and documents the practicality, feasibility and proportionality of the proposed measure?
- .6 Has the analysis of the issue sufficiently addressed the cost to the maritime industry as well as the relevant legislative and administrative burdens?³
- .7 Do the benefits expected to be derived from the inclusion of the proposed unplanned output justify such action?
- .8 Do adequate industry standards exist or are they being developed, thereby reducing the need for action within IMO?
- .9 Has the intended output been properly specified in SMART terms (specific, measurable, achievable, realistic, time-bound)?
- .10 Does the proposal properly demonstrate the urgency of the action proposed, and does it plausibly demonstrate that and why the unplanned output should be included in the biennial agenda?
- .11 Would a decision not to accept the proposal pose an unreasonable risk to the Organization's overall objectives?

Nothing in these Guidelines should prohibit the Committee from taking immediate action on urgent matters if the risk of not acting will adversely impact on the Organization's ability to meet its objectives.⁴

Acceptance and inclusion of unplanned outputs in the biennial or post-biennial agendas of the Committees

4.12 Based on its assessment in accordance with paragraph 4.11, having taken due account of the Chairman's appraisal of the proposal, the Committee may decide:

- .1 to include the proposed unplanned output, together with a target date for completion, in its biennial agenda, if and after it has been satisfied that the implications for the present workload and planning may be considered acceptable; or
- .2 to include the proposed unplanned output, together with the timescale for completion, in its post-biennial agenda, if the implications for the present workload and planning are considered to be unacceptable; or

³ Refer to the checklist in annex 4, which should be completed by all proponents of unplanned outputs and attached to their proposals for consideration by the Committee. The Committee may also use the checklist in annex 4, before adopting new, or amending existing, mandatory instruments, in order to satisfy itself that administrative requirements have been minimized to the greatest extent possible.

⁴ Refer to the IMO Risk Management Framework (C 100/3(b), appendix 1).

- .3 upon its conclusion that the proposal is *not* within the scope of the current Strategic Plan and should, therefore, not be accepted for inclusion, to invite the proponent(s) to submit the proposal to the Council, including a substantiated proposal for adjustment of the Strategic Plan.

4.13 Upon a decision by the Committee to include a proposed unplanned output in its post-biennial agenda, the Committee should include the accepted output and the timescale for completion in its proposals for the High-level Action Plan of the next biennium.

4.14 In order to maintain a balance between effective control and the need for flexibility in addressing emerging trends, developments and challenges within the Organization's mandate, any decision to include unplanned outputs in the current High-level Action Plan should be endorsed by the Council (see also paragraph 4.16).

4.15 In pursuance of resolution A.998(25), the Committee should assess the implication for capacity-building and technical co-operation and assistance, initiated at the acceptance of a proposal for the unplanned output concerning new, or amendments to existing, mandatory instruments, against the criteria for identification of capacity-building implications, set out in annex 1.

Other principles on unplanned outputs

4.16 The Committee should report on its decisions on proposals for inclusion of unplanned outputs in its regular reports to the Council, for its endorsement and in order to facilitate the monitoring by the Council of the delivery of the current biennial agendas and the planning of future work.

4.17 Proposals for the inclusion of unplanned outputs submitted by non-governmental organizations should be co-sponsored by Governments. Notwithstanding the above, such organizations should not be restrained from submitting comments and recommendations on outputs on the provisional agenda of the Committee, thus providing expert advice, contributing to the discussion and enabling the Committee to reach optimal decisions.

4.18 Follow-up action in response to specific requests for action emanating from the Assembly and diplomatic conferences convened by IMO, United Nations conferences and bodies, regional intergovernmental conferences and other international and intergovernmental organizations, etc., should be evaluated in the light of paragraph 4.3 of these Guidelines, unless they are specifically identified as, and demonstrated to be, urgent matters.

4.19 The High-level Action Plan may specify certain IMO activities that are dictated by the need to take action on specific areas of maritime safety, maritime security, environmental protection and maritime law, irrespective of any order of priority.

Additional considerations

4.20 Submissions to the Committee highlighting problems or shortcomings should, in general and where possible, also suggest appropriate solutions thereto.

4.21 Planned or unplanned outputs for which extensive work is required, should, when appropriate, be placed on the provisional agenda of alternate sessions of the Committee to allow adequate time for the preparatory work of delegations.

4.22 In respect of subjects requiring research, contributions from other organizations and appropriate entities should be encouraged and taken into account. Exchange of information on technological development should be encouraged.

4.23 In the context of resolution A.911(22) – *Uniform wording for referencing IMO instruments*, the Committee should be guided in its work, as appropriate, by the Guidelines annexed thereto.

