

Port State Control for MARPOL Annex VI

Assembly Resolution A.1119(30)

Procedures for PSC



National Workshop (virtual) on Ratification and Effective Implementation of
MARPOL Annex VI for Egypt
25 November 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 the purpose of 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.

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 States

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.**

Roles of IMO, ILO and States

- **International Maritime Organization (IMO):** Safety, pollution prevention, training, ... for international shipping.
 - Main Role: **Making regulations.**
- **International Labour Organization (ILO):** Working and living conditions at sea.
 - Main role: **Making regulations**
- Each **member State bears the responsibility** for implementing on its own flag and enforcing on foreign flag ships the international conventions it has ratified.
 - Main role: **Implementation on own Flag ships** and **enforcement on foreign ships.**

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 is important elements of PSC

PSC general basics

- Generally limited to verifying the **validity of certificates** at the **initial inspection**.
- To conduct a more **detailed inspection** of the vessel there must be “**clear grounds**” for **lack of or deviations from certificates**.
- If deficiencies found that render the vessel sea unworthy, the vessel may be **detained** until deficiencies are corrected.
- PSC Officer when exercising “control” **should not unduly detain** the vessel.
- Port State must be **Party to the relevant Convention** to carry out an inspection
- If a ship is detained, **Flag State** must be **notified**.

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.

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

Procedures for PSC

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.

Appendices

Appendix 1	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
Appendix 2	Guidelines for the detention of ships
Appendix 3	Guidelines for investigations and inspections carried out under Annex I of MARPOL
Appendix 4	Guidelines for investigations and inspections carried out under Annex II of MARPOL
Appendix 5	Guidelines for discharge requirements under Annexes I and II of MARPOL
Appendix 6	Guidelines for more detailed inspections of ship structural and equipment requirements
Appendix 7	Guidelines for control of operational requirements
Appendix 8	Guidelines for port State control officers on the ISM Code
Appendix 9	Guidelines for port State control related to LRIT
Appendix 10	Guidelines for port State control under the 1969 Tonnage Convention
Appendix 11	Guidelines for port State control officers on certification of seafarers, manning and hours of rest
Appendix 12	List of certificates and documents
Appendix 13	Report of inspection in accordance with IMO port State control procedures
Appendix 14	Report of deficiencies not fully rectified or only provisionally rectified
Appendix 15	Report of action taken to the notifying authority
Appendix 16	Format for the Report of contravention of MARPOL (article 6)
Appendix 17	Comments by flag State on detention report
Appendix 18	List of instruments relevant to port State control procedures

Inspection of ships of non-Parties

- Ships of non-Parties or below convention size should be given **no more favourable treatment**.
- If a ship has for example a **declaration of conformity** or **document of compliance** instead of an IAPP certificate, the PSCO may take into account such documentation in the evaluation of the ship.

