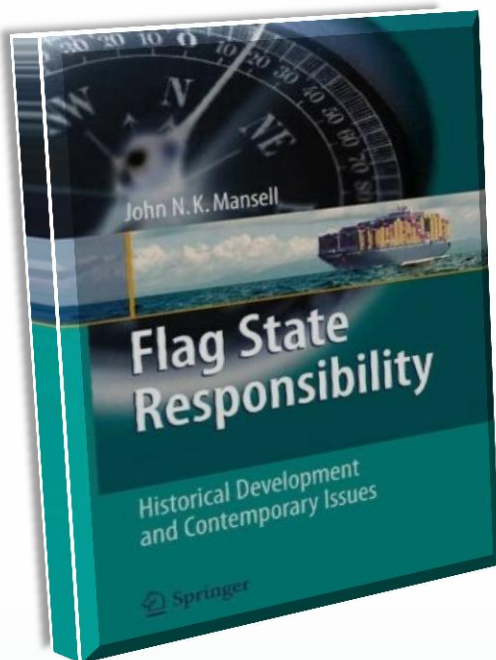


The Directive 2009/16

1

Training
on Practical aspects for
PSC & ROPAX Vessels
Lisbon 28-29 June 2012



Flag State main responsible for ships' safety

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

2

Port State as the
2nd line of defence



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)

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

- Load Lines, 1966 (+Prot. 88)
- SOLAS, 1974 (+ Prot. 78 and 88)
- MARPOL 73/78 (+ Prot. 97)
- STCW 78
- COLREG 72
- Tonnage, 1969
- ILO No. 147 (+ Prot. 1996)
- CLC, 1969 (+ Prot. 1992)
- **AFS, 2001**
- **Civil Liability for Bunker Oil Pollution Damage, 2001**
- **Maritime Labour Convention ?**
- **Ballast Water Convention ?**

Port State Control in IMO and ILO 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:

