

Multiple detention / Ban / Lift Ban

EMSA/Paris MoU 35th Seminar
November 2014

1



Where to look

- Banning

Section 4 and Annex 7 of the Memorandum and the guideline on banning procedures / PSC

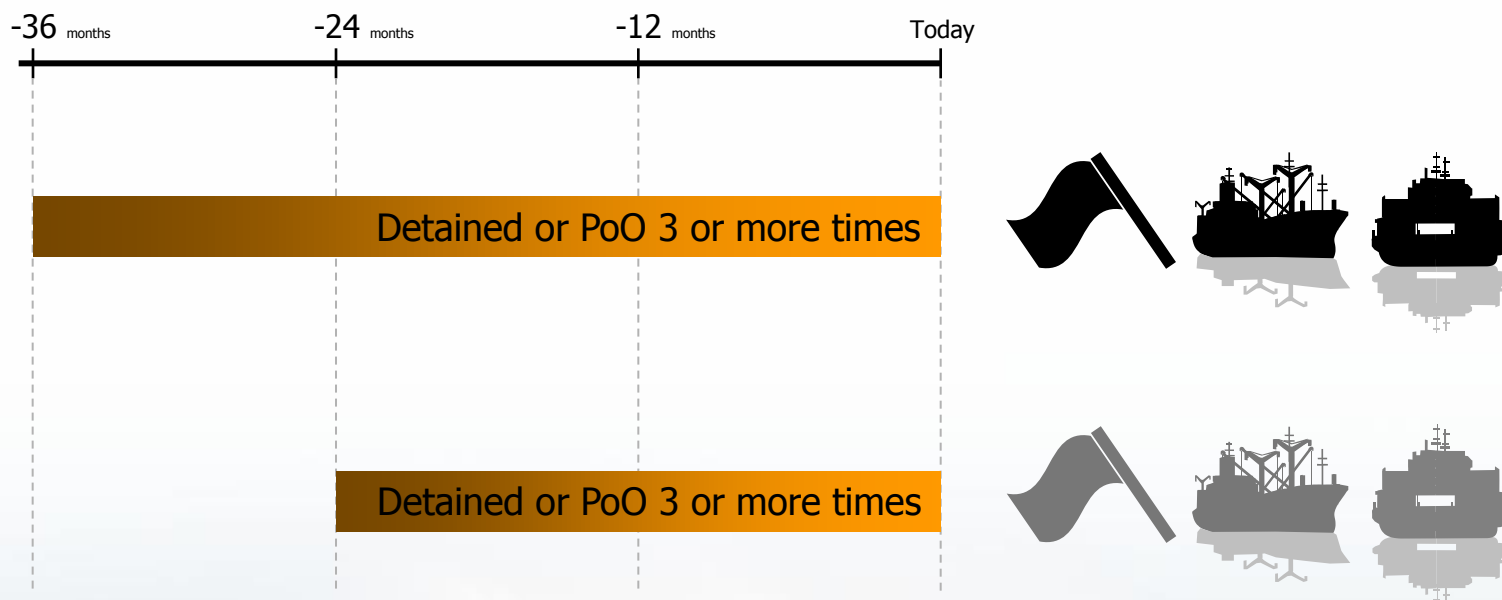
Directive (2009/16/EC) – Article 16, Annex VIII

- Company performance

Annex 7 of the Memorandum / PSC Directive

(2009/16/EC) – Article 10 and Implementation Regulation on company performance

NIR: Refusal of Access (Banning)

