

Port State control (PSC) involves the inspection of foreign ships in national port areas to verify that the condition and operation of a ship and its equipment comply with the requirements of international regulations. While IMO has always acknowledged that enforcement of global maritime standards is the responsibility of flag States, the Organization nevertheless recognizes that exercising the right to carry out PSC makes an important contribution to ensuring those standards are implemented consistently on ships of different nationalities.

The Sub-Committee on Flag State Implementation has developed and maintained a framework to promote the global harmonization and co-ordination of PSC activities resulting in the adoption of resolution A.1052(27) by the Assembly of November 2011. This resolution contains the Procedures for port State control, 2011, and revokes resolutions A.787(19) and A.882(21).

PROCEDURES FOR PORT STATE CONTROL 2011

2012 EDITION



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Foreword

The International Maritime Organization (IMO) has always acknowledged that effective implementation and enforcement of the global maritime standards contained in its conventions are primarily the responsibility of flag States.

Nevertheless, the Organization has simultaneously recognized that the exercise of the right to carry out port State control (PSC), as provided for in relevant international conventions, also makes an important contribution to ensuring that global maritime standards are being implemented consistently on ships of varying nationalities. PSC involves the inspection of foreign ships in national port areas to verify that the condition and operation of a ship and its equipment comply with the requirements of international regulations.

The development and maintenance of a framework to promote the global harmonization and co-ordination of PSC activities are among the terms of reference of the Sub-Committee on Flag State Implementation of IMO. In this context, the Sub-Committee was instructed by the Maritime Safety Committee and the Marine Environment Protection Committee to update the Procedures for port State control, as annexed to resolution A.787(19), providing a single comprehensive document to facilitate the work of maritime Administrations in general and PSC inspectors in particular.

This resulted in the adoption of resolution A.1052(27) by the IMO Assembly, on 30 November 2011, which contains, as an annex, the Procedures for port State control, 2011, and revokes resolutions A.787(19) and A.882(21). The Assembly requested the Committees to keep the Procedures under review and to amend them as necessary.

The Organization co-operates with PSC regimes within the framework of resolution A.682(17) on Regional co-operation in the control of ships and discharges. Furthermore, the United Nations General Assembly invited IMO to strengthen its functions with regard to PSC in relation to safety and pollution standards as well as maritime security regulations and, in collaboration with the International Labour Organization, labour standards, so as to promote the implementation of globally agreed minimum standards by all States (resolution 58/240).

Information on PSC regimes is presented in appendix 19 and contact details relevant to PSC activities can be accessed in the Global Integrated Shipping Information System (GISIS) at <http://gisis.imo.org/Public/CP/Browse.aspx?List=SICI&ContactType=41>.



Resolution A.1052(27)
adopted on 30 November 2011

Procedures for port State control, 2011

THE ASSEMBLY,

RECALLING ARTICLE 15(j) of the Convention on the International Maritime Organization regarding the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO resolution A.787(19), by which it adopted the Procedures for port State control, and resolution A.882(21), by which it adopted amendments thereto,

RECALLING FURTHER that, at its twenty-first session, when adopting resolution A.882(21), it requested the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Procedures, as amended, under review, on the basis of experience gained from their implementation,

RECOGNIZING that efforts by port States have greatly contributed to enhanced maritime safety and security, and prevention of marine pollution,

RECOGNIZING ALSO the need to update the Procedures, as amended, to take account of the amendments to IMO instruments which have entered into force or have become effective since the adoption of resolutions A.787(19) and A.882(21),

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee, at its eighty-ninth session, and the Marine Environment Protection Committee, at its sixty-second session,

1. ADOPTS the Procedures for port State control, 2011, as set out in the Annex to the present resolution;
2. INVITES Governments, when exercising port State control, to implement the aforementioned Procedures;

3. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Procedures under review and to amend them as necessary;
4. REVOKES resolutions A.787(19) and A.882(21).



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.

1.2 Application

1.2.1 These Procedures apply to ships falling under the provisions of:

- .1 the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS);
- .2 the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS Protocol 1988);
- .3 the International Convention on Load Lines, 1966 (Load Lines);
- .4 the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (Load Lines Protocol 1988);
- .5 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocols of 1978 and 1997 relating thereto, as amended (MARPOL);
- .6 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW);
- .7 the International Convention on tonnage measurement of ships, 1969 (Tonnage); and
- .8 the International Convention on the control of harmful anti-fouling systems on ships (AFS),

hereafter referred to as the applicable conventions.

1.2.2 Ships of non-Parties or below convention size should be given no more favourable treatment (see sections 1.5 and 1.6).

1.2.3 In exercising port State control, Parties should only apply those provisions of the conventions which are in force and which they have accepted.

1.2.4 If a port State exercises port State control based on International Labour Organization (ILO) Convention No. 147, "Merchant Shipping (Minimum Standards) Convention, 1976", guidance on the conduct of such control inspections is given in the ILO publication "Inspection of Labour Conditions on board Ship: Guidelines for Procedure".

1.3 Introduction

1.3.1 Under the provisions of the applicable conventions set out in section 1.2 above, the Administration (i.e., the Government of the flag State) is responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give the applicable conventions full and complete effect so as to ensure that, from the point of view of safety of life and pollution prevention, a ship is fit for the service for which it is intended and seafarers are qualified and fit for their duties.