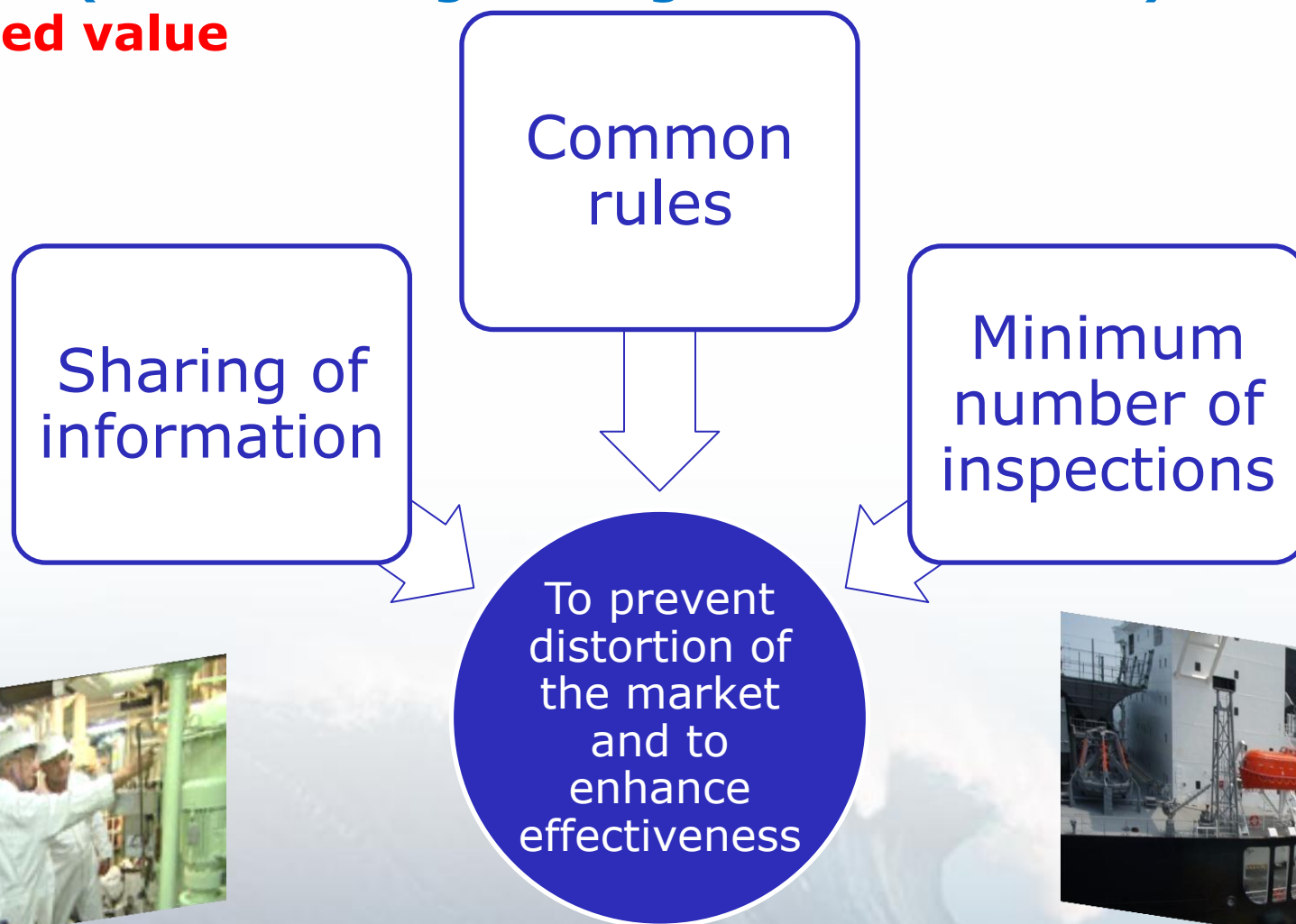
ILO 147 Art 4

If obtain evidence that the ship does not conform to the standards laid down by the convention

..... **take measures necessary** to rectify any conditions on board which are clearly hazardous to safety or health

PMOU (and other regional agreements on PSC)

Added value



Paris MOU (and other regional agreements on PSC)

LIMITS



On voluntary basis

Limited or no supervision

No sanctioning system for those not applying procedures

Overcame through the European legislation on PSC

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

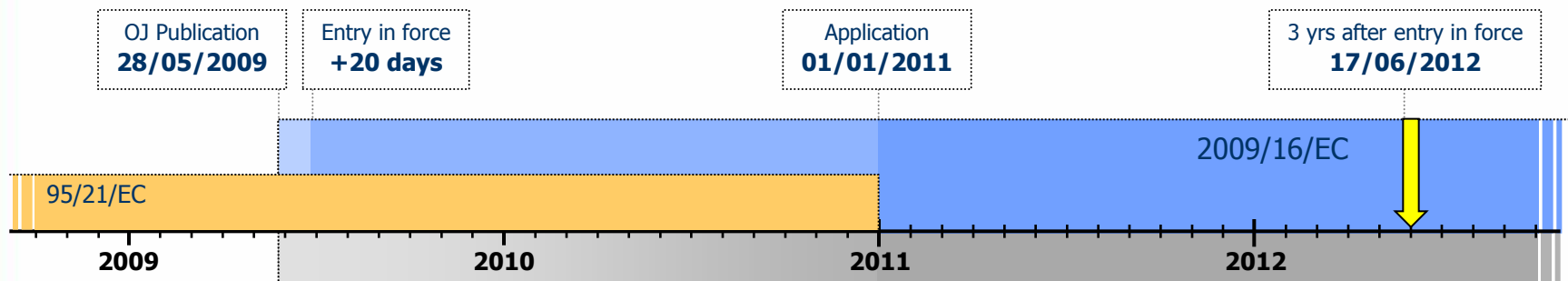


To reduce sub-standard shipping in EU waters by subjecting them to more frequent inspections

