

BCSEA Project Training for Black Sea MoU PSCOs

Importance of trade by sea
Flag and Port State Control

Unit B.3. Environment & Capacity
Building

Lisbon / 26 – 29 March 2019



Introduction

Facts and figures about shipping

Shipping versus other transport modes

Undesired effect of shipping

Introduction to Flag State

Introduction to Port State Control



- ❑ **Today, around 90% of world** trade is carried by the international shipping industry.
- ❑ **Without shipping** the import and export of goods on the scale necessary to sustain the modern world would not be possible.
- ❑ **Seaborne trade continues to expand**, bringing benefits for consumers across the world through competitive freight costs.
- ❑ **Yet the fact remains that most of the world's population is not aware of the vital role** shipping plays in their daily lives.

For many trade routes there is no direct substitute
Shipping indispensable to the world

There are **more than 50,000 merchant ships** trading internationally, transporting every kind of cargo.



The world fleet is registered in over 150 nations and manned by more than 1.500.000 seafarers of virtually every nationality.

Eco-friendly
**12% of the total
pollution**

Safe

Advantages

Cargo volume

Cheaper

Impact on marine environment and more:

- Sea pollution:
 - hydrocarbons,
 - HNS,
 - sewage,
 - garbage
- Air pollution
- Ballast water
- Ship recycling
- Marine accidents

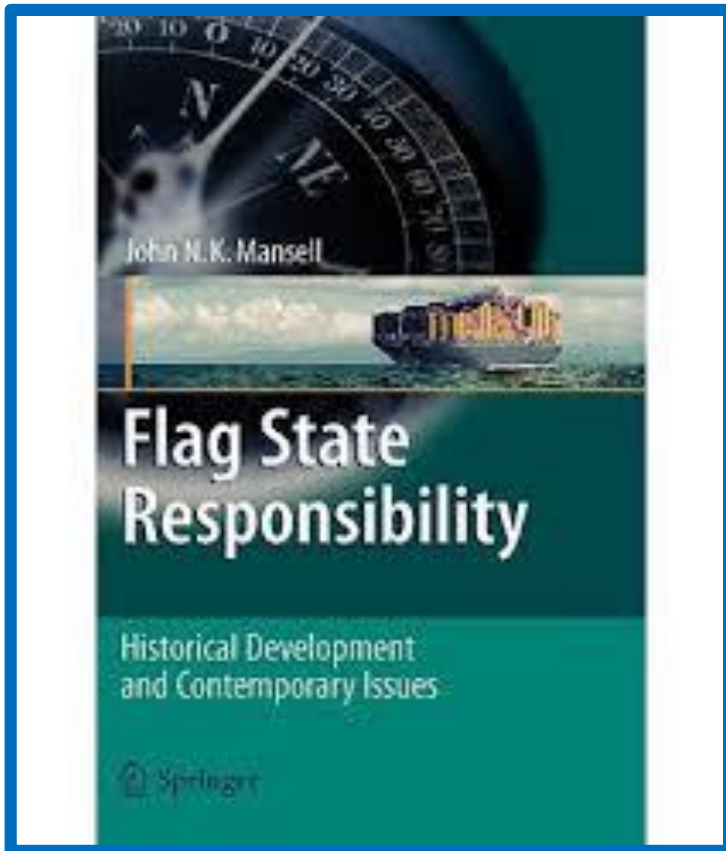


- Flag State
- Port State
- Marine accident investigations

Safe trade

Fair competition

Free trade



Flag State main responsible for ships' safety

Each State shall arrange the conditions for:

- registration of ships in its territory;
- the right to fly its flag.

A Genuine link between the State and the ship exists, the State **must** effectively exercise its **jurisdiction** and **control** in:

- administrative;
- technical;
- social matters over ships flying its flag.



By ***jurisdiction*** and ***control*** it is meant that the flag State has the power to:



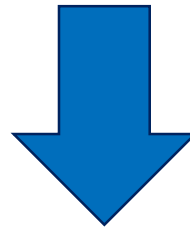
When a State assumes legal authority over a ship by grant of its flag

The State also assumes a certain obligation to take measures to ensure that the vessel acts **in a way consistent with international law**.

