



Med MoU PSC Procedures

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What is Port State Control (PSC) ?

Port State Control (PSC) is the right and, in an increasing number of countries, the legal obligation of the authorities of the port State to board a foreign ship and verify its compliance with international rules and regulations.



PSC and its Purpose

- PSC is the means by which a nation exercise authority over foreign merchant vessels that are within waters subject to its jurisdiction.
- PSC aims to verify whether foreign flagged vessels comply with the applicable international conventions on safety, pollution prevention and crew living conditions. Where vessels are found to be not in substantial compliance, the PSC system imposes actions to ensure they are brought into compliance.



Local, Regional, International PSC

- PSC has evolved
- Paris MoU lead
- Other followed
- Med MoU established and signed in July 1997 at Valetta, Malta following 2 preparatory meetings.
- Efforts for harmonisation of the process are undertaken by IMO and various PSC Regimes





IMO and ILO

- Provisions for PSC can be seen in IMO and ILO conventions.
- Examples:
 - ❖ SOLAS Ch.I/R19
 - ❖ MARPOL Art. 5(2)
 - ❖ Load Line Art. 21
 - ❖ ILO 147 Art. 4 and MLC 2006 Art. 5(4)
- ✓ See section 1.4 of IMO Res.A.1052(27)



MoU TEXT and MANUAL

- Consist of 2 Volumes
- Volume I
- General Guidelines
- SECTION A – Legal References
- SECTION B – Procedural Guidelines
- Section BA MED MoU Procedures
Instructions and guidelines related to several instruments



MoU TEXT and MANUAL (cont.)

- Section BB Areas under SOLAS
 - Section BC Areas under MARPOL
 - Section BD Areas under STCW
 - Section BE Areas under ILO / MLC
 - Section BF Contact details of Flag State authorities, and ROs for ISM and ISPS matters
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- SECTION C – THE INFO-SYSTEM



MoU TEXT and MANUAL (cont.)

- Volume II
- Appendix I – Standard Forms
- Appendix II – Addresses
- Appendix III – Codes
- Appendix IV – MedEA User Guide





RELEVANT INSTRUMENTS

Section 2 Text of Med MoU (Annex 1)

- The International Convention on Load Lines, 1966;
- The International Convention for the Safety of Life at Sea, 1974 (SOLAS 74);
- The Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974;
- The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78);
- The International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978 (STCW 78);
- The Convention on the International Regulations for Preventing Collisions at Sea, 1972;
- The Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147);
- Maritime Labour Convention 2006 (MLC 2006)



APPLICATION (Section 2 Text of Med MoU)

Each Authority will apply:

- those relevant instruments which **are in force and to which its State is a Party**.
- If there are amendments to a relevant instrument, each Authority will apply those **amendments** which are in force and **which its State has accepted**. An instrument so amended will then be deemed to be the "relevant instrument" for that Authority



COMMITMENTS (Med MoU text Section 1)

Each Authority will:

- Give **effect to the provisions** of the present Memorandum and the Annexes and take all necessary steps to ratify relevant instruments
- maintain an **effective system** of Port State Control
- **Perform an annual inspection rate of 15% of the estimated number of individual foreign merchant ships entering there ports.**
- consult, co-operate and exchange information with the other Authorities in order to further the aims of the Memorandum
- Communication between member states



SELECTION FOR PSCI (Med MoU text section 3 + Sec 2 PSC Proc. BA1)

M.S. shall give priority to the following ships:

- Ships visiting a port of the region for the **first time** or after an **absence of 12 months** or more
- Ships permitted to **sail with outstanding deficiencies**, 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, have **not been issued in accordance** with the **relevant instruments**.





SELECTION FOR PSCI cont.