Without any undue burden on good ships and operators

guarantying a good coverage at regional level

Start-up of the 2009/16/EC Directive



◆ **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

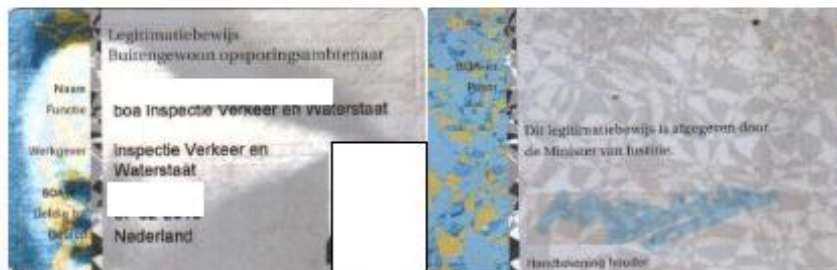
Full
implementation
with no
restrictions

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 for Member States

- 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)

PSC in the European legislation

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

PSC in the European legislation

Minimum criteria for inspectors (PSCO's) – Art. 22



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

PSC in the European legislation

Criteria for targeting ships for inspection



Criteria for
targeting ships
for inspection

NIR: Ship Risk Profile (Art. 10)

- 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)

NIR: How will a Ship be HRS? (Annexes I – II)

