



New PSC Reporting Obligations

11 February 2010

New PSC Reporting Obligations Workshop

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Awareness Campaign Workshop Report

1. EXECUTIVE SUMMARY

As part of the Awareness Campaign launched by the Agency in 2009 concerning the new PSC reporting obligations, a workshop was organized on 11 February 2010 for the focal points appointed by the member States (MSs). This report provides an overview of the topics discussed during the meeting. At the end of each of the topics, considerations for the focal points are listed. Questions and discussions are incorporated in the text of the report.

Directive 2009/16/EC (hereafter “the Directive”) introduces the New Inspection Regime (NIR) for PSC. It will start being applied from 1 January 2011, rendering less than a year for the implementation of all the requirements. The workshop aimed to provide the focal points with an opportunity to improve their knowledge about the challenges ahead and thus facilitate the implementation process. At the same time, the meeting was an appropriate forum to share gained knowledge and exchange best practices with others.

The role of the focal points was highlighted as pivotal to facilitate and coordinate the implementation at a national level. Also the importance for a clear focal point’s mandate was stressed, allowing to promote changes at all levels of the Administration, effectively participate in the Awareness Campaign and communicate with EMSA.

A second meeting was proposed to be organized around May/June 2010, where the focal points will be invited to present the progress made and possible best practices.

2. OVERVIEW OF NIR/THETIS

On 1 January 2011, the NIR will be introduced which contains some characteristic features like risk-based targeting, regular inspection depending on risk profile, a regional inspection commitment and inspections at anchorages. Additionally, the NIR will widen the banning provisions to become applicable to more types of ships. The NIR also foresees many different scenarios where the MSs can postpone mandatory inspections on priority I ships.

The Directive will be binding for the EU/EFTA MSs, whilst in the rest of the PMOU members the NIR will be applied. Both regimes are similar in nature. The PMOU covers the full European coastline from the White Sea in the North to the Black Sea in the South. The PMOU’s figures include historic data of 90.000 individual ships which can be profiled and selected for inspection. The region annually receives above 1 million ship calls which will fall under the new PSC

reporting obligations. Around 25.000 inspections are being conducted every year.

The NIR will be supported by THETIS, the new information system which is currently under development and will replace the current SIRENAC. THETIS will support all the functionalities required by the Directive and will also incorporate the ROPAX inspection reports as per Directive 1999/35/EC. In THETIS, the key word is "integration" of information. THETIS will receive information about ship calls through SafeSeaNet (SSN) and through local ship reporting systems operating in the non-EU members. In order to be able to support the MS's PSC operations, THETIS will need to know "where" and "when" the ships are.

SSN, as the Community maritime information exchange system, is being upgraded in order to fulfil the new requirements for receiving the relevant data from Member States and feeding THETIS with ship calls related information. The modifications in the SSN core system mainly consist in the introduction of two new messages: the "PortPlus" notification and the "ShipCall" request and response. The process is expected to be completed by mid 2010, allowing the MS's SSN national components to start being connected for commissioning test purposes.

As established in Article 36, by 31 December 2010 the MSs shall adopt the laws, regulations and administrative provisions necessary to comply with the Directive. No further "transitional" period is foreseen in the Directive and therefore from 1 January 2011, all the provisions like for example the fair share and the banning will start being applied.

Considerations for the focal points:

- *Identify/contact the national PSC authority*
- *Verify the transposition process*
- *Support the adoption of national legislation*

3. REPORTING OBLIGATIONS

THETIS requires knowing "where" and "when" the ships are. For each ship arriving into any port or anchorage within the PMOU region, information has to be provided to THETIS regarding her estimated time of arrival, her actual arrival (ATA) and departure (ATD). This information will be obtained via SSN.

Each notification has a different importance and originates from different needs. The 72/24 hours pre-arrival notifications are important to allow the port State to prepare for the inspections. In the case of ships calling during weekends, special arrangements may have to be made to ensure availability of PSCOs. Also special arrangements may be needed in the case of ships at anchorage or having a short call.

