Port State Control for MARPOL Annex VI
Assembly Resolution A.1119(30) and MEPC.321(74)

National Workshop (virtual) on Ratification and Effective Implementation of MARPOL Annex VI for Lebanon
10 December 2020

Dr Zabi Bazari
REMPEC Consultant
What is Port State Control (PSC)?

• It is an inspection of foreign ships in national ports by an authorized inspector of the Maritime Administration for verifying that:
  
  • The ship is in compliance with International Conventions (e.g. SOLAS, LL (Load Lines), MARPOL, STCW (Standards of Training, Certification and Watchkeeping)). ....).
  
  • The ship is manned and operated in compliance with applicable international laws.
  
• Objective:
  
  • Enforcement of the shipping regulations.
PSC legal basis and underlying authority

• Authority for carrying out PSC comes from:
  • International treaties and Conventions
  • Bilateral / multilateral agreements
  • National Laws

• In exercising port State control, Parties should only apply those provisions of the conventions which are in force and which they have accepted.

Can a PSC authority do anything they want to a foreign ship?
Legal basis: UNCLOS on flag and port States enforcement

**Article 217 - Enforcement by flag States**
States shall ensure that vessels flying their flag or of their registry carry on board certificates required ……, and do periodically inspection.

**Article 218 - Enforcement by port State**
When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may undertake investigations and, where the evidence so warrants, institute proceedings against that vessel.
Legal basis: Provisions within international conventions

- Many IMO conventions include provisions that give rights to undertake PSC including:
  - **MARPOL Convention:**
    - **Article 5** on Certificates and special rules on inspection of ships
    - **Articles 6** on Detection of violations and enforcement of the Convention
    - MARPOL Annex VI regulations 10 and 11
  - **SOLAS** (The International Convention for the Safety of Life at Sea)
  - Etc.
PSC Requirements and Procedures
PSC Inspections

• Initial Inspection

• Clear grounds
  • Evidence that the ship, its equipment, or its crew does not correspond substantially with the requirements of the relevant conventions;
  • or that the master/crew members are not familiar with essential shipboard procedures on ... the prevention of pollution

• Detailed inspection

Planning and reporting of the outcome are important elements of PSC
Procedures - Port State Control

- **IMO recognizes effectiveness of PSC.**

- **IMO recognizes the importance of harmonized implementation of regulations.**

- **Adopted in 2017, Resolution A.1119(30)**

- **Invites governments to implement procedures for PSC.**

---

### Procedures for PSC

#### CHAPTER 1 - GENERAL

- 1.1 Purpose
- 1.2 Application
- 1.3 Introduction
- 1.4 Provision for port State control
- 1.5 Ships of non-Parties
- 1.6 Ships below convention size
- 1.7 Definitions
- 1.8 Professional profile of PSCOs
- 1.9 Qualification and training requirements of PSCOs

#### CHAPTER 2 - PORT STATE INSPECTIONS

- 2.1 General
- 2.2 Initial inspections
- 2.3 General procedural guidelines for PSCOs
- 2.4 Clear grounds
- 2.5 More detailed inspections

#### CHAPTER 3 - CONTRAVENTION AND DETENTION

- 3.1 Identification of a substandard ship
- 3.2 Submission of information concerning deficiencies
- 3.3 Port State action in response to alleged substandard ships
- 3.4 Responsibilities of port State to take remedial action
- 3.5 Guidance for the detention of ships
- 3.6 Suspension of inspection
- 3.7 Procedures for rectification of deficiencies and release

#### CHAPTER 4 - REPORTING REQUIREMENTS

- 4.1 Port State reporting
- 4.2 Flag State reporting
- 4.3 Reporting of allegations under MARPOL

#### CHAPTER 5 - REVIEW PROCEDURES

- 5.1 Report of comments

---

### Appendices to the PSC Guidelines

- A large number of appendices
- Appendices are 100 pages of total 116 pages.