Each State shall **issue** to ships to which it has granted the right to fly its flag **documents to that effect**.



To assist States in the implementation of
instruments of the Organisation



Resolution A.1070(28)

The IMO Instruments Implementation (III) Code

The IMO Code addresses aspects necessary for a contracting State to
give full & complete effect of the applicable international instruments

Flag State shall be able to **enforce** and **implement** its provisions through undertaking:

- **Initial actions:**

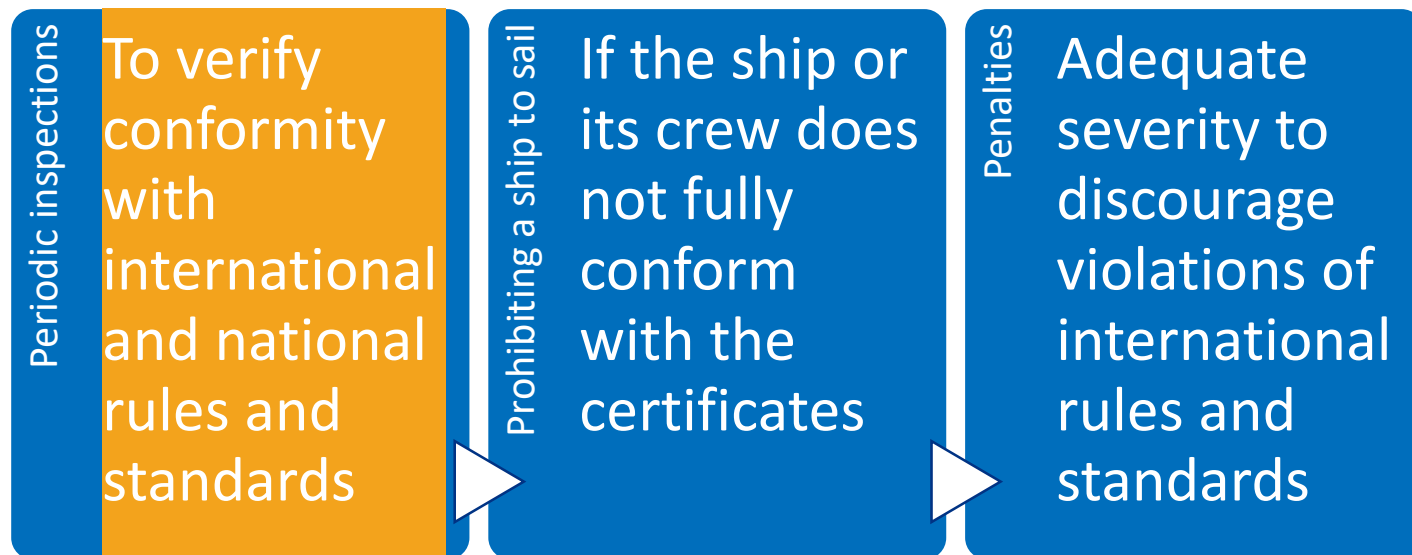
- ✓ Adoption of national laws;
- ✓ Establishment of enforcement procedure

- **Measures for implementation**

- ✓ Enforcement by exercising effective jurisdiction and control.



Enforcement - Measures to be taken



Enforcement - Measures to be taken

Flag State Surveyors and marine accident investigators

- Provide an appropriate number and ensure training and oversight of activities

Oversee corrective actions to follow-up PSC detentions

- To bring back the ship in compliance with Conventions

Issue or endorse certificates

- Only when a ship meets the requirements of the applicable instruments

Delegation of authority to Recognized Organizations (ROs)

Ensure RO has adequate resources

Formal written agreement as basis

Establish an oversight programme for monitoring the RO's

Records to be maintained and provided to the administration

National legislation and interpretation

Instructions if a ship is found unfit to proceed



Port State control as a second line of defence against sub-standard shipping



Port State Control (PSC) is the inspection of foreign ships in national ports to verify that:

- The condition of the ship and its equipment comply with the requirements of international regulations;
- The ship is manned and operated in compliance with these rules.



