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LEG.1/Circ.9
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**ORGANIZATION AND METHOD
OF WORK OF THE LEGAL COMMITTEE**

- 1 The Legal Committee, at its 105th session (23 to 25 April 2018), approved the revised document on the *Organization and method of work of the Legal Committee*, as set out in the annex, taking into account the document on the *Application of the Strategic Plan of the Organization* (resolution A.1111(30)).
- 2 Member Governments are invited to apply the annexed document with immediate effect, as appropriate, and to bring it to the attention of their representatives to meetings of the Legal Committee, advising them to strictly observe its provisions.
- 3 This circular revokes circular LEG.1/Circ.8.

ANNEX

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1 INTRODUCTION

Purpose and application

1.1 The purpose of this document 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 this document 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 document will enable the Committee to further improve its decision-making functions.

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

1.4 The document will be kept under review and will be updated as necessary in light of the experience gained in its application, taking into account resolution A.1111(30) on the *Application of the Strategic Plan of the Organization*, as may be amended.

Objectives

- 1.5 The provisions of this document are aimed at achieving the following objectives:
- .1 to align and strengthen the planning and reporting processes by linking agenda setting and reporting clearly to the Strategic Plan;
 - .2 to strengthen the linkage between outputs on the biennial agenda 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 discipline in adherence to the planning procedures and documents;
 - .5 to promote objectivity, clarity and realistic time frames in the establishment of biennial agendas by the Committee;
 - .6 to ensure maximum possible participation by all Member States and by organizations with observer status in the work of the Committee; and
 - .7 to establish responsibilities and promote involvement in the planning and reporting processes.

2 DEFINITIONS

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

- .1 *IMO organs* are the Council and committees of the Organization specified in Article 11 of the IMO Convention, including their subsidiary bodies.
- .2 *Strategic Plan* is the Strategic Plan for the Organization for the six-year period adopted by the Assembly, which contains strategic directions enabling IMO to achieve its mission.
- .3 *Output* is an item to be delivered by one or more IMO organs during the current biennium or accepted for a subsequent biennium.
- .4 *Agenda* is a list of outputs for discussion at a particular meeting.
- .5 *Biennial agenda* is a list of outputs to be delivered by an IMO organ during a biennium.
- .6 *Post-biennial agenda* is a list of outputs accepted by the Council or committees in one biennium that are to be delivered or initiated in the next biennium.

3 COORDINATION OF WORK

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

3.2 The Committee shall routinely examine its outputs, establish priorities, review the allocation of its meeting weeks and approve its biennial and provisional agendas, taking into account any recommendations made by the Committee's Chair as provided in paragraph 3.3.

3.3 The Committee's Chair shall, at the end of the first year of the biennium, submit to the Committee a plan covering the activities, priorities and meetings of the Committee for the coming biennium, for consideration in the subsequent year.

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

3.5 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, shall 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 the current Strategic Plan for the Organization.

4 WORK PLANNING AND DELIVERY PROCESS

Outputs

4.1 The Committee shall identify, in a timely manner, the outputs to be included in the list of outputs for the next biennium, and the Secretariat should develop its Business Plan, as such identification provides a basis for making an estimate of the budget required for that biennium.

4.2 In the process of constructing the list of outputs for the next biennium, the following should be included:

- .1 continuous and annual outputs within the current list of outputs; and
- .2 outputs that have not been completed.

Outputs from the post-biennial agenda should also be included, subject to resource availability. Any other proposals for new outputs may be included following their assessment in accordance with this document.

4.3 Decisions on the list of outputs for the next biennium shall be guided by the strategic directions in the Strategic Plan and shall take due account of:

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

4.4 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 The Committee, in determining the acceptance of an output and its inclusion on its biennial or post-biennial agenda, shall at all times be guided by the Strategic Plan, and shall, in particular, take due account of:

- .1 the specific necessity for an output to be started during the current biennium;¹
- .2 the potential impact that the inclusion of an output on the biennial agenda may have on the timely delivery of outputs during the biennium;
- .3 the potential impact that the inclusion of an output may have on the workload of the Committee;
- .4 the personnel and budgetary resources available;
- .5 the potential adverse impacts on the ability of the Organization to meet its objectives if a decision is made not to accept a proposal for inclusion of an output in the biennial or post-biennial agendas; and
- .6 the potential impact that the inclusion of an output may have on small island developing States (SIDS) and least developed countries (LDCs).

4.6 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 resolution A.1111(30) on *Application of the Strategic Plan of the Organization*.

¹ The normal action will be for outputs, if accepted, to be placed on the post-biennial agenda, and only in exceptional circumstances will outputs be added to the biennial agenda and current list of outputs.

