



## NATIONAL STRATEGY IMPLEMENTATION OF IMO INSTRUMENTS

## TABLE OF CONTENTS

|  |    |
|--|----|
| Foreword   | 3  |
| National Strategy Purpose  | 4  |
| Implementation of IMO Instruments  | 6  |
| Flag State Maritime Administration   | 7  |
| Port and Coastal State Authorities   | 7  |
| Annex 1<br>Government of Bermuda Agencies with Maritime Responsibilities                   | 8  |
| Annex 2<br>Bermuda Stakeholder Formal Arrangements Supporting Coastal State Implementation | 9  |
| Annex 3<br>Bermuda Maritime Steering Committee Terms of Reference                          | 10 |
| Annex 4<br>Process for Making or Amending Bermuda Merchant Shipping Legislation            | 13 |

## FOREWARD

Given its geographical location Bermuda and the sea are intrinsically connected and the island has a storied and rich maritime history that has evolved ever since it was substantially populated for the first time in 1609.

Bermuda is located in the Western North Atlantic Ocean on the western edge of the Sargasso Sea, some 580 nautical miles (1,070 km, 670 mi) east-southeast of Cape Hatteras, North Carolina, the closest point of land in North America.

A low-lying oceanic archipelago consisting of limestone atop an extinct volcano, Bermuda's topography comprises a fishhook-shaped chain of four main islands with several large inshore basins giving a total of 138 islands and smaller islets and a land mass of 53.3 square kilometers (20.6 sq mi) and a total shoreline length of 290 km.

Bermuda currently supports what is considered one of the healthiest coral reef systems in the world and coral cover varies among the different reef types, ranging from 22% to 70%. This creates habitats for a wide range of reef fish and invertebrates and the Bermuda Biodiversity Strategy and Action Plan describes Bermuda's reefs as being of global importance given that it is the northernmost reef system due to its proximity to the Gulf Stream. The northerly latitude of Bermuda's reefs has also benefited the health of the reefs by mitigating certain climate change impacts, such as increased "bleaching" events such as are being experienced elsewhere in the world.

A known hazard from passing ships stranding on the reef because they lacked awareness of the extent of the shallow reef platform adjacent to the main islands has been successfully mitigated since the 1980's through the introduction of an IMO Area To Be Avoided, offshore Aids to Navigation, coastal radar and AIS surveillance, along with aggressive Marine Safety Information measures.

Marine transport plays a crucial role to the island's economic survival as virtually all manufactured goods and foodstuffs must be imported by ship and cruise ships contribute significantly to the local tourism industry supporting entrepreneurs and generating jobs.

On June 6, 1996 an approximate 140,000 square miles of Atlantic Ocean and sea-floor was ceded to Bermuda through proclamation by His Excellency the Governor of Bermuda. This development made Bermuda the only Overseas Territory of the United Kingdom to have ownership of its Exclusive Economic Zone, or EEZ, and the natural resources therein out to 200 nautical miles from shore.

Bermuda's Territorial waters extend 12 nautical miles from the legally defined base line, a line that roughly follows the island's southern coast and the encircling perimeter reef edge that extends out to 9 nautical miles to the north.

## 1. NATIONAL STRATEGY PURPOSE

The purpose of this national strategy is to set out the main objectives and goals to ensure Bermuda meets its international obligations and responsibilities adopted by the International Maritime Organization (IMO) as a flag, coastal and port state.

### VISION STATEMENT

***Bermuda is committed to contributing to the continuous enhancement of global maritime safety and security measures and the protection of the marine environment.***

### MISSION STATEMENT

***The Bermuda Maritime Administration, will exercise its flag, port and coastal state responsibilities by performing its duties in a way that gives full and complete effect to applicable international maritime rules and regulations relating to maritime safety, security and marine environmental concerns while also giving full support to members of the Red Ensign Group to accomplish the same.***

### AIMS

The National Strategy's aims and objectives are met through the following ongoing core activities:

#### 1. Updating and Implementing National Legislation

As the Flag State, the Maritime Administration has some very important local and jurisdictional responsibilities that include the enactment of legislation to give effect to the various international maritime conventions and intergovernmental conventions. The Maritime Administration also liaises with the local port and coastal authorities to ensure their national obligations are fulfilled, and to assist with the establishing the appropriate training and certification for individuals that are working in the maritime industry. Details of the updating and implementation process are provided in Annex 5.

