

PSC background



PSC Background



PSC Background:



International
Labour
Organization

- 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

PSC 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, and
- Load Line 66,

were met

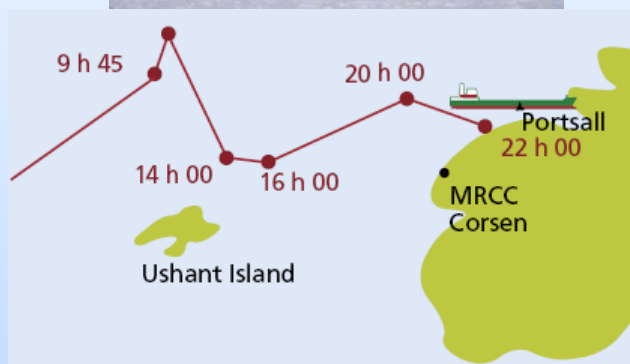


PSC Background

16 March 1978

Just 2 weeks after
'The Hague Memorandum'
was signed,
the Amoco Cadiz incident took place

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- Ran aground on Portsall Rocks (Breton coast) due to a steering mechanism failure
- 227,000 tonnes crude oil spilled
- Breakers split vessel in two, progressively polluting 360 km of shoreline from Brest to Saint Brieu



PSC Background



*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*

- Strong political & public outcry in Europe for far more stringent regulations (safety of shipping)

PSC Background



Paris, December 1980

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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; the need to increase:

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

PSC Background



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



- coordination of port states, and
- implementation of the provisions of a number of widely accepted international maritime conventions



PSC Background

2nd 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



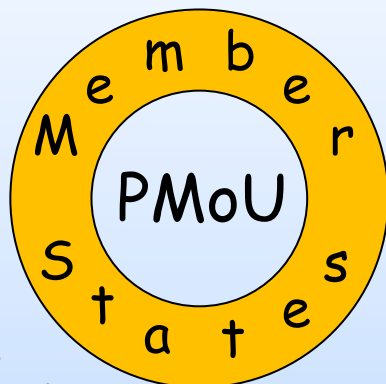
Belgium - Denmark - Finland - France - Germany
Greece - Italy - Ireland - Netherlands - Norway
Portugal - Sweden - Spain - United Kingdom

PSC Background

PMoU - EU Directives/Regulations

Gentleman's agreement

1982 →



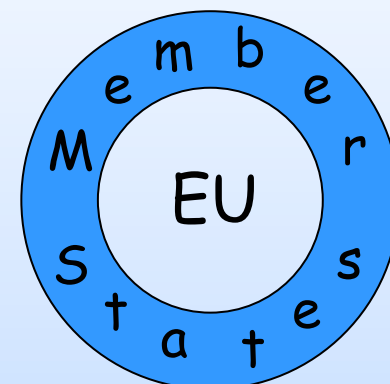
MSs operate Under National Law



1995
EU-MSs &
Parliament
Adoption
Directive 95/21/EC



PSC requirement
of EU Law



Directive
2001/106/EC

PMoU
amendm.

- Directive
2009/16/EC
- Regulation
EC/428/2010
(Exp. Insp.)

PMoU
amendm.

Amend. Dir.
2009/16/EC
by Directive
2013/38/EU
(MLC)

PMoU
amendm.

Future Directive (?) - Regulation (?)
or amendment

PMoU amendment

PSC Background

PMoU

- Gentlemen: not binding
- Equal in everything
- Mainly technical
- Input of experts
- International Conventions

EU Directives/Regulations

- Legal text: binding
- Commission is the guardian
- Highly political
- (Less) Input of experts
- International Conventions + EU relevant text
- Professional body in support

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Directive
2001/106/EC

PMoU
amendm.

- Directive
2009/16/EC
- Regulation
EC/428/2010
(Exp. Insp.)

