

Directive 2009/16/EC on Port State Control

Lisbon, 19 April 2012

1

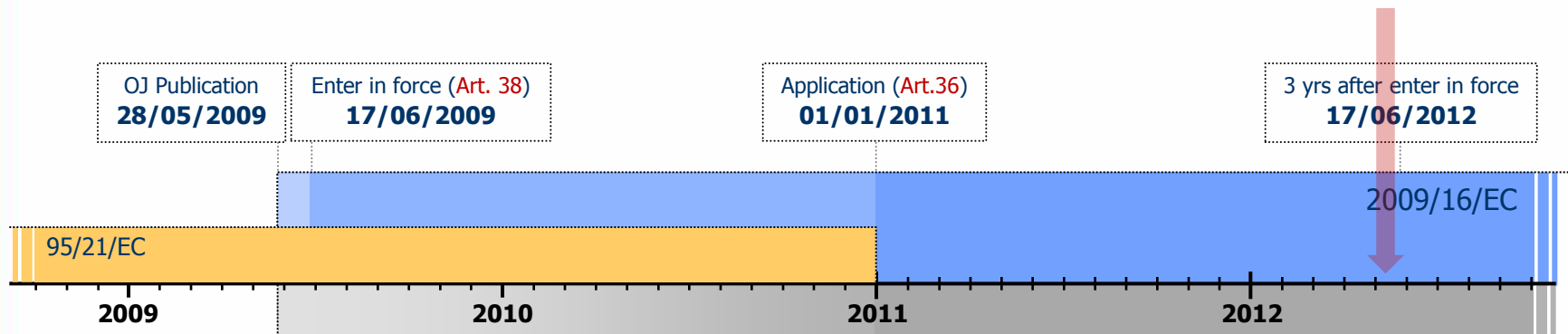
A large, powerful ocean wave is breaking, with white foam and spray visible against a blue sky. The wave is the central focus of the lower half of the slide.

Sergio Alda
Project Officer – Port State Control
Ship Safety

Content

- Main principles & Obligations
- Implementation
 - Legislation and Administrative provisions
 - Competent Authority

Directive 2009/16/EC – Important dates



◆ **START COLLECTING** (95/21 still in force) ◆ **START APPLYING** (Considering < 3 yrs)

- RoRo Pax PoO
- Detentions on all Ship Types
- Detentions on Grey List Flags

- Company performance

- Banning

- Ships Risk Profile (PI and PII)

- Regional Commitment
- MS Fair Share

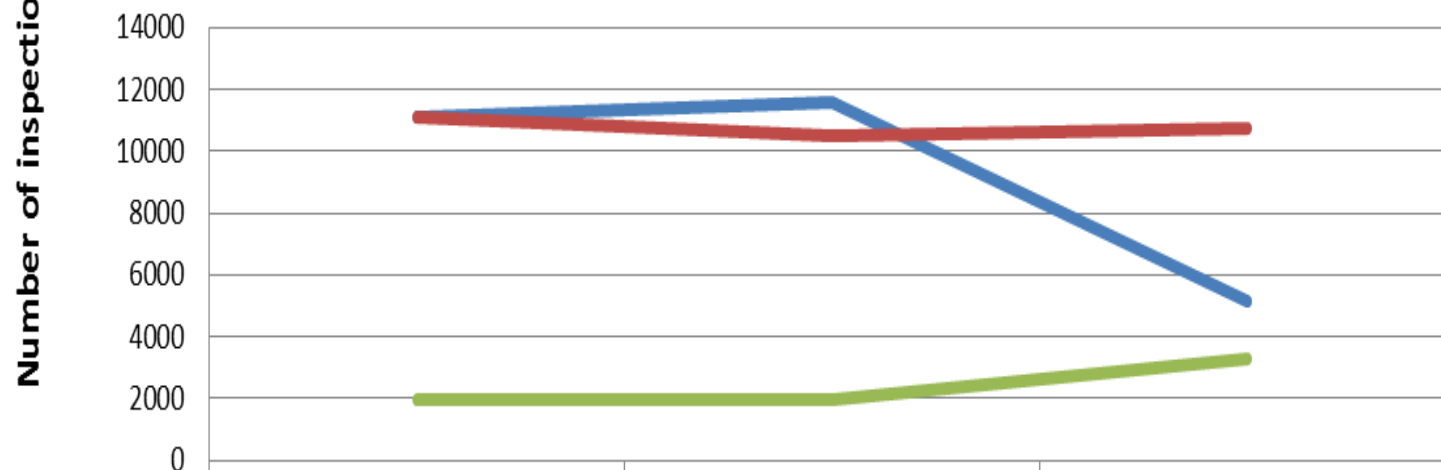
Full
implementation
with no
restrictions