- HRS have Weighting points ≥ 5

- Ship Type

- Chemical, Gas, Oil, Bulk or Passenger Ship

2 points

- 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

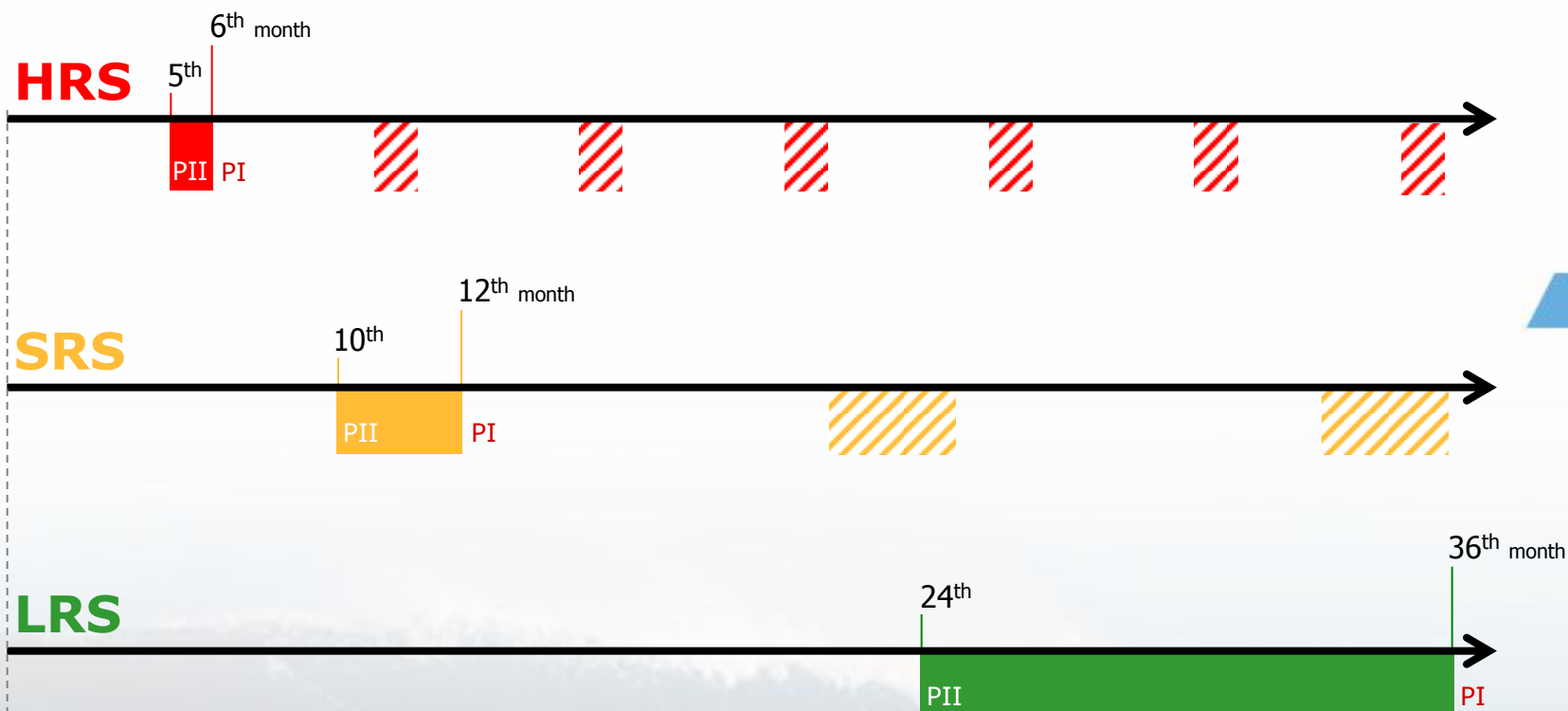
1 point

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

NIR: How will a Ship be LRS? (Annex II)

- Generic Factors
 - Ship Type and Age have no influence
 - Flag is **White** and **IMO-Audit + CAP**
 - 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 (Annex I)



Date of last
Inspection

NIR: Inspection Priority (Annex I)



... MS still may inspect outside the regime!

Inspection Window

If not inspected within Window, ship becomes

Priority II

Priority I

Ship **may** be inspected

Ship **must** be inspected

But...

Overriding Factors

Priority I

Unexpected Factors

Priority II

PSC in the European legislation



Fair
Share

NIR: Fair Share (Art. 5)

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

REGIONAL
COMMITMENT
(FROM PREVIOUS SLIDE)

	Number of individual ships calling (*)			Average	%	3,010	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						

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

NIR: What if can't Postpone neither Inspect? (Art. 6)

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**

NIR: But if... (Art. 7)

Member States' ports can be called by:

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

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



NIR: But if... (Art. 7)

- **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**

Fair Share

Fair Share – Examples “30% rule”

- MS A fair share is **1000** inspections, but it receives **1200 PI** ships. Which is the obligation?
1000 ships must be inspected because the **30% = 360** ships. But the minimum obligation is **1000** ships and **not $1200 - 360 = 840$** < than the original commitment
- MS B fair share is **1000** inspections but it receives **1600 PI** ships. Which is the obligation?
1120 ships must be inspected because the **30% = 480** ships. But the overall obligation exceeds the 1000 ships thus not **1000** but **$1600 - 480 = 1120$** > than the original commitment (30% is in total)

NIR: Postponement Possibilities for PI Ships (Art. 8)

PI Ship will call at MS A



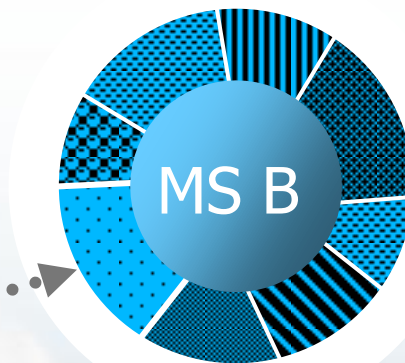
Paris MoU Region



- Same MS
- Different Port
- Within 15 days

- Calling Port outside PMoU
- Return to Same MS
- Within 15 days

(...)



- Other PMoU MS
- Agreed in advance
- Within 15 days

When can a MS Justify a Miss? (Art. 8(2), (3))

- a) There is risk to the safety of inspectors, the ship, crew, port, or to the environment → Port
- b) The ship call takes place only during night time → Port
- c) Ship at anchorage + a)
- d) Ship at anchorage + b)
- e) Ship at anchorage + the ship is inspected in the Paris MOU region within 15 days
- f) Ship at anchorage + the call is too short for the inspection to be carried

When can a MS Justify a Miss? (Art. 8(2), (3))



... and the reason for missing the inspection is recorded in THETIS.