4.24 Substantial modifications to draft amendments to mandatory instruments being considered by the Committee with a view to adoption should only be accepted for discussion if they have been submitted in writing. However, in exceptional circumstances where the draft amendments under consideration include significant discrepancies or omissions, or where serious difficulties in their application can be foreseen, the Committee may accept to discuss oral proposals aiming at resolving any problems identified.

Management, control and reporting

4.25 In implementing the High-level Action Plan, proper management and control mechanisms should ensure that:

- .1 both biennial agendas and agendas are clearly linked to the Strategic Plan and the High-level Action Plan;
- .2 the competing demands of the Strategic Plan and the High-level Action Plan can be prioritized within the resource constraints of the Organization and its membership;
- .3 the Organization's response to changes in the environment within which it operates is consistent with the Strategic Plan and the High-level Action Plan; and
- .4 monitoring and reporting is such that progress on biennial agendas is explicitly linked to progress on the production of planned outputs.

4.26 In order to provide a transparent link between the Strategic Plan and the Organization's work, the following principles should be applied:

- .1 the planned outputs included in the High-level Action Plan should explicitly form the basis of the biennial work of the Committee, taking into account the budget of the Organization;
- .2 the agenda and biennial agenda of the Committee should only contain planned outputs included in the High-level Action Plan;
- .3 the biennial agenda for the Committee should follow format 1, set out in annex 2;
- .4 for outputs with a target completion date beyond the current biennium, the High-level Action Plan should specify the planned interim output at the end of the biennium;
- .5 target completion dates in the biennial agenda format in annex 2 (format 1) should specify the year of planned completion within the current biennium;

- .6 continuous outputs are discouraged but, in those cases where they are deemed inevitable, efforts should be made to specify their expected interim outputs at the end of the current biennium; and
- .7 documents submitted to the Committee should clearly and substantively demonstrate the direct relation between the proposals therein and the planned output to be accomplished under the relevant agenda item, based on the High-level Action Plan.

4.27 In order to ensure transparent and efficient monitoring and reporting, a uniform format should be used for reports on the status of planned outputs, as set out in annex 3. The Secretariat should also use that format in reporting to the Council on the status of its planned outputs.

4.28 Reports on the status of planned outputs included in the High-level Action Plan should constitute or be annexed to the reports of each session of the Committee, and to the biennial report of the Council to the Assembly. Such reports should separately identify unplanned outputs accepted for inclusion in the biennial agenda.

4.29 In preparing its own report, the Committee should consolidate therein all reports on the status of planned outputs which it has received since its previous report.

4.30 The Committee should establish and maintain a post-biennial agenda, using format 2 set out in annex 2. This should be annexed to the report of each session.

Responsibilities

4.31 The Committee and the Secretariat should ensure consistency and discipline in the administrative management of the planning and reporting cycle.

4.32 The Chairman, Vice-Chairman and Secretary of the Committee have a specific responsibility for the effective management of the planning and reporting cycle and for the consistent and rigorous application of these Guidelines and the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization*.

4.33 In order to fulfil the function in paragraph 4.32, a well-established cooperation and coordination is expected between the Chairman, Vice-Chairman and Secretary of the Committee by all available means, including face-to-face meetings and teleconferences, as deemed necessary.

5 WORKING ARRANGEMENTS

Working, drafting, correspondence, intersessional working and other groups

Working groups

5.1 The Committee should keep the number of working groups formed during its sessions to a minimum; however, a maximum of three working groups could be established, where necessary, bearing in mind the difficulties small delegations experience in being represented in such groups and the fact that such groups work without interpretation. When a working group has completed its task and has been terminated, another working group should not be convened in its place during the same session.

5.2 Where more than three working groups are needed to deal with different subjects in one session, the Committee should establish a priority order for possible subject items and decide accordingly. Where more than three unrelated topics need to be covered by independent working groups over several sessions, arrangements could be made for groups concerned to meet at alternate sessions of the Committee within the maximum of three groups per session.

5.3 Working groups may start work on the morning of the first day of the meeting on the basis of the draft terms of reference presented by the Chairman of the Committee, pending formal discussion of those terms of reference under the relevant agenda item. However, these measures should be an option and be decided at the meeting with caution. It should be encouraged that, whenever possible, terms of reference of working groups should be agreed at the previous sessions of the Committee. Another option would be that the draft terms of reference of working and drafting groups issued at the beginning of the session, in accordance with paragraph 5.18 of these Guidelines, also identify items on which the groups could start, if so decided, working on the morning of the first day of the meeting, without prior consideration of the related agenda items in plenary.