- 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 have been **suspended from their class** for safety reasons in the course of the **preceding six months**.
- **NEW TARGETING SYSTEM IS BEING DEVELOPED AT PSCC LEVEL**



PROFILE OF PSCO (Med MoU text section 3.5)

- The execution / performance of the PSCI will be undertaken by a PSCO who:
 - shall have **no commercial interest** either in the port of inspection or in the ships inspected
 - shall **not be employed** or undertake work on behalf of **non-governmental organizations** which issue statutory and classification certificates or which carry out the surveys necessary for the issue of those certificates to ships
 - shall **carry a personal document** in the form of an identity card issued by his authority (annex 7)
 - fulfill **the qualification criteria** specified in Annex 7





INITIAL INSPECTION (Section 3 + Sec. 3 BA1)

Authorities **will carry out inspections** which will **consist** of a visit on board a ship in order to:

- check the **certificates** and other documents (minimum Annex 1)
- the **condition** of the ship, its equipment and crew
- the **living and working** conditions of the crew.
- **Hygienic** conditions

UNLESS THERE ARE CLEAR GROUNDS



CLEAR GROUNDS (Med MoU text Section 3.2 + PSC procedures BA1Sec. 5)

Whenever there are **clear grounds for believing** that the condition of a ship or of its equipment or crew **does not substantially** meet the requirements of a relevant instrument **a more detailed inspection shall be carried out**, including further checking of compliance with on-board operational requirements.



CLEAR GROUNDS cont.

Definition:

- **Evidence** that the ship, its equipment, or its crew **does not correspond substantially** with the requirements of the **relevant conventions** or that the **master or crew** members are **not familiar** with essential **shipboard procedures** relating to the safety of ships or the prevention of pollution. [Resolution A. 1052(27) paragraph 1.7.2 {examples section 2.4}]
- Clear grounds exist when the inspector finds evidence which in his **PROFESSIONAL JUDGMENT** warrants a more detailed inspection of ship, equipment or crew. The Authorities will regard as clear ground, inter alia, those set out in **Annex 3**. [Med MoU text]



MORE DETAILED INSPECTION

Volume I (General guidelines) Section 7.2 + BA5

This is conducted when the initial inspection reveals "**clear grounds**" for believing that the condition of a vessel, its equipment, or crew **do not correspond substantially** with the particulars of the certificates.

- "**Clear grounds**" to conduct a more detailed inspection include but not limited to:
- the absence of principal equipment or arrangements required by the applicable conventions;
- evidence from a review that certificate(s) is(are) clearly invalid;
- evidence that documentation required by the applicable conventions is not on board, incomplete, not maintained or falsely maintained;





MORE DETAILED INSPECTION cont.

- 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;
- evidence from the PSCO's general impressions or observations that serious deficiencies exist in the safety, pollution prevention or navigational equipment;
- 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;
- Substandard ship [PSC procedures BA1 (10.2.1) same as Res.A.1052(27) section 3.1]



MORE DETAILED INSPECTION cont.

- A more detailed inspection is also warranted when:
- The ship's certificates have been issued by a non-recognized organization
- The ship has been suspended or withdrawn from its class for safety reasons
- The ship has been permitted to leave a previous port on the condition to rectify the deficiencies within a specified period that has expired.
- The ship has been reported as substandard by pilots or port authorities
- The ship has been the subject of a report or complaint by the master, a crew member or any person/organization with a legitimate interest





MORE DETAILED INSPECTION cont.

- The ship carrying dangerous or polluting goods failed to report to the competent authority all the relevant information about the ship's particulars, the ship's movements and the info concerning the dangerous or polluting goods being carried.
 - The ship has been involved in a collision, grounding or a stranding on its way to the port
 - The ship has been accused of an alleged pollution
 - The ship operated in such a manner as to pose a danger to a person, property or the environment
 - The ship emitted a false distress alert which was properly cancelled
- For more examples see section 7.2.



MORE DETAILED INSPECTION cont.

- A more detailed inspection **should focus** on those areas where "**clear grounds**" have been established and **should include** a further checking of compliance with on-board operational requirements.