1.3.2 In some cases it may be difficult for the Administration to exercise full and continuous control over some ships entitled to fly the flag of its State, for instance those ships which do not regularly call at a port of the flag State. The problem can be, and has been, partly overcome by appointing inspectors at foreign ports and/or authorizing recognized organizations to act on behalf of the flag State Administration.

1.3.3 The following control procedures should be regarded as complementary to national measures taken by Administrations of flag States in their countries and abroad and are intended to provide assistance to flag State Administrations in securing compliance with convention provisions in safeguarding the safety of crew, passengers and ships, and ensuring the prevention of pollution.

1.4 Provision for port State control

Regulation 19 of chapter I, regulation 6.2 of chapter IX, regulation 4 of chapter XI-1 and regulation 9 of chapter XI-2 of SOLAS, as modified by the SOLAS Protocol 1988; article 21 of Load Lines, as modified by the Load Lines Protocol 1988; articles 5 and 6, regulation 11 of Annex I, regulation 16.9 of

Annex II, regulation 8 of Annex III, regulation 13 of Annex IV, regulation 8 of Annex V and regulation 10 of Annex VI of MARPOL; article X of STCW; article 12 of Tonnage and article 11 of AFS provide for control procedures to be followed by a Party to a relevant convention with regard to foreign ships visiting their ports. The authorities of port States should make effective use of these provisions for the purposes of identifying deficiencies, if any, in such ships which may render them substandard (see section 3.1), and ensuring that remedial measures are taken.

1.5 Ships of non-Parties

1.5.1 Article I(3) of the SOLAS Protocol 1988, article 5(4) of MARPOL, article X(5) of STCW and article 3(3) of AFS provide that no more favourable treatment is to be given to the ships of countries which are not Party to the relevant Convention. All Parties should, as a matter of principle, apply these Procedures to ships of non-Parties in order to ensure that equivalent surveys and inspections are conducted and an equivalent level of safety and protection of the marine environment is ensured.

1.5.2 As ships of non-Parties are not provided with SOLAS, Load Lines or MARPOL certificates, as applicable, or the crew members may not hold STCW certificates, the Port State Control Officer (PSCO), taking into account the principles established in these Procedures, should be satisfied that the ship and crew do not present a danger to those on board or an unreasonable threat of harm to the marine environment. If the ship or crew has some form of certification other than that required by a convention, the PSCO may take the form and content of this documentation into account in the evaluation of that ship. The conditions of and on such a ship and its equipment and the certification of the crew and the flag State's minimum manning standard should be compatible with the aims of the provisions of the conventions; otherwise, the ship should be subject to such restrictions as are necessary to obtain a comparable level of safety and protection of the marine environment.

1.6 Ships below convention size

1.6.1 In the exercise of their functions, the PSCOs should be guided by any certificates and other documents issued by or on behalf of the flag State Administration. In such cases, the PSCOs should limit the scope of inspection to the verification of compliance with those certificates and documents.

1.6.2 To the extent a relevant instrument is not applicable to a ship below convention size, the PSCO's task should be to assess whether the ship is of

an acceptable standard in regard to safety and the environment. In making that assessment, the PSCO should take due account of such factors as the length and nature of the intended voyage or service, the size and type of the ship, the equipment provided and the nature of the cargo.

1.7 Definitions

1.7.1 *Bulk carrier*: whilst noting the definitions in SOLAS regulations IX/1.6 and XII/1.1 and resolution MSC.277(85), for the purposes of port State control, PSCOs should be guided by the ship's type indicated in the ship's certificates in determining whether a ship is a bulk carrier and recognize that a ship which is not designated as a bulk carrier as the ship type on the ship certificate may carry certain bulk cargo as provided for in the above instruments.

1.7.2 *Clear grounds*: evidence that the ship, its equipment, or its crew does not correspond substantially with the requirements of the relevant conventions or that the master or crew members are not familiar with essential shipboard procedures relating to the safety of ships or the prevention of pollution. Examples of clear grounds are included in section 2.4.

1.7.3 *Deficiency*: a condition found not to be in compliance with the requirements of the relevant convention.

1.7.4 *Detention*: intervention action taken by the port State when the condition of the ship or its crew does not correspond substantially with the applicable conventions to ensure that the ship will not sail until it can proceed to sea without presenting a danger to the ship or persons on board, or without presenting an unreasonable threat of harm to the marine environment, whether or not such action will affect the normal schedule of the departure of the ship.

1.7.5 *Inspection*: a visit on board a ship to check both the validity of the relevant certificates and other documents, and the overall condition of the ship, its equipment and its crew.

1.7.6 *More detailed inspection*: an inspection conducted when there are clear grounds for believing that the condition of the ship, its equipment or its crew does not correspond substantially to the particulars of the certificates.

1.7.7 *Port State Control Officer (PSCO)*: a person duly authorized by the competent authority of a Party to a relevant convention to carry out port State control inspections, and responsible exclusively to that Party.

1.7.8 *Recognized organization*: an organization which meets the relevant conditions set forth by resolution A.739(18), as amended by resolution MSC.208(81), and resolution A.789(19), and has been authorized by the flag State Administration to provide the necessary statutory services and certification to ships entitled to fly its flag.

1.7.9 *Stoppage of an operation*: formal prohibition against a ship to continue an operation due to an identified deficiency or deficiencies which, singly or together, render the continuation of such operation hazardous.