5.4 In principle, there should be no splinter group(s) of a working group. However, where the establishment of a splinter group(s) is necessary for the facilitation and efficiency of the work, the working groups should have a unanimous agreement on its establishment and the outcome of the group(s) work should be considered and agreed by members of the working group and incorporated in the report of the working group. Splinter group(s), if established, should meet outside normal working hours, unless the working group decides otherwise in view of the efficiency of the work.

5.5 When appropriate, working groups should make full use of the five working days of a session, submitting their reports to the next session of the Committee. When working group reports are to be prepared during a session, all efforts should be made to keep such reports as short as possible.

5.6 Permanent working groups should be avoided and, if there ever is a need for such a group, clear justification and appropriate terms of reference should be agreed.

Drafting groups

5.7 In addition to working groups, the Committee may form drafting groups. In no case should more than five groups (e.g. three working and two drafting groups) meet simultaneously during a session. If additional drafting groups are needed, they should meet outside normal working hours.

Correspondence groups

5.8 To facilitate the consideration of an issue, correspondence groups may be established by the Committee and instructed to work on the basis of a consolidated draft text prepared by a "lead country" or the Secretariat, thereby, through consultation between interested delegations by correspondence, decreasing the volume of documents submitted and processed, after the body concerned has agreed to consider the issue and has endorsed terms of reference for the group (see also paragraph 5.18).

5.9 Correspondence groups should utilize modern communications technology, such as the Internet, as much as possible.

5.10 The work of a correspondence group (e.g. the receipt and processing of comments and suggestions) should not pre-empt formal consideration of the relevant issue by the Committee or the positions taken by Member Governments or international organizations participating in the correspondence group.

5.11 In normal circumstances, the Committee should not establish more than three correspondence groups although this number may be increased where the urgency of the matter under consideration so justifies. Subgroups within a correspondence group should not be established. No official meetings of members of correspondence groups should be held without the prior approval of the Committee.

5.12 Participation in correspondence groups is open to all delegations (Governments and organizations) which can provide the necessary expertise on a timely basis or which have a particular interest in the issue under consideration. Any Member Government or international organization can join in the work of the correspondence group subsequent to the establishment of the group and any contribution should be accepted at any stage of the work of the group.

5.13 When establishing a correspondence group, a "lead country", "lead organization" or the Secretariat should be designated to coordinate the work of the group. Responsibilities of group coordinators should include:

- .1 preparation, maintenance and circulation of list of participants;
- .2 establishment of deadlines for the preparation of draft texts and receipt of comments and proposals thereon;
- .3 preparation and circulation of draft texts and comments thereon;
- .4 preparation and submission to the Secretariat of the report of the correspondence group including any consolidated draft texts (see paragraph 5.17); and
- .5 introduction of the above-mentioned report and consolidated draft texts to the Committee.

5.14 Responsibilities of participants should include:

- .1 active participation in the work of the group;
- .2 compliance with the deadlines established for the submission of comments on draft texts, proposals, etc.; and
- .3 relaying to other group members copies of comments, proposals, etc., submitted to the group coordinator.

5.15 The responsibilities of the Secretariat, in those cases where the Secretariat acts as a group coordinator, should be the same as those listed under paragraph 5.13 above. The Secretariat may also be requested to circulate consolidated draft texts, etc., on behalf of the group coordinator.

5.16 The results of work carried out by correspondence groups should normally take the form of a consolidated draft text reflecting the information received from members of the group. Such texts should be accompanied by a succinct report summarizing the work and indicating which members have provided input to the process. Where it has not been possible to prepare an agreed consolidated draft document, texts or issues on which there was a disagreement should be clearly indicated in the draft document or the report, as appropriate.

5.17 Correspondence groups' reports should be submitted to the first session of the Committee to meet following conclusion of the groups' work in time to meet the deadline established for consideration of substantive documents, in accordance with the provisions of paragraph 6.6. Normally the work of the correspondence groups should not overlap with sessions of the Committee. In case the group has not finalized its work in time to meet such a deadline, a progress report should be made to the Committee.

Terms of reference of working, drafting and correspondence groups

5.18 When working, drafting and correspondence groups are formed, draft terms of reference should be prepared following consultations between the Chairman of the Committee and the Secretariat for approval by plenary. In the case of working and drafting groups, the aforementioned draft terms of reference should be issued by the Secretariat at the beginning of the session for agreement by plenary before the groups in question start their work. Thereafter, the agreed terms of reference should not be modified or extended without the Committee's prior consent.