<table>
<thead>
<tr>
<th>Appendix</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix 1</td>
<td>Code of Good Practice for port State control officers conducting inspections within the framework of the regional Memoranda of Understanding and Agreement on Port State Control</td>
</tr>
<tr>
<td>Appendix 2</td>
<td>Guidelines for the detention of ships</td>
</tr>
<tr>
<td>Appendix 3</td>
<td>Guidelines for investigations and inspections carried out under Annex I of MARPOL</td>
</tr>
<tr>
<td>Appendix 4</td>
<td>Guidelines for investigations and inspections carried out under Annex II of MARPOL</td>
</tr>
<tr>
<td>Appendix 5</td>
<td>Guidelines for discharge requirements under Annexes I and II of MARPOL</td>
</tr>
<tr>
<td>Appendix 6</td>
<td>Guidelines for more detailed inspections of ship structural and equipment requirements</td>
</tr>
<tr>
<td>Appendix 7</td>
<td>Guidelines for control of operational requirements</td>
</tr>
<tr>
<td>Appendix 8</td>
<td>Guidelines for port State control officers on the ISM Code</td>
</tr>
<tr>
<td>Appendix 9</td>
<td>Guidelines for port State control related to LRIT</td>
</tr>
<tr>
<td>Appendix 10</td>
<td>Guidelines for port State control under the 1969 Tonnage Convention</td>
</tr>
<tr>
<td>Appendix 11</td>
<td>Guidelines for port State control officers on certification of seafarers, manning and hours of rest</td>
</tr>
<tr>
<td>Appendix 12</td>
<td>List of certificates and documents</td>
</tr>
<tr>
<td>Appendix 13</td>
<td>Report of inspection in accordance with IMO port State control procedures</td>
</tr>
<tr>
<td>Appendix 14</td>
<td>Report of deficiencies not fully rectified or only provisionally rectified</td>
</tr>
<tr>
<td>Appendix 15</td>
<td>Report of action taken to the notifying authority</td>
</tr>
<tr>
<td>Appendix 16</td>
<td>Format for the Report of contravention of MARPOL (article 6)</td>
</tr>
<tr>
<td>Appendix 17</td>
<td>Comments by flag State on detention report</td>
</tr>
<tr>
<td>Appendix 18</td>
<td>List of instruments relevant to port State control procedures</td>
</tr>
</tbody>
</table>
Inspection of ships of non-Parties

- Ships of non-Parties or below convention size should be given no more favourable treatment.

What does “no more favourable treatment” means?
Port State Inspections

PSC may be undertaken on the basis of:

1. the initiative of the Party;

2. the request of, …. another Party;

3. information provided by a member of the crew, a professional body, an association …., etc.

4. Based on system used by the relevant MOU: For example a risk-based system of inspection (e.g. Tokyo MOU):
PSC Inspection: Pre-boarding preparation

- PSCO should be familiar with MARPOL Annex VI requirements and any related previously recorded PSC deficiencies.

- It is a good practice to collect information from IMO GISIS website and other sources available (MOU, Port State itself, HIS Fairplay, ...).
Initial inspections

• **General impression** (will depend on scope of inspection).

• Examine relevant **certificates and documents** and check their validity.

• Assess the overall condition of the ship / equipment.

• Communicate with and assess the crew.

• If PSCO observes **clear grounds** for believing that the ship, its equipment or its crew do not substantially meet the requirements, the PSCO should proceed to a more **detailed inspections**.
2.4.2 "Clear grounds" to conduct a more detailed inspection include but are not limited to:

.1 the absence of principal equipment or arrangements required by the relevant conventions;

.2 evidence from a review of the ship's certificates that a certificate or certificates are clearly invalid;

.3 evidence that documentation required by the relevant conventions and listed in appendix 12 is not on board, is incomplete, is not maintained or is falsely maintained;

.4 evidence from the PSCO's general impressions and observations that serious hull or structural deterioration or deficiencies exist that may place at risk the structural, watertight or weathertight integrity of the ship;

.5 evidence from the PSCO's general impressions or observations that serious deficiencies exist in the safety, pollution prevention or navigational equipment;

.6 information or evidence that the master or crew is not familiar with essential shipboard operations relating to the safety of ships or the prevention of pollution, or that such operations have not been carried out;

.7 indications that key crew members may not be able to communicate with each other or with other persons on board;

.8 the emission of false distress alerts not followed by proper cancellation procedures; and

.9 receipt of a report or complaint containing information that a ship appears to be substandard.
Procedures for rectification of deficiencies and release

• In the case of deficiencies which are clearly hazardous to safety or to the environment, the PSCO should ensure that the hazard is removed before the ship is allowed to proceed to sea.

• Exception - If the ship is to proceed to the nearest ship repair yard for repair.
MOU Regions for PSC
PSC – Advantages of regional cooperation

• Regional coordination of PSC activities.