Given the nature of the Expanded Inspections, which include a set number of inspection items including operational tests to be performed, preparation is paramount. Information about eligibility for expanded inspection will be provided via the public version of THETIS.

Additionally, all the notifications are important for the daily management of the inspections and workload. A ship will only be available for allocation for inspection whenever there is a call notification in the system. PSCOs will be allocated inspections depending on the expected calls, the resources available and the geographical area being covered. If an ATA has been reported, THETIS will consider the ship available for inspection. 24 hours after reporting ATD, a ship can no longer be allocated to any inspector thus creating the possibility to miss counting an inspection.

Finally, ATA/ATD are highly important for the system to be able to calculate the fair share or the amount of inspections that each MS has to conduct. ATA/ATD will also be key for monitoring purposes like verification of the number of missed inspections by the MSs and management of the projected fair share.

All the reporting obligations contemplated have their legal basis established in the Directive through specific mention or by reference. While 72/24 hours notifications are aimed at the industry, the communication of ATA/ATD is a MS's responsibility which may also be delegated. Still the industry has to be informed about the means to effectively provide the notifications.

The implementation of the reporting obligations has a double facet: operational and technical. The technical implementation has the SSN Group as the official forum for discussion and adoption of technical documentation, and the High Level Steering Group on SSN to decide on policy issues. Operationally, EMSA will assist the MSs in their implementation through the activities listed in the Awareness Campaign Action Plan. The operational implementation entails the following processes:

1. Initiation of the reporting
2. Collection/Input of the information
3. Transmission of the information to the SSN national component

Concurrent with the technical infrastructure, the operational implementation should ensure full coverage both in terms of geography and types of ships. MSs may have to define for instance which local port systems as well as authorised bodies will collect the information from separated/isolated ports. Additionally, the existing operational procedures might need to be updated, since the current implementation of SSN takes into account only pre-arrival notifications of ships of 300 GT or upwards whilst for PSC there is virtually no GT lower limit.

The technical implementation entails the following main components:

1. Communication from SSN national component to SSN core system
 2. Communication from SSN core system to SSN national components
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3. Interfacing of SSN and THETIS

In light of the ongoing work on the technical arrangements, it was stressed that both the operational and the technical implementation have to work together in order to ensure readiness by 01/01/2011.

Considerations for the focal points:

- *Identify/contact the SSN NCA*
- *Identify need for legal basis or procedures*
- *Verify full coverage*

4. INTRODUCTION OF IMPLEMENTATION BY NORWAY

The Norwegian Maritime Administration (NMD) dealing with PSC matters and the Norwegian Coastal Administration (NCA) which is responsible for the national SSN system, cooperate to ensure a successful SSN/PSC implementation. Focal points have been appointed at both levels to participate in the Awareness Campaign. An integrated operational and technical approach is being undertaken in the implementation process. Meetings with all the actors involved are attended by both the PSC and the SSN authorities.

Involvement and awareness of the maritime community are considered extremely important. Increasing the reporting obligations appears contentious among the industry and therefore an information and explanatory strategy has been adopted.

Some "out-of-the-box" solutions are under consideration in Norway in order to implement the reporting obligations. With respect to the implementation of ATA/ATD, the solutions being discussed are mainly manual input, combination with AIS or an alerting system based on SMS. The solution finally adopted will depend on the technical implications which should not be underestimated.

The time constraint was also emphasized. Although the remaining time should be comfortable for the implementation, still it is a tight schedule.

Concerning the technical implementation, the interfacing between the SSN national system and the core system is a development which should not be underestimated. Additionally, preparing and running the commissioning tests may take considerable time and resources.