#### 2. Ensuring Maritime Safety and Security

Our primary goals for enhancing maritime safety:

- Ensure that ships entitled to fly the flag of the Bermuda comply with the standards of the International Conventions relating to safety of life at sea, prevention of marine pollution, maritime security and seafarers' qualifications.
- To manage marine activities so they are carried out in a sustainable and responsible way
- Development and implementation of policies and procedures to assist with the implementation of conventions and protocols.

### 3. Ongoing Review to Maintain and Improve Performance

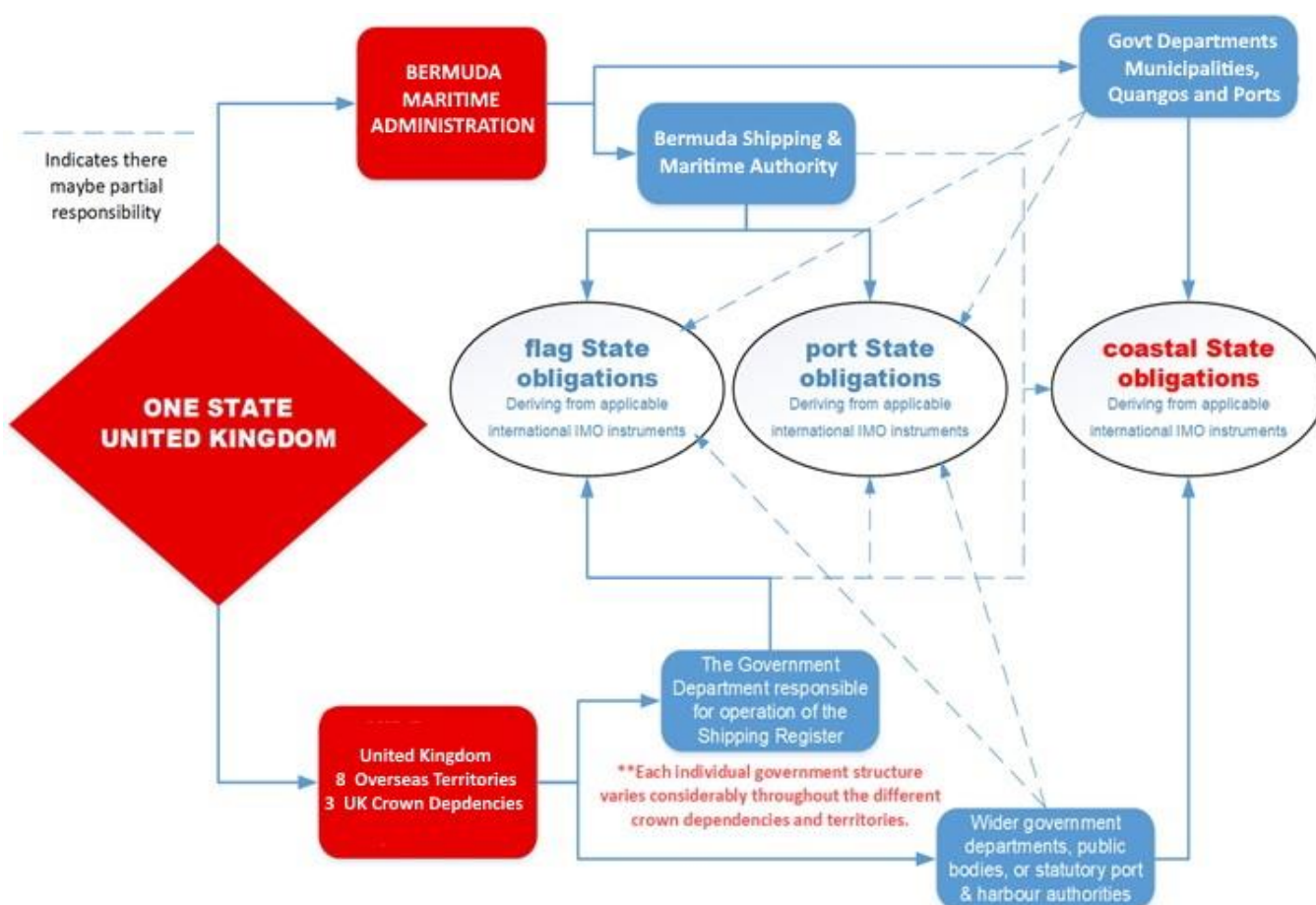
- Continually improve overall performance and capability as a flag, port, and coastal State using routine monitoring, audits, drill & exercises as appropriate;
- Identifying areas of best practice, lessons learned, non-conformance and potential non-conformance to improve;
- Review policy, procedure and guidance as necessary, clear policy and guidance for partners and users across the maritime estate;
- Maintain a quality and/or safety management system(s) as applicable to control and coordinate the Administrations activities;
- Use feedback where appropriate to improve.