Directive 2009/16/EC – Main Principles

- Improved targeting
Risk based targeting
- Less flexibility for MS in selecting ships for inspection
SRP, PI and PII, Overriding Factors, Unexpected Factors
- Regional commitments vs. National commitments
Fair Share, Postponement
- Further refusal of access provisions
Banning, All ship types
- Benchmarking of Flags, ROs and Companies
Inspection Intervals, Company and ROs Performance
- Widened scope from ports to ports and anchorages
Full coverage of ships visiting Paris MoU region

Directive 2009/16/EC – Improved Targeting

Changes in the type of inspection under new and previous PSC regime



Initial	11099	11567	5171
More Detailed	11117	10520	10757
Expanded	1988	1952	3275

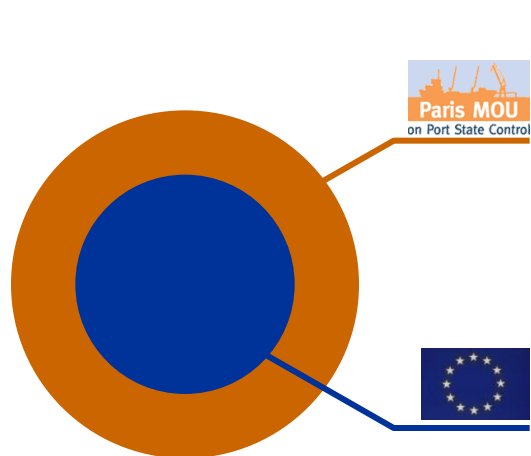
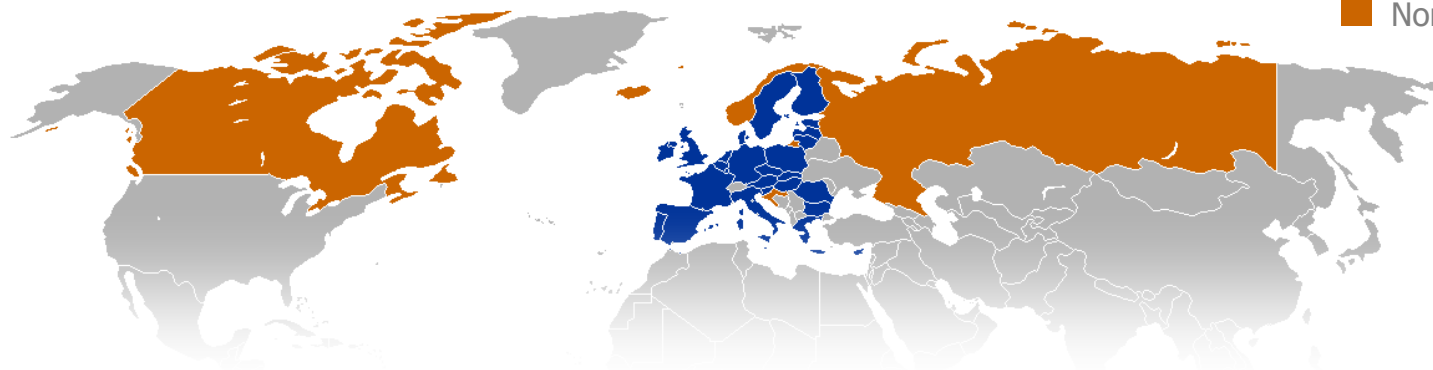
Directive 2009/16/EC – Main Obligations