PMoU
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PMoU
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PMoU amendment



PSC Background

Consequences

Ever increasing scope →



← Awareness of the Public;
exposure of PSC



(Political) risks
of non-compliance →



← Publications; name and shame



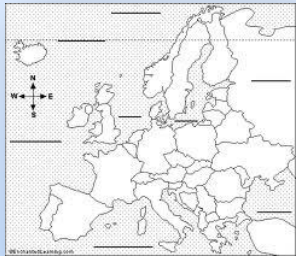
MSs recognised importance of
training and **harmonisation** →



Embedded in:
- EMSA / - PSC Dir.
Why?
- Paris MoU



History Community legislation development



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EU is governed by 7 institutions

Treaty on European Union
Article 13



European Central Bank



European Council
(Summit)
Heads of State / Government MSs
No formal legislative power
Defines "the general political directions and priorities" of the Union

Court of Justice of the European Union



European Commission



EC proposes legislation (initiator)
Agenda setter EU as a whole
Through co-decision procedure
act is adopted or rejected



Court of Auditors



Council of the European Union
Council of Ministers (the Council)



European Parliament
EU people's representatives of the MSs



Treaty of Lisbon – co-decision

The Treaty of Lisbon * - Signed 13-12-2007 and entered into force 01-12-2009

[(*)or the Treaty of the European Union (TEU), initially known as the Reform Treaty]

International agreement which amends two Treaties which form the constitutional basis of the EU:

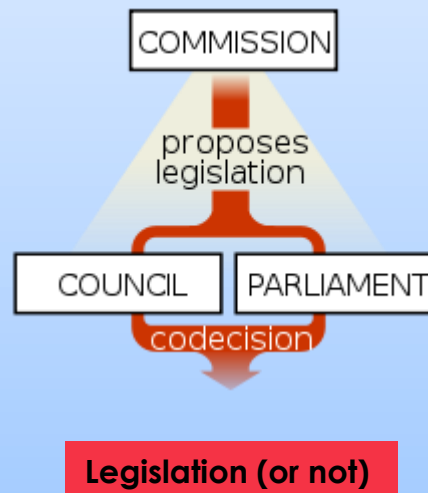
- the Maastricht Treaty, and
- The Treaty of Rome [the Treaty establishing the European Community (TEC)]

In this process, the Rome Treaty was renamed to the Treaty on the Functioning of the EU (TFEU)

One of the important changes introduced by the TEU and the TFEU:

co-decision becomes the "ordinary legislative procedure", i.e.,

what used to be the exception in decision-making has become the norm for most policy areas



The co-decision procedure:
legislative process
central to the Community's
decision-making system
(TFEU Article 294)

It is based on the principle of parity
and means
that neither institution
(European Parliament or Council)
may adopt legislation without the
other's assent

History Community legislation development in relation to PSC

From 1978-1992 accidents/tragedies:

Oil tanker "Amoco Cadiz" 1978 →



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Ran aground off the coast of Brittany, France, on 16 March 1978
Split in three and sank. Entire cargo spilled - 227.000 tonnes of crude oil



Ro-Ro Passenger Ferry
← "Herald of Free Enterprise" 1987

Capsized moments after leaving Belgian port of Zeebrugge on
the night of 6 March 1987, killing 193 passengers and crew



Ran aground on
Bligh Reef in
Prince William
Sound, Alaska on
March 24, 1989
Spilled 42,000
m3 crude oil

Oil tanker "Exxon Valdez" 1989 →

"A Common Policy on Safe Seas"

Commission made several proposals from 1978-1992,
only few concrete decisions were taken
due to lack of actual Community role during this period

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At Community level

Maritime Safety Policy actually started in 1993
adoption of Commission's first Communication
on maritime safety:

"A Common Policy on Safe Seas"

Why in 1993?