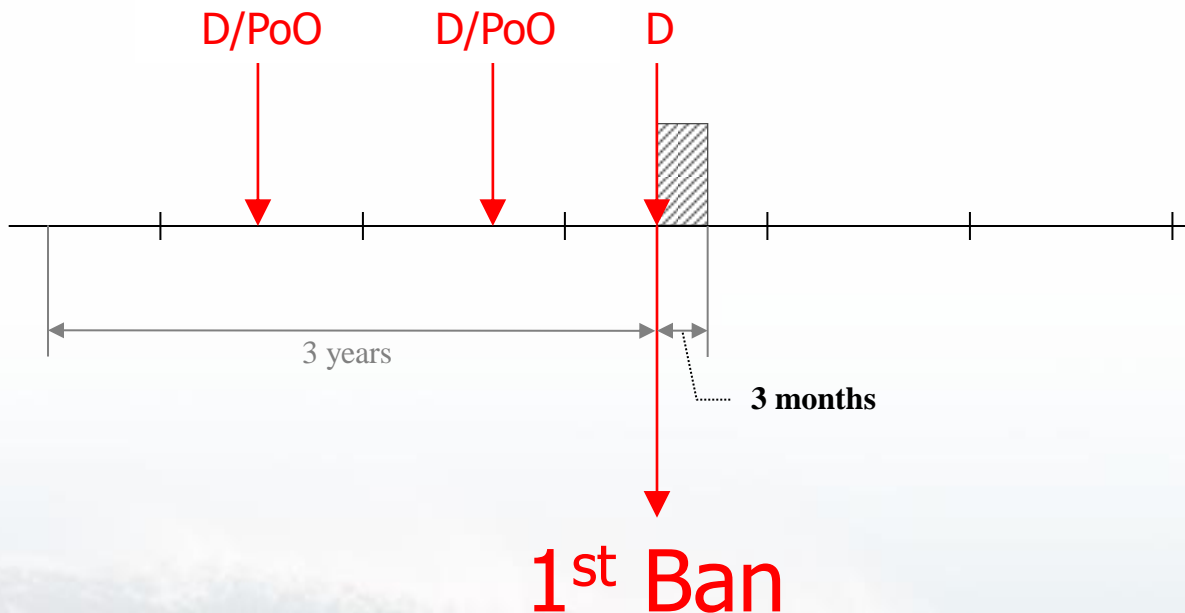


OR...

- Jump detentions
- Fail to call to agreed repair yard

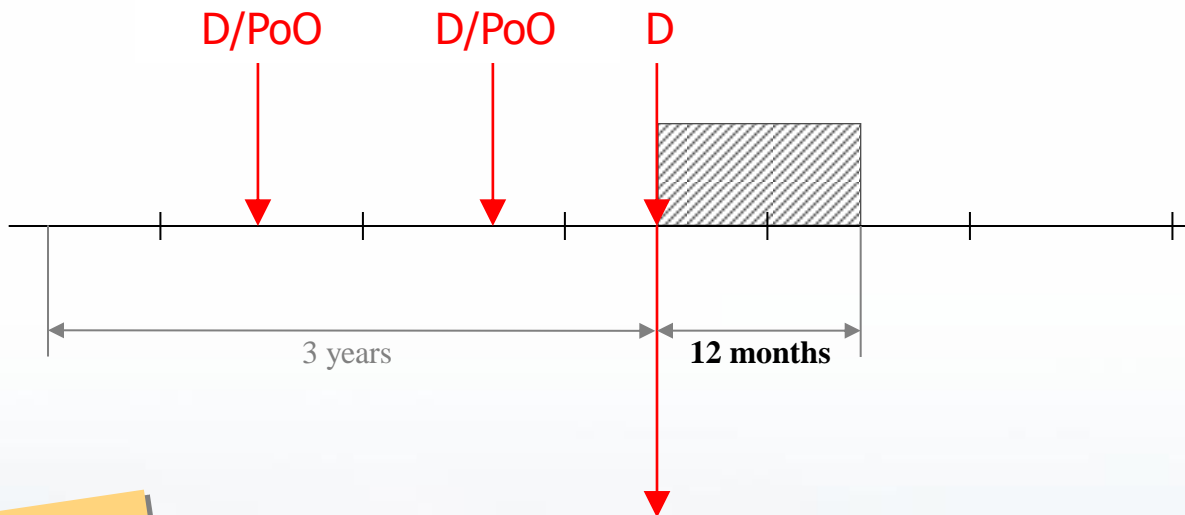
Multiple Banning – 1st Ban (Example for Black Flag. Grey Flag is 2 yrs)

Ship was
never banned



Multiple Banning – 2nd Ban (Example for Black Flag. Grey Flag is 2 yrs)