Core elements as stipulated in the (legal) text are the drivers for the design of the information system

- RoPax references
- Ship Risk Profile
- Inspection frequency
- Postponement
- Quota (Over and Under burdened)
- Fair Share
- Banning
- Ship Reporting

Directive 2009/16/EC – Purpose (Art. 1)

■ EU Countries
■ Non-EU Countries



THETIS



Implementation and Notification (Art. 36)

- *“MSs shall adopt and publish, by 31 December 2010, the laws, regulations and administrative provisions necessary to comply with this Directive.”* (Art.36)
- The COM shall:
 - review the implementation by 30/06/2012 (Art.35)
 - collect information and carry visits to MSs (Art.30)

Relevant Instruments (Art. 2)

Directive 2009/16/EC

- Load Lines, 1966 (+Prot. 88)
- SOLAS, 1974 (+ Prot. 78 and 88)
- MARPOL 73/78 (+ Prot. 97)
- STCW 78/95
- COLREG 72
- Tonnage, 1969
- ILO No 147 (+ Prot. 1996)
- CLC, 1992

PMoU

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- CLC, 1969 (+ Prot. 1992)
- AFS, 2001
- Civil Liability for Bunker Oil Pollution Damage, 2001
- Maritime Labour Convention ?
- Ballast Water Convention ?

Other relevant legislation (Art. 33)

- Common Model for PSCO's Identity Cards: Dir. 96/40/EC (Art. 22.4)
- Specific Items to be verified during Expanded Inspections: COM Reg. No 428/2010 (Art. 14.4)
- Calculation of Flag State Performance: COM Reg. No 801/2010 (Art. 10.3)
- Calculation of Company Performance: COM Reg. No 802/2010 (Art. 10.3)
- Starting on 17/06/2012, EMSA will publish the list of companies whose:
 - performance during the previous 36 months has been very low, for a period of at least 3 months on a continuous basis
 - performance during the previous 36 months has been low or very low, for a period of at least 3 months on a continuous basis
 - performance during the previous 36 months has been low

Other relevant Administrative provisions (Art. 4 and 34)

- MSs shall maintain appropriate Competent Authorities (Art. 4)
- Staff available to perform the duties of the Directive: (Art. 4.2)
 - MARPOL investigations
 - Security
 - Shipowners Insurance for maritime claims: Dir.2009/20/EC
 - AFS/Ballast Water Sampling?
- System of Penalties (Art. 34)