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 overloaded

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:

Procedures for port State control laid down by the **IMO Resolution A. 1119 (30)** latest amendment of the former IMO Resolution A. 1052 (27)

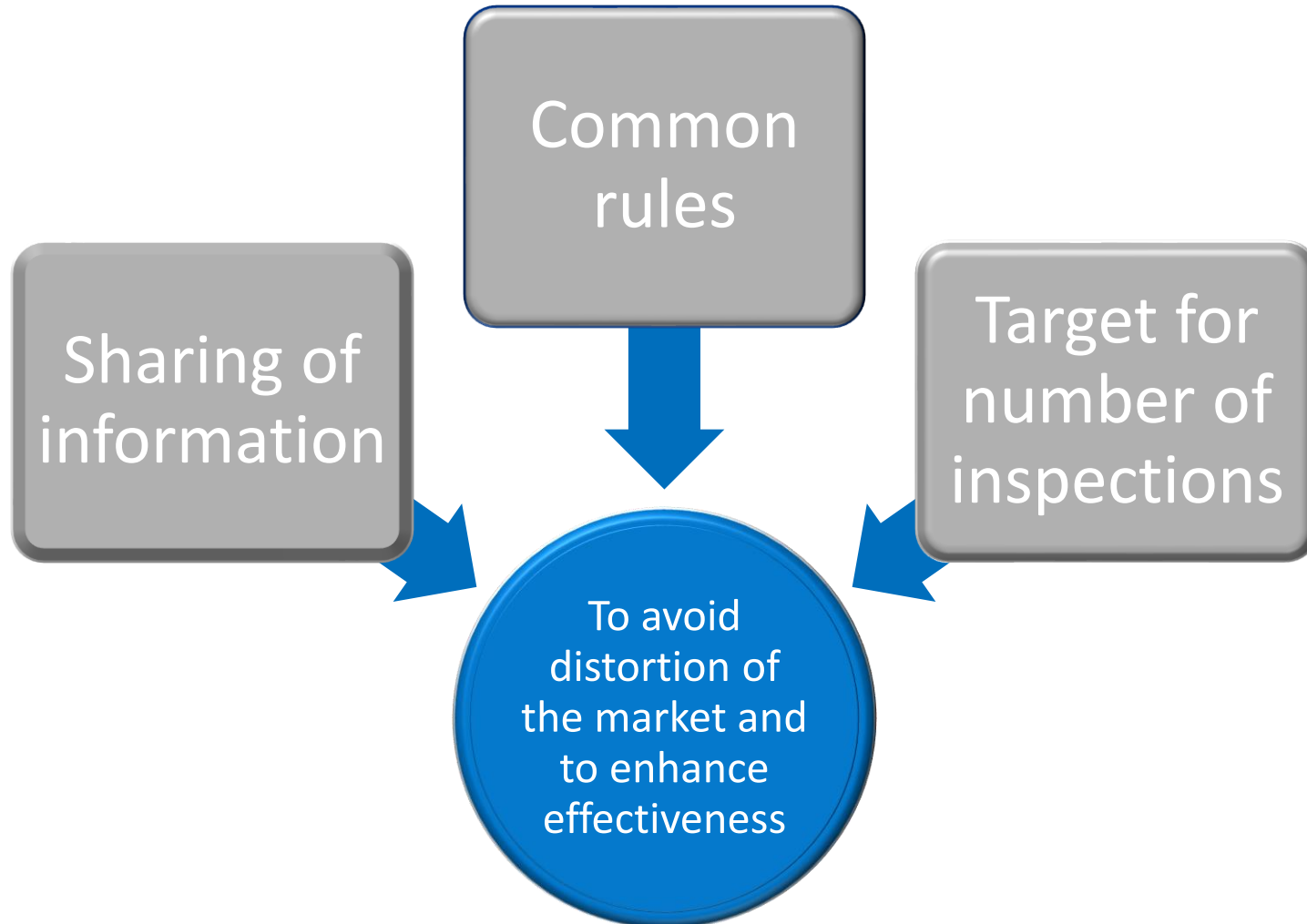
CHAPTER 1 – GENERAL

1.1 PURPOSE



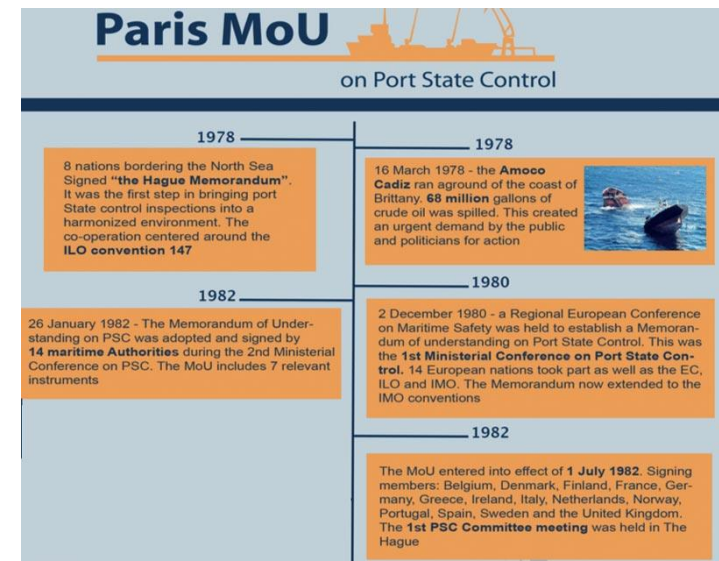
This document is intended to provide basic guidance on the conduct of port State control inspections and afford consistency in the conduct of these inspections, the recognition of deficiencies of a ship, its equipment, or its crew, and the application of control procedures.

Added value from regional agreements on PSC



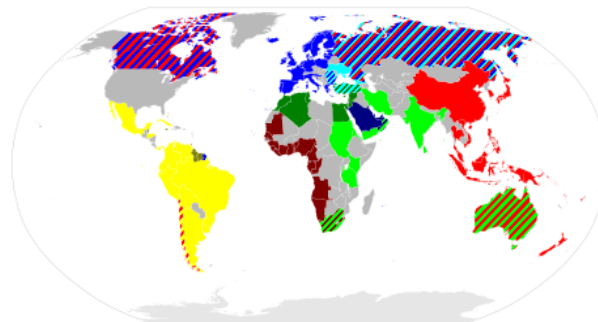
The Hague Memorandum signed
March 1978 – 8 Maritime
Authorities