Ship was
banned once
in its lifetime

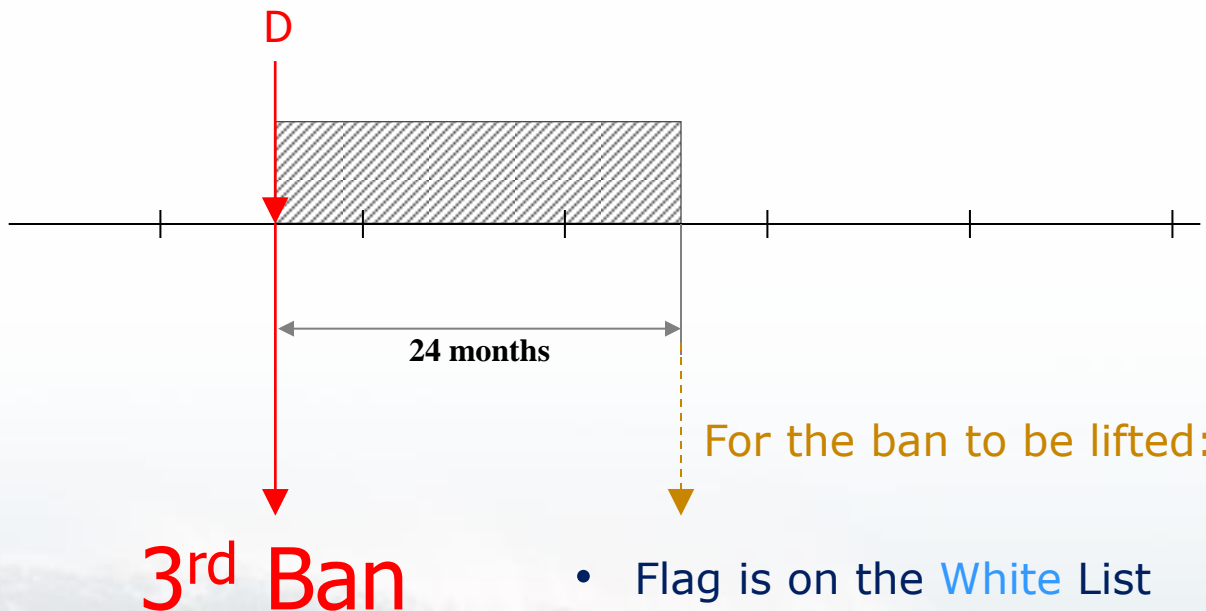
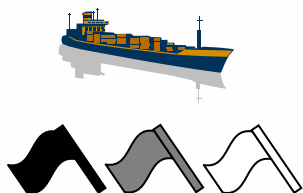


ATTENTION:
Banning counter is
never reset!!!

2nd Ban

Multiple Banning – 3rd Ban

Ship was
banned twice
in its lifetime

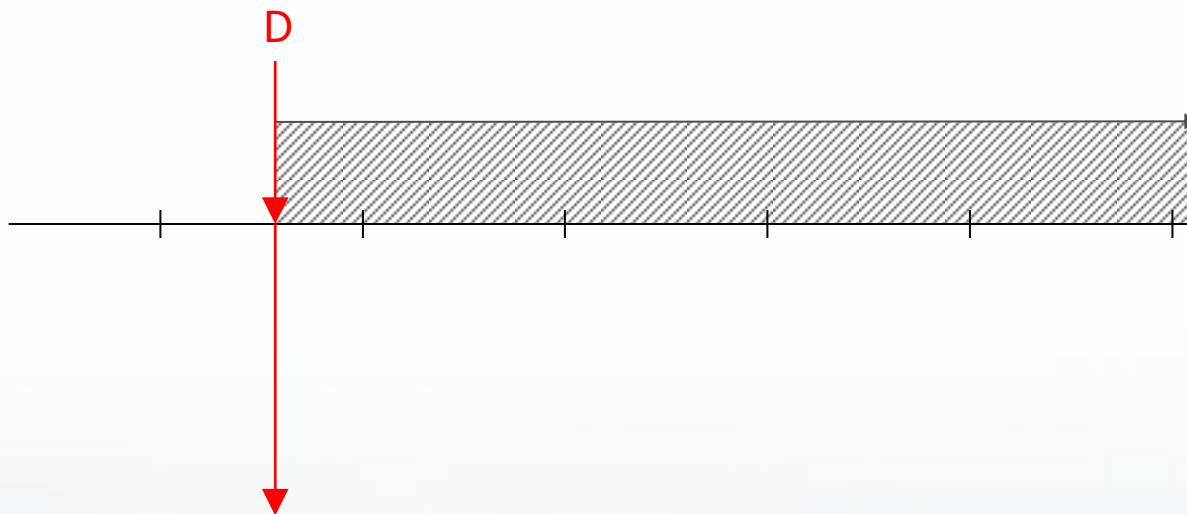
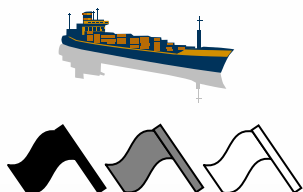


