


European Maritime Safety Agency




# PORT STATE CONTROL AND FLAG STATES

## SAFEMED III PSC seminar

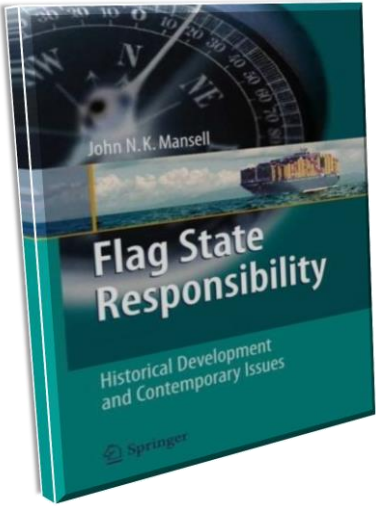
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Department B.02: Training & Cooperation

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## Flag state



### Flag State main responsible for ships' safety

Each State shall fix the conditions:

- for the grant of its nationality to ships;
- for the registration of ships in its territory;
- for the right to fly its flag.

2

## Flag state



There must exist a **genuine link** between the State and the ship, the State **must** effectively exercise its **jurisdiction** and **control** in:

- Administrative;
- Technical;
- Social matters over ships flying its flag;

By ***jurisdiction*** and ***control*** it is meant that the flag State has the power to prescribe rules of conduct, to threaten sanctions and to enforce sanctions with regard to the ship users

Article 94 UNCLOS Convention


3

## Flag state



### Article 94 Duties of the flag State

1. Every State shall effectively exercise its jurisdiction and control over ships flying its flag as to administrative, technical and social matters over ships flying its flag.
2. In particular every State shall:
  - (a) maintain a register of ships containing the names and particulars of ships flying its flag, except those which are excluded from generally accepted international regulations on account of their small size; and
  - (b) assume jurisdiction under its internal law over each ship flying its flag and its master, officers and crew in respect of administrative, technical and social matters concerning the ship.
3. Every State shall take such measures for ships flying its flag as are necessary to ensure safety at sea with regard to, *inter alia*, to:
  - (a) the construction, equipment and seaworthiness of ships;
  - (b) the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments;
  - (c) the use of signals, the maintenance of communications and the prevention of collisions.
4. Such measures shall include those necessary to ensure:
  - (a) that each ship, before registration and thereafter at appropriate intervals, is surveyed by a qualified surveyor of ships, and has on board such charts, nautical publications and navigational equipment and instruments as are appropriate for the safe navigation of the ship;
  - (b) that each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and marine engineering, and that the crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship;
  - (c) that the master, officers and, to the extent appropriate, the crew are fully conversant with and required to observe the applicable international regulations concerning the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, and the maintenance of communications by radio.
5. In taking the measures called for in paragraphs 3 and 4 each State is required to conform to generally accepted international regulations, procedures and practices and to take any steps which may be necessary to secure their observance.


**Flag state**



When a State assumes legal authority over a ship by grant of its flag

↓

the State also assumes a certain obligation to take measures to ensure that the vessel acts in a fashion consistent with international law.

Each State shall issue to ships to which it has granted the right to fly its flag documents to that effect.



**The IMO instruments implementation Code**


To assist States in the implementation of instruments of the Organisation

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**Resolution A.1070(28)**

**The IMO instruments implementation Code**

The IMO Code addresses aspects necessary for a contracting State to give full & complete effect of the applicable international instruments

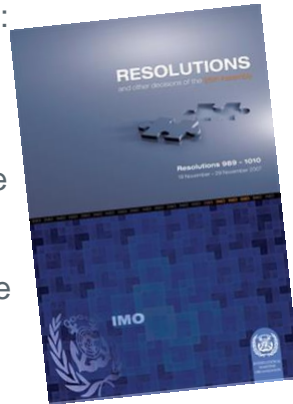
6

## The IMO instruments implementation Code



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;
- Enforcement by exercising effective jurisdiction and control.



7

## The IMO instruments implementation Code



### 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

8

The IMO instruments implementation Code

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Enforcement - Measures to be taken