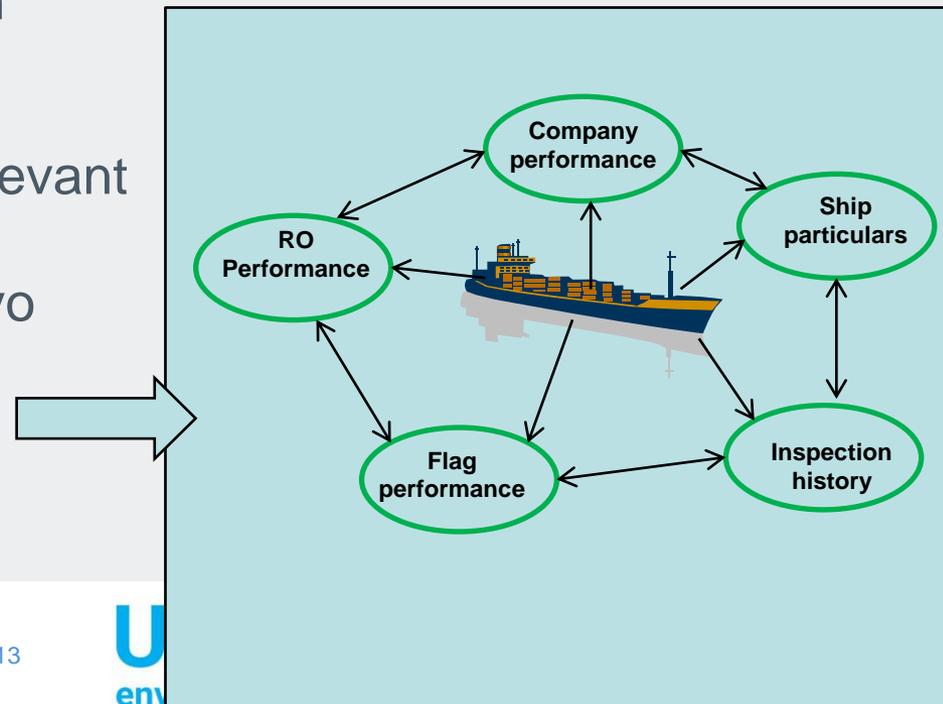


What does “**no more favourable treatment**” means?

Chapter 2- 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):



Port State Inspection of the ship: 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.

The screenshot shows the IMO Secretariat Area homepage. The header includes the IMO logo and the text 'Global Integrated Shipping Information System'. Below the header, there is a search bar with the placeholder text 'Find module by keyword' and a 'Search' button. The main content area is titled 'Welcome to the Secretariat Area' and features a grid of modules. The 'Port State Control' module is highlighted with a red oval. Other modules include 'Reporting Requirements Dashboard', 'Marine Casualties and Incidents', 'Ship and Company Particulars', 'Status of Treaties', 'Simulators', 'Risk Management', 'Organizational Planning', and 'Country Maritime Profile'. The footer includes the REMPEC logo and the IMO logo.

IMO INTERNATIONAL MARITIME ORGANIZATION
Global Integrated Shipping Information System

Secretariat Area

Welcome to the Secretariat Area

Find module by keyword

Reporting Requirements Dashboard
Status and completeness of information in GISIS received from IMO members.

Marine Casualties and Incidents
Data on marine casualties and incidents, as defined by circulars MSC-MEPC.3/Circ.3

Port State Control
Information communicated under the provisions of SOLAS regulation I/19, article 11 of MARPOL, article 21 of Load Lines, article X(3) of STCW and the Procedures for port State control.

Organizational Planning
Information on the status of planned and new outputs related to the High-level Action Plan.

Country Maritime Profile
Information from Member States to enable targeted technical co-operation and resources.

Ship and Company Particulars
Search the world fleet of ships by IMO Number and look up company particulars by IMO Company Number.

Status of Treaties
Status of ratification of IMO conventions, including global tonnage figures.

Simulators
Information on simulators available for use in maritime training.

Risk Management
Information on the status of risk events related to the Secretariat's business plan.

Development of Amendments
Development of amendments to the 1974 SOLAS Convention and related mandatory instruments.

REMPEC

INTERNATIONAL MARITIME ORGANIZATION

Pre-boarding preparation: Data on ship and PSC history

- A variety of sources exists to know more about the ship and its PSC history
 - IMO GESIS as mentioned before
 - Own PSC Administration and their database
 - MOU websites/database
 - Shipping data providers such as IHS Fairplay and EQUASIS.

Pre-boarding preparation: PSC database of relevant MoU

> Organization

> Inspections & Detentions

> Publications

Contact details

> Secretariat

> Authorities

Annual Report 2015 New!

ANNUAL REPORT
ON
PORT STATE CONTROL
IN THE ASIA-PACIFIC REGION
2015

> Annual Report

Welcome to Tokyo MOU

The Tokyo MOU is one of the most active regional port State control (PSC) organizations in the world. The organization consists of 19 member Authorities in the Asia-Pacific region.

The main objective of the Tokyo MOU is to establish an effective port State control regime in the Asia-Pacific region through co-operation of its members and harmonization of their activities, to eliminate sub-standard shipping so as to promote maritime safety, to protect the marine environment and to safeguard working and living conditions on board ships.