1.7.10 *Substandard ship*: a ship whose hull, machinery, equipment or operational safety is substantially below the standards required by the relevant convention or whose crew is not in conformance with the safe manning document.

1.7.11 *Valid certificates*: a certificate that has been issued directly by a Party to a relevant convention or on its behalf by a recognized organization and contains accurate and effective dates meets the provisions of the relevant convention and to which the particulars of the ship, its crew and its equipment correspond.

1.8 Professional profile of PSCOs

1.8.1 Port State control should be carried out only by qualified PSCOs who fulfil the qualifications and training specified in section 1.9.

1.8.2 When the required professional expertise cannot be provided by the PSCO, the PSCO may be assisted by any person with the required expertise, as acceptable to the port State.

1.8.3 The PSCOs and the persons assisting them should have no commercial interest, either in the port of inspection, or in the ships inspected, nor should PSCOs be employed by, or undertake work on behalf of, recognized organizations.

1.8.4 A PSCO should carry a personal document in the form of an identity card issued by the port State and indicating that the PSCO is authorized to carry out the control.

1.9 Qualification and training requirements of PSCOs

1.9.1 The PSCO should be an experienced officer qualified as flag State surveyor.

1.9.2 The PSCO should be able to communicate in English with the key crew.

1.9.3 Training should be provided for PSCOs to give the necessary knowledge of the provisions of the applicable conventions which are relevant to the conduct of port State control, taking into account the latest IMO Model Courses for port State control.

1.9.4 In specifying the qualifications and training requirements for PSCOs, the Administration should take into account, as appropriate, which of the internationally agreed instruments are relevant for the control by the port State and the variety of types of ships which may enter its ports.

1.9.5 PSCOs carrying out inspections of operational requirements should be qualified as a master or chief engineer and have appropriate seagoing experience, or have qualifications from an institution recognized by the Administration in a maritime related field and have specialized training to ensure adequate competence and skill, or be a qualified officer of the Administration with an equivalent level of experience and training, for performing inspections of the relevant operational requirements.

1.9.6 Periodic seminars for PSCOs should be held in order to update their knowledge with respect to instruments related to port State control.

Chapter 2

Port State inspections

2.1 General

2.1.1 In accordance with the provisions of the applicable conventions, Parties may conduct inspections by PSCOs of foreign ships in their ports.

2.1.2 Such inspections may be undertaken on the basis of:

- .1** the initiative of the Party;
- .2** the request of, or on the basis of, information regarding a ship provided by another Party; or
- .3** information regarding a ship provided by a member of the crew, a professional body, an association, a trade union or any other individual with an interest in the safety of the ship, its crew and passengers, or the protection of the marine environment.

2.1.3 Whereas Parties may entrust surveys and inspections of ships entitled to fly their own flag either to inspectors nominated for this purpose or to recognized organizations, they should be aware that, under the applicable conventions, foreign ships are subject to port State control, including boarding, inspection, remedial action and possible detention, only by officers duly authorized by the port State. This authorization of PSCOs may be a general grant of authority or may be specific on a case-by-case basis.

2.1.4 All possible efforts should be made to avoid a ship being unduly detained or delayed. If a ship is unduly detained or delayed, it should be entitled to compensation for any loss or damage suffered.

2.2 Initial inspections

2.2.1 In the pursuance of control procedures under the applicable conventions, which, for instance, may arise from information given to a port State regarding a ship, a PSCO may proceed to the ship and, before boarding, gain, from its appearance in the water, an impression of its standard of maintenance from such items as the condition of its paintwork, corrosion or pitting or unrepaired damage.

2.2.2 At the earliest possible opportunity, the PSCO should ascertain the type of ship, year of build and size of the ship for the purpose of determining which provisions of the conventions are applicable.

2.2.3 On boarding and introduction to the master or the responsible ship's officer, the PSCO should examine the ship's relevant certificates and documents, as listed in appendix 12. When examining 1969 International Tonnage Certificates, the PSCO should be guided by appendix 10.

2.2.4 If the certificates are valid and the PSCO's general impression and visual observations on board confirm a good standard of maintenance, the PSCO should generally confine the inspection to reported or observed deficiencies, if any.

2.2.5 In conducting an initial inspection, the PSCO should check both the validity of the relevant certificates and other documents and the overall condition of the ship, including its equipment, navigational bridge, decks including forecastle, cargo holds/areas, engine-room and pilot transfer arrangements.

2.2.6 In pursuance of control procedures under chapter IX of SOLAS in relation to the International Management Code for the safe operation of ships and for pollution prevention (ISM Code), the PSCO should utilize the guidelines in appendix 8.

2.2.7 If, however, the PSCO from general impression or observations on board has clear grounds for believing that the ship, its equipment or its crew do not substantially meet the requirements, the PSCO should proceed to a more detailed inspection, taking into consideration sections 2.4 and 2.5. In forming such an impression, the PSCO should utilize the guidelines in relevant appendices.

2.3 General procedural guidelines for PSCOs

2.3.1 The PSCO should observe the Code of good practice for port State control officers (MSC-MEPC.4/Circ.2), as shown in appendix 1, use professional judgement in carrying out all duties and consider consulting others as deemed appropriate.

