

What is PSC?

Port State Control at work

It is known that the responsibility for ensuring that ships comply with the provisions of the relevant instruments rests upon the owners, masters and the flag States. Some flag States fail to fulfill their commitments contained in agreed international legal instruments and subsequently some ships are sailing in an unsafe condition, threatening the lives as well as the marine environment. Port State control is a system of harmonized inspection procedures designed to target sub-standard ships with the main objective being their eventual elimination.

Co-operation between flag State and Port State

Having recognized that the main responsibility lies with the flag State on the one hand and the inability for a variety of reasons of some of flag States to meet, entirely, their obligations under the conventions resulting in the existence of substandard ships it is imperative to develop close co-operation between flag States and port States.

It is a fact that the most important largest Registries have become so due to the attraction of ships whose beneficial ownership belongs to traditional maritime countries which again, for a variety of reasons have chosen a particular port of regulation as oppose to others. It is in the best interest of all to develop effective Flag State/Port State interfaces for the sake of safe shipping.

Role of the International Organizations

1- International Maritime Organization (IMO)

Several IMO conventions contain regulations that permit Governments to inspect foreign ships that visit their ports to ensure that they meet international (mainly IMO) requirements. This involves creating an administration, a team of surveyors and inspectors, consequently can be expensive. But, by combining with other countries to form regional Port State Control agreements these costs can be reduced and the effectiveness of the inspection programme increased. At the same time, the data collected can help to target flags, companies and individual ships that have a poor safety record.

The first regional agreement was created in Western Europe in 1982 by means of the Paris Memorandum of Understanding on Port State Control.

Since then other regional agreements have been setup in Latin America, Asia and the Pacific, the wider Caribbean, the Mediterranean and, most recently west and Central Africa agreement.

The present momentum on the establishment of Port State Control regimes in the various regions of the world stems from IMO initiatives at the beginning of this decade when, with a view to eradicating substandard ships the Assembly of the International Maritime Organization adopted resolution A.682 (17) "Regional Cooperation in the Control of Ships and Discharges", as proposed by the Secretary General of IMO to promote the establishment of such regimes in the various regions of the world following the pattern adopted by the European region through the Paris Memorandum of Understanding on Port State Control (MOU) in 1982.

Having established the above referred to regional PSC capabilities, which of course are operating with various degrees of success, the next major initiative now is the establishing of Port State Control in the Indian Ocean region and at the moment IMO is also in consultations with the maritime Authorities of countries within the remaining regions not yet subject to specific Port state Control agreements. It is envisaged that during the period 1999- 2000 Preparatory Meeting aimed at the establishment of such agreements will take place when the above is completed full global coverage through independent, although cooperating, regional agreements in various regions of the world will be achieved.

IMO Conventions

The international maritime conventions mentioned in the previous section, referred to as the relevant instruments, are as follows:

- ❖ International Convention on Load Lines 1966, as amended, and its 1988 Protocol, (LOADLINES 66/88);
- ❖ International Convention for the Safety of Life at Sea (SOLAS), 1974, its Protocol of 1978, as amended, and the Protocol of 1988, (SOLAS 74/78/88);
- ❖ International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, as amended (MARPOL 73/78);
- ❖ International Convention on Standards of Training, Certification and Watch keeping for Seafarers 1978, as amended (STCW 78);
- ❖ Convention on the International Regulations for Preventing Collisions at Sea 1972, as amended (COLREG 72);
- ❖ International Convention on Tonnage Measurement of Ships 1969 (TONNAGE 1969);

2- International Labour Office (ILO)

- ❖ Inspections on board ships under the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147) relate to:
 - ❖ Minimum Age Convention, 1973 (No. 138);
 - ❖ Minimum Age (Sea) Convention (Revised), 1936 (No. 58);
 - ❖ Minimum Age (Sea) Convention, 1920 (No. 7);
 - ❖ Medical Examination (Seafarers) Convention, 1946 (No. 73);
 - ❖ Prevention of Accidents (Seafarers) Convention, 1970 (No. 134) (Articles 4 and 7);
 - ❖ Accommodation of Crews Convention (Revised), 1949 (No. 92);
 - ❖ Food and Catering (Ships' Crews) Convention, 1946 (No. 68) (Article 5);
 - ❖ Officers' Competency Certificates Convention, 1936 (No. 53) (Articles 3 and 4).
- ❖ All complaints regarding conditions on board will be investigated thoroughly and action will be taken as deemed necessary by the PSCO. If necessary, the ship will be detained until appropriate corrective action is taken.