## 2. IMPLEMENTATION OF IMO INSTRUMENTS

The IMO formally adopted the IMO Instruments Implementation (III) Code in 2013, to provide a global standard to enable States to meet their obligations as responsible flag, port and coastal States, and to provide the criteria to determine how Member States give full and complete effect to the provisions of those international maritime conventions to which they are Contracting Parties.

The UK Member State is signatory to international conventions on behalf of the Red Ensign Group (REG) Administrations (comprising of the UK, three Crown Dependencies (CDs) and nine UK Overseas Territories (OTs)). These conventions, where appropriate, have been extended by the UK to the CD and OT Administrations who are responsible for implementation of these conventions within their Administration. The UK maintains general superintendence of the CDs and OTs and assists them in fulfilling their international obligations under these treaties.

*Relationship between United Kingdom and Bermuda in ensuring compliance with III Code requirements.*



## 1. FLAG STATE ADMINISTRATION

The Bermuda Shipping and Maritime Authority (BSMA) was established on 1st October 2016 as a Quasi Non-Governmental Organization (QUANGO) in the form of a Body Corporate to continue with the work that was previously carried out by the Department of Maritime Administration of the Bermuda Government.

The core business of the BSMA is the registration of ships and yachts and the Authority has a primary responsibility as the Flag State and regulator to ensure the ships and yachts on the Bermuda Ship Registry are being operated in a safe manner, being properly maintained and the welfare of the crew is being looked after. To accomplish this the Authority carries out statutory inspections, surveys and audits and provides the relevant certificates of compliance.

Pursuant to a Government Cabinet Conclusion, the BSMA has been designated as the lead agency for the Government of Bermuda in providing direction on, undertaking and completing the III Code compliance.

## 2. PORT AND COASTAL STATE AUTHORITIES

### DEPARTMENT OF MARINE & PORTS SERVICES

Operating under the Ministry of Transport, the Department of Marine and Ports (DMP) is responsible for and oversees Bermuda's Port and Coastal State responsibilities, provides public sea transport and are responsible for safe movement of international shipping in Bermuda waters.

Sections within the department are responsible for monitoring commercial and recreational boat traffic, managing hydrographic services and marine aids for navigation, ship pilotage and line boat services at Bermuda ports. Additional services include boat and mooring registration, oil spill response, salvage work and small vessels wreck removal.

