



European Maritime Safety Agency

“Training on EU Maritime Legislation for Newcomers”

Port State Control





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Flag State main responsible for ships’ safety
(survey and certification of ships according to the international conventions)

Port State as the 2nd line of defence





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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 the IMO and ILO Conventions



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Port State Control in IMO and ILO Conventions

Solas 1/19
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 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 can do so without danger for the ship and her crew

STCW Art X - Reg 1/4
Verify that crews are certified as required
Assess the crews' ability to perform their duties

To detain the vessel if:

ILO 147 Art 4
If obtain evidence that the ship does not conform to the standards laid down by the convention

Take measures necessary to ensure the conditions on board which may clearly be hazardous to safety of

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IMO Port State Control procedures

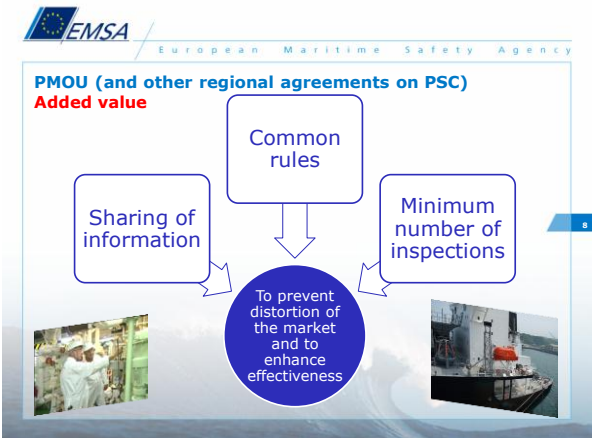
Procedures for port State control laid down by the IMO with the resolution **A.787 (19)** then amended by the resolution **A.1052 (27)**

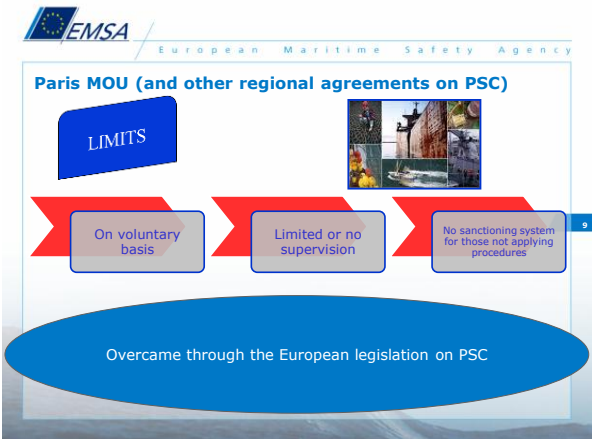


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PURPOSE OF THE EU LEGISLATION (Directive 2009/16/EC)



To reduce sub-standard shipping in EU waters by subjecting them to more frequent inspections

Without any undue burden on good ships and operators

guarantying a good coverage at regional level

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Start-up of the 2009/16/EC Directive

01 Publication
28/05/2009

Entry in force
+20 days

Application
01/01/2011

3 yrs after entry in force
17/06/2012

95/21/EC

2009

2010

2011

2012

2009/16/EC

♦ 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

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Differences with international procedures

- Mandatory minimum criteria for PSCOs
- Criteria for targeting ships for inspection
- Obligation to inspect (fair share)
- Types of inspections
- Cost of the inspection
- Ban for multiple detentions
- Measurement of performance (Flag, Class Company)
- Publication of data

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Minimum criteria for inspectors (PSCO's)

- Appropriate theoretical knowledge and practical experience acquired through documented training programme
- CoC according STCW II/2 or CoC according STCW III/2 and 5 years working experience (two of which as deck or engine officer)
- Naval architect and 5 years working experience
- Relevant university degree or equivalent training
- One year as flag State surveyor
- Ability to communicate orally and in writing in the English language

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Criteria for targeting ships for inspection



Criteria for targeting ships for inspection

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NIR: Ship Risk Profile

- Generic Factors
 - Type of Ship
 - Age of Ship
 - Flag
 - RO
 - Company

- Historical Factors
 - Deficiencies
 - Detentions

HRS – High Risk Ship

SRS – Standard Risk Ship

LRS – Low Risk Ships

(SRP is recalculated on a daily basis)

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NIR: How will a Ship be HRS?

- HRS have Weighting points ≥ 5

- Ship Type 2 points
Chemical, Gas, Oil, Bulk or Passenger Ship
- Ship Age > 12 yrs 1 point
- VHR, HR, and MR to HR Flag 2 points
- MR Flag 1 point
- Very Low or Low RO Performance 1 point
- Very Low or Low Company Performance 2 points
- Detentions in previous 36 months ≥ 2 1 point

Example: Oil Tanker, HR Flag and Low RO performance.

NIR: How will a Ship be LRS?