Intersessional working groups

5.19 Subject to approval by the Council, intersessional meetings of working groups may be convened without interpretation services. Intersessional meetings should only be held if considered to be absolutely essential and after careful consideration of their need by the Committee on a case-by-case basis, taking into account the priority and urgency of the specific matter such meetings will be invited to address. Intersessional meetings of such groups should be held at IMO Headquarters immediately before or after an agreed session of the Committee. Other arrangements may be considered; however, no arrangements should be made with respect to intersessional meetings until such meetings have been approved by the Committee.

6 PROCEDURES FOR PREPARATION AND SUBMISSION OF DOCUMENTS

Preparation of documents

6.1 Documents should be prepared in single spacing and be as concise as possible so as to facilitate their timely processing. In order to enhance the clear understanding of documents, the following should be observed:

- .1 all documents should be preceded by a brief summary prepared in the form, and containing the information indicated in the table below. Documents – especially proposals for the inclusion of an unplanned output – should demonstrate, where feasible, the linkages to the Strategic and High-level Action Plans by including, in the summary, references to the related strategic direction(s), high-level action(s) and planned output(s):

SUMMARY	
<i>Executive summary:</i>	This description should be brief, outlining the proposed objective (an amendment, an Assembly resolution, a circular, information only, etc.), and include information on whether a proposal will have any financial implications for the shipping industry or for the IMO budget.
<i>Strategic direction:</i>	A reference should be made to one or more relevant strategic directions in the Organization's Strategic Plan.
<i>High-level action:</i>	A reference should be made to one or more corresponding high-level actions in the Organization's High-level Action Plan.
<i>Planned output:</i>	A reference should be made to one or more corresponding planned outputs in the biennial's High-level Action Plan. If there is no corresponding planned output, an appropriate descriptive text should be included.
<i>Action to be taken:</i>	A reference should be made to the paragraph of the document which states the action to be taken by the Committee.
<i>Related documents:</i>	Other key documents should be listed to the extent they are known to the originator of the document.

- .2 substantive documents should conclude with a summary of the action the relevant body is invited to take; and
- .3 information documents should conclude with a summary of the information contained therein.

6.2 To facilitate their processing, documents should be accompanied by a USB flash drive, preferably in Microsoft Word using Arial font size 11. Documents may also be submitted via e-mail in Microsoft Word to IMO's e-mail address info@imo.org. Requirements for the submission of documents set out in paragraph 6.6 should also be applicable when such documents are submitted by electronic means.

6.3 Documents made available at IMO 13 weeks or more before a session should not be introduced in the plenary unless the Chairman decides that this is essential for the proper consideration of the matter concerned.

6.4 Reports of the Committee should, in general, contain, under each section only:

- .1 a summary of key documents and listing of other documents submitted by Governments, international organizations and the Secretariat;
- .2 a summary of views expressed during consideration of an item, which may have influenced the decision taken by the reporting body (thus not allowing the

reports to turn into summary records, and statements by delegations should be included therein only at their express request during the session); and

.3 a record of the decisions taken.

6.5 In drafting recommendations, codes or guidelines, cross references may, whenever possible, be made to texts and terminology previously developed by IMO or other organizations. This will avoid unnecessary duplication and will reduce the need for excessively detailed provisions and for subsequent harmonization.

Submission of documents

6.6 To ensure that all documents are available at IMO Headquarters in all three working languages well in time before a session of a Committee or subsidiary body, so as to enable the timely studying of documents and thus promoting the participation of all members in the decision-making process of the Committee, the following provisions should apply:

- .1 as a general rule, documents, other than information documents, should not contain more than 50 pages. In the case of reports from working, drafting or correspondence groups and in other exceptional circumstances, this number of pages may be exceeded, provided that the appropriate deadline for receipt of the document by the Secretariat, as specified in subparagraphs .2 and .3 below, is put back by one week for every 20 pages exceeding 50 pages;
- .2 documents containing proposals for inclusion of unplanned outputs should be received by the Secretariat not later than nine weeks before the opening of any session of the Committee. They should be made available at IMO Headquarters and the IMO documents website, in the Organization's three working languages, not later than four weeks before the opening of the session;
- .3 documents (including information documents) containing more than six pages of text (bulky documents) should be received by the Secretariat not later than nine weeks before the opening of any session of the Committee. They should be made available at IMO Headquarters and the IMO documents website, in the Organization's three working languages, except for information documents which should not be translated, not later than four weeks before the opening of the session;
- .4 non-bulky documents commenting on those referred to in subparagraphs .2 and .3 above, or on items already on the agenda should be received by the Secretariat not later than six weeks before the opening of any session of the Committee. They should be made available at IMO Headquarters and the IMO documents website, in the Organization's three working languages, not later than four weeks before the opening of the session;
- .5 notwithstanding the provisions of subparagraph .4 above, documents commenting on those referred to in subparagraphs .2, .3 and .4 above containing four pages or less should be processed if received by the Secretariat not later than five weeks before the opening of any session of the Committee. These documents should start with a paragraph clearly indicating the document on which comments are made and stating that the document is submitted in accordance with the provisions of paragraph 6.6.5 of the Guidelines. They should be made available at IMO Headquarters and the IMO documents website, in the Organization's three working languages, not later than three weeks before the opening of the session; and