5. AWARENESS CAMPAIGN

The data transfer from SSN to THETIS, and before that step the data flow from the shipping parties and the national SSN are aspects of paramount importance for the overall functioning of the NIR. The implementation of these issues has to be performed quickly and before 1 January 2011.

Bearing in mind the short time remaining for the implementation, an Awareness Campaign was launched by EMSA. The campaign fits under EMSA's role of assisting the MSs. Through this campaign, EMSA aims to assist the MSs in the implementation process and also in informing the industry about the new obligations.

The Awareness Campaign develops through a specific Action Plan which contains actions aimed both at the MSs and at the shipping industry. It was put in practice in the second half of 2009. Before that, it was shared with the European Commission (DG TREN). It was also presented both to the SSN community (HLSG and SSN Workshops) and to the Paris MoU community (MAB, TEG). Furthermore, the Awareness Campaign Action Plan was introduced to the Administrative Board of the Agency in November 2009.

Although the plan includes a list of activities to be performed, their execution may invoke additional or modified tasks. Continuous feedback will be collected in order to detect any shortcomings or establish new measures.

An important element of the campaign is the appointment of focal points by the MSs who can then participate in the different actions foreseen.

Considerations for the focal points:

- *Possibly develop a "national" action plan*
- *Update EMSA on individual action plan*
- *Present progress at the next meeting*

6. QUESTIONNAIRE REVIEW

The responsibility for fulfilling the Directive's reporting requirements lies squarely with the MSs. However, each MS is free to determine individually the means of fulfilling their obligations (as laid down in the Directive).

Prior to the workshop the focal points were requested to complete a questionnaire in order to gain insight in the implementation process in each MS. Eighteen completed questionnaires were received by EMSA. During the meeting an anonymous overview of the replies per question was presented.

The first question in the questionnaire referred to the body that will be responsible of forwarding the ship call information to the competent authority. The replies obtained showed generally a harmonized approach among the MSs when it comes to the 72 or 24 hours notifications. However, the answers provided showed a less harmonized approach regarding the implementation of ATA/ATD and even divergence inside MSs.

The second question referred to the existence of operational procedures regarding the different notifications. The replies showed that in half of the MSs

the operational procedures related to ATA/ATD are still being developed. Consequently with the second question, the answers to the third question about any instructions/guidelines to guide the responsible body in notifying ATA/ATD to the competent authority indeed showed that this area is still in need of development in most of the MSs.

The fourth question referred to the chosen method of feeding SSN with ship arrival information. Around a quarter of the MSs plan to feed the SSN national component through the local port systems. In the rest of the MSs the solution adopted is through direct reporting to the SSN national component.

Referring to the fifth question, half of the MSs reported to be engaged or to plan undertaking awareness initiatives at a national level. These awareness efforts may consist in trainings, seminars, circulars, workshops or a dedicated awareness campaign.

Regarding the last question about any plans to establish a helpdesk service to assist the notifying authorities/bodies in their duties, half of the MSs also reported to have already or to plan establishing such a supporting service.

From the above analysis, it can be established that:

- In general there is no harmonized approach among the MSs concerning the implementation of the reporting obligations. This is particularly true regarding the ATA/ATD notifications. The Directive does not establish specific requirements for the implementation of ATA/ATD and thus these have to be defined by the MSs. A number of MSs have identified the need to establish these requirements in their national legislation.
- Operational procedures related to ATA/ATD as well as guidelines or instructions for the responsible body of notifying ATA/ATD are still in need of development in most of the MSs.
- A reduced number of MSs reported to be considering automated processes, in combination with or solely based on AIS, among the solutions being explored for the operational implementation. However, concerns were expressed about the suitability of these solutions since AIS can not be considered as a fully reliable system for the purposes of providing ship call information. Reasons for that are not of purely technical nature (signal disruptions, coverage,...) but also the possibility of simply manipulating the signal to avoid PSC. Besides, AIS is not compulsory to all ships subject to PSC. It was recalled that AIS as a single source of information is not line with the Directive.