Submission of proposals for new outputs

4.7 To enable the Committee to carry out a proper assessment of proposals for new outputs, submissions containing such proposals must, 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 mission; and
 - .2 contributes to the implementation of the strategic directions established in the Strategic Plan, if applicable. Outputs that are not directly related to the strategic directions can be accepted as "other work".
- .2 **Need:** Demonstrate and document:
 - .1 the need for the proposed output in terms of the risks or hazards which are considered necessary to be addressed;² and
 - .2 the evidence to support the perceived need.
- .3 **Analysis of the issue:** Provide an analysis of the proposed measure, including an assessment 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 (including the proposed method(s) of fulfilling any resulting administrative requirement).
- .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 and the intended relationship between such standards and the proposed output.
- .7 **Output:** Specify the intended output in SMART terms (specific, measurable, achievable, realistic and time-bound) including the scope of application. If work on an output is expected to go beyond one biennium, the expected deliverables for each biennium should be detailed.

² If the proposed output includes the development of a new convention or the amendment of an existing convention then the principles contained in resolutions A.500(XII) and A.998(25) on the demonstration of a "compelling need" should be respected.

- .8 **Urgency:** Provide, with reference to the current Strategic Plan, evidence of:
- .1 the urgency of the proposed output, including any proposal to include the proposed output on the biennial agenda; and
 - .2 the date that the proposed output should be completed.
- .9 **Action required:** Specify the action required by the IMO organ.

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

Preliminary assessment by the Committee's Chair of proposals for outputs

4.9 In order to facilitate consideration of proposals for outputs by the Committee, the Chair should undertake a preliminary assessment of such proposals. The Chair should, for that purpose, be supported by the Vice-Chair 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 Chair's appraisal of:

- .1 whether the proposal complies with the requirements for the submission of proposals for outputs, as specified in paragraph 4.7;
- .2 whether the proposal complies with the criteria specified in paragraph 4.11;
- .3 whether the demonstrated need of the proposal requires its inclusion in the biennial agenda; and, if so,
- .4 whether the agenda of the Committee can absorb the work associated with the output.

Assessment of proposals for outputs

4.11 Before deciding to accept a proposal for a new output, the Committee shall carry out an assessment of the proposal against the following criteria:

- .1 Is the subject addressed by the proposal considered to be within the scope of IMO's mission?
- .2 Does the proposal involve the exercise of functions conferred upon the Committee by or under any international convention or related instrument?
- .3 Has a need for the output been justified and documented?
- .4 Has an analysis been provided that justifies and documents the practicality, feasibility and proportionality of the proposed output?

- .5 Has the analysis of the issue sufficiently addressed the cost to the maritime industry as well as the relevant legislative and administrative burdens?³
- .6 Are the benefits that are expected to be derived from the inclusion of the proposed output clearly stated?
- .7 Do adequate industry standards exist or are they being developed?
- .8 Has the proposed output been properly specified in SMART terms (specific, measurable, achievable, realistic, time-bound)?
- .9 If inclusion of the output in the current biennium is proposed, is this action properly justified?
- .10 Would a decision to reject or postpone the commencement of the work in relation to the proposal pose an unreasonable risk to the Organization's overall mission?

4.12 Nothing in this document shall prohibit the Committee from taking immediate action on urgent matters if the risk of not acting will adversely affect the Organization's ability to meet its objectives.

Decision on acceptance and inclusion of outputs

4.13 Based on its assessment in accordance with paragraph 4.11, having taken due account of the Chair's appraisal of the proposal in accordance with paragraphs 4.9 and 4.10, the Committee may decide that:

- .1 the proposal is not within the scope of the mission of the Organization and should, therefore, not be accepted for inclusion;
- .2 the need has not been sufficiently demonstrated and therefore the output should not be included;
- .3 for outputs for which extensive work is required, such as the revision of conventions or the preparation of codes, the Chair should be invited, with the support of the Secretariat, to prepare a comprehensive and coherent plan of work in order to inform the Committee of the full impact of the proposed output before it finalizes its decision on the output;
- .4 the urgency of the proposed action did not justify inclusion within the current biennium, and therefore accept the output for inclusion in the next biennium;
- .5 the implications for the present workload of the Organization are unacceptable within the current biennium, and therefore accept the output for inclusion in the next biennium; or
- .6 the demonstrated need for the output is such that it should be included, together with a target date for completion, in the biennial agenda, provided the Committee is satisfied that the implications for the workload and planning are acceptable.