- .6 non-bulky information documents should be received by the Secretariat not later than six weeks before the opening of any session of the Committee. They should not be translated and should be made available at IMO Headquarters and the IMO documents website not later than three weeks before the opening of the session. No action will be taken on the basis of an information document only, other than to take note of it.

6.7 The Secretariat should make every effort to ensure the timely posting of documents on the IMO documents website. Member Governments and international organizations should also endeavour to submit documents as early as possible and not just on the deadlines of the submission of documents.

6.8 The Secretariat should strictly apply the rules concerning the submission of documents and not accept late submissions from Governments or delegations. Any exemption from these provisions should have the prior authorization of the Chairman of the Committee following consultations with the Secretariat. In emergency circumstances requiring immediate action by the Committee, a document to that end consisting of no more than four pages should be received by the Secretariat not later than five weeks before the opening of the session of the body concerned and made available at IMO Headquarters, in the Organization's three working languages, not later than three weeks before the opening of the session. Such a document will be considered by the Legal Committee only if the Committee decides to do so at the opening of its session.

6.9 To save meeting time, information documents, and documents requiring no action other than for their content to be noted, should not be introduced in the plenary meetings of any IMO organ.

6.10 To reduce the number of pages for meetings, documents other than information documents, which contain more than 20 pages, should not be translated into all working languages in their entirety. They should include, for translation purposes, a summary of the document not longer than four pages, with the technical content submitted as an annex in the language needed by working groups (e.g. English)⁶.

6.11 All concerned should be continuously aware of the financial and environmental impact of the volume of documentation generated by IMO meetings and should limit, to the greatest possible extent, the number of pages of documents submitted to such meetings.

7 OBSERVANCE OF THE GUIDELINES

These Guidelines should be observed strictly. This will assist delegations in preparing adequately for each meeting and enhance their participation in the debate and decision-making process during meetings. It will also prevent delegations from experiencing difficulties when developing national positions on subjects on the agenda of the Legal Committee. Committee members should ensure that their experts attending meetings of working groups, drafting groups or correspondence groups are adequately informed and instructed on any action necessary to give effect to decisions made by the Legal Committee.

* * *

⁵ The text was inserted with the understanding that this restriction on translation would not limit the translation of a legal text (see paragraph 13.4(a) of document LEG 97/15).

ANNEX 1

PROCEDURES FOR THE ASSESSMENT OF IMPLICATIONS OF CAPACITY-BUILDING REQUIREMENTS WHEN DEVELOPING NEW, OR AMENDING EXISTING, MANDATORY INSTRUMENTS

1 INTRODUCTION

1.1 Assembly resolution A.998(25) cautions that, unless the Council, the Committees and their subsidiary bodies adopt a *cradle to grave* approach in relation to matters concerning capacity-building, technical co-operation and assistance, the chances of success in the ratification and effective implementation of IMO instruments may be reduced by the level of unpreparedness or lack of capacity that Governments, particularly of Small Island Developing States (SIDS) and Least Developed Countries (LDCs), experience at the point when implementation of such instruments is urgently required and, therefore, the development of this procedure is in keeping with the provisions of resolution A.998(25).

1.2 Assessment of capacity-building implications for the implementation of new, and/or amendment to existing, instruments is an iterative process that begins at the acceptance of the preliminary proposal and runs in parallel up to the process of its implementation.

1.3 The procedure does not prevent States from taking extra actions in promoting the advancement of the objectives of capacity-building through technical assistance or cooperation.

2 DEFINITIONS

For the purposes of this procedure, the following definitions apply:

2.1 *Planned output* is planned output as defined in paragraph 2.1.3 of the Guidelines.

2.2 *Unplanned output* is unplanned output as defined in paragraph 2.1.4 of the Guidelines.

2.3 *Capacity-building* are sustainable, social, economical or legal measures undertaken through various means for the purposes of a comprehensive transformation of the performance of an Administration or industry player to implement and therefore comply with new or amended instruments.

2.4 *Technical assistance* is a methodology of providing capacity-building rendered through bilateral and/or multilateral exchange of technical knowledge, resources or expertise to a party who has requested such assistance in order to enhance the technical capability of that party to implement existing, new or amended instruments.