2.3.2 When boarding a ship, the PSCO should present to the master or to the representative of the owner, if requested to do so, the PSCO identity card. This card should be accepted as documented evidence that the PSCO in question is duly authorized by the Administration to carry out port State control inspections.

2.3.3 If the PSCO has clear grounds for carrying out a more detailed inspection, the master should be immediately informed of these grounds and advised that, if so desired, the master may contact the Administration or, as appropriate, the recognized organization responsible for issuing the certificate and invite their presence on board.

2.3.4 In the case that an inspection is initiated based on a report or complaint, especially if it is from a crew member, the source of the information should not be disclosed.

2.3.5 When exercising control, all possible efforts should be made to avoid a ship being unduly detained or delayed. It should be borne in mind that the main purpose of port State control is to prevent a ship proceeding to sea if it is unsafe or presents an unreasonable threat of harm to the marine environment. The PSCO should exercise professional judgement to determine whether to detain a ship until the deficiencies are corrected or to allow it to sail with certain deficiencies, having regard to the particular circumstances of the intended voyage.

2.3.6 It should be recognized that all equipment is subject to failure and spares or replacement parts may not be readily available. In such cases, undue delay should not be caused if, in the opinion of the PSCO, safe alternative arrangements have been made.

2.3.7 Where the grounds for detention are the result of accidental damage suffered on the ship's voyage to a port, no detention order should be issued, provided that:

- .1** due account has been given to the convention requirements regarding notification to the flag State Administration, the nominated surveyor or the recognized organization responsible for issuing the relevant certificate;
- .2** prior to entering a port, the master or company has submitted to the port State Authority details of the circumstances of the accident and the damage suffered and information about the required notification of the flag State Administration;
- .3** appropriate remedial action, to the satisfaction of the port State Authority, is being taken by the ship; and
- .4** the port State Authority has ensured, having been notified of the completion of the remedial action, that deficiencies which were clearly hazardous to safety, health or environment have been rectified.

2.3.8 Since detention of a ship is a serious matter involving many issues, it may be in the best interest of the PSCO to act together with other interested parties (see paragraph 4.1.3). For example, the officer may request the owner's representatives to provide proposals for correcting the situation. The PSCO should also consider co-operating with the flag State Administration's representatives or the recognized organization responsible for issuing the relevant certificates, and consulting them regarding their acceptance of the owner's proposals and their possible additional requirements. Without limiting the PSCO's discretion in any way, the involvement of other parties could result in a safer ship, avoid subsequent arguments relating to the circumstances of the detention and prove advantageous in the case of litigation involving "undue delay".

2.3.9 Where deficiencies cannot be remedied at the port of inspection, the PSCO may allow the ship to proceed to another port, subject to any appropriate conditions determined. In such circumstances, the PSCO should ensure that the competent authority of the next port of call and the flag State are notified.

2.3.10 Detention reports to the flag State should be in sufficient detail for an assessment to be made of the severity of the deficiencies giving rise to the detention.

2.3.11 The company or its representative have a right of appeal against a detention taken by the Authority of a port State. The appeal should not cause the detention to be suspended. The PSCO should properly inform the master of the right of appeal.

2.3.12 To ensure consistent enforcement of port State control requirements, PSCOs should carry an extract of section 2.3 (General procedural guidelines for PSCOs) for ready reference when carrying out any port State control inspections.

2.3.13 PSCOs should also be familiar with the detailed guidelines given in the appendices to these Procedures.

2.4 Clear grounds

2.4.1 When a PSCO inspects a foreign ship which is required to hold a convention certificate, and which is in a port or an offshore terminal under the jurisdiction of the port State, any such inspection should be limited to verifying that there are on board valid certificates and other relevant documentation and the PSCO forming an impression of the overall condition of the ship, its equipment and its crew, unless there are "clear grounds" for

believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificates.

2.4.2 “Clear grounds” to conduct a more detailed inspection include:

- .1 the absence of principal equipment or arrangements required by the applicable conventions;
- .2 evidence from a review of the ship’s certificates that a certificate or certificates are clearly invalid;
- .3 evidence that documentation required by the applicable conventions and listed in appendix 12 is not on board, incomplete, not maintained or falsely maintained;
- .4 evidence from the PSCO’s general impressions and observations that serious hull or structural deterioration or deficiencies exist that may place at risk the structural, watertight or weathertight integrity of the ship;
- .5 evidence from the PSCO’s general impressions or observations that serious deficiencies exist in the safety, pollution prevention or navigational equipment;
- .6 information or evidence that the master or crew is not familiar with essential shipboard operations relating to the safety of ships or the prevention of pollution, or that such operations have not been carried out;
- .7 indications that key crew members may not be able to communicate with each other or with other persons on board;
- .8 the emission of false distress alerts not followed by proper cancellation procedures; and
- .9 receipt of a report or complaint containing information that a ship appears to be substandard.

2.5 More detailed inspections

2.5.1 If the ship does not carry valid certificates, or if the PSCO, from general impressions or observations on board, has clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificates or that the master or crew

is not familiar with essential shipboard procedures, a more detailed inspection as described in this chapter should be carried out, utilizing relevant appendices.