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

Mission	Need to carry out the work	Urgency to deliver the output	Work load/ personnel and budgetary resources	Decision
Within the mission of the Organization	Demonstrated	Justified	Implication of workload and planning are acceptable within the current biennium	Accept output for inclusion within the current biennium
			Implications for the present workload of the Organization are unacceptable within the current biennium	Accept output for inclusion in the next biennium
	Demonstrated	Not Justified	Acceptable to next biennium	Accept output for inclusion in the next biennium
	Not demonstrated	Not Justified	No need to further consider	Output not to be accepted for inclusion
Outside the mission of the Organization	No need to further consider	No need to further consider	No need to further consider	Output not to be accepted for inclusion

4.14 Following a decision by the Committee to include an output in its biennial or post-biennial agenda, it shall decide whether the output contributes to the delivery of a strategic direction. Outputs that are not directly related to the strategic directions can be accepted as "other work".

4.15 Following a decision by the Committee to include an output in its post-biennial agenda, the Committee shall include the output and the timescale for completion in its proposals for the list of outputs of the next biennium.

4.16 In order to maintain a balance between effective control and the need for flexibility in addressing urgent and unexpected challenges within the Organization's mandate, any decision to include a new output in the current list of outputs is subject to endorsement by the Council, prior to the initiation of work on such outputs.

Other principles on outputs

4.17 The Committee shall report on its decisions on proposals for outputs in its regular reports to the Council, for endorsement and in order to facilitate the monitoring by the Council of the delivery of the current biennial agenda and the planning of future work.

4.18 Proposals for the inclusion of outputs submitted to the Committee by non-governmental organizations shall be co-sponsored by Governments.

4.19 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. shall be evaluated in light of this document.

4.20 Following a decision by the Committee to include in its biennial or post-biennial agenda an output involving the amendment of mandatory instruments, it must, in keeping with the provisions of resolution A.998(25), initiate the assessment of any capacity-building and technical assistance pertaining to that item when work starts on the output, by following the procedure prescribed in annex 1.

Management, control and reporting

4.21 Management and control of the planning of, and reporting on the implementation of, the Strategic Plan are critical elements for measuring the Plan's effectiveness and transparency. Consequently, it is important that proper management and control mechanisms are in place to ensure that:

- .1 biennial agendas and agendas are both clearly linked to the Strategic Plan including the list of outputs;
- .2 the objectives of the Strategic Plan can be met 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
- .4 monitoring and reporting are such that progress on biennial agendas is explicitly linked to progress on the delivery of outputs.

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

- .1 the list of outputs shall – together with the Secretariat's Business Plan – form the basis of the biennial work of the Committee and the budget of the Organization;
- .2 the items contained in the agenda and biennial agenda of the Committee shall all be outputs in the list of outputs or included in the Secretariat's Business Plan;
- .3 the biennial agenda of the Committee shall follow format 1 set out in annex 2;
- .4 for outputs with target completion dates within the current biennium, the biennial agenda (see annex 2 (format 1)) shall specify the year of planned completion and include any tasks that are to be completed on an annual basis;
- .5 for an action that is expected to take more than one biennium to complete, the list of outputs shall specify the planned completion year; the Committee shall review the relevant output at the end of the biennium to assess the progress made and make a recommendation whether to include it in the next list of outputs;

- .6 continuous items are discouraged, but in those cases where they are deemed unavoidable it is still necessary for them to be given a "SMART" definition so that progress during the biennium can be assessed; and
- .7 documents submitted to the Committee shall clearly demonstrate the direct relation between the proposals they contain and the output to be delivered under the relevant agenda item, on the basis of the list of outputs.

4.23 In order to ensure transparent and efficient monitoring and reporting on the status of outputs, all reports shall be prepared in accordance with format 1 set out in annex 2. The Secretariat should also report to the Council on the status of its Business Plan.

4.24 Reports on the status of outputs included in the list of outputs shall 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 shall identify new outputs accepted for inclusion in the biennial agenda.

4.25 In preparing its own report, the Committee shall incorporate all reports it has received since its previous report on the status of outputs.

4.26 The Committee shall establish and maintain a post-biennial agenda, which shall follow format 2 set out in annex 2. This shall be annexed to the report of each session.

Responsibilities

4.27 Member States and the Secretariat shall ensure consistency and discipline in the administrative management of the planning and reporting cycle.

4.28 Accordingly, the Chair, Vice-Chair and Secretary of the Committee have a specific responsibility for the effective management of the planning and reporting cycle and for consistent and rigorous application of this document and the document on *Application of the Strategic Plan of the Organization* (resolution A.1111(30)).