2.5 Technical co-operation refers to a methodology of providing capacity-building through a multilateral effort to a group of cooperating countries of a particular region by the provision of training and exchange of expertise, knowledge and information in support of efforts aimed at the promotion of the implementation of existing, new and/or amended instruments.

2.6 *Instruments* refers to IMO Conventions and other treaties.

3 PURPOSE AND OBJECTIVES

3.1 The purpose of this procedure is to give effect to resolution A.998(25) aimed at enhancing efforts to promote universal implementation of IMO instruments.

3.2 This procedure is intended to assist in the identification and assessment of capacity-building implications in the following cases:

- .1 when the Committee has accepted a proposal for an unplanned output and/or on approval by the Committee of a new instrument;
- .2 during implementation of new instruments or amended instruments; and
- .3 during the scheduling of capacity-building measures or activities.

3.3 These procedures apply to the Committees of the Organization and they constitute a specific implementation response to resolution A.998(25).

3.4 The procedures aim at:

- .1 promoting universal ratification and compliance with newly adopted IMO instruments;
- .2 improving the level and quality of implementation of new and/or amended instruments; and
- .3 promoting as far as possible a balanced level of implementation of new instruments.

4 PROCEDURE

4.1 Committees should conduct an assessment of capacity-building implications by following the procedure in the flow chart in appendix 1.

4.2 Assessments of capacity-building implications should be initiated at acceptance of proposals for an unplanned output.

Preliminary assessment of capacity-building implications

4.3 In order to facilitate the assessment of capacity-building implications by the Committee, its Vice-Chairman should, in consultation with the Chairman and assisted by the Secretariat, undertake a preliminary assessment of capacity-building implications, utilizing the checklist for the assessment of the need for capacity-building contained in appendix 2.

4.4 The outcome of the preliminary assessment should be submitted to the Committee concerned for consideration. This should contain the Vice-Chairman's appraisal of:

- .1 whether there are or will be capacity-building implications or need for technical assistance;
- .2 list of possible implications; and
- .3 recommendations on the way forward.

Assessment of capacity-building implications

4.5 Following the preliminary assessment, the Committee should, if necessary, decide to convene the Ad hoc Capacity-building Needs Analysis Group (ACAG) to be chaired by the Vice-Chairman of that Committee. The ACAG should consider the preliminary assessment, taking into account comments and any further submissions thereto and, if appropriate, conduct further assessment and present its report and recommendations to the Committee.

4.6 The ACAG may refer a matter through the Committee for further consideration by another organ.

Post-assessment of capacity-building implications for implementation of new measures

4.7 When new measures have been approved, the Committee may request ACAG to conduct a post-assessment exercise using the criteria and mechanism contained in appendix 3 to identify issues requiring special focus when implementing technical co-operation and assistance activities.

4.8 Prepare a draft circular communicating possible capacity-building implications and recommendations of a course of action for consideration by the Organization, the membership and/or industry.