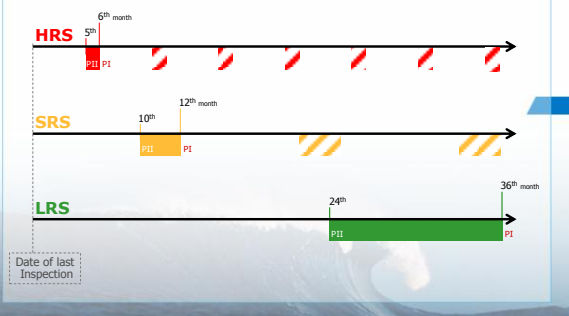
- Generic Factors


- Ship Type and Age have no influence
- Flag is White and IMO-Audit
- RO is (EU) Recognised and High Performance
- Company is High Performance

- Historical Factors

- 5 or Less deficiencies in each inspection in previous 36 months
- No detentions in previous 36 months
- Has been inspected in previous 36 months


NIR: SRP Inspection Window





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NIR: Inspection Priority



MS still may inspect outside the regime!

Inspection Window	
Priority II	If not inspected within Window, ship becomes
Ship may be inspected	Priority I
	Ship must be inspected

But...

Overriding Factors → Priority I

Unexpected Factors → Priority II

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Fair Share

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NIR: Fair Share

How many ships MSs have to Inspect per year?

1st Calculate Regional Commitment

2nd Calculate MS Inspection Share

NIR: Fair Share

1st - Calculate Regional Commitment

	Nº. of Inspections (PI + PII + Missed PI)		
	Year -3	Year -2	Year -1
MS A	1,200	1,400	1,300
MS B	600	780	740
MS C	400	380	360
MS D	600	650	620
Sum	2,800	3,210	3,020
Average		3,010	

Regional Commitment

NIR: Fair Share

2nd - Calculate MS Inspection Share

	Number of individual ships calling (*)			Average	%	Share
	Year -3	Year -2	Year -1			
MS A	5,800	5,300	5,400	5,500	51	1,535
MSB	1,600	1,400	1,800	1,600	15	452
MSC	1,200	1,500	1,300	1,333	12	361
MSD	2,400	2,600	2,200	2,400	22	662
Sum	11,000	10,800	10,700			
Average		10,833				


REGIONAL COMMITMENT (FROM PREVIOUS SLIDE)

(*) Calls at anchorage shall not be counted unless otherwise specified by MS concerned

NIR: What if can't Postpone neither Inspect?

Counts as a Miss for member state!

- MS can miss up to 5% of PI **HRS**
- MS can miss up to 10% of PI **SRS/LRS**




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NIR: But if...

Member States' ports can be called by:

PI ships > Inspection Share → **Over-burdened**


PI + PII ships < Inspection share → **Under-burdened**



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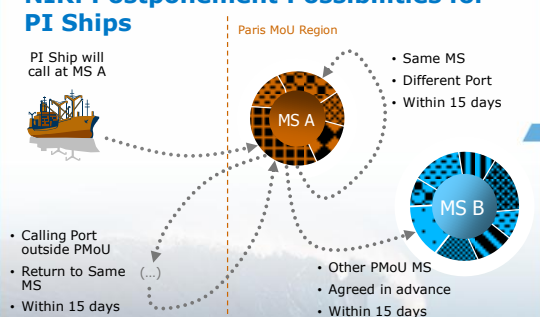
NIR: But if...

- Overburdened!?
 - Inspect **PI** = Inspection Share
 - MS can miss up to 30% of PI
- Under-burdened!?
 - Inspect **all PI** (can still miss 5% HRS and 10% SRS/LRS)
 - MS comply doing at least **85% of PII**



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NIR: Postponement Possibilities for PI Ships



PI Ship will call at MS A

Paris MoU Region

MS A

MS B

- Calling Port outside PMoU
- Return to Same MS
- Within 15 days
- Same MS
- Different Port
- Within 15 days
- Other PMoU MS
- Agreed in advance
- Within 15 days

NIR: When can a MS Justify a Miss?

- a) There is risk to the safety of inspectors, the ship, crew, port, or to the environment
- b) The ship call takes place only during night time
- c) Ship at anchorage + the call is too short for the inspection to be carried

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Types of inspections

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The inspection (in principle)

Initial

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



More Detailed

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

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Types of inspections

Expanded Inspection

Eligible:

- High Risk Ships
- PAX, OT, Gas and CHEM, BC older than 12
- Ships re-inspected following a refusal of access

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Scope of inspection set out in Annex VII

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Ban for
multiple
detentions

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NIR: Refusal of Access (Banning)

