

The background image shows a large port area with numerous colorful shipping containers stacked in rows. In the distance, several large cargo ships are visible on the water under a blue sky with scattered white clouds. The containers are in various colors including red, yellow, blue, and white. The ships are positioned at different distances, with one prominent ship on the left and others further out in the water.

# IMO MEMBER STATE AUDIT SCHEME SAFEMED IV Training on the implementation of the III Code

## PORT STATE ACTIVITIES

# Port State activities

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Scope of audit for port State activities given in part 4 (para. 52 – 63) of the III Code – A.1070(28) as:

- Implementation
- Enforcement
- Evaluation and review

# Port State activities

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## Implementation

- ❖ Port States have certain rights and obligations under various mandatory IMO instruments. When exercising their rights under the instruments, port States incur additional obligations.
- ❖ Port States can play an integral role in the achievement of maritime safety and environmental protection, including pollution prevention.

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# Port State activities

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- Role and responsibility of a port State derived from:
  - *International treaties*
  - *Conventions*
  - *National laws:*
    - *Powers to board and inspect a ship*
    - *Powers to detain ship and enforce detention*
  - *Bilateral/multilateral agreements*
- Obligations - Annex 4 to the Non-exhaustive list of obligations under instruments relevant to the III Code

# Port State obligations

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## General principles

What need to be done?

1. Legislation/guidance
2. Policies
3. Responsible party
4. Resources
5. Implementation

# Rights, obligations and responsibilities of a port State

Refers to para. 56 of III Code

## What are the obligations?

- Reception facilities
- Port State control
- Keeping a register of fuel oil suppliers



# Reception Facilities - implementation

Responsibilities and powers should be provided for the competent entity to:

- Provide reception facilities for ships in port or outside port
- Inform ships to use the facilities
- Ensure port, terminals, shipyards provide adequate facilities



*Penalties for non-compliance*

## Reception Facilities (cont.)

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What are adequate facilities? :

- Capacities according to the needs of ships using a port/terminal
- Includes no undue delays
- Must be made available to all ships

*Master to notify quantity & content of waste Notification to IMO in cases of alleged inadequacy* [MEPC.1/Circ.834 Rev. 1](#)



# Reception Facilities - Communication to IMO

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Details of port reception facilities should be inserted in GISIS:

- Oily bilge water (Annex I)
- Oily residues (sludge) (Annex I)
- Oily tank washings (slops) (Annex I)
- Dirty ballast water (Annex I)
- Scale and sludge from tanker cleaning (Annex I)
- Oily mixtures containing chemicals (Annex I)
- Chemical/NLS (Annex II)
- Sewage (Annex IV)
- Garbage (Annex V)
- Ozone-depleting substances (Annex VI)
- Exhaust gas-cleaning residues (Annex VI)

# Oil & Slop Reception Facilities



<http://www.cleanseas.com.sg/reception.htm>

# Port State control

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What is Port State Control (PSC)?

Inspection of foreign ships in national ports for the purpose of verifying that the condition of the ship and its equipment comply with the requirements of international conventions, and that the ship is manned and operated in compliance with applicable international laws

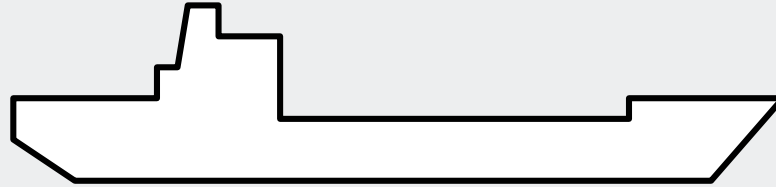
# Port State control

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## Legal basis

- ✓ Tonnage Convention Art. 12
- ✓ Load Line Art. 21 STCW Art. X, Reg. I/4
- ✓ SOLAS Reg. I/6(c), Reg. I/19, Reg. VIII/11 (Nuclear ships), Reg. XI-1/4
- ✓ MARPOL Art. 5(2), ...