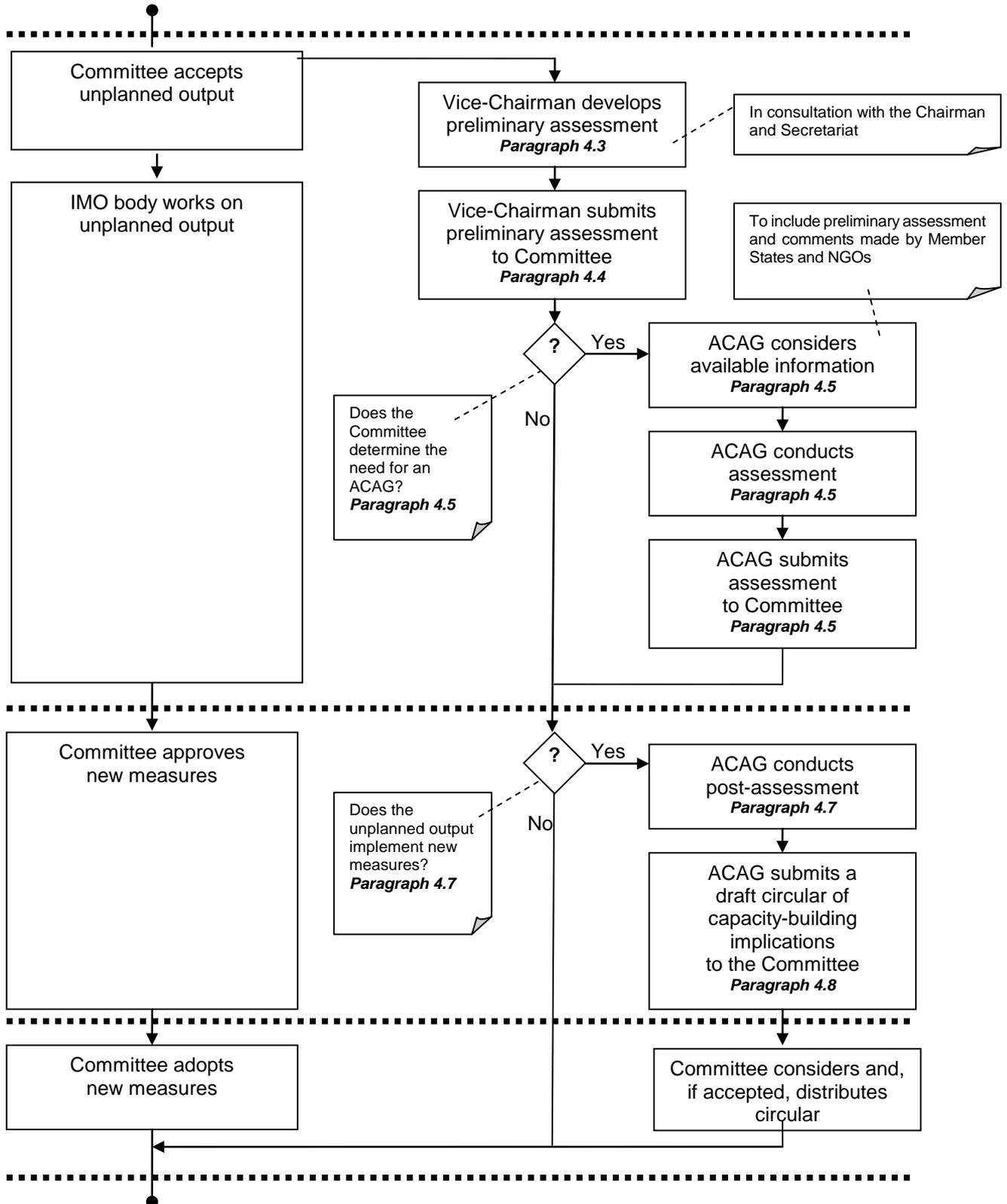
5 TERMS OF REFERENCE OF ACAG

5.1 In conducting assessment of capacity-building, the ACAG should be guided by the following:

- .1 consider the preliminary assessment of capacity-building and technical assistance actions;
- .2 make an assessment and, when new measures have been approved, a post-assessment of the capacity-building actions that may include technical assistance or technical co-operation required by Administrations for the implementation of the instrument;
- .3 in consultation with the industry and non-governmental organizations, make an assessment and, when implementing new measures, a post-assessment of the capacity-building actions that may be required or expected of the shipping industry for the implementation of the instrument; and
- .4 advise the Committee of the implications for capacity-building relating to a new instrument or the proposed amendment to existing instrument, whichever is being considered.

Appendix 1

IDENTIFICATION OF CAPACITY-BUILDING IMPLICATIONS FLOW CHART



Appendix 2

CHECKLIST FOR THE IDENTIFICATION OF CAPACITY-BUILDING IMPLICATIONS

1 For Administrations

- Is new legislation required?
- Is there a requirement for new equipment and or systems?
 - Does equipment manufacturing capacity exist internationally?
 - Do equipment repair/servicing facilities exist internationally?
 - Is there capacity to develop new systems?
- Will the implementation require additional financial resources?
- Is there a need for additional human resources or new skills?
- Will there be a need to upgrade current infrastructure?
- Is there enough lead-time towards implementation?
- Will there be a rapid implementation procedure adopted?
- Is there a substantial modification of existing standards?
- Will a guide to implementation be needed?

2 For the industry

- Would the industry require new and/or enhancement of existing systems?
 - Does capacity exist internationally to develop new systems?
- Is there a need for additional training of seafarers?
 - Do related and validated training courses exist?
 - Are there sufficient simulation training courses available internationally?
- Will there be a requirement for new equipment?
 - Does manufacturing capacity exist internationally?
- Is there repair/servicing and/or retrofitting and does maintenance capacity exist internationally?