2.5.2 It is not envisaged that all of the equipment and procedures outlined in this chapter would be checked during a single port State control inspection, unless the condition of the ship or the familiarity of the master or crew with essential shipboard procedures necessitates such a detailed inspection. In addition, these Procedures are not intended to impose the seafarer certification programme of the port State on a ship entitled to fly the flag of another Party to STCW or to impose control procedures on foreign ships in excess of those imposed on ships of the port State.



Chapter 3

Contravention and detention

3.1 Identification of a substandard ship

3.1.1 In general, a ship is regarded as substandard if the hull, machinery, equipment or operational safety, is substantially below the standards required by the applicable conventions or if the crew is not in conformance with the safe manning document, owing to, *inter alia*:

- .1 the absence of principal equipment or arrangement required by the conventions;
- .2 non-compliance of equipment or arrangement with relevant specifications of the conventions;
- .3 substantial deterioration of the ship or its equipment, for example, because of poor maintenance;
- .4 insufficiency of operational proficiency, or unfamiliarity of essential operational procedures by the crew; and
- .5 insufficiency of manning or insufficiency of certification of seafarers.

3.1.2 If these evident factors as a whole or individually make the ship unseaworthy and put at risk the ship or the life of persons on board or present an unreasonable threat of harm to the marine environment if it were allowed to proceed to sea, it should be regarded as a substandard ship. The PSCO should also take into account the guidelines in appendix 2.

3.2 Submission of information concerning deficiencies

3.2.1 Information that a ship appears to be substandard could be submitted to the appropriate authorities of the port State (see section 3.3) by a member of the crew, a professional body, an association, a trade union or any other individual with an interest in the safety of the ship, its crew and passengers, or the protection of the marine environment.

3.2.2 This information should be submitted in writing to permit proper documentation of the case and of the alleged deficiencies. If the information

is passed verbally, the filing of a written report should be required, identifying, for the purposes of the port State's records, the individual or body providing the information. The attending PSCO may collect this information and submit it as part of the PSCO's report if the originator is unable to do so.

3.2.3 Information which may cause an investigation should be submitted as early as possible after the arrival of the ship, giving adequate time to the authorities to act as necessary.

3.2.4 Each Party to the relevant convention should determine which authorities should receive information on substandard ships and initiate action. Measures should be taken to ensure that information submitted to the wrong department should be promptly passed on by such department to the appropriate authority for action.

3.3 Port State action in response to alleged substandard ships

3.3.1 On receipt of information about an alleged substandard ship or alleged pollution risk, the authorities should immediately investigate the matter and take the action required by the circumstances in accordance with the preceding sections.

3.3.2 Authorities which receive information about a substandard ship that could give rise to detention should forthwith notify any maritime, consular and/or diplomatic representatives of the flag State in the area of the ship and request them to initiate or co-operate with investigations. Likewise, the recognized organization which has issued the relevant certificates on behalf of the flag State should be notified. These provisions will not, however, relieve the authorities of the port State, being a Party to a relevant convention, from the responsibility for taking appropriate action in accordance with its powers under the relevant conventions.

3.3.3 If the port State receiving information is unable to take action because there is insufficient time or no PSCOs can be made available before the ship sails, the information should be passed to the authorities of the country of the next appropriate port of call, to the flag State and also to the recognized organization in that port, where appropriate.

3.4 Responsibilities of port State to take remedial action

If a PSCO determines that a ship can be regarded as substandard as specified in section 3.1 and appendix 2, the port State should immediately ensure that

corrective action is taken to safeguard the safety of the ship and passengers and/or crew and eliminate any threat of harm to the marine environment before permitting the ship to sail.

3.5 Guidance for the detention of ships

Notwithstanding the fact that it is impracticable to define a ship as substandard solely by reference to a list of qualifying defects, guidance for the detention of ships is given in appendix 2.

3.6 Suspension of inspection

3.6.1 In exceptional circumstances where, as a result of a more detailed inspection, the overall condition of a ship and its equipment, also taking into account the crew conditions, are found to be obviously substandard, the PSCO may suspend an inspection.

3.6.2 Prior to suspending an inspection, the PSCO should have recorded detainable deficiencies in the areas set out in appendix 2, as appropriate.

3.6.3 The suspension of the inspection may continue until the responsible parties have taken the steps necessary to ensure that the ship complies with the requirements of the relevant instruments.

3.6.4 In cases where the ship is detained and an inspection is suspended, the port State Authority should notify the responsible parties without delay. The notification should include information about the detention, and state that the inspection is suspended until that authority has been informed that the ship complies with all relevant requirements.

3.7 Procedures for rectification of deficiencies and release

3.7.1 The PSCO should endeavour to secure the rectification of all deficiencies detected.

3.7.2 In the case of deficiencies which are clearly hazardous to safety or the environment, the PSCO should, except as provided in paragraph 3.7.3, ensure that the hazard is removed before the ship is allowed to proceed to sea. For this purpose, appropriate action should be taken, which may include detention or a formal prohibition of a ship to continue an operation due to established deficiencies which, individually or together, would render the continued operation hazardous.