Breakthrough

The breakthrough in 1993 → reaction to oil tanker accidents:



Oil-Ore carrier
← "Aegean Sea" →
1992

Ran aground off the coast of Galician
at nearly 5 AM on December 3, 1992
Spilled 67,000 tonnes crude oil



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Oil tanker "Brear" →
1993



Ran aground off
Shetland, Scotland, in
January 1993
Entire cargo spilled -
85,000 tonnes crude oil

"A Common Policy on Safe Seas"

In the Communication

"A Common Policy on Safe Seas",
the framework for a Common Maritime Safety Policy
was based on 4 pillars:

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1. Convergent implementation of existing global International rules
2. Uniform enforcement of global International rules by port States
3. Development of navigational aids & traffic surveillance infrastructures
and
4. Reinforcement of the EU's role as the driving force for global
International rule making

"A Common Policy on Safe Seas"

Action programme - 10 different proposals

On the basis of the action programme attached to the Communication
the Commission presented between 1993 and 2002
more than 10 different proposals

All of them adopted by the Council

The main Directives adopted in this period aim to ensure that:
the implementation of International safety rules by all ships visiting
European ports, and,

ships flying a flag of an EU Member State and their crew
comply with international standards

➔ In relation to PSC, Directive 95/21/EC was adopted

PSC Directive 95/21/EC

The European Union built its legislation on IMO Resolutions and the work by the Paris MoU on PSC which provides the framework for signatory countries to carry out their inspection duties

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PSC Directive 95/21/EC was adopted in 1995 and established:
'common criteria for control of ships calling at MSs ports
and by harmonising procedures on inspections & detentions'

Another accident

Just before the adoption of the PSC Directive another accident/tragedy happened in 1994 with the:



The ship sank on 28 September 1994, just after midnight in the Baltic Sea
The accident claimed 852 lives

← Ro-Ro passenger ferry "Estonia"

This raised particular concern in the Union about the operational conditions of passenger vessels

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Community adopted different measures addressing this problem e.g.:

Regulation (EC) 3051/95

implied an early application of the ISM Code (01-07-1996) on Ro-Ro Passenger ferries in the EU

Directive 1999/35/EC

establishing a system of mandatory surveys for Passenger vessels & high-speed craft operating on regular international or domestic service to or from EU ports, regardless of their flag

"Erika I" package

In December 1999, an accident/tragedy happened with the:
oil tanker "Erika"



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On 21 March 2000 the Commission adopted first set of proposals called
the **"Erika I" package**

“Erika I” package

Strengthened, among others,
the existing PSC Directive 95/21/EC

by the adoption of



- Directive 2001/106/EC , which introduced
 - Expanded inspections, and
 - Refusal of access to EU ports
(for Black listed flag ships declared substandard on the several occasions)
- Regulation (EC) 417/2002, which established
Timetable for phasing out single-hull tankers worldwide
(spread over a very long period, ending in 2026)

“Erika II” package

A second set of measures which completed the “Erika I” package was adopted by the Commission in December 2000, called the “Erika II” package

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In this package the Commission proposed among others:
the establishment of EMSA



achieved by the adoption of the European Parliament and the Council of Regulation (EC) 1406/2002 on 27 June 2002, and, entered into force in August 2002

EMSA

EMSA is responsible for:

Improving enforcement of the EU rules on maritime safety

In general terms, EMSA:

Provides technical and scientific advice to the Commission in the field of ²⁶

- maritime safety,
- prevention of pollution by ships

in the continuous process of updating and developing new legislation,
monitoring its implementation and
evaluating the effectiveness of the measures in place

Agency officials will closely cooperate with MSs maritime services

"Prestige"

Three years after the "Erika" accident, the tragedy with the "Prestige", a single hull tanker, happened (November 2002).



The Commission reacted rapidly by adopting a Communication on improving safety on 3 December 2002, which included, among others, Regulation (EC) 1644/2003 - a six months earlier timetable for opening EMSA (February 2002), and

Regulation (EC) 1726/2003 - Speeding up the timetable for phasing out single-hull oil tankers

'Third maritime safety package'

On 23 November 2005 the Commission adopted a package of 7 legislative proposals:

[actually 5 Directives + 1 Regulation and 1 Regulation - 1 Directive (RO)]

The 'third maritime safety package'

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Adopted by the European Parliament on 11 March 2009

Among others amendment of the PSC Directive

➔ Directive 2009/16/EC (was Directive 95/21/EC)

- Banning for repeated detentions to all categories of ships
- Sanctions even more severe for repeated offences
- Target figure of 25% replaced by the New Inspection Regime
 - ➔ Risk based inspections

INTERMEZZO

*The
End*

Back to why **training** is embedded in EMSA?