Appendix 3

**CHECKLIST OF ISSUES REQUIRING SPECIAL FOCUS WHEN DEVELOPING
CAPACITY-BUILDING RELATED TO THE IMPLEMENTATION
OF NEW MEASURES**

Capacity-building Measures Form

Instrument _____

Measure number _____ **of** _____

Required for **Administration**
 Industry

Implementation **Prior to adoption**
 Once adopted
 Prior to entry into force
 Once ratified
 Phased in

**Description of capacity-building activity needed for the implementation of
new measures:**

* * *

ANNEX 2

FORMAT 1: BIENNIAL AGENDAS

(BLG as an example)

BULK LIQUIDS AND GASES (BLG)					
PLANNED OUTPUTS 2008-2009 (resolution A.990(25))		Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Target completion year
Number	Description				
1.1.2.1	IACS Unified Interpretations	MSC	BLG		
1.3.3.1	Hazard profiles and evaluation of newly submitted substances to be incorporated into the IBC Code	MEPC	BLG		
2.1.1.2 7.1.2.2	Development of guidelines for uniform implementation of the 2004 BWM Convention	MEPC	BLG		
5.2.1.1	Interim guidelines for gas-fuelled engine installations in ships (coordinated by BLG)	MSC	BLG	FP-DE	
5.2.3.1	Review of MSDS for MARPOL Annex I cargoes and marine fuels	MSC	BLG		
7.3.1.1	Review of MARPOL Annex VI and the NO _x Technical Code	MEPC	BLG		
7.1.2.13	Application of the requirements for the carriage of biofuels and biofuel blends	MEPC	BLG		

ANNEX 3

UNIFORM REPORTING FORMAT ON THE STATUS OF PLANNED OUTPUTS (EXAMPLE)

Planned output number in the High-level Action Plan for 2008-2009 ^a	Description	Target completion year ^b	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1 ^c	Status of output for Year 2 ^c	References ^d
2.1.1.1	Review of the Code for the investigation of marine casualties and incidents	2007 (for FSI) 2008 (for MSC)	MSC/MEPC	FSI		Completed	Completed	Resolutions MSC.255(84) and MSC.257(84); MSC-MEPC.3/Circ.2

Example used: Output 2.1.1.1 from resolution A.990(25) – New or amended mandatory IMO instruments: Safety and security topics (MSC) – Revised Code for the investigation of marine casualties and incidents adopted and implemented through the collection of investigation reports.

Notes:

- a When individual outputs contain multiple deliverables, the format should report on each individual deliverable.
- b The target completion date should be specified as a year, or indicate that the item is continuous. This should not indicate a number of sessions.
- c The entries under the "Status of output" columns are to be classified as follows:
 - "completed" signifies that the outputs in question have been duly finalized;
 - "in progress" signifies that work on the related outputs has been progressed, often with interim outputs (for example, draft amendments or guidelines) which are expected to be approved later in the same biennium;
 - "ongoing" signifies that the outputs relate to work of the respective IMO organs that is a permanent or continuous task; and
 - "postponed" signifies that the respective IMO organ has decided to defer the production of relevant outputs to another time (for example, until the receipt of corresponding submissions).
- d If the output consists of the adoption/approval of an instrument (e.g. resolution, circular, etc.), that instrument should be clearly referenced in this column.

* * *

ANNEX 4

CHECKLIST FOR IDENTIFYING ADMINISTRATIVE REQUIREMENTS AND BURDENS

The checklist for identifying administrative requirements and burdens should be used when preparing the analysis of implications required of submissions of proposals for inclusion of unplanned outputs. For the purpose of this analysis, the terms administrative requirements and burdens are defined as in resolution A.1043(27), i.e. administrative requirements is defined as an obligation arising from future IMO mandatory instruments to provide or retain information or data, and administrative burdens is defined as those administrative requirements that are or have become unnecessary, disproportionate or even obsolete.

Instructions:

(A) If the answer to any of the questions below is **YES**, the Member State proposing an unplanned output should provide supporting details on whether the burdens are likely to involve start-up and/or ongoing cost. The Member State should also make a brief description of the requirement and, if possible, provide recommendations for further work (e.g. would it be possible to combine the activity with an existing requirement).

(B) If the proposal for the unplanned output does not contain such an activity, answer **NR** (Not required).

1. Notification and reporting? Reporting certain events before or after the event has taken place, e.g. notification of voyage, statistical reporting for IMO Members, etc.	NR	Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing
Description: (if the answer is yes)		
2. Record keeping? Keeping statutory documents up to date, e.g. records of accidents, records of cargo, records of inspections, records of education, etc.	NR	Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing
Description: (if the answer is yes)		
3. Publication and documentation? Producing documents for third parties, e.g. warning signs, registration displays, publication of results of testing, etc.	NR	Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing
Description: (if the answer is yes)		
4. Permits or applications? Applying for and maintaining permission to operate, e.g. certificates, classification society costs, etc.	NR	Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing
Description: (if the answer is yes)		
5. Other identified burdens?	NR	Yes
Description: (if the answer is yes)		