

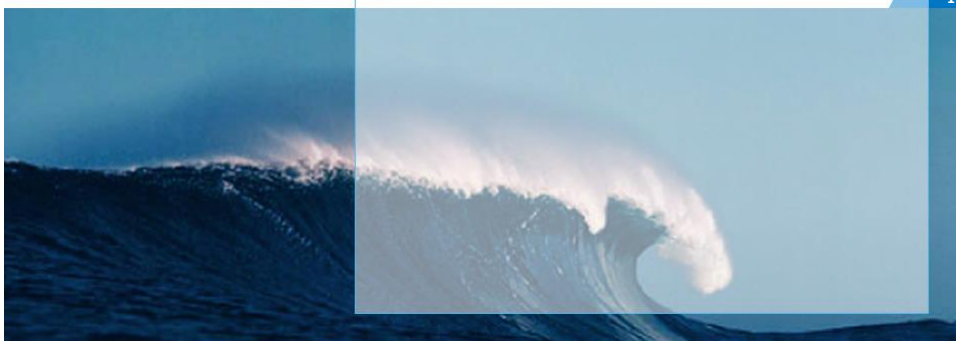


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MED MoU PSC SEMINAR Lisbon 16-19 June 2014

PSC background and EMSA

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PSC background



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PSC Background

PSC Background:



International
Labour
Organization

- 1976 International Labour Conference maritime session
 - ➔ **Adoption ILO Conv. 147**
Merchant Shipping Min. Standards
{aimed to inspect vessels entering ports of MSs}
- 8 countries decided ILO 147 deserved a proper follow up
(Belgium, Denmark, France, Germany FR, the Netherlands, Norway, Sweden and the United Kingdom; Greece joined 1 November 1980)
 - ➔ **The Hague Memorandum**

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'The Hague Memorandum' Signed 2 March 1978

The Hague Memorandum, also known as the North Sea Agreement between 8 Maritime Authorities, on the Maintenance of Standards on Merchant Ships)

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Aim:
Surveillance seagoing ships to ensure
ILO 147,
SOLAS 60 & 74,
Load Line 66,
were met



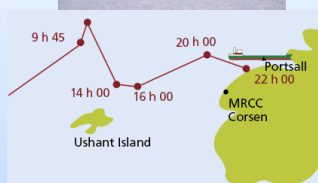
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16 March 1978

Just 2 weeks after
'The Hague Memorandum
was signed, the Amoco Cadiz
incident took place

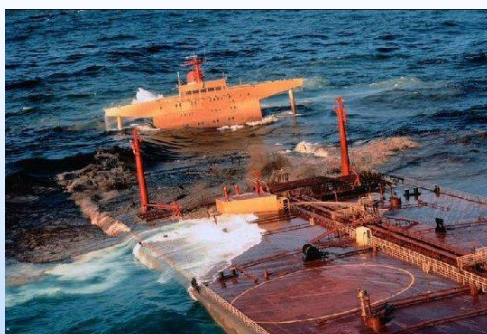


Ran aground on Portsall Rocks (Breton coast) due to a steering mechanism failure
227,000 tonnes crude oil spilled
Breakers split vessel in two, progressively polluting 360 km of shoreline from Brest to Saint Brieuc



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Personne ne pourra jamais oublier le naufrage de l'Amoco Cadiz le 16 Mars 1978
et la catastrophe écologique qui s'en suivit sur les côtes Bretonnes

- Strong political & public outcry in Europe for far more stringent regulations (safety of shipping) [Video](#)



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Paris, December 1980

14 European countries + representatives Commission European Communities, IMO & ILO
Belgium, Denmark, Finland, France, Germany, Greece, Italy, Ireland, Netherlands, Norway,
Portugal, Sweden, Spain, United Kingdom

Conference focus; the need to increase:

- maritime safety,
- protection of the marine environment, and
- importance of improving living and working conditions aboard ship



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It was agreed that
elimination of substandard shipping
is best achieved by:



- coordination of port states, and
- implementation of the provisions of a number of widely accepted international maritime conventions





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2nd Ministerial Conference in Paris, January 1982

Adopted Memorandum of Understanding on PSC

(the present Paris Memorandum of Understanding 1982)

signed on 26 January 1982 by
the Maritime Authorities of 14 States

Belgium - Denmark - Finland - France - Germany
Greece - Italy - Ireland - Netherlands - Norway
Portugal - Sweden - Spain - United Kingdom



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History Community legislation development
in relation to PSC

From 1978-1992 accidents/tragedies:

Oil tanker "Amoco Cadiz" →



Ro-Ro Passenger Ferry

← "Herald of Free Enterprise"

193 people lost their lives

VideoOil tanker "Exxon Valdez" →

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"A Common Policy on Safe Seas"

Commission made several proposals from 1978-1992,
only few concrete decisions were taken
due to lack of actual Community role during this period

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At Community level
Maritime Safety Policy actually started in 1993
adoption of Commission's first Communication
on maritime safety:

"A Common Policy on Safe Seas"

Why?