3.7.3 Where deficiencies which caused a detention, as referred to in paragraph 3.7.2, cannot be remedied in the port of inspection, the port State Authority may allow the ship concerned to proceed to the nearest appropriate repair yard available, as chosen by the master and agreed to by that authority, provided that the conditions agreed between the port State Authority and the flag State are complied with. Such conditions will ensure that the ship should not sail until it can proceed without risk to the safety of the passengers or crew, or risk to other ships, or without presenting an unreasonable threat of harm to the marine environment. Such conditions may include confirmation from the flag State that remedial action has been taken on the ship in question. In such circumstances the port State Authority should notify the authority of the ship's next port of call, the parties mentioned in paragraph 4.1.4 and any other authority as appropriate. Notification to authorities should be made in the form shown in appendix 14. The authority receiving such notification should inform the notifying authority of action taken and may use the form shown in appendix 15.

3.7.4 On the condition that all possible efforts have been made to rectify all other deficiencies, except those referred to in paragraphs 3.7.2 and 3.7.3, the ship may be allowed to proceed to a port where any such deficiencies can be rectified.

3.7.5 If a ship referred to in paragraph 3.7.3 proceeds to sea without complying with the conditions agreed to by the Authority of the port of inspection that port State Authority should immediately alert the next port, if known, the flag State and all other authorities it considers appropriate.

3.7.6 If a ship referred to in paragraph 3.7.3 does not call at the nominated repair port, the port State Authority of the repair port should immediately alert the flag State and detaining port State, which may take appropriate action, and notify any other authority it considers appropriate.

Chapter 4

Reporting requirements

4.1 Port State reporting

4.1.1 Port State authorities should ensure that, at the conclusion of an inspection, the master of the ship is provided with a document showing the results of the inspection, details of any action taken by the PSCO, and a list of any corrective action to be initiated by the master and/or company. Such reports should be made in accordance with the format in appendix 13.

4.1.2 Where, in the exercise of port State control, a Party denies a foreign ship entry to the ports or offshore terminals under its jurisdiction, whether or not as a result of information about a substandard ship, it should forthwith provide the master and flag State with reasons for the denial of entry.

4.1.3 In the case of a detention, at least an initial notification should be made to the flag State Administration as soon as practicable (see paragraph 2.3.8). If such notification is made verbally, it should be subsequently confirmed in writing. As a minimum, the notification should include details of the ship's name, the IMO number, copies of Forms A and B as set out in appendix 13, time of detention and copies of any detention order. Likewise, the recognized organizations which have issued the relevant certificates on behalf of the flag State should be notified, where appropriate. The parties above should also be notified in writing of the release of detention. As a minimum, this information should include the ship's name, the IMO number, the date and time of release and a copy of Form B as set out in appendix 13.

4.1.4 If the ship has been allowed to sail with known deficiencies, the authorities of the port State should communicate all the facts to the authorities of the country of the next appropriate port of call, to the flag State, and to the recognized organization, where appropriate.

4.1.5 Parties to a relevant convention, when they have exercised control giving rise to detention, should submit to the Organization reports in accordance with SOLAS regulation I/19, article 11 of MARPOL, article 21 of Load Lines, or article X(3) of STCW. Such deficiency reports should be made in accordance with the form given in appendix 13 or 16, as appropriate, or may be submitted electronically by the port State or a regional PSC regime.

4.1.6 Copies of such deficiency reports should, in addition to being forwarded to the Organization, be sent by the port State without delay to the authorities of the flag State and, where appropriate, to the recognized organization which had issued the relevant certificate. Deficiencies found which are not related to the applicable conventions, or which involve ships of non-convention countries or below convention size, should be submitted to flag States and/or to appropriate organizations but not to IMO.

4.1.7 Relevant telephone numbers and addresses of flag States Headquarters to which reports should be sent as outlined above, as well as addresses of flag State offices which provide inspection services should be provided to the Organization.*

4.2 Flag State reporting

4.2.1 On receiving a report on detention, the flag State and, where appropriate, the recognized organization through the flag State Administration, should, as soon as possible, inform the Organization of remedial action taken in respect of the detention which may be submitted electronically by the flag State to GISIS or in a format shown in appendix 17.

4.2.2 Relevant telephone numbers and addresses of port State control offices, Headquarters and those who provide inspection services should be provided to the Organization.

4.3 Reporting of allegations under MARPOL

4.3.1 A report on alleged deficiencies or on alleged contravention of the discharge provisions relating to the provisions of MARPOL should be forwarded to the flag State as soon as possible, preferably no later than 60 days after the observation of the deficiencies or contravention. Such reports may be made in accordance with the format in appendix 13 or 16, as appropriate. If a contravention of the discharge provisions is suspected, then the information should be supplemented by evidence of violations which, as a minimum, should include the information specified in parts 2 and 3 of appendices 3 and 4 of these Procedures.

* Such addresses are available in MSC-MEPC.6/Circ.9 (National contact points for safety and pollution prevention and response), as amended, the IMO Internet home page and the GISIS module on contact points (<http://gisis.imo.org/Public>).

4.3.2 On receiving a report on alleged deficiencies or alleged contravention of the discharge provisions, the flag State and, where appropriate, the recognized organization through the flag State Administration, should, as soon as possible, inform the Party submitting the report of immediate action taken in respect of the alleged deficiencies or contravention. That Party and the Organization should, upon completion of such action, be informed of the outcome and details, where appropriate, be included in the mandatory annual report to the Organization.





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Chapter 5

Review procedures

5.1 Report of comments

5.1.1 In the interest of making information regarding deficiencies and remedial measures generally available, a summary of such reports should be made by the Organization in a timely manner in order that the information can be disseminated in accordance with the Organization's procedures to all Parties to the applicable conventions. In the summary of deficiency reports, an indication should be given of flag State action or whether a comment by the flag State concerned is outstanding.