Basic of PSC?

1. General

- The prime responsibility for compliance with the requirements laid down in the international maritime conventions lies with the shipowner/operator; responsibility for ensuring such compliance remains with the Flag State.
 - The member-countries in each MOU agreed to inspect a percentage of the estimated number of individual foreign merchant ships, which enter their ports.
 - IMO and ILO conventions provide the basis for inspections under the Paris MOU.
 - In general ships will not be inspected within six months of a previous inspection in a MOU port, unless there are clear grounds for inspection.
 - All possible efforts are made to avoid unduly detaining or delaying a ship.
 - Inspections are generally unannounced.
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2. Outline of the structure of the PSC MOU's

The executive body of the PSC MOU's is the Port State Control Committee. It is composed of the representatives of the participating maritime authorities and the European Commission. The Port State Control Committee meets once year, or at shorter intervals if necessary.

Representatives of the International Maritime Organization (IMO), the International Labour Organization (ILO) and the European Commission participate as observers in the meetings of the Port State Control Committee, as well as representatives of several cooperating maritime authorities and other regional agreements on port State control. The Committee deals with matters of policy, finance and administration and is assisted by technical bodies established within the organization.

3. Selection of ships for inspection

Every day a number of ships will be selected for a Port State control inspection throughout the region. To facilitate such selection, the MOU's central computer database, is consulted by PSCOs for data on ships particulars and for the reports of previous inspections carried out within the region. If a ship has been inspected within the MOU's region during the previous six months and, on that occasion, was found to comply, the ship will in principle be exempted from further inspection, unless there are clear grounds to warrant further investigation.

In selecting ships for inspection the MOU Authorities will give priority to:

- Ships visiting a port of a State, the Authority of which is a signatory to the Memorandum, for the first time or after an absence of 12 months or more. In the absence of appropriate data for this purpose, the Authorities will rely upon the available data in the information system and inspect those ships which have not been registered in that information;
 - Ships flying the flag of a State appearing in the three-year rolling average table of above-average detentions and delays published in the annual report of the MOU's;
 - Ships which have been permitted to leave the port of a State, the Authority of which is a signatory to the Memorandum, on the condition that the deficiencies noted must be rectified within a specified period, upon expiry of such period;
 - Ships which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation;
 - Ships whose statutory certificates on the ship's construction and equipment, issued in accordance with the relevant instruments and the classification certificates, have been issued by an organization which is not recognized by the Authority;
 - Ships carrying dangerous or polluting goods, which have failed to report all relevant information concerning the ship's particulars, the ship's movements and concerning the dangerous or polluting goods being carried to the competent authority of the port and coastal State;
 - Ships which are in a category for which expanded inspection has been decided.
 - Ships which have been suspended from their class for safety reasons in the course of the preceding six months.
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4. Who boards a ship to carry out Port State Control?

Port State control is carried out by a Port State Control Officer (PSCO). The PSCO is a properly qualified person, authorized to carry out Port State control inspections in accordance with the MOU's and relevant instruments, by the maritime authority of the Port State and acts under its responsibility. All PSCOs carry an identity card, issued by their maritime authorities.

Training seminars for PSCOs are organized to ensure effective and harmonized inspection procedures, which are followed throughout the MOU's regions. These seminars keep PSCOs informed of new technical developments and amendments to the MOU's.