• Establishment of regional PSC regimes promoted by A.682(17)

• Advantage of Memorandum of Understanding (MoU):
  • More effective sharing of information
  • Extended control of ships whilst trading in the region
  • Harmonised system of inspection and surveys attained
  • Unfair competition between ports in the region avoided
  • Global cooperation through inter-regional cooperation
  • Deterrent effect for sub-standard ships
Port State Control Regimes is Global

Tokyo MOU
Paris MOU
Abuja MOU
Riyadh MOU
Black Sea MOU
Caribbean MOU
Indian Ocean MOU
Acuerdo Vina del Mar
Mediterranean MOU
Mediterranean MOU

- **Establishment**: The Mediterranean Region MoU signed in Malta on 11 July 1997.
- **Mission**: is to eliminate the operation of sub-standard ships through a harmonized system of port State control.
- **Members**: Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Tunisia and Turkey
- **Inspections**: Annually about 6000 inspections. Carry out concentrated inspections
- **Exchange of information**: Communicate and links with IMO, Paris MOU, Black Sea MOU, etc.
PSC on MARPOL Annex VI
Process

- Initial inspection
- Clear grounds
- Detailed inspection
- Detainable deficiencies

ANNEX 15

RESOLUTION MEPC.321(74)
(adopted on 17 May 2019)

2019 GUIDELINES FOR PORT STATE CONTROL
UNDER MARPOL ANNEX VI CHAPTER 3

Initial inspection

• It involves checking certificates and documents.

• Starting point could be the IAPP and the IEE certificates plus their supplements.

• PSCO will make sure that:
  • All equipment listed on the supplements are available
  • They have required certificates
  • Operational aspects are documented in various record books.
  • Personnel are familiar with their proper operation.

• If any clear ground, detail inspection could be initiated.
“Clear grounds” to conduct a more detailed inspection

1. Certificates missing or invalid
2. Supporting documents missing or invalid
3. Absence or malfunction of equipment or arrangements specified in certificates or documents
4. Presence of equipment not specified in certificates or documents
5. Serious deficiencies in certificates, documents, equipment or arrangements
6. Non-familiarity of master or crew
7. Substandard quality of fuel
8. Report or complaint informing about ship being substandard
Detailed inspection process

• Depends on what areas or aspect need to be inspected.

• For example, for NOx compliance, the process will be different as compared to sulphur compliance.

• Generally, the requirements of the regulation must be met.

• Therefore, the PSCO will carry out further investigation to find out if the prevailing regulations are met.
Possible detainable deficiencies for MARPOL Annex VI

• Absence of valid certificates or documents.

• A marine diesel engine on-board that does not comply with regulations.

• The sulphur content of any fuel used or found on board exceeds 0.5% m/m (or 0.1% while in ECA-SOx).

• The master or crew are not familiar with **essential procedures** of operation of air pollution prevention equipment (e.g. incinerators, fuel change over system, scrubber, etc.).

• ............

• ............
Port State Control for Nitrogen Oxides (NOx) (Regulation 13)
Regulation 13 - NOx emission limits

Tier I
- Constructed on or after 1 Jan. 2000

Tier II
- Constructed on or after 1 Jan. 2011

Tier III*
- Constructed on or after 1 Jan. 2016
- Applied in ECAs
- Tier II applied outside of ECAs

* For a ship operating within North American ECA and US Caribbean Sea Area ECA

All engines > 130 kW
PSC: Initial inspection on NO$_x$

Ascertain the existence of the following documents:

- IAPP certificate and its supplement with details of all applicable engines
- EIAPP certificate
- NOx Technical File
- Record Book of Engine Parameters
- Record Book for Tier II or III information on ECA-NOx changeovers of settings

At the same time, ascertain that the crew are familiar with the above requirements
**NO$_x$: Detailed inspection**

- Deeper examination of the EIAPP Certificates, NOx Technical Files, Record Book of Engine Parameters, maintenance records:
  - Purpose is to confirm that they are accurate
  - If the engine is used with correct settings / part / etc.
  - If crew are familiar with how to operate the engine.
- **Questions to be clarified (examples):**
  - Has there been any major conversion?
  - Has emergency diesel engine used for non emergency?
  - Are there any additional engines on board?
  - Are main components such as injectors, turbochargers are conforming to NOx Technical File?
  - Has ECA-NOx switching recorded properly?
  - Etc.
NO$_x$ detainable deficiencies - Examples

1. Absence of valid EIAPP Certificates or NOx Technical Files;

2. Existence of engines on-board that have undergone major conversion but not certified.

3. Existence of a diesel engine with Approved Method on a ship constructed on or after 1 January 1990 but prior to 1 January 2000, that has no Approved Method installed.
PSC for SOx and sulphur compliance (Regulations 14 and 18)
Regulatory limits on fuel sulphur

- Fuel sulphur limits are set for Global and ECA regions.