PSC in the European legislation



Types of
inspections

Art. 13

PSC in the European legislation

The inspection (in principle)

Initial

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



33

More Detailed

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

PSC in the European legislation

Types of inspections

Expanded Inspection (Art. 14)

Eligible:

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

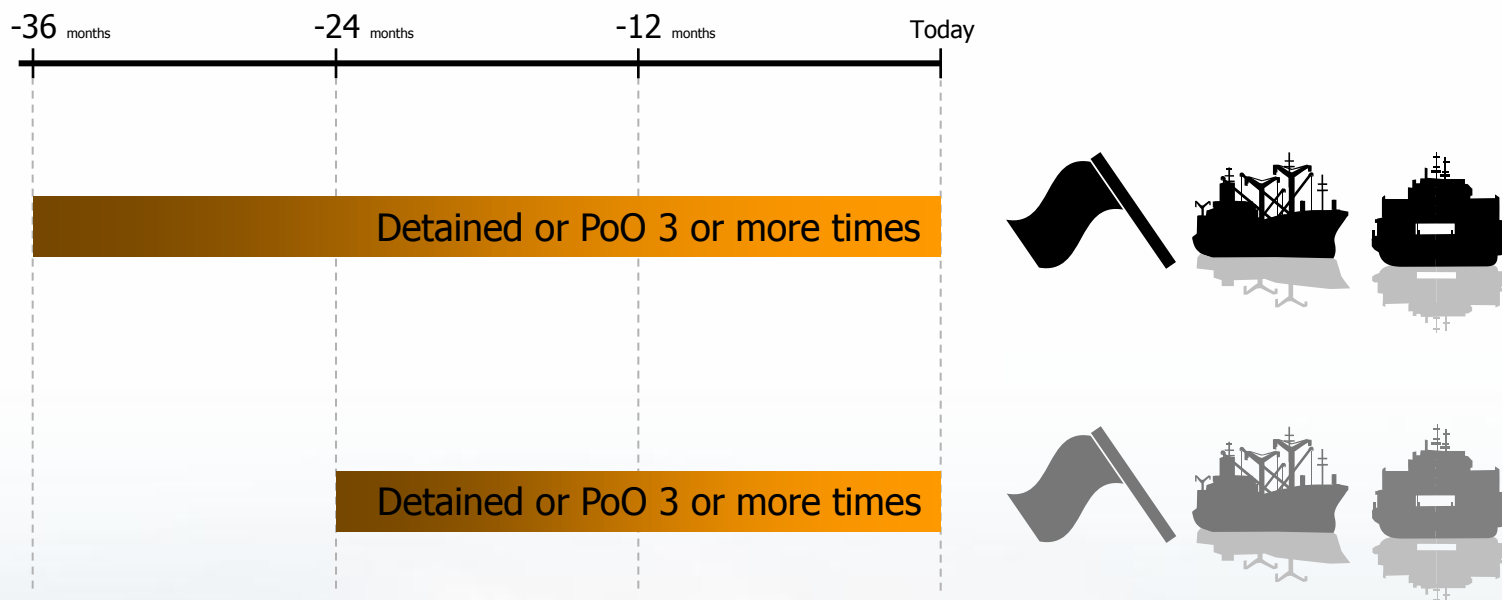
Scope of inspection set out in Annex VII