5.1.2 The appropriate Committee should periodically evaluate the summary of the deficiency reports in order to identify measures that may be necessary to ensure more consistent and effective application of IMO instruments, paying close attention to the difficulties reported by Parties to the relevant conventions, particularly in respect to developing countries in their capacity as port States.

5.1.3 Recommendations to address such difficulties, when recognized by the appropriate Committee, should, where appropriate, be incorporated into the applicable IMO instrument and any modifications relating to the procedures and obligations should be made in the port State documentation.



Appendices





Appendix 1

Code of good practice for port State control officers conducting inspections within the framework of the regional memoranda of understanding and agreement on port State control (MSC-MEPC.4/Circ.2)

Introduction

1 This document provides guidelines regarding the standards of integrity, professionalism and transparency that regional port State control (PSC) regimes expect of all port State control officers (PSCOs) who are involved in or associated with port State control inspections.

Objective

2 The object of this Code is to assist PSCOs in conducting their inspections to the highest professional level. PSCOs are central to achieving the aims of the regional PSC regime. They are the daily contact with the shipping world. They are expected to act within the law, within the rules of their Government and in a fair, open, impartial and consistent manner.

Fundamental principles of the Code

3 The Code of good practice encompasses three fundamental principles against which all actions of PSCOs are judged: integrity, professionalism and transparency. These are defined as follows:

- .1 integrity is the state of moral soundness, honesty and freedom from corrupting influences or motives;
- .2 professionalism is applying accepted professional standards of conduct and technical knowledge. For PSCOs standards of behaviour are established by the maritime Authority and the general consent of the port State members; and
- .3 transparency implies openness and accountability.

- 4 The list of the actions and behaviour expected of PSCOs in applying these principles are set out in the annex to this appendix.
- 5 Adhering to professional standards provides greater credibility to PSCOs and places more significance on their findings.
- 6 Nothing in the Code shall absolve the PSCOs from complying with the specific requirements of the PSC instruments and applicable national laws.

Annex

Code of good practice for port State control officers

Actions and behaviour of PSCOs

The PSCOs should:

- 1 use their professional judgement in carrying out their duties;

Respect

- 2 remember that a ship is a home as well as a workplace for the ship's personnel and not unduly disturb their rest or privacy;
- 3 comply with any ship housekeeping rules such as removing dirty shoes or work clothes;
- 4 not be prejudiced by the race, gender, religion or nationality of the crew when making decisions and treat all personnel on board with respect;
- 5 respect the authority of the master or his deputy;
- 6 be polite but professional and firm as required;
- 7 never become threatening, abrasive or dictatorial or use language that may cause offence;
- 8 expect to be treated with courtesy and respect;

Conduct of inspections

- 9 comply with all health and safety requirements of the ship and their administration, e.g., wearing of personal protective clothing, and not take any action or cause any action to be taken which could compromise the safety of the PSCO or the ship's crew;

- 10** comply with all security requirements of the ship and wait to be escorted around the ship by a responsible person;
- 11** present their identity cards to the master or the representative of the owner at the start of the inspection;
- 12** explain the reason for the inspections. However, where the inspection is triggered by a report or complaint they must not reveal the identity of the person making the complaint;
- 13** apply the procedures of PSC and the convention requirements in a consistent and professional way and interpret them pragmatically when necessary;
- 14** not try to mislead the crew, e.g., by asking them to do things that are contrary to the conventions;
- 15** request the crew to demonstrate the functioning of equipment and operational activities, such as drills, and not make tests themselves;
- 16** seek advice when they are unsure of a requirement or of their findings rather than making an uninformed decision, e.g., by consulting colleagues, publications, the flag Administration, the recognized organization;
- 17** where it is safe to do so accommodate the operational needs of the port and the ship;
- 18** explain clearly to the master the findings of the inspection and the corrective action required and ensure that the report of inspection is clearly understood;
- 19** issue to the master a legible and comprehensible report of inspection before leaving the ship;

Disagreements

- 20** deal with any disagreement over the conduct or findings of the inspection calmly and patiently;
- 21** advise the master of the complaints procedure in place if the disagreement cannot be resolved within a reasonable time;
- 22** advise the master of the right of appeal and relevant procedures in the case of detention;

Integrity

23 be independent and not have any commercial interest in their ports and the ships they inspect or companies providing services in their ports. For example, the PSCOs should not be employed from time to time by companies which operate ships in their ports or the PSCOs should not have an interest in the repair companies in their ports;

24 be free to make decisions based on the findings of their inspections and not on any commercial considerations of the port;

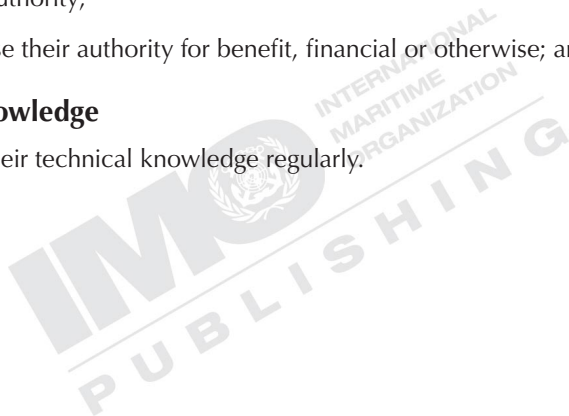
25 always follow the rules of their administrations regarding the acceptance of gifts and favours, e.g., meals on board;

26 firmly refuse any attempts of bribery and report any blatant cases to the maritime Authority;

27 not misuse their authority for benefit, financial or otherwise; and

Updating knowledge

28 update their technical knowledge regularly.