[PSC Database](#)



[Detention List](#)



[Under-performing Ships](#)



Home
Organization
Inspections & Detentions
Publications

> Organization

> Inspection & Detentions

> FAQ

> Detention list

> PSC Database

> New Inspection Regime (NIR) New!

> Under-performing ships

> Appeal procedures

> Detention review

> Criteria for RO responsibility

> Publications

PSC Database

For the purpose of providing more transparent information on activities of the Tokyo MOU, the Port State Control Committee decided to publish the PSC inspection data on the web-site. The inspection database under this section has been developed for providing the facilities to make search and view of the results of inspections conducted by the member Authorities of the Tokyo MOU.

In order to ensure accuracy and correctness of the Tokyo MOU PSC data, should there be a question regarding inspection data, parties or individuals concerned are requested to contact the relevant port State Authority directly for verification or correction. The information displayed in the database reflects the situation at the time of inspection. The Secretariat of the Tokyo MOU is not in the position to amend any records in the database.

MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN THE ASIA-PACIFIC REGION
ASIA-PACIFIC COMPUTERIZED INFORMATION SYSTEM

SEARCH IN DATABASE

SHIP SEARCH

IMO number:

Call Sign:

Ship Name:

COMPANY SEARCH

IMO number:

Company Name:

INSPECTION SEARCH

Date range: from to

Authority:

Flag:

Ship Class*:

Recognized Organization**:

Ship type:

Inspection results:

Inspection type:

Sort by:

Sort order:

then by:

Sort order:

Initial inspection

- General impression (will depend on scope of inspection).
- Examine relevant certificates and documents
- Check validity of certificates and assess the overall condition of the ship
- 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 inspection.

Clear grounds, section 2.4:

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.

Detainable deficiencies

- PSCOs should be guided by the principle that the requirements are essential for the protection of the marine environment and that the departure from these requirements could constitute a threat or harm to the marine environment.

Examples

- Absence of valid certificates
- Failure of equipment
- Clear lack of competent crew
- Use of materials / equipment in contravention of regulations (e.g. high sulphur fuel).