-36 months -24 months -12 months Today

Detained or PoO 3 or more times

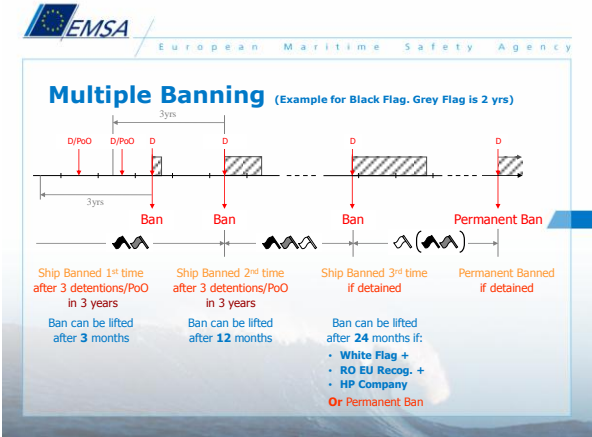


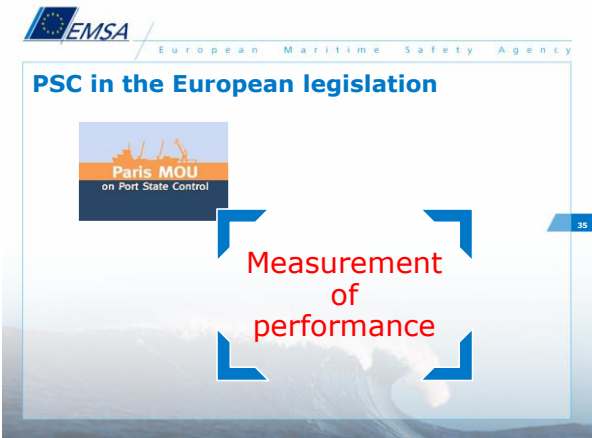
Detained or PoO 3 or more times

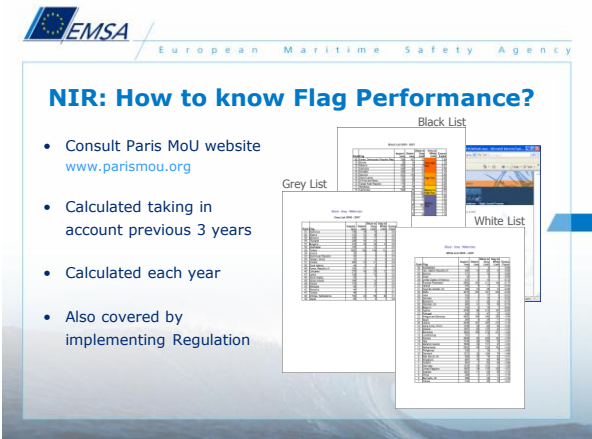


OR...

- Jump detentions
- Fail to call to agreed repair yard







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Measurement of performances

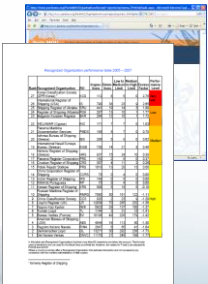
RECOGNIZED ORGANIZATIONS:

Divided in four categories: High – Medium – Low – Very Low performance

New categories published yearly (1 July) by taking into account the number of inspections and class related detentions in the previous three years

NIR: How to know RO Performance?

- Consult Paris MoU Website www.parismou.org
- Calculated taking in account previous 3 years
- Calculated each year
- RO Performance is the RO, not the Class
- Paris MoU calculation, not the EU Directive



RO	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
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NIR: How can a Company be High Performance?

- Must have Deficiency Index below average


Deficiency Ratio = $\frac{\text{No. of deficiencies (*) in ALL inspections in ALL Ships}}{\text{No. of inspections in ALL Ships}}$ (in last 36 months)

(*) each ISM deficiency counts as 5.

- Must have Detention Index below average

Detention Ratio = $\frac{\text{No. of detentions of ALL Ships}}{\text{No. of inspections in ALL Ships}}$ (in last 36 months)

Only possible if no banning of any of the ships in last 36 months



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NIR: Company Performance

Detention Index	Deficiency Index	Company Performance
Above Average	Above Average	Very Low
Above Average	Average	Low
Above Average	Below Average	
Average	Above Average	
Below Average	Above Average	
Average	Average	Medium
Average	Below Average	
Below Average	Average	High
Below Average	Below Average	

If no Inspections, Company Performance is Medium




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Publication of data



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THETIS PSC Database

HomeCurrent deficienciesProcedures of operationRefusal of accessInspectionsShip Risk Profile

Public file Inspection Profile(1.5.2.0024.01.2011_14.01)

Search

IMO Number

Name

Flag

Type

Gross Tonnage

Age

Classification Society

MS performing statutory work

ISM company number

Period

Inspection regime

☐ Port State Control☐ HQ-HQ Porters And High-Speed Passenger Craft (HSPC)

Type of inspection

Port State

Port of inspection

Result

Number of deficiencies

Duration of detention

☐ Detention☐ Intervention of operation☐ Refusal of access (Part)

Number of deficiencies

Duration of detention

Search

Reset

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Publication of data

THETIS (PMOU database) includes a public area with data of inspections

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EMSA website will publish all bans (including those because of jumped detention or repair yard not reached by the ship)

PMoU will include the performance of Companies (low and very low) while EQUASIS website remain unchanged

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Cost of the inspection

The cost of PSC inspections is on the port State unless a ship is detained

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In such case there is the obligation on the MSs to charge the ship-owner with the whole cost of the inspection

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Questions?