We have seen the reasons for the set up of EMSA

Regulation (EC) No 1406/2002
of the European Parliament and of the Council
of 27 June 2002 establishing an EMSA

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Article 2
Core tasks of the Agency

- 3. The Agency shall work with the Member States to:*
- (a) organise, where appropriate, relevant **training** activities in fields which are the responsibility of the Member States*
 - (d) PSC Directive 2009/16/EC*

training and ... **harmonisation**

EMSA Mission Statements

THE AGENCY

To ensure a high, uniform, and effective level of maritime safety and security, as well as prevention of and response to pollution by ships within the EU



Unit B.3.1 - Port State Control

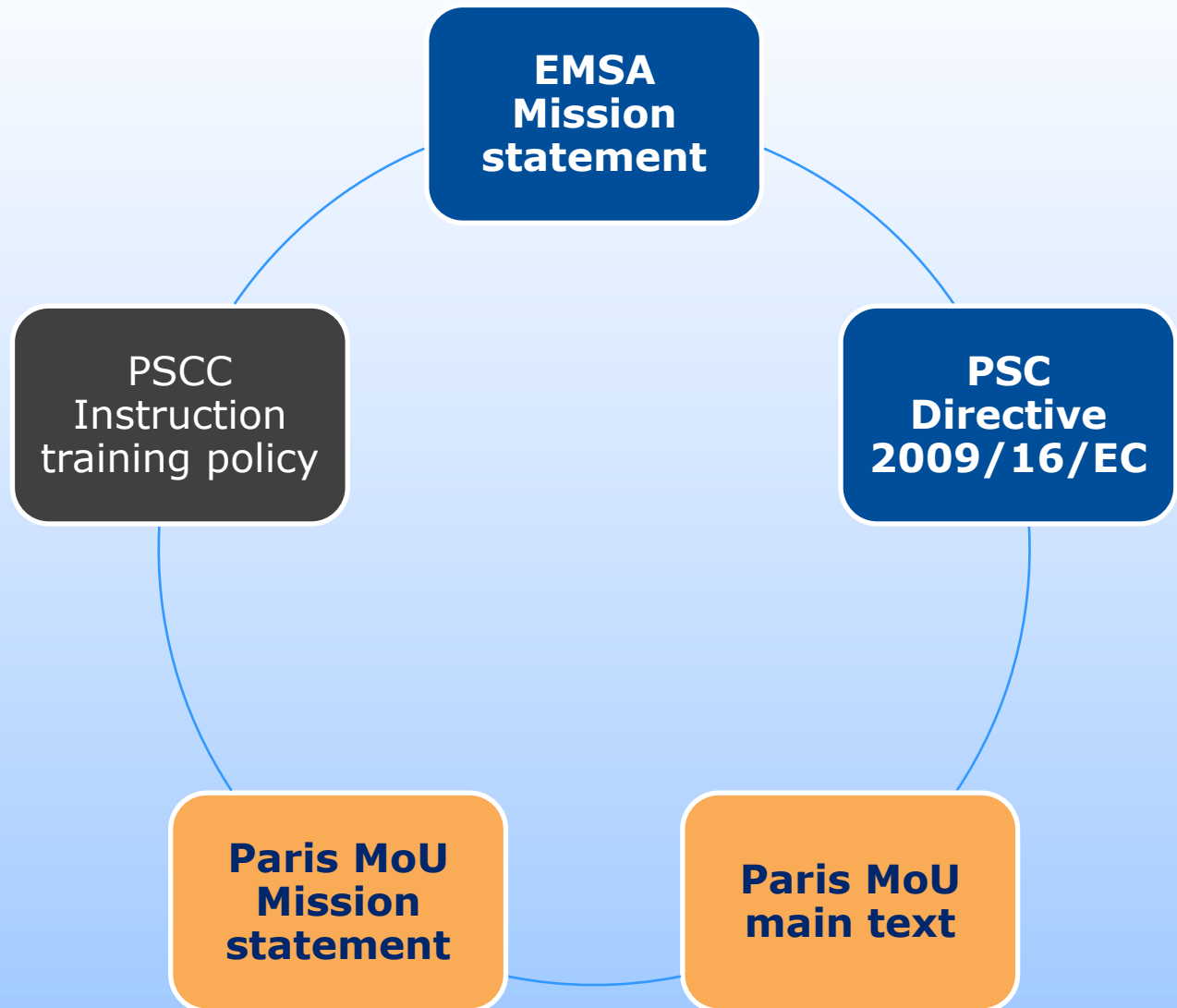
... Provision of **training** for PSCOs aiming at **harmonisation** within the Paris MoU region as mentioned in the Directive



