**VIRTUAL WORKSHOP ON “IMPLEMENTATION PROBLEMS ARISING AT THE STAGES OF IMPLEMENTATION OF SOLAS CONVENTION”**

**18-19 OCTOBER 2021**

**CONCEPT NOTE**

**Background**

Around 90% of traded goods are carried by sea, and this makes maritime transportation the backbone of international trade and the global economy. To carry the goods from one state to another, ships constantly move around seas therefore most of the time they are outside of their territorial waters and are subject to various jurisdictions. Due to its international nature, shipping could only be operated effectively if the shipping regulations and standards are universally harmonised and implemented properly. For this purpose, the International Maritime Organization (IMO) was established as a specialised agency for the United Nations.

Under Article 1(a) of Convention on the IMO, main purposes of IMO are indicated as encouraging and facilitating the general adoption of the highest practicable standards in matters concerning the maritime safety, efficiency of navigation, and preventing and controlling of marine pollution from ships. To this end, as its first task IMO adopted the International Convention for the Safety of Life at Sea (SOLAS), 1974 which sets minimum standards for the construction, equipment and operation of ships to ensure their safety.

SOLAS Convention consists of technical provisions along with general provisions, and because of its living convention nature it has been amended numerous times on the basis of new technical developments and needs. Furthermore, the SOLAS Convention contains “tacit acceptance” procedure which basically means that a new amendment shall enter into force on a certain date unless any objection is presented from an agreed number of Parties. Tacit acceptance procedure and living nature of the Convention would cause some implementation problems therefore it would not be an easy task to determine whether or not a SOLAS regulation is applicable under the national law of a state party.

In order to prevent such legal uncertainties, scope and nature of SOLAS Convention as well as implementation of international agreements procedure need to be well understood. In this regard, a virtual training was conducted on 8-10 September 2021 under this Project. During the virtual training, the participants were trained about the IMO’s structure, functions and roles, Goal-Based Standards concept, Vienna Convention and IMO’s tacit acceptance procedure, framework, scope, and application of the SOLAS Convention.

**Objectives**

The virtual workshop aims to strengthen the knowledge of the participants that they gathered during the virtual training. The main objective of the workshop is to pave the way for the Project partner to share experiences on implementation and enforcement of SOLAS Convention, discuss and make brainstorming on the possible scenarios. Therefore, two sample cases on the IMSBC Code and the ISM Code will be given to the participants to examine. The Virtual Workshop will start with the general information on the concepts of flag state and port state, and their roles on the implementation of SOLAS Convention. It then covers the following topics:

* Scope of application, types of cargo, key players and responsibilities under the IMSBC Code
* A case study on the IMSBC Code
* Scope of application, types of documents and certificates, key players and responsibilities under the ISM Code
* A case study on the ISM Code
* General information on the Framework and Procedures for Member State Audit Scheme
* Exchanging experiences based on a questionnaire circulated beforehand

**Format**

* Presentations will be made by legal experts for around 2 hours of daily sessions via Teams from 18th October to 19th October 2021.
* After the trainers will provide general background information about the case studies the participants are expected to discus the cases. During the case studies the participants will get the floor thus their attendance is vital.
* In the final session i.e. exchanging experiences session, the participants are expected to share their practical experiences.
* Training will be conducted in English, there will not be any interpretation.
* Q&A sessions at the end of each session.

**Virtual Workshop Programme, 18-19 October 2021**

*All times are indicated in Ankara (GMT +3) time.*

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| **18 October 2021, Monday** | |
| **13:30-13:45** | **Opening**  **Aims and Objectives of the Workshop**  Hakan DEMİRLİOĞLU  Head of Department of Maritime Policy and International Relations, Ministry of Transport and Infrastructure |
| **13:45-14.30** | **Concepts of Flag State and Port State, and Their Roles on the Implementation of SOLAS Convention**  Dr Belma BULUT ŞAHİN  Asst. Prof of Maritime Law, Kocaeli University  Content: Terms “flag state” and “port state” will be explained and general information about their roles on the implementation of SOLAS Convention will be indicated. |
| **14:30-14:45** | **Break** |
| **14:45-15:30** | **Application of the IMSBC Code**  Dr Tamer YALÇIN  Asst. Prof of Maritime Transportation, Piri Reis University  Content: Scope of the IMSBC Code, types of cargos fall within the Code, Key players and responsibilities will be explained. |
| **15:30-15:45** | **Break** |
| **15:45-16:30** | **Case Study on the IMSBC Code**  Dr Tamer YALÇIN  Asst. Prof of Maritime Transportation, Piri Reis University  Content: Participants are expected to discuss the case based on their knowledge and experiences on the IMSBC Code. The Case will be given beforehand. |
| **16:30-16:45** | **Q&A and Wrapping-up** |
| **19 October 2021, Tuesday** | |
| **13:30-14:15** | **Application of the ISM Code**  Dr Belma BULUT ŞAHİN  Asst. Prof of Maritime Law, Kocaeli University  Content: Scope of the ISM Code, documents & certificate, and key-players and their duties will be explained. |
| **14:15-14:30** | **Break** |
| **14:30-15:15** | **Case Study on the ISM Code**  Dr Belma BULUT ŞAHİN  Asst. Prof of Maritime Law, Kocaeli University  Content: Participants are expected to discuss the case based on their knowledge and experiences on the ISM Code. The Case will be given beforehand. |
| **15:15-15:30** | **Break** |
| **15:30-16:00** | **General Information on Member State Audit Scheme**  Dr Dolunay ÖZBEK  Asst. Prof of Public International Law, İstanbul Bilgi University  Content: General information on the Framework and Procedures for Member State Audit Scheme will be explained. |
| **16:00-16:30** | **Q&A Exchanging experiences**  Dr Dolunay ÖZBEK  Asst. Prof of Public International Law, İstanbul Bilgi University  Content: Participants will be given a questionnaire about enforcement and fulfilment of the SOLAS Convention and they are expected to make comments about their practices. The Questionnaire will be given beforehand. |
| **16:00-16:45** | **Wrapping-up and Closing Remarks** |