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Breakthrough

This breakthrough in 1993 was a reaction to accidents
with the oil tankers:



Oil-Ore carrier
← "Aegean Sea" →
1992



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Oil tanker "Brear" →
1993



"A Common Policy on Safe Seas"

In the Communication
"A Common Policy on Safe Seas",
 the framework for a Common Maritime Safety Policy
 was based on 4 pillars:

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1. Convergent implementation of existing global International rules
2. Uniform enforcement of global International rules by port States
3. Development of navigational aids & traffic surveillance infrastructures and
4. Reinforcement of the EU's role as the driving force for global International rule making

PSC Directive 95/21/EC

The European Union built its legislation on IMO Resolutions and the work by the Paris MoU on PSC which provides the framework for signatory countries to carry out their inspection duties

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PSC Directive 95/21/EC was adopted in 1995 and established:
 'common criteria for control of ships calling at MSs ports
 and by harmonising procedures on inspections & detentions'



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Another accident

Just before the adoption of the PSC Directive another accident/tragedy happened in 1994 with the:



← Ro-Ro passenger ferry "Estonia"

This raised particular concern in the Union about the operational conditions of passenger vessels

Community adopted different measures addressing this problem e.g.:

Regulation (EC) 3051/95 - implied an early application of the ISM Code (01-07-1996) on Ro-Ro Passenger ferries in the EU

Directive 1999/35/EC - establishing a system of mandatory surveys for Passenger vessels & high-speed craft operating on regular international or domestic service to or from EU ports, regardless of their flag



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"Erika I" package

In December 1999, an accident/tragedy happened with the:
oil tanker "Erika"



On 21 March 2000 the Commission adopted first set of proposals called

the "Erika I" package



Among others, the existing PSC Directive 95/21/EC was strengthened by the adoption of Directive 2001/106/EC

- Expanded inspections - Black listed flag ships declared substandard on the several occasions are refused access to EU ports

Regulation (EC) 417/2002 - Timetable for phasing out single-hull tankers worldwide (spread over a very long period, ending in 2026)



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"Erika II" package

A second set of measures which completed the "Erika I" package was adopted by the Commission in December 2000, called the **"Erika II" package**

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In this package the Commission proposed among others:

The establishment of EMSA which was achieved by: adoption of the European Parliament and the Council of Regulation (EC) 1406/2002 on 27 June 2002, and, entered into force in August 2002



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EMSA

EMSA is responsible for:

Improving enforcement of the EU rules on maritime safety

In general terms, EMSA:

Provides technical and scientific advice to the Commission in the field of maritime safety, prevention of pollution by ships in the continuous process of updating and developing new legislation, monitoring its implementation and evaluating the effectiveness of the measures in place.

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Agency officials will closely cooperate with Member States maritime services

"Prestige"

Three years after the "Erika" accident, the tragedy with the "Prestige", a single hull tanker, happened (November 2002).



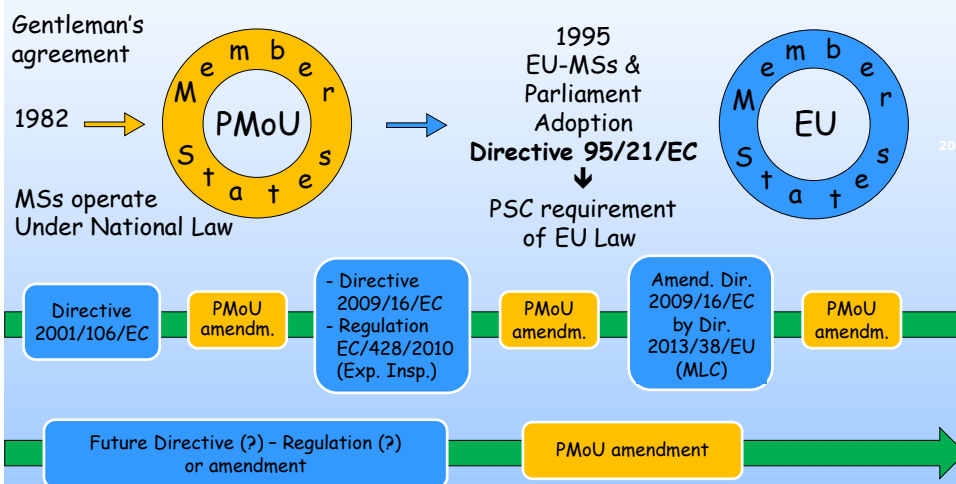
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The Commission reacted rapidly by adopting a Communication on improving safety on 3 December 2002, which included, among others, Regulation (EC) 1644/2003 - a six months earlier timetable for opening EMSA (February 2002), and