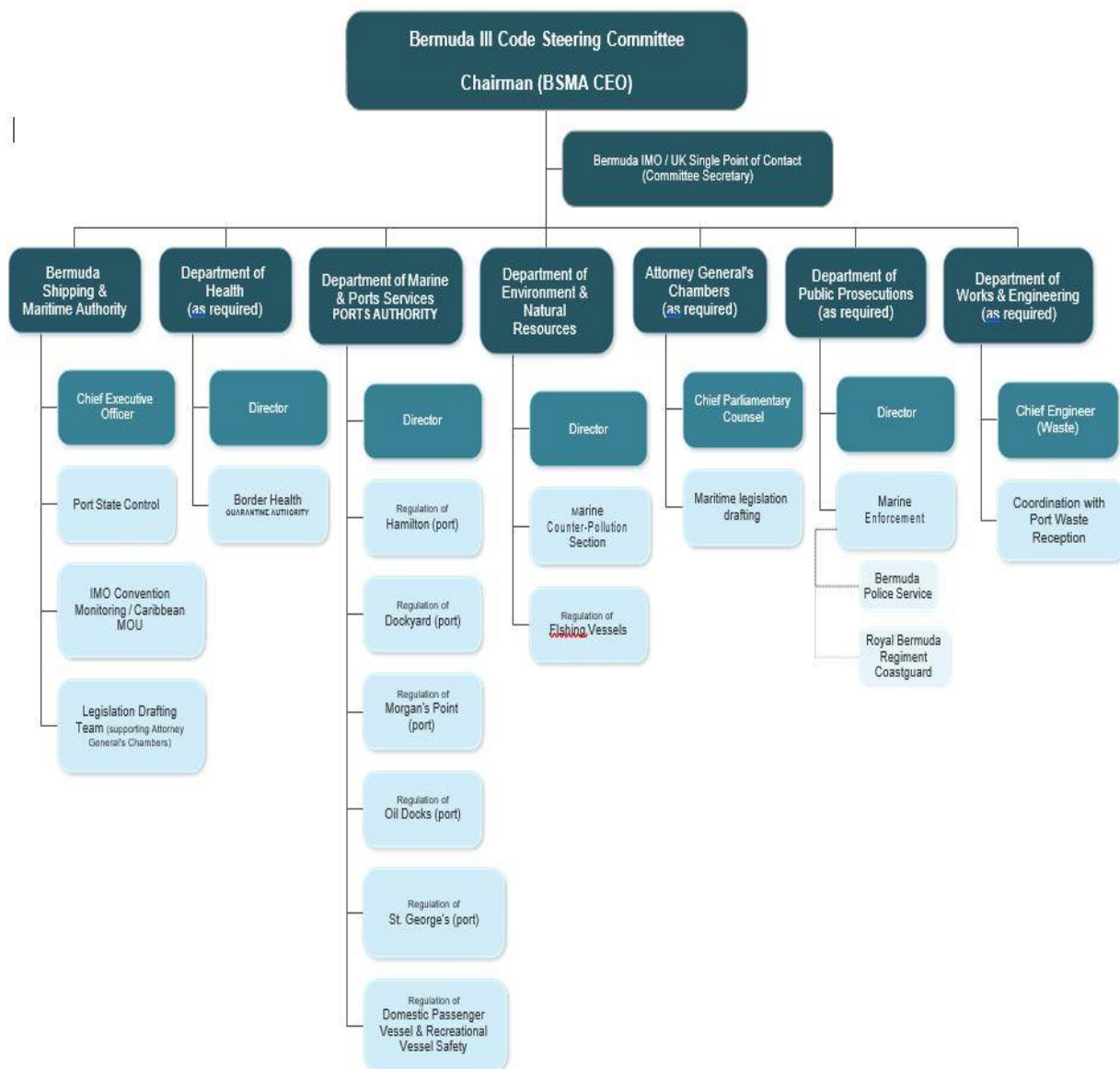
### DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

The Department of Environment and Natural Resources (DENR) is the primary government agency responsible for ensuring the proper use of Bermuda's natural resources and the protection of the environment. DENR objectives relevant to the maritime strategy include:

- To provide strategic direction and management in the formulation and implementation of legislation, policy and standards to protect Bermuda's environment
- To monitor and provide effective guidance for the prevention and control of pollution in the natural environment
- To manage marine activities so they are carried out in a sustainable and responsible way
- Enforcement of environmental legislation