## Port State control (cont.)



**1. The COMPANY + MASTER and CREW**

**2. CLASS – DESIGN APPROVAL, BUILDING SUPERVISION, CLASS SURVEYS**

**3. FLAG STATE (IMPLEMENTATION & ENFORCEMENT) – LEGISLATION (NATIONAL + INTERNATIONAL), STATUTORY INSPECTIONS AND CERTIFICATION (CONTROL OVER ROs), SEAFARERS' CERTIFICATION**

**4. PORT STATE (CONTROL) – 2nd "SAFETY NET"**

# Port State control – Enforcement

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Refers to paragraphs 57 to 62 of the III Code

- No more favourable treatment clause - port States obliged to impose the conditions of the conventions on Parties as well as non-Parties
  - SOLAS 1974, as modified by SOLAS PROT 1988
  - MARPOL
  - STCW 1978

## Port State control – Enforcement (cont.)

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Processes should be established to administer a PSC programme consistent with

Procedures for port State control  
*resolution A.1119(30)*

*"The following control procedures should be regarded as complementary to national measures taken by Administrations of flag States in their countries and abroad and are intended to provide assistance to flag State Administrations in securing compliance with convention provisions in safeguarding the safety of crew, passengers and ships, and ensuring the prevention of pollution..."*

## Port State control – Enforcement (cont.)

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- Procedures for PSC contain guidelines with regard to:
  - General
  - Port State inspections
  - Contravention and detention
  - Reporting requirements
  - Review procedures
- Procedures of regional PSC regimes based on *resolution A.1119(30)*
- Code of Good Practice for PSCO – appendix 1 (document MSC-MEPC.4/Circ.2)
  - Integrity, professionalism, transparency



## Port State control – Enforcement (cont.)

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PSCO carrying out PSC inspections should:

- Be authorized and qualified
- No commercial interest in the port or the ships
- Not employed by ROs or classification societies

## Example of finding / Port State control

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- There was no legislation, guidelines or procedures to ensure that the maritime administration conducted port State control (PSC) activities according to international and regional commitments (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; STCW 1978, article X; III Code, paragraph 55).

# Keeping a register of fuel oil suppliers

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MARPOL Annex VI, regulation 18.9 – Fuel oil quality:

Parties undertake to ensure that appropriate authorities designated by them:

- **Maintain a register of local fuel oil suppliers**
- Require local suppliers to provide the bunker delivery note and sample as required by this regulation
- Take action as appropriate against fuel oil suppliers delivering non-compliant fuel oil
- Inform the Administration in case of any ship receiving non-compliant fuel oil
- Inform the Organization of all cases where fuel oil suppliers have failed to meet the requirements

# Other port State activities

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- Dangerous cargoes
  - ✓ Designation of the “competent authority”;
  - ✓ Detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form;
  - ✓ Training programme for shore-based personnel engaged in the transport of dangerous goods; and
  - ✓ Management system shall be established and implemented for all activities related to dangerous goods.

## Example of finding : Dangerous cargoes

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The maritime administration had not fulfilled the obligations in terms of effectively implementing the provisions of the IMDG Code, particularly regarding the following areas:

- .1 A special list or manifest setting forth dangerous goods (DG) on board and the location thereof were not made available to the appropriate authority before the ship's departure;
- .2 Training programme for shore-based personnel engaged in DG related matters;
- .3 Management system covering activities related to the handling of DG; and
- .4 Detailed instructions on emergency response and emergency medical care required in case of an incident due to DG.

## Other port State activities

### Grain loading /Bulk cargo loading

Legislation, guidance or procedures to ensure that the maritime administration:

- ✓ comply with the requirements of the International Code of Solid Bulk Cargoes (IMSBC Code); and guaranteed systematic verification of compliance of bulk
- ✓ carriers carrying bulk grain cargo under the provisions of the International Code of Safety rules for the transport of bulk grain (Grain Code).



# Example of finding Grain loading / IMSBC Code

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# Port State activities - Evaluation and review

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Refers to paragraph 63 of the III Code

- Member State to have a mechanism in place for periodic evaluation of the performance in fulfilling its port State obligations
- This mechanism is to confirm whether measures taken in exercising the Member State's rights and meeting its obligations under mandatory IMO instruments are:
  - Effective
  - Lessons learnt for continuous improvement



## International Maritime Organization

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4 Albert Embankment  
London  
SE1 7SR  
United Kingdom

Tel: +44 (0)20 7735 7611  
Fax: +44 (0)20 7587 3210  
Email: [msa@imo.org](mailto:msa@imo.org)  
<http://www.imo.org>



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