

Other EU legislation including control by the port State

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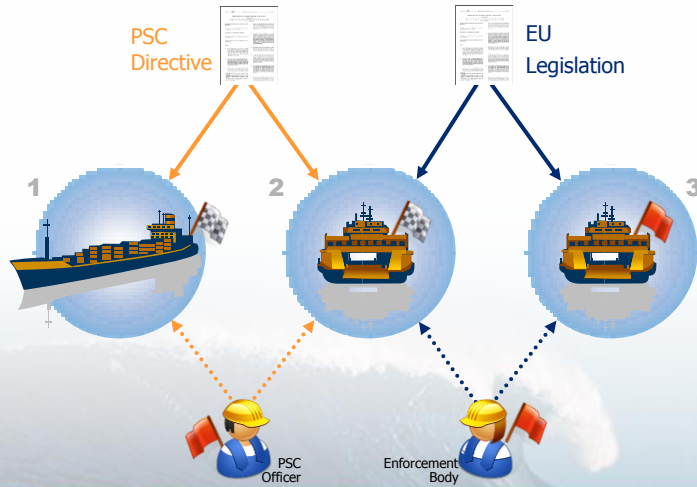
Content

- PSC versus control by the port State
- Other EU legislation relevant for port States

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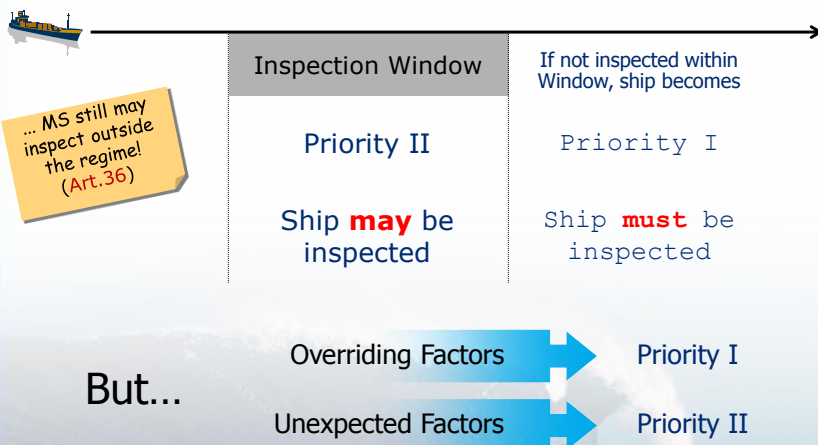


PSC versus control by the Port State



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Directive 2009/16/EC – Scope (Art. 3)



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Directive 2009/16/EC – Exclusions (Art. 3)

- Fishing vessels
- Warships
- naval auxiliaries
- wooden ships of a primitive build
- government ships used for non-commercial purposes
- pleasure yachts not engaged in trade

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Pleasure Craft engaged (or not) in trade

- About 1500 operating worldwide
- Reported by ports into SSN if over 300 GT
- The PSC Authority should determine PSC eligibility:
 - Eligible: Status "Active"
 - Not eligible: Status "New", SRP not calculated
- Key document: International Load Lines Certificate

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Directive 97/70/EC – Fishing Vessels

- Establishes control by MSs according to Torremolinos Protocol
- Provisions apply to ships over 24 m which: (Art.7)
 - Operate in the territorial waters or land their catch, or
 - Fly the flag of another MS
- Enforcement body is not defined
- Fishing vessels are at the moment excluded from PSC scope

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Directive 2001/96/EC – Bulkcarriers Loading/Unloading

- Establishes obligations for Ships and Terminals (Art.5,7 and 8)
- Enforcement body is not defined:
 - 'unannounced inspections during loading/unloading' (Art.11)
- MSs should be able to halt loading/unloading for safety reasons
- If damage during loading/unloading, PSC authority informed:
 - Unexpected Factor

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Directive 2005/33/EC – Sulphur content in fuels

- Implements the sulphur provisions of MARPOL Annex VI
- Stricter sulphur content requirements for:
 - Passenger Ships on regular services (Art.4a.4)
 - Ships at berth (Art.4b)
- Sampling, analysis and inspection means for compliance:
 - inspection of log books and bunker delivery notes (Art.6)
- Enforcement body is not defined

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Directive 2000/59/EC – Port Reception Facilities

- MSs to ensure ships are subject to an inspection to verify:
 - the delivery of all ship-generated waste (Art.7)
 - the delivery of cargo residues (Art.10)
- PSC Dir. may be used provided that there is a priority (Art.6):
 - failure to provide waste notification is Unexpected Factor
- PSC does not go beyond MARPOL: ships under 400 GT?
- Setting up of an information and monitoring system (Art.12.3)

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Directive 2009/20/EC – Shipowner’s Insurance

- Implements the Limitation of Liability for Maritime Claims Conv.
- Not a Paris MoU Instrument
- Starts being applied from **1 January 2012** (Art.9)
- MSs shall verify Insurance Certificate during PSC Inspections (Art.5.1)
- Non-compliance triggers an ‘Expulsion Order’ (Art.5.2)
- ‘Shipowner’ means registered owner (Art.3)
- Reg. (EC) 392/2009 carriers liability passenger ships (31/12/2012)

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Directive 2009/45/EC – Passenger Ships

- Applies to Passenger Ships engaged in domestic trade
- Control provisions established for Host States:
 - Verify compliance prior operation (Art.3)
 - Perform inspections according to the PSC Directive (Art.5)
- Ships complying are issued with an EU Certificate

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Directive 1999/95/EC – RoPax regular services

Recital 22

Reduce Burden for MS

Ropax surveys count as PSC inspections

Diff. Flag

Article 15.3

Ropax surveys

1. count as PSC inspections MD/EI
2. count for MS commitment

Ropax subject to PSC regime

Rectification of deficiencies, Detentions, Banning

Article 16.1

Banning

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Other EU legislation including control provisions

- Dir. 1999/95/EC on seafarers hours of work (Art.1.2)
- Reg. (EC) 417/2002 on double hulls for oil tankers (Art.4.3)
- Dir. 2003/25/EC on stability for ro-ro passenger ships (Art.3.2)
- Dir. 2005/35/EC on penal sanctions ship source pollution (Art.6)
- Reg. (EC) 782/2003 on organotin compounds (Art.7)
- Reg. (EC) 725/2004 on enhancing ship/port security (Art.8)
- Dir. 2002/59/EC on vessel traffic monitoring (Art.16.3)

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Thank you