For the ban to be lifted:

- Flag is on the **White List**
- RO is **Recognized** by one PMoU MS
- Company is **High Performance**

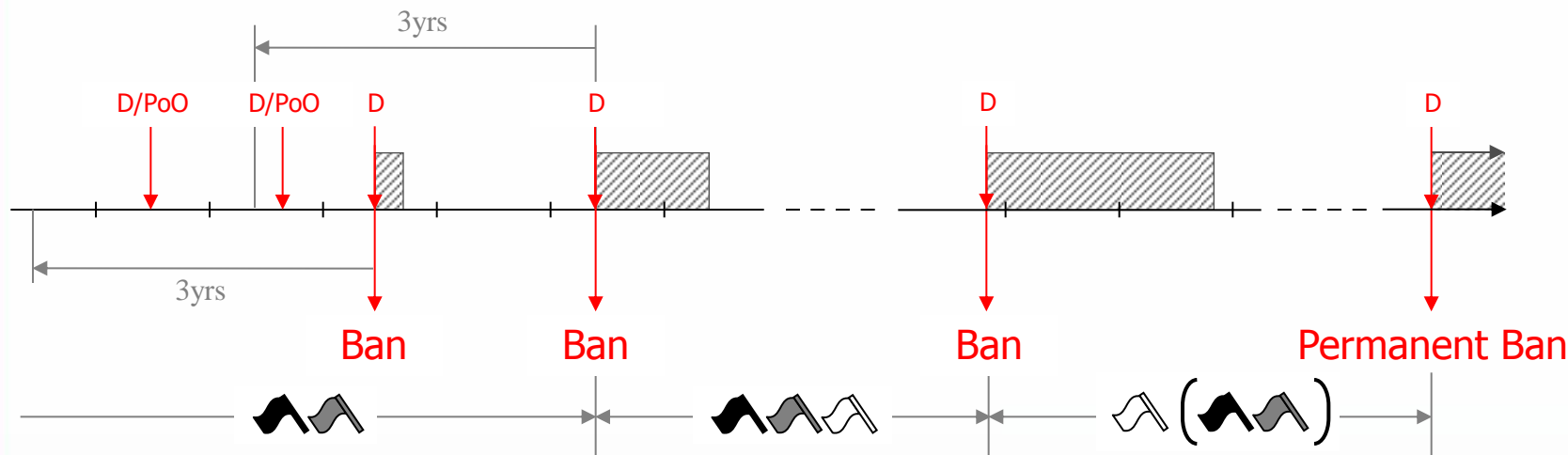
Multiple Banning – 4th Ban – Permanent

Ship was banned
three times in its
lifetime



4th Ban
Permanent Ban

Multiple Banning (Example for Black Flag. Grey Flag is 2 yrs)



Ship Banned 1st time
when detained after 2
detentions/PoO
in 3 years

Ban can be lifted
after **3** months

Ship Banned 2nd time
when detained after 2
detentions/PoO
in 3 years

Ban can be lifted
after **12** months

Ship Banned 3rd time
if detained

Ban can be lifted
after **24** months if:

