

IMCA is the international trade association representing offshore, marine and underwater engineering companies

It seeks to:

- strive for the highest possible standards with a balance of risk and cost in: health and safety; technology; quality and efficiency; environmental awareness and protection;
- achieve and sustain self-regulation in the industry;
- ease the free movement of equipment and personnel globally;
- achieve equitable contracting regimes;
- provide the framework for training, certification, competence and recruitment to support and sustain the industry globally;
- resolve industry issues; and
- promote co-operation across the industry.

Members include pipelay, heavy lift, diving, remotely operated vehicle, survey and offshore construction contractors, plus various contractors operating specialist marine equipment.

IMCA has two core activities in which all members participate:

- Competence & Training includes a comprehensive framework devoted to promoting safety by defining and encouraging training and competence in key safety-related positions.
- Safety, Environment & Legislation (SEL) includes monitoring national and international regulatory bodies, circulation of relevant information to members and advancement of industry positions where necessary

Members join in one or more technical divisions relevant to their own activities:

- Diving
- Marine
- Offshore Survey
- Remote Systems & ROV

IMCA works with a global focus, but also has regional sections covering the key offshore areas: Asia-Pacific, Central & North America, Europe & Africa, Middle East & India and South America.

IMCA has published substantial and comprehensive good practice guidance on marine operations based on its members' experience in a range of related areas. More details on specific activities are set out on these factsheets.

International Marine Contractors Association

www.imca-int.com

Self-regulation has always been an IMCA goal, in common with many other contractor trade associations. It is included in the *IMCA Message* as the second bullet point of the objectives:

- ◆ "Achieve and sustain self-regulation in the industry"

Why do we want this and how do we strive to achieve it and sustain it?

What is self-regulation?

Trade associations do not regulate in the way that legislators do. They provide guidance to members and work to update and introduce new guidelines wherever there appears to be a need. Members working to those guidelines are 'self-regulating', rather than looking to clients or governments for regulation. Self-regulation is the logical result of action by industry participants to address a number of concerns.

If an industry does not self-regulate then some other body will impose its own regulation, either in the form of governments or through client requirements. If this happens, contractors face the prospect of each government and each client stipulating its own, varying requirements. This causes considerable strain to each contractor and extra, unnecessary costs. The strain includes finding out the different requirements, tendering with allowance for them and then complying with them for each project. For contractors who often work for different clients all around the world it is a potentially repetitive, expensive and avoidable burden.

In a mature, responsible industry such as this, self-regulation is a reasonable approach with proven benefits for all parties.

Self-regulation is good ...

... for contractors

- ◆ By having consistency in requirements, as set out in industry practice, contractors can avoid wasting time, money and effort addressing a multitude of variations in local regulations and client conditions
- ◆ If self-regulation is effective, well used and well known, it becomes a promotional tool for those who can advertise that they conform to it
- ◆ Litigation is all around us every day and it has been shown to be more vital than ever for a company to be able to prove to a court that it has proper systems in place for health and safety and its general operations. Conforming to safe practices that are accepted by the industry, published and regularly reviewed by a reputable trade association goes a long way towards achieving that

... for clients

- ◆ Where industry good practice is set out and accessible, each client need not 'reinvent the wheel' – it can specify that work is carried out in accordance with the recognised guidance, only needing to add the contract-specific requirements for a particular operation
- ◆ Removing the wasteful inefficiency of varying regulations means a cost saving to contractors which can be passed on to the client through lower contract prices

... for governments and regulators

- ◆ Governments provide a basic structure of legislation to deal with a range of issues in the public interest. There is not, in any pragmatic sense, time for a government to produce detailed legislation for every part of an industry's operations. Some parts are, in any event, not ideal for legislative control. For example, the safe operation of a vessel is legislated for, but the detail of how, for instance, dynamic positioning operations are undertaken on all of the wide variety of vessel types would be beyond ordinary legislation. Government action can even be avoided entirely in relation to many aspects of operations if an industry can successfully self-regulate
- ◆ Governments, international bodies and members' clients can and do rely on self-regulatory groups for providing a structure for legislation to build on when a need is found. They are content for industries to self-regulate, not only because it assists them, but, it could be said, it also provides someone to shift responsibility upon should they perceive the need! This encourages trade associations to ensure that their guidance is a proper reflection of good practice in their industry

... for all

- ◆ Self-regulation improves the conduct of an industry and drives out unsafe practices together with those who use them
- ◆ Self regulation is far easier to implement quickly and to change than legislation. With technology advancing rapidly this flexibility can be a major benefit



In IMCA's case, how does self-regulation work?

Output

IMCA has been to the fore in producing guidelines for a wide variety of marine operations. At first these were for diving and dynamic positioning (DP), then guidance for safety, training and competence, marine, ROV and survey operations followed. The current IMCA publications catalogue includes around 200 documents. The development of this suite of documentation has been a huge success. In an industry which is highly regulated, because of its economic, social, environmental and political profile, IMCA has established a respected list of industry good practice guidelines which has become widely used and accepted.

Recognition and use

A few examples of take-up of IMCA guidance include:

- ◆ reference by the International Maritime Organization (IMO) to IMCA DP guidance
- ◆ regulatory acceptance of IMCA guidance, e.g. by the UK Health & Safety Executive (HSE)
- ◆ reference to IMCA guidance in International Association of Oil & Gas Producers (OGP) documents
- ◆ wide international recognition of the IMCA diving supervisor scheme

The spread of IMCA's guidelines becomes ever greater as more members join the Association and IMCA produces more documents. In addition, the penetration of the documents increases gradually as clients require the guidelines to be used as a condition of contract. The larger clients in recent years have moved towards using a single approach world-wide for all their offices and projects in all regions. The approach used is often based on IMCA guidelines. In addition, as the industry moves into new geographical zones, where often there are few detailed government requirements for marine construction, IMCA guidelines have been used as an available, acceptable reflection of industry good practice for the government or local client to use without having to start all over again from a blank sheet of paper. This is efficient for contractors as they are asked to follow the same regime with which they are already familiar.

Verification

Clearly when guidelines become a contractual requirement, it is up to the contractor to deliver this requirement and the client to demand compliance, with the contract to fall back upon if necessary. It is also up to the client to ensure delivery through audit. Similarly, contractors are in the driving seat when they sub-contract work. Here, they can require sub-contractors and consultants or auditors to work to IMCA guidelines. Again, each party benefits from this.

IMCA publishes several documents to help with the auditing process, again with a view towards consistency and compliance with the guidelines:

- ◆ For general vessel inspection, the *Common marine inspection document (CMID)*;
- ◆ For specific vessel requirements, guidance on DP trials and FMEAs
- ◆ For diving systems, *Diving equipment systems inspection guidance notes (DESIGN)*

It must be emphasised that IMCA does not audit its members for compliance with IMCA guidelines, nor, in general, can a trade association do this.

How is self-regulation sustained?

As described, industry self-regulation is self sustaining. However, it is also a fragile structure, being a triangular relationship where a broken link could threaten the whole. Therefore, there are responsibilities and benefits for the three industry parties:

- ◆ contractors need to continue to create the industry good practice guidelines, strive to comply with them and use the guidance with sub-contractors
- ◆ clients need to adopt and endorse the guidance and, where it becomes a contractual requirement, ensure that it is delivered
- ◆ governments do the same from their perspective

As a result, each party benefits from a healthy, high quality, safe and efficient industry with a resulting reduction in wasted time and money for all three parties. It would be easy to lapse back into the bad old days if this triangular relationship was to break down, so all three parties have a vested interest in playing their part to continue as an industry to sustain self-regulation.