## Annex 1

### Organizational Chart for the Government of Bermuda Agencies with Maritime Responsibilities

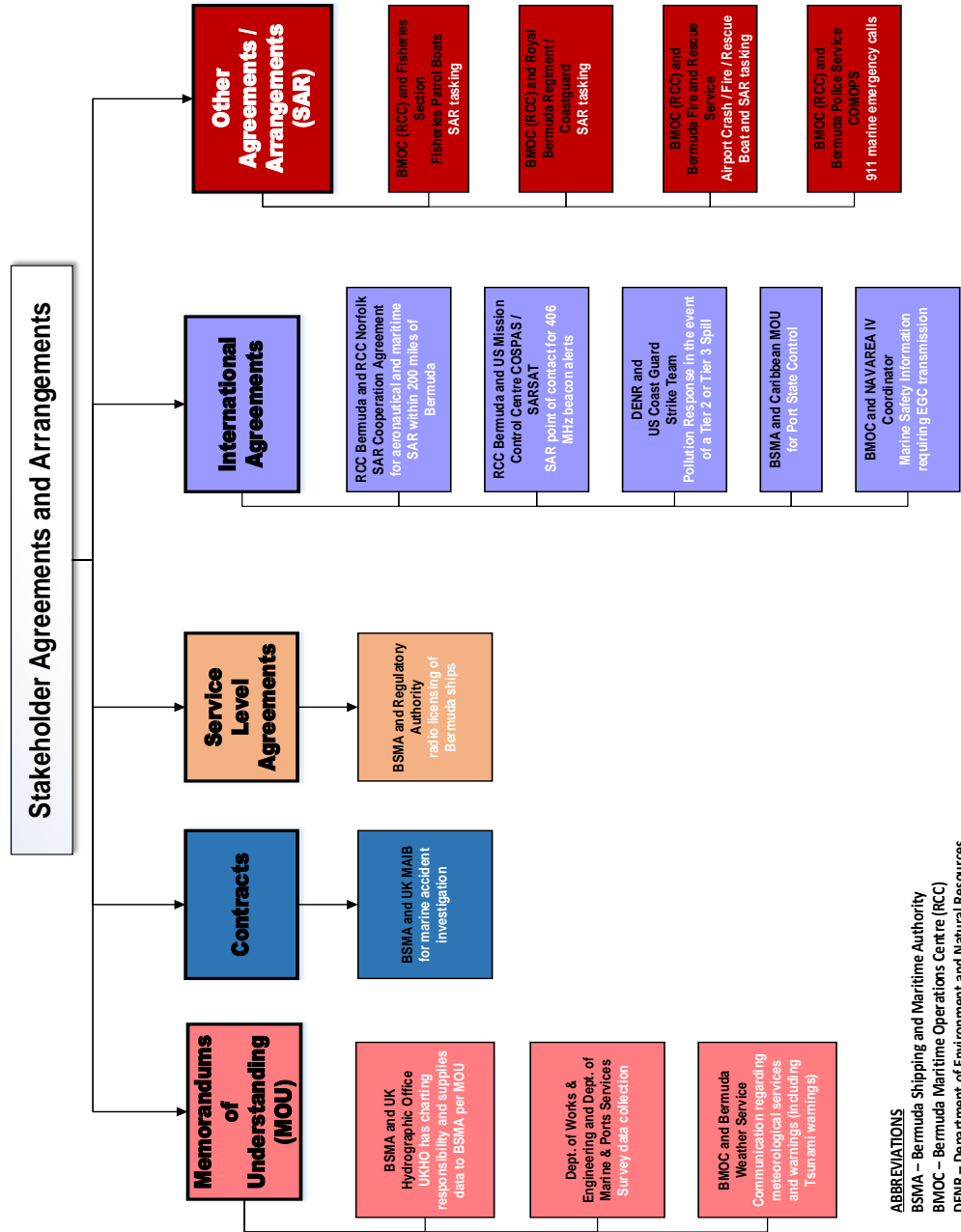




## Annex 2

### Bermuda Stakeholder Formal Arrangements Supporting Coastal State implementation

**III CODE - BERMUDA COASTAL STATE STAKEHOLDERS**  
 Agreements / Arrangements that exist with the relevant stakeholders who have responsibilities, shared responsibilities or who have an involvement in meeting international obligations under the III Code (August 2021)