EXPANDED INSPECTION

- No mention of Expanded Inspection in text
- No guidelines for expanded inspections, **but**
- Annex 3 section 1 and PSC Form A



SUSPENSION OF INSPECTION (BA1 Sec. 10.7)

- Not covered in Med MoU text, **but**
- Covered within PSC Procedures[BA1]– same as IMO Res. A.1052(27) section 3.6
 - ❖ exceptional circumstances
 - ❖ Detainable deficiencies should be recorded
 - ❖ May continue until such time vessel complies with requirements
 - ❖ Notification of all responsible parties





DEFICIENCIES / DETENTION (section 10 BA 1)

- When deficiencies **do not pose unreasonable threat**, PSCO may:
 - ❖ inform the master to rectify the deficiency before departure;
 - ❖ rectify at next port;
 - ❖ rectify within 14 days
 - ❖ internal safety audit and corrective action is required within 3 months (this only for ISM related deficiencies).
- Guidance for the detention procedure is given in Section BA-8 [adaptation of Appendix 2 of IMO Resolution A.1052(27)]
- Assessment for detention (General Guidelines sect. 8.3)
- Professional judgment of PSCO
- Detainable deficiencies should include convention reference
- Avoidance of undue delay



ACCIDENTAL DAMAGE

- No mention in the Med MoU text, **but**
- There are provisions in the **PSC Procedure [BA1]**. No Detention notice should be issued provided:
 - ❖ The Flag State has been informed [Solas Reg.I/11(c), Resolution A.1052(27) section 2.3.7]
 - ❖ PSC Authority has been notified prior entering the port
 - ❖ Appropriate remedial action to the satisfaction of the PSC is being taken
 - ❖ PSC authority makes sure deficiencies have been rectified



REPAIR YARD (Med MoU text 3.8.1 + General Guidelines section 8.4)

- All deficiencies in principle should be rectified prior departure, BUT If detainable deficiencies cannot be rectified
 - ❖ May allow to proceed to an appropriate repair yard
 - ❖ flag State to assign conditions for voyage – port State to agree
 - ❖ conditions will ensure that the ship can proceed without risk to the safety and health of the passengers or crew, or risk to other ships, or without being an unreasonable threat of harm to the marine environment.
 - ❖ The flag State or the recognized organization acting on his behalf should issue single voyage certificates or preferably endorse existing certificates (to proceed to a repair yard, normally in ballast). The terms of release should be acceptable to the port State.



REFUSAL OF ACCESS (Med MoU text Section 3.8.2 General Guidelines Section 8.5)

- All Mediterranean MOU States must refuse access to their ports to ships which have:
 - ✓ proceeded to sea without complying with the corrective measures laid down by the detaining port (jumped detention);
 - ✓ not called at the indicated repair yard

Until such time to PSC authority is satisfied that the ship complies with the explicable requirements





RIGHT OF APPEAL

- Sections 3.13 of Med MoU text and 8.3 of General Guidelines (Res.1052(27) 2.3.11)
- After detention Master must be informed of the right to appeal
- Varies between Member States
- On the web site of Med MoU the various procedures
- Does not suspend the detention
- Review Panel (Med MoU Annex 3 section 2.2)



REPORTING OBLIGATIONS (Med MoU text Section 4)

- All PSC inspections must be documented
- Use of Forms A and B (clearly written, deficiencies described clearly, convention references, action requested [action taken])
- Leave Master a copy
- Enter report in MedSiS without delay
- If detention the flag state must be informed in writing as soon as possible (also about the release)



NO FAVOURABLE TREATMENT

- When inspecting a ship of a State that is a non party to a convention the “not more favourable” treatment should be applied (Med MoU text 2.4, Res.A1052(27) section 1.5)
- Annex 1 provides application of the clause such as:
 - ❖ More detailed inspection,
 - ❖ Conditions of ship and equipment should be compatible with the provisions of the relevant instruments



BELOW CONVENTION SHIPS

- Will apply the requirements applicable (Med MoU text 2.5)
- Med MoU text Annex 1 Section 5 provides:
- Use of “Mediterranean cargo ships Safety Regulations” (only Algeria, Morocco, Tunisia)
- Also PSCO be guided by any certificates issued by or on behalf of the flag State (5.2.3 and Res.A1052(27))



THANK YOU FOR LISTENING

QUESTIONS?