4.29 In order to fulfil the function in paragraph 4.28, well-established cooperation and coordination are expected between the Chair, Vice-Chair and Secretary of the Committee by all available means, including through 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 Chair 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 this document, 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(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 5 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 the 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 Chair 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 output – should demonstrate, where feasible, the linkages to the Strategic Plan by including, in the summary, references to the related strategic direction(s) and 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.

SUMMARY	
<i>Strategic direction, if applicable:</i>	A reference should be made to one or more relevant strategic directions in the Organization's Strategic Plan or to other work undertaken by the Organization that is within its mission.
<i>Output:</i>	A reference should be made to one or more corresponding outputs in the biennial's Strategic Plan. If there is no corresponding 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 submitted on a USB flash drive or by email to info@imo.org, preferably in Microsoft Word using Arial font size 11. Hard copies of documents may also be submitted or requested, to facilitate processing of the document, e.g. by attachment of annexes to main texts, and to check that none of the text has been garbled during sending or conversion.

6.3 Documents made available at IMO 13 weeks or more before a session should not be introduced in the plenary unless the Chair 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 the 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 sub-paragraphs .2 and .3 below, is put back by 1 week for every 20 pages exceeding 50 pages;
- .2 documents containing proposals for inclusion of new outputs should be received by the Secretariat not later than 13 weeks before the opening of any session of the Committee. They should be made available at IMO Headquarters and on the IMO documents website, in the Organization's three working languages, not later than 5 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 13 weeks before the opening of any session of the Committee. They should be made available at IMO Headquarters and on the IMO documents website, in the Organization's three working languages, except for information documents (which should not be translated), not later than five 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 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 five 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 seven 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 this document. 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; and
- .6 non-bulky information documents should be received by the Secretariat not later than nine 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 five 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 Chair of the Committee following consultations with the Secretariat.

6.9 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 nine 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 five 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.

6.10 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.

6.11 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).⁴

6.12 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 ADDITIONAL CONSIDERATIONS

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

7.2 Recognizing the human element as an overarching principle for the Organization's Strategic Plan, the Committee should take the human element into account in the review, development and implementation of new and existing requirements. The Committee will also take into account the needs and well-being of seafarers in all aspects of its work.

7.3 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 preparatory work by delegations.

7.4 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 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).

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

7.6 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 aimed at resolving any problems identified.

8 OBSERVANCE OF THE DOCUMENT

This document 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.

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 cooperation 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 the 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 *Output* is as defined in paragraph 2.1.3 of the document on *Organization and method of work of the Legal Committee*.

2.2 *Capacity-building* means sustainable, social, economic 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.

2.3 *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.

2.4 *Technical cooperation* 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.

2.5 *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 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 output.

Preliminary assessment of capacity-building implications

4.3 In order to facilitate the assessment of capacity-building implications by the Committee, its Vice-Chair should, in consultation with the Chair 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-Chair'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-Chair of the 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 cooperation 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.