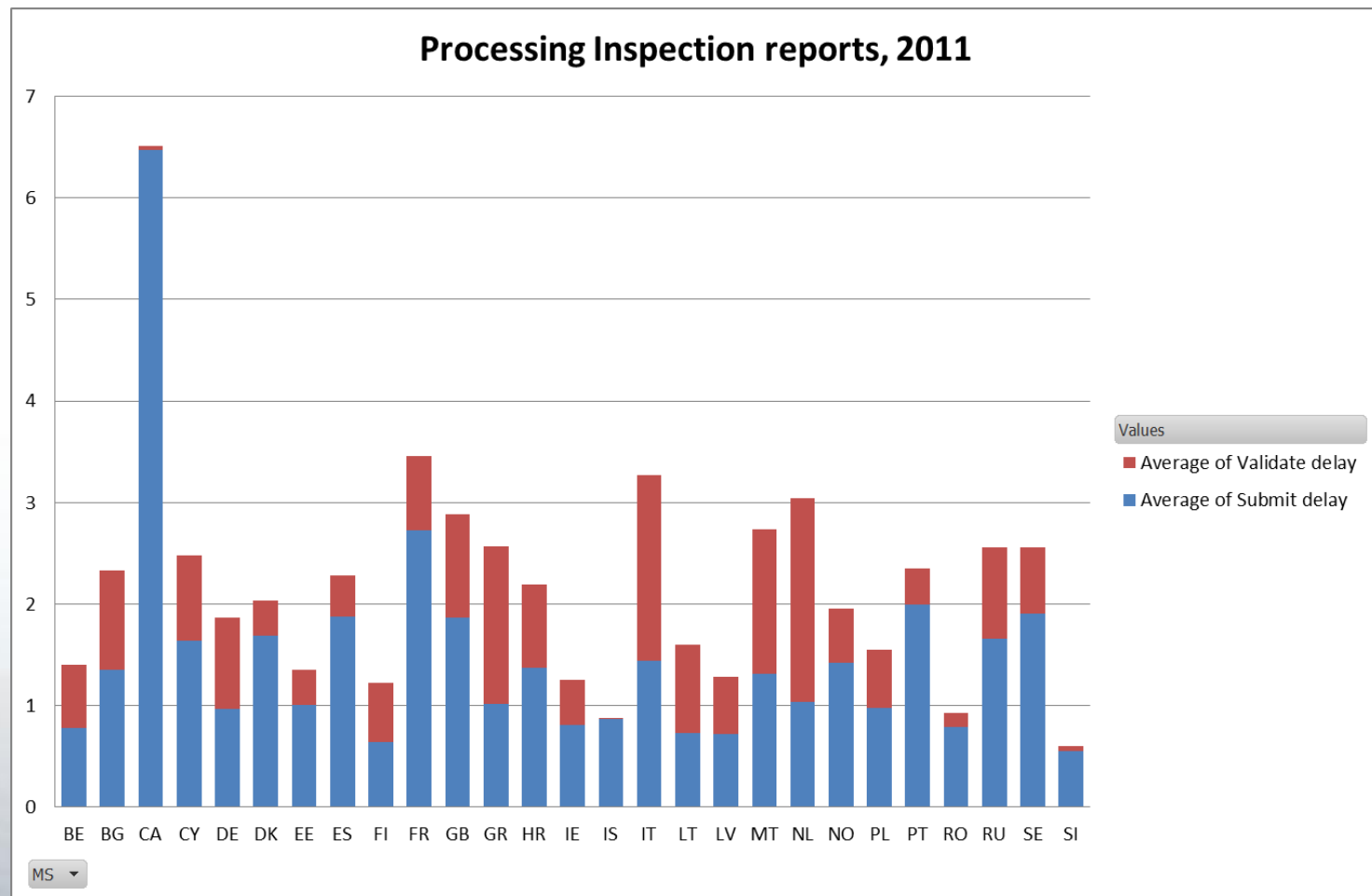
Other aspects that must/may be regulated by MSs

- Definition of '*Night Time*' (Art. 2)
- Ship calls at *anchorage*
 - Definition
 - Inclusion (or not) in the Inspection Share (Art. 5.3)
 - Definition of '*Short Stay*' (Art. 8.3.b)
- Stoppage of Operation (Art. 19.2)
- Information on inspection transferred to THETIS ASAP (Art. 24.3)
- Provision of ship call information to THETIS (Art. 24.2)