- **White Flag +**
- **RO PMoU Recog. +**
- **HP Company**

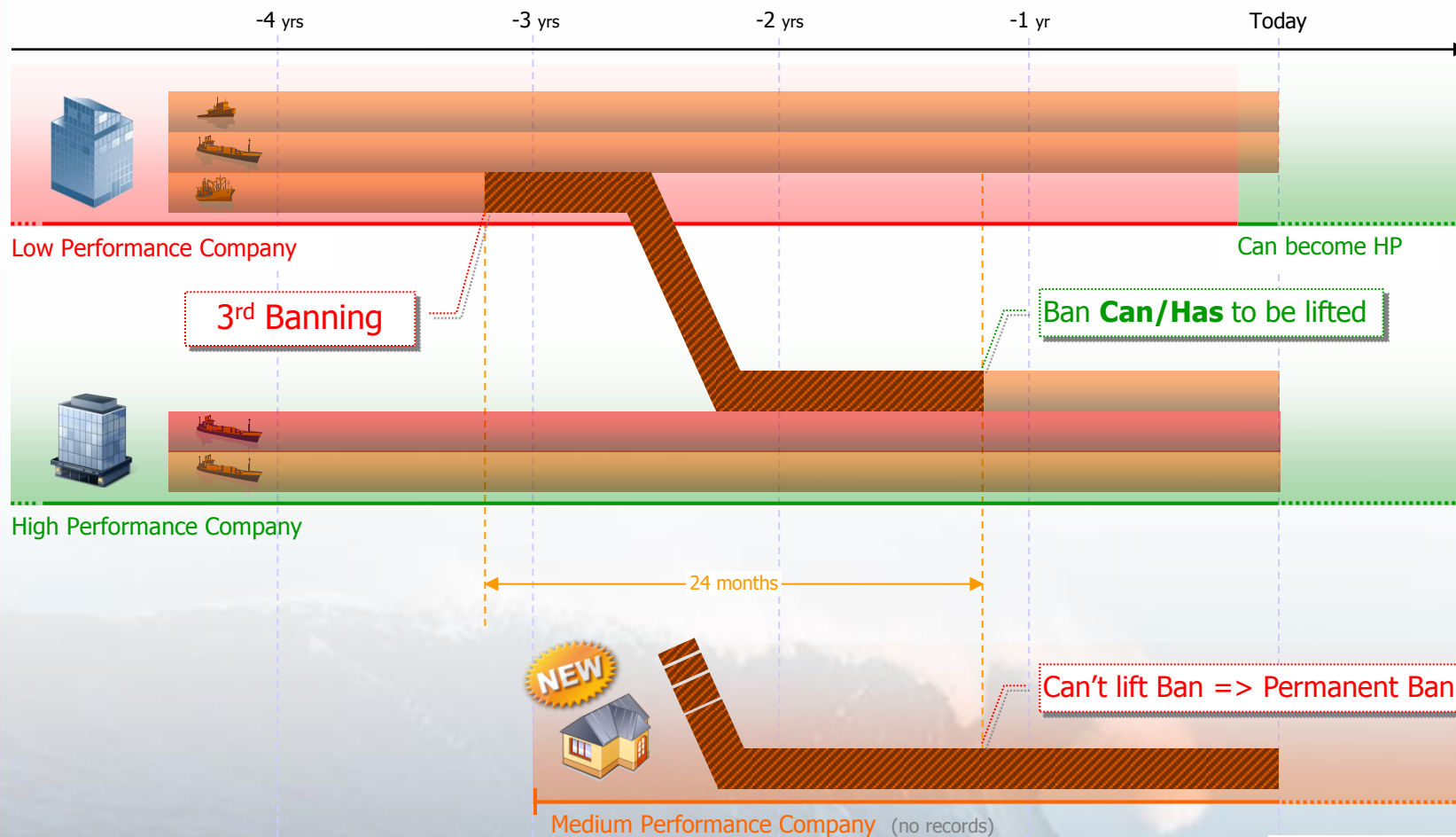
Or Permanent Ban

Permanent Banned
if detained

Banning

- Only detentions from 17 June 2009 count towards the new banning regime.
- If a ship needs to complete the loading/unloading in our port this can be done since the banning is in force after the departure.
- If following the first banning a ship changes to white flag it can not be banned afterwards if it maintains the white flag.