Compliance options:
1. LNG
2. Use compliant fuel oil (e.g. two fuel system)
3. SOx scrubbers
PSC: Initial inspection of documents/certificates

- Written changeover procedure & record of change over events (Reg 14.6):

- Documentation related to exhaust gas cleaning systems (scrubbers), if applicable.

- Bunker Delivery Note and bunker samples (Reg. 18)

- In case of non-availability of fuel oil: Record of actions (Reg 18.2.1.1) ➔ FONAR

- ..................
PSC initial inspection for sulphur: Examination of fuel samples

- Physical examination of fuel:
  - Take sample and usual visual examination such as colour, etc.
  - Use hand held testing devices such as XRF (X-ray fluorescence spectroscopy).
PSC: More detailed inspections

- Detailed check of documents:
  - Oil record book
  - Fuel changeover plan
  - FONAR, if applicable
  - BDNs etc.
  - Check with other flag
  - Check with fuel supplier

- Sampling of fuel and analysis for sulphur content
Port State Control for Energy Efficiency
General checklist for Chapter 4 PSC

• **For Initial inspection:** Check if the following exists and are valid:
  • IEE certificate
  • Ship Record of Construction (annex to IEE Certificate).
  • EEDI Technical File, its contents and validity
  • Existence of SEEMP on-board plus approved Data Collection Plan as part II of SEEMP.
  • “Statement of Compliance” for IMO Data Collection System for Fuel Oil Consumption (from 2019 onwards).
  • Also ascertain that ship master and crew are familiar with relevant documents and activities.

• **For detailed inspections:** Examine the contents of the above documents and also the ship related equipment/systems to ensure that documents are valid and existing equipment/systems are compatible with the documents.
Some aspects of detailed inspections:

• In-depth review of content of “Ship Record of Construction for Energy Efficiency” and related documented.

• Review of on-board fuel data collection process and disaggregate data and if complies with data collection plan

• General review of the ship to find out if any changes made that may be a “major conversion”.

• ........
1. **Particulars of ship**

2. **Propulsion system**

---

### Record of Construction Relating to Energy Efficiency

**Notes:**

1. This Record shall be permanently attached to the IEE Certificate. The IEE Certificate shall be available on board the ship at all times.

2. The Record shall be at least in English, French or Spanish. If an official language of the issuing Party is also used, this shall prevail in case of a dispute or discrepancy.

3. Entries in boxes shall be made by inserting either: a cross (x) for the answers "yes" and "applicable"; or a dash (−) for the answers "no" and "not applicable", as appropriate.

4. Unless otherwise stated, regulations mentioned in this Record refer to regulations in Annex VI of the Convention, and resolutions or circulars refer to those adopted by the International Maritime Organization.

#### 1. Particulars of ship

1.1 Name of ship

1.2 IMO number

1.3 Date of building contract

1.4 Gross tonnage

1.5 Deadweight

1.6 Type of ship

#### 2. Propulsion system

2.1 Diesel propulsion

2.2 Diesel-electric propulsion

2.3 Turbine propulsion

2.4 Hybrid propulsion

2.5 Propulsion system other than any of the above

---

*Insert ship type in accordance with definitions specified in regulation 2. Ships falling into more than one of the ship types defined in regulation 2 should be considered as being the ship type with the most stringent (the lowest) required EEDI. If ship does not fall into the ship types defined in regulation 2, insert "Ship other than any of the ship type defined in regulation 2."*
Ship record of construction for energy efficiency (2)

3. Attained EEDI

4. Required EEDI

5. SEEMP

6. EEDI Technical File
REMPEC, an IMO / UNEP Centre assisting the Mediterranean coastal States in ratifying, transposing, implementing and enforcing international maritime conventions related to the protection of the marine environment.

Thank you

Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC)
Maritime House, Lascaris Wharf, Valletta, VLT 1921, Malta
T: +356 21 337 296/7/8 | F:+356 21 339 951 rempec@rempec.org

www.rempec.org