PSC in the European legislation



**Ban for
multiple
detentions**

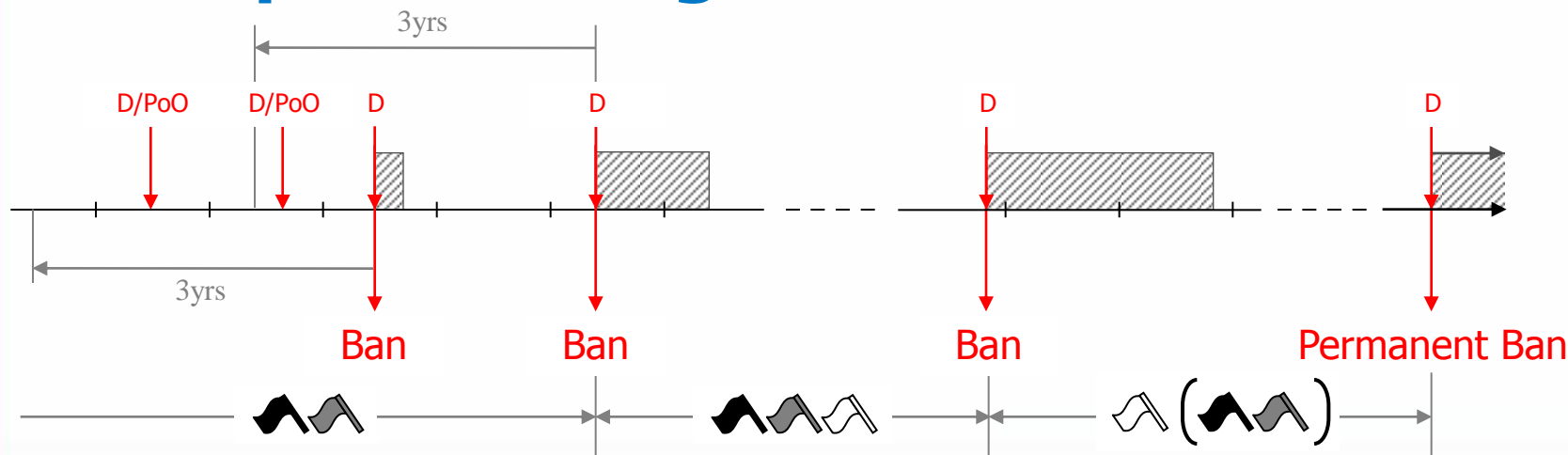
NIR: Refusal of Access (Banning) – Art. 16



OR...

- Jump detentions
- Fail to call to agreed repair yard

Multiple Banning (Example for Black Flag. Grey Flag is 2 yrs)



Ship Banned 1st time
after 3 detentions/PoO
in 3 years

Ban can be lifted
after **3** months

Ship Banned 2nd time
after 3 detentions/PoO
in 3 years

Ban can be lifted
after **12** months

Ship Banned 3rd time
if detained

Ban can be lifted
after **24** months if:

- **White Flag +**
- **RO EU Recog. +**
- **HP Company**

Or Permanent Ban

Permanent Banned
if detained

PSC in the European legislation



Measurement
of
performance

NIR: How to know Flag Performance?

- Consult Paris MoU website
www.parismou.org
- Calculated taking in account previous 36 months
- Calculated each year
- Also covered by implementing Regulation

Black List

Black List 2005 - 2007

Rank	Flag	Inspections	Defect ions	Black to Grey Limit	Grey to White Limit	Excess Factor
80	Romania	308	1071	14	14	7.89
79	Bolivia	30	14	14	14	7.13
78	Albania	300	78	2.98	2.98	5.97
77	Cambodia	448	63	41	41	4.59
76	Slovakia	280	51	7.3	7.3	4.18
75	Georgia	622	140	17	17	3.64
74	Sierra Leone	131	28	14	14	3.45
73	St Kitts and Nevis	198	28	15	15	3.29
72	Syrian Arab Republic	170	31	10	10	3.02
71	Honduras	64	16	10	10	2.89
70	Kambodia	550	34	15	15	2.66

Grey List

Black - Grey - White lists
Grey List 2005 - 2007

Rank	Flag	Inspections	Defect ions	Black to Grey Limit	Grey to White Limit	Excess Factor
69	Comoros	138	14	10	4	1.59
68	Algeria	123	14	14	3	0.83
67	Morocco	108	13	17	5	0.69
66	Thailand	235	10	23	9	0.59
65	Bulgaria	310	23	30	14	0.58
64	Kazakhstan	105	6	13	3	0.53
63	Turkey	1862	126	149	110	0.44
62	Austria	34	2	5	0	0.44
61	Dominican Republic	34	2	9	0	0.44
60	Taiwan, China	37	2	6	0	0.40
59	Croatia	209	10	2	0	0.40
58	Cook Islands	44	2	6	0	0.34
57	Korea, Republic of	189	11	20	7	0.32
56	Sierra Leone	210	10	20	13	0.30
55	Latvia	138	7	10	4	0.23
54	Saudi Arabia	53	2	7	0	0.20
53	Faroe Islands	100	6	12	3	0.24
52	Poland	174	6	18	6	0.24
51	Malaysia	98	6	1	2	0.25
50	Romania	44	1	6	0	0.18
49	Tunisia	48	7	10	0	0.17
48	Antilles, Netherlands	748	43	84	40	0.11
47	Japan	62	1	8	1	0.08