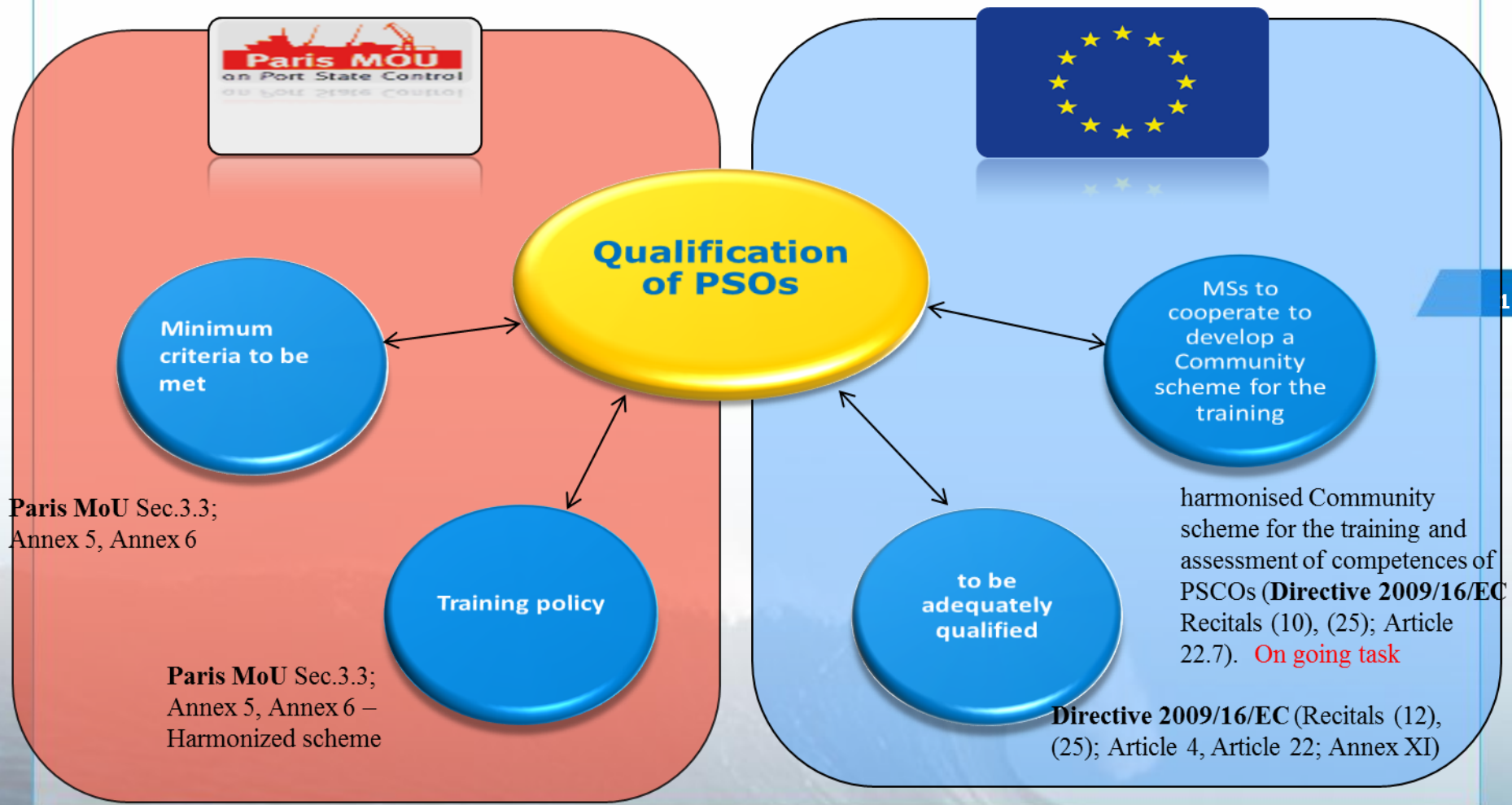
Competent Authority and PSC Staff (Art. 4.2)

- PSC Coordinators, their role:
 - Safety & Security Guidelines: Annex VI (Art. 15)
 - validation of reports (Art. 24.3)
- PSCOs: enough to perform inspections (Art. 4.2)
- THETIS Staff: The need for quality (Art. 17)

Submission-Validation of Inspection Reports (Art. 24.3)



Professional profile of inspectors (Art. 22)



Thank you