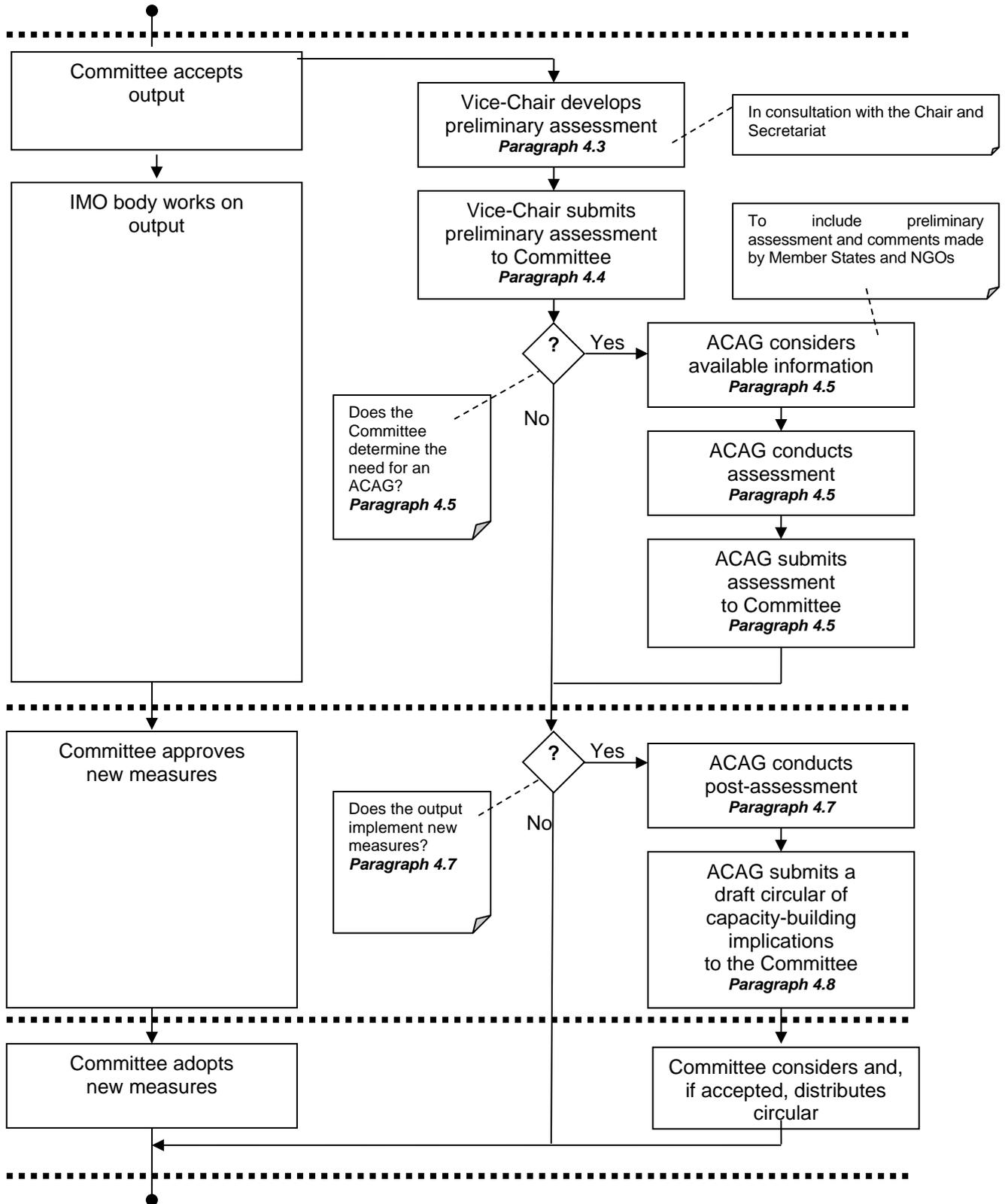
5 TERMS OF REFERENCE OF ACAG

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 cooperation 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 STATUS REPORT

[Name of organ]									
Reference to strategic direction, if applicable	Output number ^a	Description	Target completion year ^b	Parent organ(s)	Associated organ(s)	Coordinating organ	Status of output for Year 1 ^c	Status of output for Year 2 ^c	References ^d
Notes:									
Notes:									

Notes:

- a When individual outputs contain multiple deliverables, the format should report on each individual deliverable.
- b The target completion year should be specified as a year, or indicate that the item is annual or 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 output for the year in question has been duly finalized;
 - "in progress" signifies that work on the output has been progressed, and that finalization is expected in the target completion year;
 - "ongoing" signifies that the outputs relate to work of the respective IMO organs that is a permanent or continuous task;
 - "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) and accordingly that the output has been introduced on the post-biennial agenda;
 - "extended" signifies that further work is necessary and that the output will not be finalized as planned; and
 - owing to the nature of annual outputs, the status can either be "completed" or "postponed".
- d References should be made to the relevant part of the organ's report on this item.

FORMAT 2: POST-BIENNIAL AGENDAS OF COMMITTEES

[NAME OF COMMITTEE]								
ACCEPTED POST-BIENNIAL OUTPUTS				Parent organ(s)	Associated organ(s)	Coordinating organ	Timescale	Reference
Number	Biennium ^e	Reference to strategic direction, if applicable	Description					

Notes:

^e Biennium when the output was placed on the post-biennial agenda.

ANNEX 3

CHECKLIST FOR IDENTIFYING ADMINISTRATIVE REQUIREMENTS

This checklist should be used when preparing the analysis of implications required in submissions of proposals for inclusion of outputs. For the purpose of this analysis, the term "administrative requirement" is defined, in accordance with resolution A.1043(27), as an obligation, arising from a mandatory IMO instrument, to provide or retain information or data.

Instructions:

(A) If the answer to any of the questions below is **YES**, the Member State proposing an output should provide supporting details on whether the requirements are likely to involve start-up and/or ongoing costs. 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 output does not contain such an activity, answer **NR** (Not required).

(C) For any administrative requirement, full consideration should be given to electronic means of fulfilling the requirement in order to alleviate administrative burdens.

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 of administrative requirement(s) and method of fulfilling it: (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
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Description of administrative requirement(s) and method of fulfilling it: (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
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Description of administrative requirement(s) and method of fulfilling it: (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
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Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)

5. Other identified requirements?	NR	Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing
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Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)