**Provide** an appropriate number of qualified flag State surveyors;

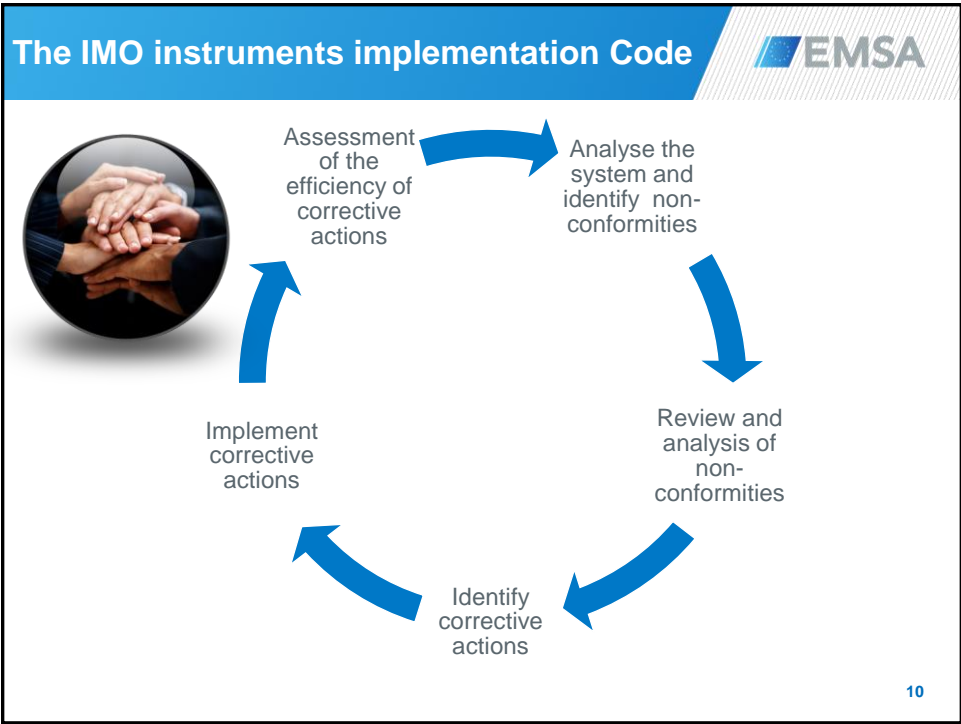
**Provide** an appropriate number of accident investigators;

**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.

9



## The IMO instruments implementation Code



### Delegation of authority to Recognized Organizations (ROs)

Determine RO has adequate resources

Formal written agreement as basis

Establish an oversight programme for monitoring the RO's including control on nominations of surveyors/inspectors

National legislation and interpretation

Requires records to be maintained and provided to the administration

Instructions if a ship is found unfit to proceed

11

## The IMO instruments implementation Code



### Easy or difficult to be a Flag State?



To be a flag State is  
EASY  
if really committed

12

## Port State Control

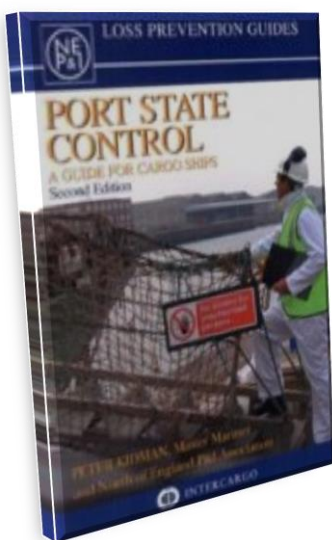


**Port State Control (PSC)** is the inspection of foreign ships in national ports to verify that:

- the condition of the ship and its equipment comply with the requirements of international regulations;
- the ship is manned and operated in compliance with these rules.

13

## Port State Control



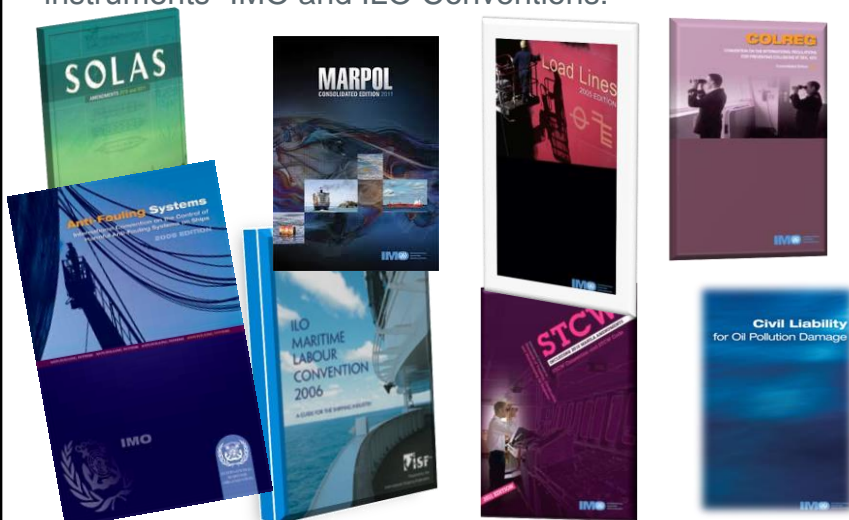
**Port State control as a second line of defence**

14

## Port State Control



To verify the compliance of the vessel with the “relevant instruments” IMO and ILO Conventions:



15

## Port State Control



### PSC in the international legislation

#### 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 without .....presenting 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: .....