Regulation (EC) 1726/2003 - Speeding up the timetable for phasing out single-hull oil tankers

PSC Background

PMoU - EU Directives/Regulations



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MoU

- Gentlemen: not binding
- Equal in everything
- Mainly technical
- Input of experts
- International Conventions

EU Directives/Regulations

- Legal text: binding
- Commission is the guardian
- Highly political
- (less) input of experts
- International Conventions + EU relevant text
- Professional body in support

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Consequences

Ever increasing scope →

← Awareness of the Public;
exposure of PSC(Political) risks
of non-compliance →

← Publications; name and shame



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Importance of
training and **harmonisation** →



'Third maritime safety package'

On 23 November 2005 the Commission adopted a package of 7 legislative proposals:

[actually 5 Directives + 1 Regulation and 1 Regulation - 1 Directive (RO)]

The 'third maritime safety package'

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Adopted by the European Parliament on 11 March 2009

Among others amendment of the PSC Directive

→ Directive 2009/16/EC

- Banning for repeated detentions to all categories of ships
- Sanctions even more severe for repeated offences
- Target figure of 25% replaced by the New Inspection Regime
- Risk based inspections



Back to why training is embedded in EMSA?

We have seen the reasons for the set up of EMSA

Regulation (EC) No 1406/2002

of the European Parliament and of the Council

of 27 June 2002 establishing a EMSA

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Article 2

Core tasks of the Agency



3. The Agency shall work with the Member States to:

- (a) organise, where appropriate, relevant training activities in fields which are the responsibility of the Member States
- (d) PSC Directive 2009/16/EC



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EMSA Mission Statements

THE AGENCY

To ensure a high, uniform, and effective level of maritime safety and security, as well as prevention of and response to pollution by ships within the EU

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Unit B.3.1 - Port State Control

... Provision of **training** for PSCOs aiming at **harmonisation** within the Paris MoU region as mentioned in the Directive

... Assessment of the implementation of PSC in MSs



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Paris MoU Mission Statement

To eliminate operation of sub-standard ships through a **harmonized** system of PSC

The PMoU on PSC is the official doc. in which 27 Maritime Authorities agree to implement a **harmonized** system of PSC

The MoU consists of a main body, including annexes, in which the Authorities agree on:

...
the inspection procedures and the investigation of operational procedures
...

PMoU recitals:

... increase maritime safety and the protection of the marine environment and the importance of improving living and working conditions on board ship;

... **Convinced of the necessity of a harmonized system of PSC** ...

Sect. 3.3 Inspections by properly qualified and trained persons
(Annex 6 - Minimum Criteria for PSCOs)

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EU Directive 2009/16/EC on PSC, as amended

Article 1 - Purpose of this Directive is to help to drastically reduce substandard shipping in the waters under the jurisdiction of MSs by:

(a) increasing compliance with international and relevant Community legislation on maritime safety, maritime security, protection of the marine environment and on-board living and working conditions of ships of all flags;

(b) establishing common criteria for control of ships by the port State and **harmonising** procedures on inspection and detention, building upon the expertise and experience under the PMoU;

(c) ... (risk based inspections - NIR)



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EU Directive 2009/16/EC on PSC, as amended

Article 22 - Professional profile of inspectors

7. In cooperation with MSs, the Commission shall develop & promote a **harmonised** Community scheme for training & assessment of competences of PSC inspectors by MSs

PSCCI 46/2013/03P

Policy on Training NE PSCOs & Professional Development Scheme for PSCOs

Introduction: ... training & development new entrant & experienced PSCOs ...

... enhancing **harmonization** of the competence of PSCOs

The PMoU training policy is a framework of documents for MSs to enhance **harmonization** & standardization of knowledge & proficiency of PSCOs in the PMoU region

EMSA / PMoU Seminars - **Harmonisation** of procedures

GOAL - Objective - Scope

Goal

broad statement of what you wish to accomplish

Harmonization & standardization of knowledge & proficiency of PSCOs in the EU/PMoU region

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Objective

represents a step toward accomplishing the goal (measurable)

EMSA/PMoU PSC Seminar Harmonization on Procedures

there are various objectives towards accomplishing the goal

MS responsible: training/qualification - Complimentary: PMoU expert trainings & PSCO Sem. - EMSA/PMoU PSC Sem.

Scope

what is included (and what is excluded) in the EMSA/PMoU PSC Seminar

PSC Directive / PMoU / specific PSCCIs / PMoU Manual / RuleCheck

EMSA does not train on IMO-ILO Convs. (MS resp.); to convene scenarios we do touch upon some

Memorandums of understanding around the world

- Black Sea

Indian Ocean

Caribbean

West & Central Africa

Vina del Mar

Tokyo

Mediterranean

Paris

US Coast Guard