5. Types of inspection

Initial:
36 Certificates & Documents (Crew and ship's condition including engine room and accommodation meets international standards)
Detailed:
In absence of valid certificates / documents or Clear Ground that ships condition does not meet the international standards
Expanded- once a year:

- Passenger ships:
- Gas and chemical tankers older than 10 years
- Bulk carriers, older than 12 years
- Oil tankers , 5 years or less from the date of phasing out in accordance with MARPOL 73/78

Suspended:

In exceptional circumstances where, as a result of the initial control and more detailed inspection, the overall condition of a ship and its equipment, also taking the crew and its living and working conditions into account, is found to be sub-standard, the Authority may suspend an inspection until the responsible parties have taken the steps necessary to ensure that the ship complies with the requirements of the relevant instruments.

6. Port State Control inspection procedures

A Port State control visit on board a ship will normally start with, as a minimum and to the extent applicable, examination of the following documents

1. International Tonnage Certificate (1969);
2. Passenger Ship Safety Certificate;
3. Cargo Ship Safety Construction Certificate;
4. Cargo Ship Safety Equipment Certificate;
5. Cargo Ship Safety Radio Certificate;
6. Exemption Certificate;
7. Cargo Ship Safety Certificate;
8. Document of Compliance (SOLAS 74, regulation II-2/54);
9. Dangerous Goods Special List or Manifest, or Detailed Stowage Plan;
10. International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, or the Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, whichever is appropriate;
11. International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, or the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, whichever is appropriate;
12. International Oil Pollution Prevention Certificate;
13. International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;
14. International Load Line Certificate (1966);
15. International Load Line Exemption Certificate;
16. Oil Record Book, parts I and II;
17. Shipboard Oil Pollution Emergency Plan;
18. Cargo Record Book;
19. Minimum Safe Manning Document;
20. Certificates of Competency;
21. Medical certificates (see ILO Convention No. 73);
22. Stability information;
23. Safety Management Certificate and copy of Document of Compliance (SOLAS chapter IX);
24. Certificates as to the ship's hull strength and machinery installations issued by the classification society in question (only to be required if the ship maintains its class with a classification society);
25. Survey Report Files (in case of bulk carriers or oil tankers in accordance with resolution A.744(18));
26. For Ro-Ro passenger ships, information on the A/A max ratio;
27. Document of authorization for the carriage of grain;
28. Special Purpose Ship Safety Certificate;
29. High-Speed Craft Safety Certificate and Permit to Operate High-Speed Craft;
30. Mobile Offshore Drilling Unit Safety Certificate;
31. For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage;
32. The muster list, fire control plan and damage control plan;
33. Ship's log-book with respect to the records of tests and drills and the log for records of inspection and maintenance of life-saving appliances and arrangements;
34. Procedures and Arrangements Manual (chemical tankers);
35. Cargo Securing Manual,
36. Certificate of Registry or other document of nationality;
37. Garbage Management Plan;
38. Garbage Record Book;
39. Bulk carrier booklet (SOLAS chapter VI regulation 7); and
40. Reports of previous port State control inspections."

In addition the PSCO conducts a general inspection of several areas on board to verify that the overall condition of the ship (including the engine room and accommodation, and including hygienic conditions) complies with that required by the various certificates. If valid certificates or documents are not on board, or if there are 'clear grounds' to believe that the condition of a ship, its equipment or its crew does not substantially meet the requirements of a relevant convention, a more detailed inspection will be carried out. If the ship is found to comply, the PSCO will issue a 'clean' inspection report to the master of the ship. Next, the data of the respective ship and the inspection result will be recorded on the MOU's central computer database.

For the purpose of control on compliance with on board operational requirements, examples of "clear grounds" are, amongst others, the following:

- A report or notification by another Authority;
- A Report or complaint by the master, a crew member, or any person or organization with a legitimate interest in the safe operation of the ship, unless the Authority concerned deems the report or complaint to be manifestly unfounded.
- The ship has been accused of an alleged violation of the provisions on discharge of harmful substances or effluents;
- The ship has been involved in a collision, grounding or standing on its way to the port;
- The emission of false distress alerts not followed by proper cancellation procedures;
- The ship has been identified as priority case for inspection;
- The ship is flying the flag of a non-party to relevant instruments ;
- During examination of the certificates and documents, inaccuracies have been revealed or have not been properly kept or updated.