Considerations for the focal points:

- *Identify need for changes in approach reported*
 - *Update/complete information in questionnaire*
 - *Report to EMSA on a periodic basis*
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7. ACTIONS AIMED AT THE INDUSTRY

With the term shipping industry reference is made to masters, agents, operators and ports. This group of actors are also stakeholders of THETIS as they are affected by the PSC inspections. Even though the Directive directly refers to these stakeholders, their obligations are differently defined by the national legislation of the MSs.

For different reasons, experience shows that there is still a low rate of compliance by the shipping industry with the reporting obligations under the current regime. With the new regime this situation may slightly vary. Failure to comply with the reporting obligations becomes an unexpected factor, rendering a ship eligible for inspection. Additionally, this can also mean that a penalty is imposed subject to transposition in national legislation.

It is paramount that the industry gets informed about the new elements. Particularly, there are new categories of ships subject to EI. Ship calls shall also be provided for ships at anchorage. Furthermore, the undergoing upgrading of systems and new national legislation implies changes of which the industry has to be aware of. The industry needs to know to whom they have to report and by which means.

As part of the Awareness Campaign Action Plan, several actions are foreseen to address the shipping industry. An information bulletin will be distributed during all PSC inspections in 2010. Using the PMOU, the main shipowner and agent's associations will be informed about the NIR and the reporting obligations. EMSA will assist the MSs in updating the information about the PSC reporting obligations contained in the Admiralty nautical publications where appropriate. Other publications were mentioned and will further be explored.

Other actions are planned, notably submissions to the IMO FSI Subcommittee through the PMOU, the participation in seminars with industry representatives, distributing briefing notes to assist EMSA's officials when meeting with industry representatives, newsletters and use of EMSA and PMOU websites to convey the message to the industry.

As different systems and practices will be implemented in each MS, it might be effective to insert a link in EMSA and PMOU's websites to each of the websites of the MSs where information about the means available to report is placed.

Considerations for the focal points:

- *Evaluate the awareness of industry at national level*
- *Possibly develop a national awareness campaign*
- *Support the distribution of leaflets/information*
- *Complete the nautical publication's template*

8. TECHNICAL IMPLEMENTATION

In order to support the requirements established in the Directive, SSN needs to be amended. SSN will be able to provide THETIS with information about ship calls based on the business rules agreed with the PSC community (PSSC42/2009).

The technical solution agreed by the MSs during the SSN workshop 11 (June 2009) implies the adoption of a new message structure called PortPlus. This new message will allow transmitting information relevant for:

- 72 hours pre-arrival notice
- 24 hours pre arrival notice
- Arrival notice
- Departure notice

The above information is correlated using a ship-call-identifier (ShipCallID) which relates a ship with a port call to an EU port. This new, unified and flexible structure will allow providing information not only on the port of call but also about the position of the ship in port (e.g specific terminal or anchorage area).

In order to ensure the correct implementation of the new technical specifications, commissioning tests will be performed between EMSA and the MSs before 1 January 2011. SSN core will be available for such tests from mid 2010 onward.

Commissioning test case scenarios are being developed and will be made available to the MSs around the end of April. Running preliminarily tests at national level with the contractors will allow the MSs to verify the proper implementation of the business rules, facilitating the final commissioning tests with EMSA .The data flow through all the communication chain from the MS to SSN and then to THETIS will be part of the above mentioned test case scenarios.

In 2009 the MSs were requested to complete a questionnaire regarding the status of their technical implementation. The results of it were presented during the SSN workshop 12 (21-22 October 2009). The information provided by the MSs showed that the planned dates for running the commissioning tests are from April 2010 to April 2011 although most of the tests are expected during the last quarter of 2010. The MSs have been requested to periodically update the information in the questionnaire. It was highlighted that testing takes time and a strict program will be drawn up to accommodate as many MSs as possible within the time available. The planned date provided for running the commissioning tests is very important for EMSA to be able to plan the workload.

