



E u r o p e a n M a r i t i m e S a f e t y A g e n c y

European Maritime Safety Agency

PSC & Flag States

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E u r o p e a n M a r i t i m e S a f e t y A g e n c y

Introduction



Easy or
difficult to
be a Flag
State ?

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THE IMO INSTRUMENTS IMPLEMENTATION CODE (III Code)

Resolution A.1070(28)

Objectives:

- To assist States in the implementation of instruments of the Organisation
- Resulting into better global maritime safety and protection of the marine environment



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Scope: Addresses aspects necessary for a contracting State to give full & complete effect of the applicable international instruments, pertaining to:

- Safety of life at sea
- Prevention of pollution from ships
- Standards of training, certification & watchkeeping of seafarers
- Load lines
- Tonnage measurement of ships and
- Regulations for preventing collisions at sea

THE IMO INSTRUMENTS IMPLEMENTATION CODE (III Code)

Resolution A.1070(28)

Flag State's obligations on entry into force of a new or amended IMO instruments

What are the FS's OBLIGATIONS ?

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Flag State shall be able to **enforce** and **implement** its provisions *through* undertaking:

➤ **initial actions:**

- ✓ **Adoption of national laws, &**
- ✓ **Establishment of enforcement procedure**

➤ **Measures for implementation;** and

- **Enforcement** by exercising **effective jurisdiction** and **control**



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THE IMO INSTRUMENTS IMPLEMENTATION CODE (III Code)

Resolution A.1070(28)

*To secure observance of international rules and standards by **ships & staff under its jurisdiction***

Enforcement - Measures to be taken

Periodic inspections of ships to verify conformity with international and national rules and standards

Prohibiting a ship from sailing if she and/or her crew does not fully conform with the certificates

Providing for penalties of adequate severity to discourage violation of international rules and standards

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Enforcement - Measures to be taken

Provide an appropriate number of qualified flag State surveyors

Provide an appropriate number of accident investigators

Ensure training and oversight of the activities of the surveyors and investigators

When a ship is detained under PSC regime - **oversee the appropriate corrective action** to bring her in immediate compliance with Conventions

Issue or endorse certificates only when a ship meets the requirements of all applicable instruments

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THE IMO INSTRUMENTS IMPLEMENTATION CODE (III Code)

Resolution A.1070(28)

Records that can be established and maintained:

- Legislation, international – national
- Consistency of the fleet
- Companies
- Seafarers qualification
- Surveyors
- Surveys and inspections
- Certificates, issued-renewed-withdrawn-etc.
- Marine casualties-investigations
- Results of survey-inspections, statutory-PSC
- Proceedings

Analysis of records

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THE IMO INSTRUMENTS IMPLEMENTATION CODE (III Code)

Resolution A.1070(28)



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THE IMO INSTRUMENTS IMPLEMENTATION CODE (III Code)

Resolution A.1070(28)



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THE IMO INSTRUMENTS IMPLEMENTATION CODE (III Code)

Resolution A.1070(28)

Delegation of authority to ROs



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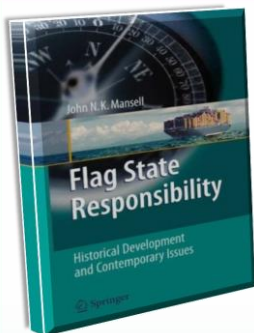
Code for the implementation of mandatory IMO instruments

CONCLUSION



To be a flag
State is
EASY
**if really
committed**

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Flag State is the responsible entity
for ships' safety

(Survey and Certification of ships according to the
International Conventions)



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Port State is the
2nd line of defence

Scope: To verify the compliance of the vessel with the "relevant instruments":



Load Lines 1966 and Protocol 1988



SOLAS 1974 and Protocols 1978 - 1988



MARPOL 73/78 and Protocols 1978 - 1997



STCW 78/95



COLREG 72



Bunkers Convention 2001



Tonnage 1969



ILO No147 and Protocol 1996



Civil liability for oil pollution - CLC 92



Anti-fouling Convention (AFS 2001)