Furthermore, control on compliance with on board operational requirements may be included in the control procedures, particularly if the PSCO has reason to believe that the crew demonstrates insufficient proficiency in that area.

7. Grounds for a more-detailed inspection

Clear grounds for a more detailed inspection are, amongst others:

- a report or notification by another authority;
- a report or complaint by the master, a crew member, or any person or organization with a legitimate interest in the safe operation of the ship, unless this complaint is clearly deemed to be unfounded;
- Other indications of serious deficiencies.

In addition there are requirements for expanded inspections for bulk carriers and tankers above a certain age and for passenger ships. With regard to complaints received from masters or crew members the Port State control authority receiving such complaint has the obligation not to disclose the source of information. In other words masters or crew members will not face risk of reprisal.

8. Minimum manning standards

The guiding principle for Port State inspection of the manning of a foreign ship is to establish conformity with the Flag State's safe manning requirements. Where this is in doubt the Flag State will be consulted. Such safe manning requirements stem from:

- several of the relevant instruments;
- contents of Minimum Safe Manning Document (IMO Resolution A.481(XII), Annex 1);
- Guidelines for the Application of Principles of Safe Manning (IMO Resolution A.481 (XII), Annex 2).

If the extent of the manning deficiency is such as to render the ship clearly unsafe for the intended voyage or service, the ship will be detained.

The Port State will contact the Flag State if:

- a. The actual number or composition of the crew does not conform to the minimum safe manning document; or
- b. If the ship does not carry a minimum safe manning document or equivalent.

If the actual crew number and composition is not brought into accordance with the safe manning document the ship will probably be detained. If the Flag State does not respond, this will be considered as a clear ground for a more detailed inspection, with a strong likelihood of detention.

9. Deficiencies, detection and rectification

When deficiencies are found during the inspection, the nature of the deficiencies and the corresponding action taken are filled in on the inspection report. Some examples of actions taken are: 'master instructed to rectify deficiency before departure', 'ship detained', 'flag State informed', etc.

In principle, all deficiencies must be rectified before departure of the ship. It is up to the professional judgement of the PSCO to decide that he has to board the ship on a second occasion to check personally if all deficiencies have indeed been rectified. The following are the main criteria for the detention of a ship:

- a ship which is unsafe to proceed to sea will be detained upon the first inspection, irrespective of the time the ship is scheduled to stay in port;
- The deficiencies on a ship are so serious that they will have to be rectified before the ship sails.

In case deficiencies are clearly hazardous to safety, health or the environment, the maritime authorities will ensure that the hazard is rectified before the ship is allowed to proceed to sea and for this purpose they will either detain the vessel or issue a formal prohibition of a ship to continue an operation. The Flag State will be notified as soon as possible.

If deficiencies cannot be remedied in the port of inspection, the maritime authority may allow the ship to proceed to another port, subject to any appropriate conditions determined by the maritime authority of the port of departure, with a view to ensuring that the ship can so proceed without unreasonable danger to safety, health or the environment. In this case a follow-up inspection will normally be carried out in this respective port.

In the event of a detention of a ship, the PSCO will note information on the owner or operator of the vessel at the time of the detention. The master will be asked to sign to confirm this information.

When a ship has been detained all costs accrued by the port State to inspect the ship will be charged to the owner or the operator of the ship or to his representative in the port State.

The detention shall not be lifted until full payment has been made or a sufficient guarantee has been given for the reimbursement of the costs.

The owner or the operator of a ship has a right of appeal against a detention decision taken by the Port State authority. An appeal will not however result in the detention being immediately lifted.

On the conclusion of an inspection, the master of the ship will be provided with a document, which will indicate the results of the inspection and details of any action required to be taken.

10. Information exchange

Whether or not deficiencies are found, all details from each inspection report are entered in an advanced MOU's central computer database. This database can be accessed by all ports in the MOU's region to consult inspection files, to insert new inspection reports or to use the electronic mail facility.