... Assessment of the implementation of PSC in MSs

Harmonisation

is not only
embedded in
EMSA
Mission
statement:



harmonising

EU Directive 2009/16/EC on PSC

Article 1 - Purpose of this Directive is to help to drastically reduce substandard shipping in the waters under the jurisdiction of MSs by:

(a) increasing compliance with international and relevant Community legislation on maritime safety, maritime security, protection of the marine environment and on-board living and working conditions of ships of all flags;

(b) establishing common criteria for control of ships by the port State and **harmonising** procedures on inspection and detention, building upon the expertise and experience under the PMoU;

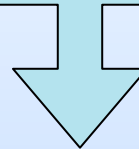
(c) ... (risk based inspections - NIR)

harmonisation

EU Directive 2009/16/EC on PSC

Article 22 - Professional profile of inspectors

7. In cooperation with MSs, the Commission shall develop & promote a **harmonised** Community scheme for training & assessment of competences of PSC inspectors by MSs



PSCCI 46/2013/03P

Policy on Training NE PSCOs & Professional Development Scheme for PSCOs

Introduction: ... training & development new entrant & experienced PSCOs ...

... enhancing **harmonisation** of the competence of PSCOs

The PMoU training policy is a framework of documents for MSs to enhance **harmonisation** & standardization of knowledge & proficiency of PSCOs in the PMoU region

harmonise

Also in Paris MoU Mission Statement & Paris MoU

To eliminate operation of sub-standard ships through a **harmonised** system of PSC

The PMoU on PSC is the official doc. in which 27 Maritime Authorities agree to implement a **harmonised** system of PSC

The MoU consists of a main body, including annexes, in which the Authorities agree on:

...

the inspection procedures and the investigation of operational procedures

...

PMoU recitals:

... increase maritime safety and the protection of the marine environment and the importance of improving living and working conditions on board ship;

... **Convinced of the necessity of a harmonised system of PSC** ...

Sect. 3.3 Inspections by properly qualified and trained persons (Annex 6 - Minimum Criteria for PSCOs)

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EMSA Seminar GOAL - Objective - Scope

Goal

broad statement of what you wish to accomplish

Harmonisation & standardization of knowledge & proficiency of PSCOs in the EU/PMoU region

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Objective

represents a step toward accomplishing the goal (measurable)

EMSA/PMoU PSC Seminar **Harmonisation** on Procedures

there are various objectives towards accomplishing the goal

MS responsible: training/qualification - Complimentary: PMoU expert trainings & PSCO Sem. - EMSA/PMoU PSC Sem.

Scope

what is included (and what is excluded) in the EMSA/PMoU PSC Seminar

PSC Directive / PMoU / specific PSCCIs / PMoU Manual / RuleCheck

EMSA does not train on IMO-ILO Convs. (MS resp.); to convene scenarios we do touch upon some