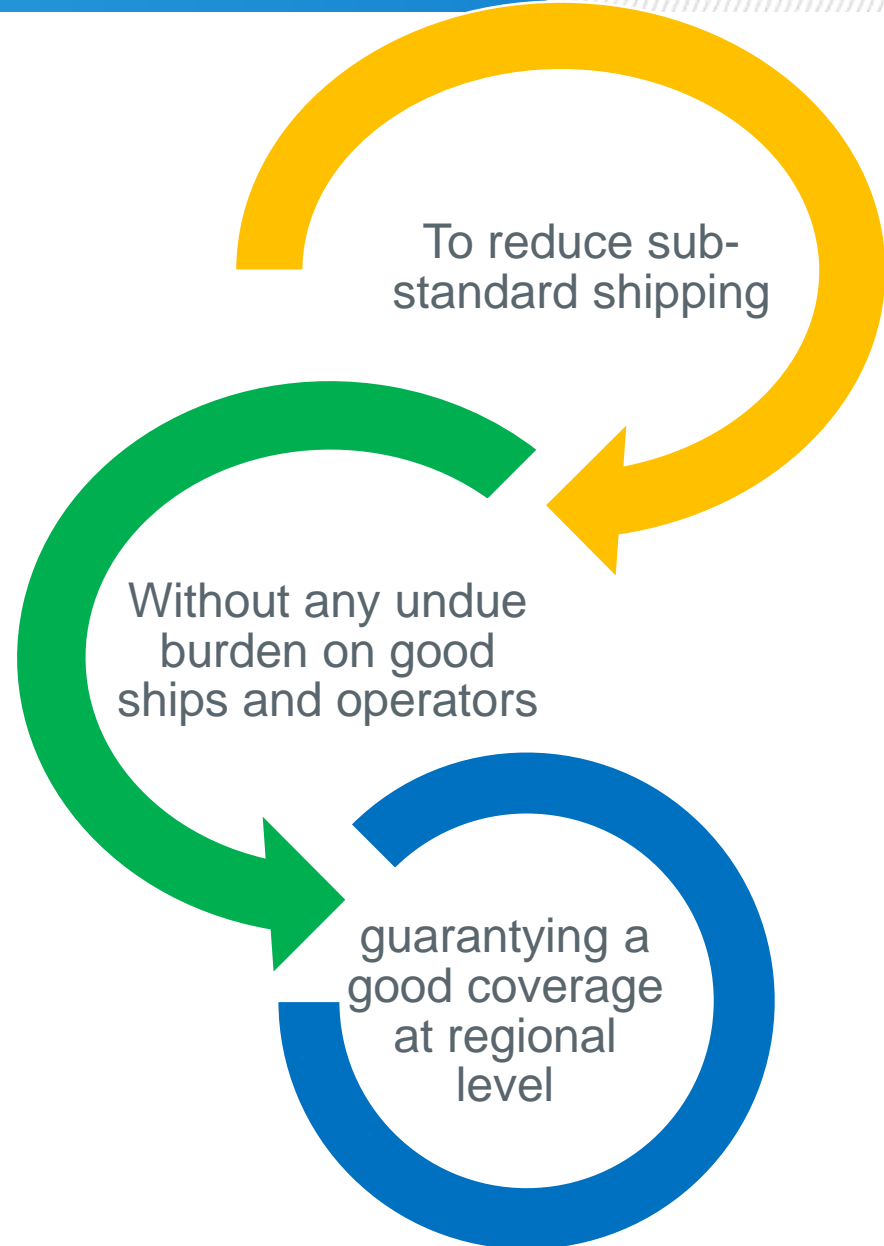
The Paris Memorandum of
Understanding on PSC signed
December 1980 – 14 Maritime
Authorities, today 27



PSC did spread around the world

There are now several additional PSC regimes around the world such as Tokyo, Vina del Mar, Indian Ocean, Mediterranean, Caribbean, West and Central Africa, Black Sea, Gulf MoU, while the USCG is acting as a sole entity.





A diagram consisting of a large light blue arrow pointing to the right. Inside the arrow, there are two white rounded rectangular boxes. The first box on the left contains the text 'The most valuable resource for PSC is', and the second box on the right contains the text 'PSC Officer'.

The most valuable resource for PSC is

PSC Officer

- Define minimum criteria
- Define a Professional Development Scheme (PDS) – BS MOU has adopted its scheme
- Implement the scheme

- **EMSA's RuleCheck made available to BSMOU PSCOs**
Repository of international conventions, resolutions codes and more
Regularly updated
- **EMSA's eLearning platform (MaKCs) made available to BSMOU PSCOs**
includes eLearning modules and Seminars for PSCOs
- **Implement the scheme**
Implement a PDS for inspectors is an obligation under the IMO III code

- External experts selected to support beneficiaries to define their Professional Development Scheme
Develop a PDS is an obligation under the III Code
- Provision of eLearning and in-the-classroom training sessions to support beneficiaries to implement the professional development schemes
eLearning modules and Seminars for PSCOs
- Implement the scheme
Implement a PDS for inspectors is an obligation under the IMO III code



Thank you

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 **EMSA**
European Maritime Safety Agency