

IMPROVING PORT STATE CONTROL



Looking to the Future

As well as the work outlined above, the Agency is looking ahead with the European Commission to identify the scope for further improvements in the EU port state control system. The system depends on the efficient exchange of information among the competent authorities of Member States, so one of the most significant objectives in this field will be to enhance the quality of a number of key information systems. Also, as the inspection regime develops, EMSA will continue to monitor and contribute to its development and implementation at the practical level.

Finally, it will address the issue of providing assistance to accession and candidate countries so that they can become part of the EU system as quickly and effectively as possible. As one of a number of ways of providing such support, workshops are organised from time to time for experts from candidate countries so that they can become familiar with the operation of the EU system at the earliest possible stage. When the different tasks are added together, the result is that EMSA provides added value which is complementary to the work of the Member States and which makes a significant contribution to ensuring that an effective and consistent system is always in place.

Further Information

The EMSA website contains further information on this and all the other activities of the Agency, and it can be accessed at: <http://www.emsa.europa.eu>



THE GLOBAL ISSUES

Ships sail many millions of miles each year carrying cargoes and taking us where we want to go. Although they are designed, constructed, maintained and operated to international rules, there are still thousands of significant accidents around the world annually and hundreds of these occur in the waters of the European Union.

Port activities go on day and night



The countries which register ships, together with their owners and operators, are responsible for ensuring their safety (including the safety of all those on board) and environmental performance. However, not all of them take their responsibilities seriously. Therefore, additional regional inspection regimes have been set in place around the world in order that high levels of control over safety and environmental matters can be applied in these areas. This process is called port state control and operates on the basis that when ships call at ports in different countries, those countries have the right to inspect them to ensure that they are seaworthy. This encourages owners and operators who wish to trade with those countries to ensure that their ships, seafarers, equipment and procedures comply with the relevant requirements.

THE EUROPEAN ISSUES

The European Union is a particularly complicated and environmentally sensitive part of the world in maritime terms. Its coastline is many thousands of kilometres in length, it borders several enclosed seas, it has numerous large islands, it is subjected to a wide variety of weather conditions and has well over 600 significant ports distributed around it. Through these waters pass ships carrying many millions of people, the great majority of the EU's external trade, over one third of the trade between its Member States and a substantial amount of non-EU trade. A significant proportion of the cargo carried is oil and other hazardous substances.

Consequently, it is fundamentally important to the EU that as few accidents and incidents as possible happen, and that their effect in human and environmental terms is minimised.

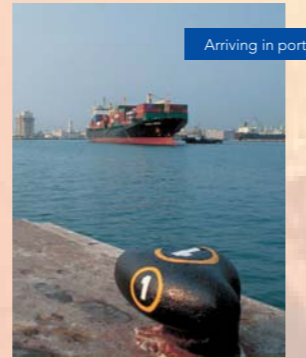
With such things in mind, an agreement was signed in Paris on 26th January 1982 known as the Memorandum of Understanding on Control of Ships by the Port State (Paris MoU). This involves the EU Member States and a number of their neighbouring countries and, in 1995, this regime was incorporated into EU law. From the beginning, it required each member country to inspect at least 25% of foreign ships calling at its ports each year. Although this approach has worked well, recent enlargements of the EU have provided the opportunity to improve the effectiveness of the regime. The new regime will ensure that all ships are inspected at intervals which reflect the risk they pose. If port state control inspectors find that a ship does not comply with the international requirements in force at the time, the port state can prevent it from sailing until it does comply. Should a ship be regularly found to be non-compliant, it can be banned from European ports.

WHY IS THE WORK OF EMSA IMPORTANT?

The European Commission has been involved in the development of the port state control regime since 1993 and has worked with Member States to improve its effectiveness. Since the set up of EMSA, the support of its experts has been essential in helping the Commission to carry out its work.

Technical Support to Policy and Legislation

EU legislation, in the form of a Directive on port state control (95/21/EC as amended), ensures that the EU Member States are fully committed to applying the Paris MoU regime. An important area where EMSA adds value is in the provision of technical support to the Commission in the development of the associated policy and



legislation in the area and in assessing the impact of new policy. This helps to ensure that Community policy is implemented in a practical and technically sound way. EMSA also facilitates the co-ordination of developments at EU and Paris MOU level so that there is a convergence of the two.

As previously mentioned, the most significant recent development is the move to a more risk-based approach to ship inspections. This risk is based on the inspection record of the ship in the Paris MOU. The performance of the company which operates the ship, the country which registers it (flag state) and any organisation which carries out work on behalf of the flag state is also taken into account. This performance is determined by the inspection record of their ships in the Paris MOU region. The type and age of the ship is also important with oil, chemical and gas tankers, bulk carriers and passenger ships given particular attention. Ships calling in the region for the first time, those involved in accidents or those which are the subject of a complaint are also targeted.

Monitoring the Implementation of EU Law

Although legislation enforcing the port state control regime has been in place for some time, its effectiveness in combating sub-standard shipping depends on consistent implementation among Member States.

To help improve consistency, EMSA undertakes visits to Member States to inspect and report on their port state control systems and procedures. Coupled with this, it carries out comprehensive analyses of statistics relating to ships calling at EU ports and ship inspections. The results of this work can be used to develop objectives and procedures for the continuous improvement of the system. Also linked to improvements in harmonisation is the Agency's work on the training of ship inspectors in collaboration with Member States.

Highlighting Sub-Standard Ships and Registers

Part of the strategy to deter the use of sub-standard shipping is to expose those ships and operators which do not meet international requirements. With this in mind, the Agency maintains an up-to-date list on its website of ships which are banned from EU ports. In addition, in order that interested parties can see the whole picture, it also publishes a list of all ships that have been banned from EU ports from the beginning of 2002 until the present time. The inclusion of a ship on the list results from the notification of a ban by a port state authority.