Lifting the 3rd Ban – Company Performance



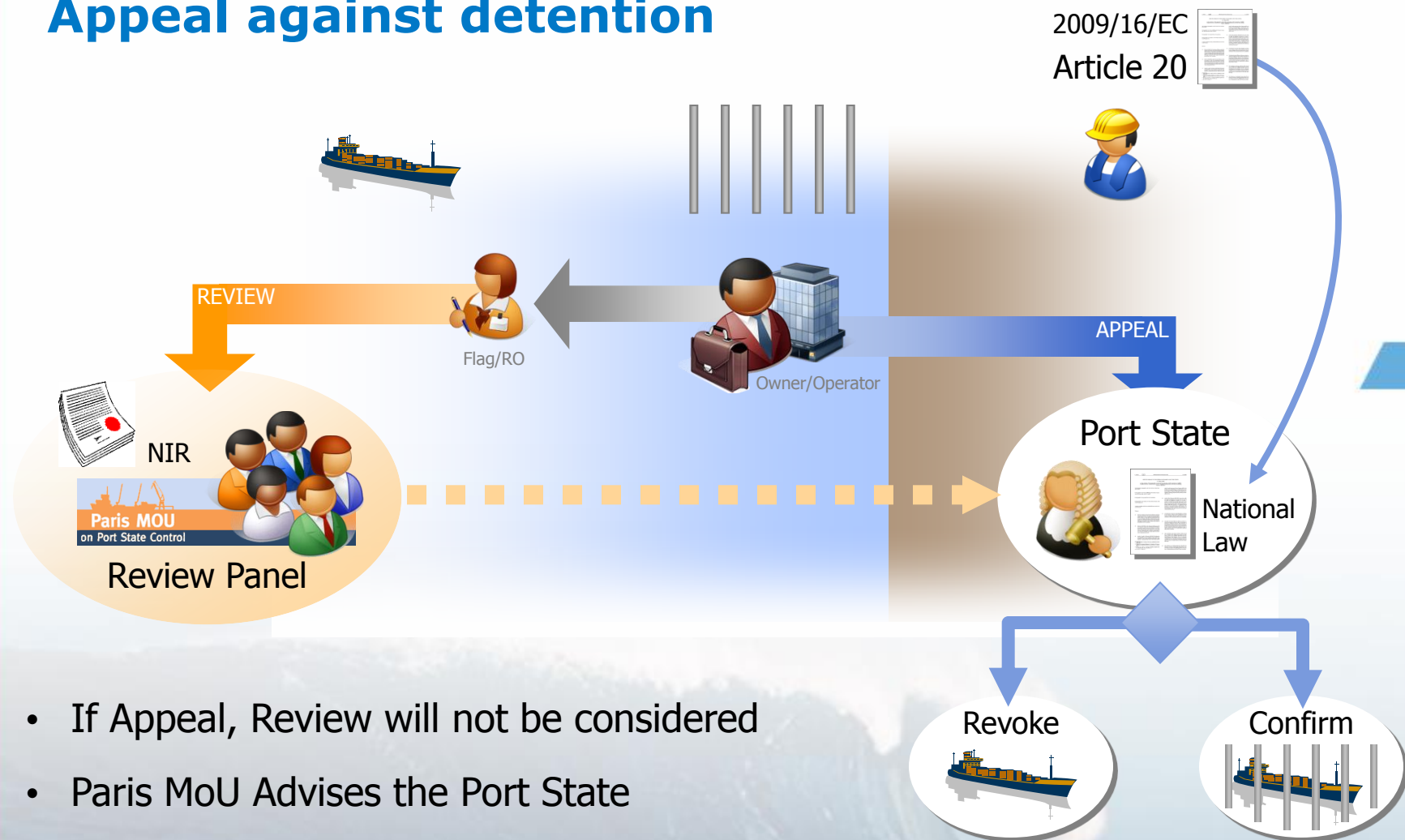
Banning

- If a banned vessel is sold, scrapped or sunk, the company is not relieved automatically since it still counts within the 3 years time!!!

Do not forget:

- Banning because of jump detention
Section 4.2.1 of the Memorandum and the guideline on banning procedures / PSC Directive (2009/16/EC) – Article 21
- Banning because not reaching the agreed repair yard
Section 4.2.2 of the Memorandum and the guideline on banning procedures / PSC Directive (2009/16/EC) – Article 21

Appeal against detention



- If Appeal, Review will not be considered
- Paris MoU Advises the Port State

Banning

- If the owner wins the appeal for the detention which resulted to a banning order, then the ban should be lifted because the number of detentions will be reduced by one.
- Is it necessary to inform the other MS in case an appeal has been submitted? No only for the final decision if positive for the owner affecting the status of the vessel.

Questions ?