Considerations for the focal points:

- *Verify technical implementation*
- *Support action to ensure readiness*
- *Periodically update EMSA on technical status*

9. CONCLUSIONS

An important consideration is that short time remains for the operational and technical implementation of the reporting obligations. Additionally, it appears clear that both the operational and technical implementation have to work together in order to succeed in feeding THETIS with the appropriate ship call information. Bearing this in mind, the focal points should consider the need to develop their own action plan. The focal points are urged to coordinate action at a national level taking the developments at international level into consideration. The regional concept laid down in the Directive was reiterated.

During the meeting, a number of considerations for the focal points were presented. These considerations mainly include: the need to identify the responsible authorities for SSN and PSC; verification of the transposition process and identification of the need for and support of adoption of ad hoc national legislation; periodically communicate with EMSA concerning the status of technical and operational implementation using the questionnaires prepared for that; consider taking actions to inform the national industry (meetings, updating the websites, etc) and complete the nautical publication's templates.

A second meeting is planned to be organized around May/June, where the focal points will be invited to present the progress made and possible best practices.

Agenda

New PSC Reporting Obligations – Awareness Campaign 11 February 2010 - Workshop

09:00 – 09:30 Registration

09:30 - 10:30 1. Overview of New Inspection Regime/THETIS

10:30 - 11:00 Coffee break

11:00 – 12:15 2. Reporting Obligations

12:15 – 12:30 3. Introduction of implementation by Norway

12:30 – 13:30 Lunch break

13:30 – 14:00 4. Awareness Campaign

14:00 – 15:00 5. Questionnaire review

15:00 – 15:30 Coffee break

15:30 – 16:00 6. Actions aimed at industry

16:00 – 16:30 7. Technical implementation

16:30 – 17:00 Conclusions/AOB

11 APPENDIX 2. LIST OF CONTACTS

MEMBER STATE	FOCAL POINT	11/02/2010 WORKSHOP PARTICIPANT
Belgium	Pierre Janssen	Stefaan Verhellen
Bulgaria	Chavdar Krastev	Chavdar Krastev
Canada	William Henderson	William Henderson
Croatia	Mladen Mandic	Mladen Mandic
Cyprus	Themis Evriviades	Themis Evriviades
Denmark	Torsten Arnt Olsen	Torsten Arnt Olsen
Estonia	Alar Siht	Alar Siht
Finland	Antti Arkima	
France	Francois Xavier Rubin de Cervens	Francois Xavier Rubin de Cervens
Germany	Fed. Ministry of Transport Building and Urban Dev. Division WS 22	Rainer Mayer
Greece	Theofilos Mozas	
Iceland	Baldur Bjartmarsson	
Ireland	James Snelgrove	James Snelgrove
Italy	Pompilio Utile	Pompilio Utile
Latvia	Deniss Bickovs	Deniss Bickovs
Lithuania	Neringa Kuzminskiene Algimantas Zygas Giedrus Satkauskas	Algimantas Zygas Povilas Juozapavicius
Luxembourg	Joel Mathieu	Joel Mathieu
Malta		Ivan Sammut
Netherlands	Aarnout Salwegter Jos Van Splunder	Aarnout Salwegter Jos Van Splunder
Norway	Jarle Hauge Alf Tore Sorheim	Jarle Hauge Alf Tore Sorheim
Poland	Wlodzimierz Basandowski	Wlodzimierz Basandowski
Portugal	Jacinto de Sousa	Jacinto de Sousa Helder Almeida
Romania	Gheorhe Stroe	Gheorhe Stroe
Russian Federation	Vitaly Klyuev	
Slovenia	Primož Bajec	Miran Bordon
Spain	Francisco Ramos Corona	Jose Luis Gamboa
Sweden	Dan Sarenius	
United kingdom	Chris Enright	Chris Enright