**ABBREVIATIONS**  
 BSMA – Bermuda Shipping and Maritime Authority  
 BMOC – Bermuda Maritime Operations Centre (RCC)  
 DENR – Department of Environment and Natural Resources  
 RCC – Rescue Coordination Centre  
 SAR – Search and Rescue  
 UKHO – United Kingdom Hydrographic Office

## ANNEX 3

### Bermuda Maritime Steering Committee Terms of Reference

#### 1. Introduction

In recognition of the need to ensure that obligations arising out of Implementation of International Maritime Organization (IMO) Instruments Code (IIC Code) are met, and that the responsibility for meeting those obligations lies with a number of independent entities in addition, and separate, to the BSMA, the BSMA has formed a coordinating body, including representation from the independent entities, to be called the Bermuda Maritime Steering Committee (B-MSMC), to maintain oversight of the Bermuda IIC implementation strategy.

#### 2. Strategy: Aims and Objectives

1. The strategic aim of the *B-MSMC* is to advise and assist the Government of Bermuda in achieving full compliance with the IIC conventions which became mandatory on 1<sup>st</sup> January 2016.
2. The aims of the *B-MSMC* shall be to:
  - i. Oversee the development of a Bermuda specific IIC strategy, which aligns with the requirements of the IIC, for the Government of Bermuda;
  - ii. Establish a mechanism to monitor international maritime standards and obligations and provide guidance and/or recommendations on their appropriateness to the Government of Bermuda;
  - iii. Ensure maritime compliance requirements and strategies are appropriately communicated within government and externally where appropriate by the MCA as UK Secretariat;
  - iv. Ensure domestic legislative arrangements are in place and/or being incorporated as required by ratification or amendment of the instruments;
  - v. Ensure and enhance awareness and cooperation between the Governments of Bermuda and the UK in order to ensure a collaborative approach to demonstrating compliance;
  - vi. Assist relevant stakeholders in achieving and maintaining an effective ability to implement and enforce relevant international instruments;
  - vii. Achieve, maintain and improve overall performance and capability as a flag, port, and coastal State by continuous monitoring, review and evaluation; and
  - viii. Seek to eliminate causes of actual and potential noncompliance by monitoring and providing recommendations to the relevant stakeholders.
3. The objectives of the B-MSMC shall be to be satisfied that Bermuda has verifiable arrangements in place to:
  - i. Effectively demonstrate how compliance is achieved in accordance with the requirements of the IIC;
  - ii. Implement and enforce policies through promulgation of legislation, procedures and guidance, and ensure they are kept current;
  - iii. Ensure that responsibilities, authorities, qualifications and continuous training of personnel who manage and perform work relating to and affecting safety and pollution prevention are defined and documented;
  - iv. Recommend resources and processes capable of administering a system of safety and environmental protection to the relevant service areas;
  - v. Promote the requirements of the IIC and collect feedback from the relevant stakeholders on how international obligations are being achieved or otherwise;
  - vi. Provide recommendations and support on methods of achievement and enforcement through promulgation;
  - vii. Ensure oversight of the Bermuda monitoring programme to continuously check the adequacy of the measures being taken to give effect to relevant international conventions by all stakeholders;
  - viii. Review trends for areas of Bermuda non-compliance, potential non-compliance, and/or improvement from the UK Administration and its independent entities in relation to IIC; and

- ix. Create and/or take part in opportunities to maintain and develop relationships with all relevant stakeholders within the UK, Overseas Territories (OTs), Crown Dependencies (CDs) and Caribbean Memorandum of Understanding (CMOU) to continue a collaborative working approach.