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Port State Control in International Conventions

Solas I/19

Check validity of the certificates

If "clear grounds" actions to ensure the **vessel does not sail until** it can do so without danger for the ship and her crew

Marpol Art 5(2)

Check validity of the certificates

If "clear grounds" actions to ensure the **vessel does not sail until** it can do so withoutpresenting unreasonable threat to the marine environment

Load Lines Art 21

Check validity of the certificates
Check the vessel is not overload

The port State is authorized to ensure the **vessel does not sail until** it can do so without danger for the ship and her crew

STCW Art X - Reg I/4

Verify that crews are certified as required
Assess the crews' ability to perform their duties

To detain the vessel if:

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IMO Port State Control procedures

Procedures for port State control laid down by the IMO with the resolution **A.787 (19)** then amended by the resolution **A.1052 (27)**



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Exclusions

- Fishing Vessels
- Warships
- Naval auxiliaries
- Wooden ships of a primitive build
- Governmental ships used for non-commercial purposes
- Pleasure yachts not engaged in trade



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IMO Assembly Resolution on PSC

Resolution A.787(19)

PROCEDURES FOR PORT STATE CONTROL

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO the Seafarers' Training Certification and Watchkeeping Code and amendments to the International convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, approved by the STCW Conference in July 1995,

RECALLING FURTHER that, by resolution A.446(XI), it adopted, in November 1983, revised specifications for the design, operation and control of crude oil washing systems,

NOTING resolutions A.466(XII) as amended, A.542(13), A.597(15), MEPC.26(23), and A.742(18) contain procedures for the control of ships by port States on matters related to maritime safety and the prevention of marine pollution,

NOTING ALSO resolution A.481 (XII) by which it adopted broad principles of said manning including guidelines for application of the principles,

RECOGNIZING FURTHER that resolution A.742(18) requests the Maritime Safety Committee and the Marine Environment Protection Committee to consider amalgamating resolutions on port State control,

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IMO Assembly Resolution on PSC



INTERNATIONAL
MARITIME
ORGANIZATION

E

ASSEMBLY
27th session
Agenda item 9

A 27/Res.1052
20 December 2011
Original: ENGLISH

Resolution A.1052(27)

Adopted on 30 November 2011
(Agenda item 9)

PROCEDURES FOR PORT STATE CONTROL, 2011

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization regarding the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO resolution A.787(19), by which it adopted the Procedures for Port State Control, and resolution A.882(21), by which it adopted amendments thereto,

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IMO Assembly Resolution on PSC

Scope

.....the need to update the Procedures, as amended, to take account of the amendments to IMO instruments which have entered into force or have become effective since the adoption of resolutions A.787(19) and A.882(21)

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Types of
inspections

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PSC in the European legislation

The inspection (in principle)

Initial

- Ship's certificates
- Walk Thorough
- verify whether outstanding deficiencies have been rectified



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More Detailed

- In case of clear grounds
- In the areas of the clear grounds and others
- Operational controls
- + Certificates in all cases

Eyes on PSC ?

- **BIMCO** for example decided to **change the policy line** against ships which will suffer banning due to multiple detentions. Possible consequences:

- Insurance not to be renewed under the same conditions
- Terms of charter parties to become stricter

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Eyes on PSC ?

SOME INDUSTRY DEVELOPMENTS...



ANNUAL REPORT

QUESTIONNAIRE REGARDING THE CONDUCT OF THE INSPECTOR (= ANNEX 1 IN QUESTIONNAIRE FORM; DID HE INTRODUCE HIMSELF PROPERLY, DID HE WEAR PPE, DID HE TREAT YOU WITH RESPECT.....(SOME 25 QUESTIONS...))

TO BE FILLED (by the crew) AFTER EACH PSC INSPECTION.



We launched our **Vetting Inspection Feedback** e-database and our **Port State Control Inspection Feedback** e-database to enable confidential feedback to be shared on vetting inspections regarding compliance with the SIRE Inspector code of conduct and compliance with IMO PSCO code of conduct.

17 May 2011 Paris MOU on Port State Control

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Thank you

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