16

## Port State Control



### PSC in the international legislation

#### IMO Port State Control procedures

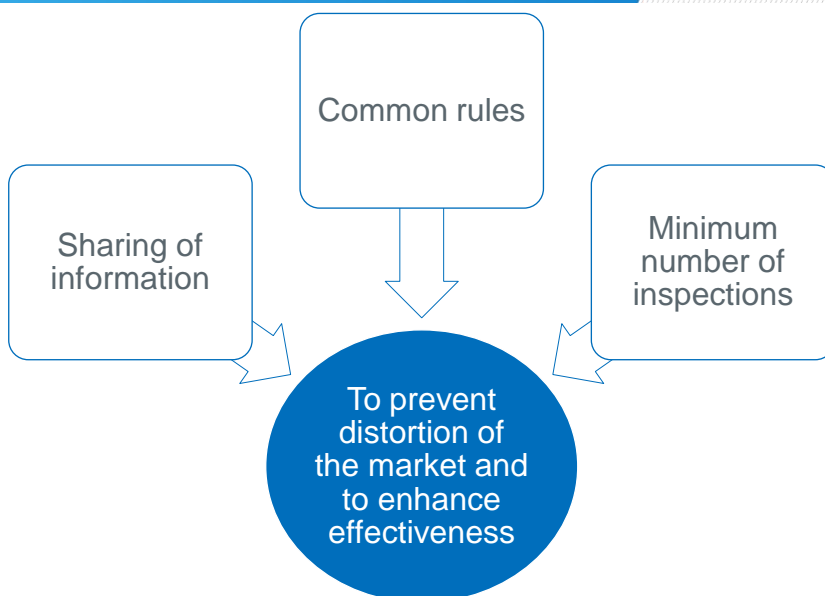
Procedures for port State control laid down by the **IMO Resolution A. 1052 (27)** which amended the IMO Resolution A. 787 (19).

### CHAPTER 1 – GENERAL

#### 1.1 PURPOSE

This document is intended to provide basic guidance on the conduct of port State control inspections and afford consistency in the conduct of these inspections, the recognition of deficiencies of a ship, its equipment, or its crew, and the application of control procedures.

## Port State Control regional agreements



Port State Control regional agreements






To reduce sub-standard shipping


Without any undue burden on good ships and operators

guaranteeing a good coverage at regional level

19

Port State Control regional agreements





## Port State Control



21

## Port State Control background



- 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




International  
Labour  
Organization

22

### Port State Control background






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);

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

23

### Port State Control background


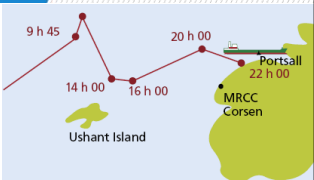



16 March 1978

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 tones crude oil spilled.

Breakers split vessel in two, progressively polluting 360 km of shoreline from Brest to Saint Brieuc

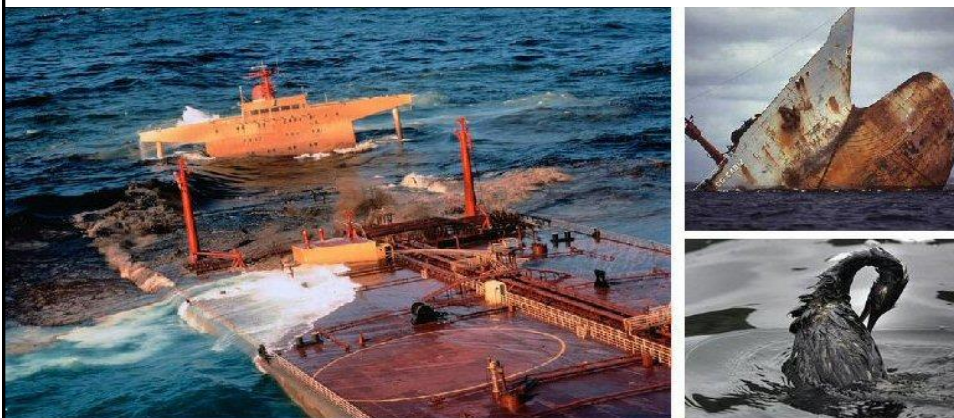


24

## Port State Control background



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



*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*

## Port State Control background



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 was on the need to increase:

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

26

## Port State Control background



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

- coordination of port states;
- implementation of the provisions of a number of widely accepted international maritime conventions.



27

## Port State Control background



Second 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.

28

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**Mediterranean MoU**

Mediterranean MOU


Algeria  
Cyprus  
Egypt  
Israel  
Jordan  
Lebanon  
Malta  
Morocco  
Tunisia  
Turkey



29

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Within the International effort to increase the Maritime Safety and the prevention of pollution and within the activities of the Euro-Med conference that was held in Barcelona 28th of November 1995, it was declared the birth of cooperation project financed by the E.C. under the umbrella of the IMO and ILO

30

## Port State Control background



### Mediterranean MoU on PSC

مذكرة تفاهم دول البحر المتوسط للرقابة على الموانئ

This agreement was prepared through two meetings:

- Tunisia 25-29 March 1996;
- Casablanca, Morocco from 10-14 December 1996.

On the 8th-11th of July 1997 the third and final preparatory meeting was held in Malta for signing an MoU between the participating countries to confirm the responsibility of the maritime authorities to implement the relevant instruments agreed upon on ships calling the ports of the Memorandum to enforce the elimination of sub-standard and ships for a safer-shipping and cleaner oceans.

31



# Thank you!

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