White List

Black - Grey - White lists
White List 2005 - 2007

Rank	Flag	Inspections	Defect ions	Black to Grey Limit	Grey to White Limit	Excess Factor
36	Slovenia	247	1	2	1	0.00
37	Iran, Islamic Republic of	244	10	24	10	0.00
38	Slovenia	171	6	18	6	0.00
39	Israel	35	0	7	0	0.00
40	United States of America	181	6	10	7	-0.13
41	Russian Federation	2562	153	211	165	-0.17
42	Finland	162	4	17	4	-0.25
43	Malta	4410	223	347	254	-0.40
44	Cayman Islands, UK	360	14	36	19	-0.46
45	India	108	3	17	3	-0.63
46	Manuatu	128	2	14	4	-0.92
47	Bahamas	381	11	35	18	-0.73
48	Kiribati, UK	609	31	76	50	-0.70
49	Belgium	184	1	16	7	-0.88
50	Cyprus	2100	85	312	167	-0.95
51	Portugal	832	13	47	27	-1.02
52	Anguilla and Barbuda	4542	155	346	204	-1.04
53	Saint	203	4	20	11	-1.10
54	Liberia	3430	101	285	215	-1.18
55	Hong Kong, China	1100	30	85	66	-1.20
56	Greece	1557	40	126	62	-1.22
57	Bahamas	3603	100	215	127	-1.26
58	Luxembourg	181	1	17	8	-1.30
59	Norway	2626	63	200	162	-1.35
60	Italy	1210	54	102	73	-1.41
61	Marshall Islands	1820	34	131	87	-1.42
62	Netherlands	2012	65	220	182	-1.43
63	Philippines	180	10	10	7	-1.45
64	Denmark	1271	23	104	74	-1.46
65	Main Isle of UK	628	16	76	52	-1.51
66	Singapore	867	15	84	58	-1.57
67	Finland	587	7	52	33	-1.56
68	Germany	1243	16	102	72	-1.58
69	United Kingdom	1882	24	135	100	-1.67
70	Sweden	1001	11	84	55	-1.73
71	China	300	27	12	12	-1.75
72	Bermuda, UK	300	1	20	13	-1.79
73	France	313	1	30	14	-1.81

PSC in the European legislation

Measurement of performances

RECOGNIZED ORGANIZATIONS:

Divided in 4 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 36 months

NIR: How to know RO Performance?

- Consult Paris MoU Website
www.parismou.org
- Calculated taking in account previous 36 months
- Calculated each year
- RO Performance is the RO, not the Class
- Paris MoU calculation, not the EU Directive

http://www.parismou.org/ParisMOU/Organisation/Annual-reports/sp/menu.3944/default.aspx... Microsoft Internet Expl...

http://www.parismou.org/ParisMOU/Organisation/Annual-reports/sp/menu.3944/default.aspx... Live Search

http://www.parismou.org/ParisMOU/Organisation/Annual-reports/sp/menu.3944/default.aspx... Live Search