Procedures for rectification of deficiencies and release

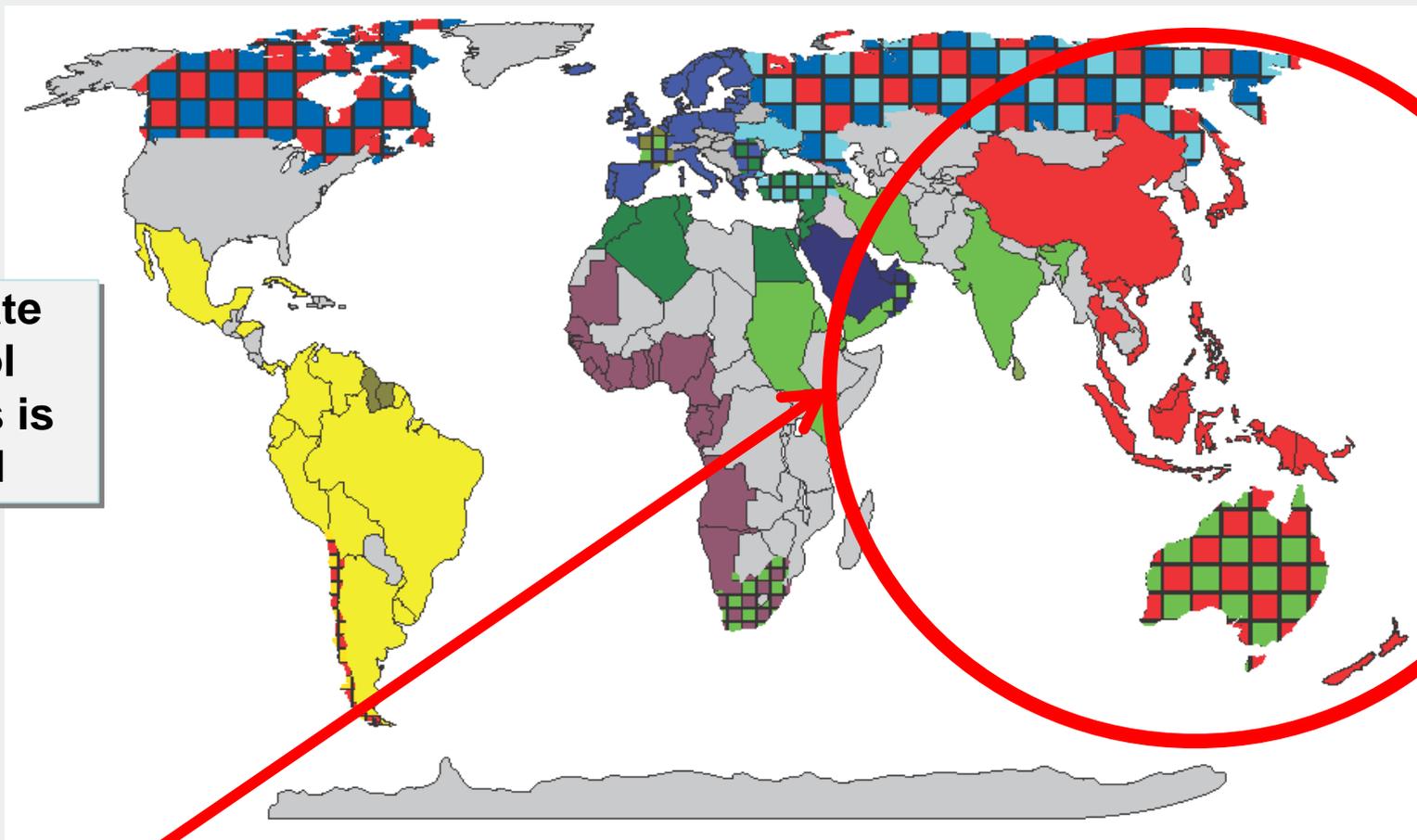
- In the case of deficiencies which are clearly hazardous to safety or to the environment, the PSCO should ensure that the **hazard is removed before the ship is allowed to proceed to sea.**
- Exception - If the ship is to proceed to the nearest ship repair yard for repair.

MOU Regions for PSC

PSC – Advantages of regional cooperation

- IMO recognized that PSC is best to be coordinated at a regional level:
 - Improved harmonization
 - Global coordination of PSC functions
- 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.

Undue delay (from Resolution A.1119(30)) - IMPORTANT

- When exercising control, all possible efforts should be made to avoid a ship being unduly detained or delayed.
- The PSCO should exercise professional judgement to determine whether to detain a ship until the deficiencies are corrected or to allow it to sail with certain deficiencies, having regard to the particular circumstances of the intended voyage.
- It should be recognized that all equipment is subject to failure and spares or replacement parts may not be readily available. In such cases, undue delay should not be caused if, in the opinion of the PSCO, safe alternative arrangements have been made.

Port State reporting aspects

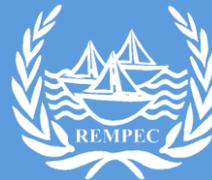
- Information to be reported to the Master
- If appropriate inform the Recognized Organization (RO)
- In case of detention inform the authorities of the ship's flag State
- If allowed to sail with known deficiencies inform the next port State

There are a number of Appendices in the PSC procedures for reporting and information sharing

Self Assessment: True or False

- PSC main objective is to ensure compliance to IMO regulations?
- PSC under IMO can only be performed by a Party to a Convention on all foreign ships visiting its ports?
- PSCO would normally initially check the certificates and regulatory documents?
- Missing or invalid certificates can lead to detention?
- “No more favourable treatment” applies to ships of non-Parties?
- “Detailed inspection” for PSC can begin if a report from another Party has been received about a serious deficiency of a ship?
- Delay to ship departure can take place by port States until their investigations are complete?

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