### 3. Participants

1. Membership of the B-MSC shall comprise of the following Bermuda Government departments, non-Departmental Public Bodies and Sponsored Bodies:

- i. The Bermuda Shipping and Maritime Authority (BSMA)
- ii. Bermuda III Code IMO Single Point of Contact (Secretariat)
- iii. Department of Marine and Ports Services
- iv. Ports Authority (As needed)
- v. Attorney Generals Chambers (As needed)
- vi. Department of Environment and Natural Resources
- vii. Department of Health (As needed)
- viii. OIC, Police Marine Section (As needed)
- ix. Representative of IIC Port Subcommittee (As needed)
- x. Bermuda Coast Guard (As needed)

Each entity reserves the right to appoint a representative to attend on their behalf should they be unable to attend.

2. On occasion, representatives from other governmental and non-governmental departments, sponsored bodies and individuals may participate as required as an invited attendee.

### 4. Working arrangements of the B-MSC

- i. The B-MSC shall meet Quarterly or more frequently if required.
- ii. The B-MSC shall be chaired by the Chief Executive of the BSMA.
- iii. Prior to a meeting of the B-MSC, members will be invited by the B-MSC Secretariat to highlight items they would like to be included within the agenda.
- iv. Papers for the B-MSC will be circulated 1 week prior to the meeting. This is so that members have sufficient time to bring their comments/policy line to the meeting.
- v. Before the close of the meeting, actions, responsibilities and completion dates will be agreed by the members. Where the members agree that one or more members complete an action, it should, as far as possible, be completed within the time specified.
- vi. The Bermuda Secretariat will produce a set of draft minutes within 2 weeks from the end of the meeting and all members will be provided with an opportunity to comment on the contents before agreeing a final version, typically within an additional 4 weeks of the draft being produced.
- vii. Where recommendations/actions are required to be escalated to the *relevant service areas* to obtain approval or a decision, the Bermuda Secretariat will coordinate appropriate briefing papers and supporting documentation.

### 5. Working arrangements for ad hoc Correspondence Groups

- i. The B-MSC may be supported by ad hoc correspondence groups established by the group to discuss specific issues.
- ii. The B-MSC members may participate in any such correspondence group relevant to their area of interest. The Chair of each correspondence group will be determined by its members.
- iii. The progress and/or outcome(s) of discussions of a correspondence group will be fed back by the Chair of the correspondence group for information / agreement at the B-MSC.
- iv. Specific outcomes or targets will be provided to the correspondence group by the meeting of B-MSC that establishes the group.

6. **Relationship of the B-MSC with the Government of Bermuda**
  - i. The work of the B-MSC is carried out on behalf of the Government of Bermuda and the Chair of the B-MSC is responsible for ensuring that the Government of Bermuda's Ministry of Transport is kept informed of Bermuda's compliance with its international obligations.

## ANNEX 4

### Process for Making or Amending Bermuda Merchant Shipping Legislation

It is the responsibility of the BSMA to ensure that Merchant Shipping legislation is made in order to give effect in Bermuda law to the requirements of International Shipping Conventions or to established policy initiatives applicable to Bermuda ships.

#### Scope

All new or amended Merchant Shipping regulations or amendments to Acts or new Acts applicable to merchant shipping.

#### Procedure

The requirement for new legislation may arise from a number of changes including;

- New changes or changes to an existing Maritime Convention which require changes to existing laws or new laws to give them effect,
- Recommendations from a casualty investigation or other report that suggest a need for change in the laws.
- Changes and improvements in ship operating arrangements that require amendments to laws to reflect the development of international maritime practice changes.
- Identified weaknesses in existing laws, or the identification of areas where the business of the Maritime Administration can be improved by changes in the laws.

#### Documented Information

The master set of Bermuda laws maintained by the Attorney General's Chambers at <http://www.bermudalaws.bm> .

#### References

All new or amended Merchant Shipping regulations or amendments to Acts or new Acts applicable to merchant shipping.

Relevant Statutory Instruments, International Conventions, M-Notices, IMO Circulars.

The procedure for this is described in the flow chart overleaf.