Paris MOU The Paris Memorandum of Understanding on Port State Control

Recognized Organization performance table 2005 – 2007

Rank	Recognized Organisation	RO	Inspections	Deficiencies	Low to Medium Limit	Medium to High Limit	Excess Factor	Performance Level
27	Korea Classification Society (DPR Korea) ¹	KCS	112	8	5	0	2.75	Very Low
26	International Register of Shipping (USA)	IS	790	38	23	9	2.65	Low
25	Shipping Register of Ukraine	SRU	441	19	14	3	1.80	Low
24	Register of Shipping (Albania)	RSA	287	13	10	1	1.77	Low
23	Bulgarski Korabni Register	BKR	264	12	10	1	1.72	Low
22	INCLAMAR (Cyprus)	INC	171	7	7	0	1.03	Medium
21	Panama Maritime Documentation Services	PMDS	165	5	7	0	0.75	Medium
20	Isthmus Bureau of Shipping (Greece)	IBS	206	5	8	0	0.62	Medium
19	International Naval Surveys Bureau (Greece)	INSB	730	14	21	8	0.46	Medium
18	Hellenic Register of Shipping (Greece)	HRS	837	15	24	10	0.38	Medium
17	Panama Register Corporation	PRC	143	2	5	0	0.37	Medium
16	Croatian Register of Shipping	CRS	307	4	11	2	0.28	Medium
15	Polish Register Statkow	PRS	1018	13	28	13	0.00	Medium
14	China Corporation Register of Shipping	CCRS	78	0	4	0	0.00	High
13	Indian Register of Shipping	IRS	148	0	5	0	0.00	High
12	RINAVE Portuguesa	RIP	75	0	4	0	0.00	High
11	Korean Register of Shipping	KRS	598	5	18	6	-0.19	High
10	Russian Maritime Register of Shipping	RMRS	7080	50	161	122	-1.11	High
9	China Classification Society	CSC	620	2	23	9	-1.29	High
8	Lloyd's Register (UK)	LR	12039	70	285	232	-1.36	High
7	Nippon Kaiji Kyokai	NKK	5623	28	137	100	-1.37	High
6	Turkish Lloyd	TL	1144	3	31	18	-1.41	High
5	Bureau Veritas (France)	BV	10108	48	228	179	-1.42	High
4	American Bureau of Shipping (USA)	ABS	4848	18	113	80	-1.50	High
3	Registro Italiano Navale	RINA	2647	6	65	41	-1.64	High
2	Germanischer Lloyd	GL	13271	30	292	238	-1.73	High
1	Det Norske Veritas	DNV	11170	21	248	199	-1.77	High

¹ formerly Register of Shipping

NIR: How can a Company be High Performance?

- Must have **Deficiency Index** below average

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

(*) each ISM deficiency counts as 5.

- Must have **Detention Index** below average

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

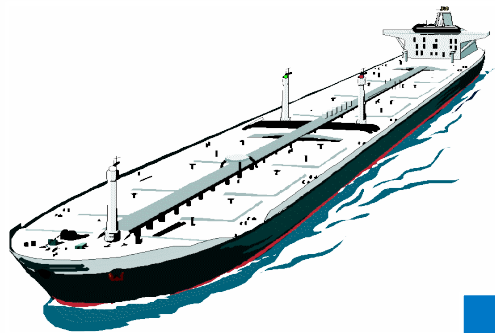
Only possible if no
banning of any of
the ships in last 36
months

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	
Below Average	Below Average	High

If no Inspections,
Company
Performance is
Medium

PSC in the European legislation



Publication
of data

PSC in the European legislation

Publication of data



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

On EMSA website - all bans
(including those because of jumped detention or repair yard not reached by the ship as agreed)

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

THETIS PSC Database

THETIS

[Home](#) [Current detentions](#) [Preventions of operation](#) [Refusal of access](#) [Inspections](#) [Ship Risk Profile](#)

Public Site Inspection Portlet(1.5.2.1@24.01.2011_14:51)

Search ↑

IMO Number*

Classification Society

ALL ▼

Type of inspection

ALL ▼

Name

RO performing statutory work

ALL ▼

Port State

Flag

ALL ▼

ISM company number

Port of inspection

Type

ALL ▼

Period

 To

Result

- ☐ Detention
- ☐ Prevention of operation
- ☐ Refusal of access (Ban)

Gross Tonnage

 To

Inspection regime

- ☒ Port State Control
- ☐ RO-RO Ferries And High Speed Passenger Craft (Ropax)

Number of deficiencies

ALL ▼

Duration of detention

ALL ▼

Search

Reset

PSC in the European legislation

Cost of the inspection (Art. 28)



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

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

Interrelation with other EU Legislation - Article 25

Exchange of information and cooperation

—information concerning ships which have failed to notify any information according to the requirements of this Directive, and to [Directive 2000/59/EC](#) of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues and [Directive 2002/59/EC](#), as well as, if appropriate, with [Regulation \(EC\) No 725/2004](#).

— information concerning ships which have proceeded to sea without having complied with [Articles 7 or 10 of Directive 2000/59/EC](#).

Port State Control



Questions?