Appendix 2

Guidelines for the detention of ships

1 Introduction

1.1 When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention, the PSCO should assess whether:

- .1 the ship has relevant, valid documentation; and
- .2 the ship has the crew required in the minimum Safe Manning Document.

1.2 During inspection, the PSCO should further assess whether the ship and/or crew, throughout its forthcoming voyage, is able to:

- .1 navigate safely;
- .2 safely handle, carry and monitor the condition of the cargo;
- .3 operate the engine-room safely;
- .4 maintain proper propulsion and steering;
- .5 fight fires effectively in any part of the ship if necessary;
- .6 abandon ship speedily and safely and effect rescue if necessary;
- .7 prevent pollution of the environment;
- .8 maintain adequate stability;
- .9 maintain adequate watertight integrity;
- .10 communicate in distress situations if necessary; and
- .11 provide safe and healthy conditions on board.

1.3 If the result of any of these assessments is negative, taking into account all deficiencies found, the ship should be strongly considered for detention. A combination of deficiencies of a less serious nature may also warrant the detention of the ship. Ships which are unsafe to proceed to sea should be detained upon the first inspection, irrespective of the time the ship will stay in port.

2 General

The lack of valid certificates as required by the relevant instruments may warrant the detention of ships. However, ships flying the flag of States not a Party to a convention or not having implemented another relevant instrument, are not entitled to carry the certificates provided for by the convention or other relevant instrument. Therefore, absence of the required certificates should not by itself constitute a reason to detain these ships; however, in applying the “no more favourable treatment” clause, substantial compliance with the provisions and criteria specified in these Procedures must be required before the ship sails.

3 Detainable deficiencies

To assist the PSCO in the use of these Guidelines, there follows a list of deficiencies, grouped under relevant conventions and/or codes, which are considered to be of such a serious nature that they may warrant the detention of the ship involved. This list is not considered exhaustive, but is intended to give examples of relevant items.

Areas under the SOLAS Convention

- 1 Failure of proper operation of propulsion and other essential machinery, as well as electrical installations.
- 2 Insufficient cleanliness of engine-room, excess amount of oily-water mixture in bilges, insulation of piping including exhaust pipes in engine-room contaminated by oil, and improper operation of bilge pumping arrangements.
- 3 Failure of the proper operation of emergency generator, lighting, batteries and switches.
- 4 Failure of proper operation of the main and auxiliary steering gear.
- 5 Absence, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft and launching and recovery arrangements.
- 6 Absence, non-compliance or substantial deterioration to the extent that it cannot comply with its intended use of fire detection system, fire alarms, fire-fighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers, and quick-closing devices.
- 7 Absence, substantial deterioration or failure of proper operation of the cargo deck area fire protection on tankers.

- 8 Absence, non-compliance or serious deterioration of lights, shapes or sound signals.
- 9 Absence or failure of the proper operation of the radio equipment for distress and safety communication.
- 10 Absence or failure of the proper operation of navigation equipment, taking the relevant provisions of SOLAS regulation V/16.2 into account.
- 11 Absence of corrected navigational charts, and/or all other relevant nautical publications necessary for the intended voyage, taking into account that electronic charts may be used as a substitute for the charts.
- 12 Absence of non-sparking exhaust ventilation for cargo pump-rooms.
- 13 Serious deficiency in the operational requirements listed in appendix 7.
- 14 Number, composition or certification of crew not corresponding with safe manning document.
- 15 Non-implementation or failure to carry out the enhanced survey programme in accordance with SOLAS regulation XI-1/2 and resolution A.744(18), as amended.
- 16 Absence or failure of a voyage data recorder (VDR), when its use is compulsory.

Areas under the IBC Code

- 1 Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.
- 2 Missing or damaged high-pressure safety devices.
- 3 Electrical installations not intrinsically safe or not corresponding to the Code requirements.
- 4 Sources of ignition in hazardous locations.
- 5 Contravention of special requirements.
- 6 Exceeding of maximum allowable cargo quantity per tank.
- 7 Insufficient heat protection for sensitive products.
- 8 Pressure alarms for cargo tanks not operable.

9 Transport of substances to be inhibited without valid inhibitor certificate.

Areas under the IGC Code

1 Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.

2 Missing closing devices for accommodations or service spaces.

3 Bulkhead not gastight.

4 Defective air locks.

5 Missing or defective quick-closing valves.

6 Missing or defective safety valves.

7 Electrical installations not intrinsically safe or not corresponding to the Code requirements.

8 Ventilators in cargo area not operable.

9 Pressure alarms for cargo tanks not operable.

10 Gas detection plant and/or toxic gas detection plant defective.

11 Transport of substances to be inhibited without valid inhibitor certificate.

Areas under the Load Lines Convention

1 Significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull affecting seaworthiness or strength to take local loads, unless properly authorized temporary repairs for a voyage to a port for permanent repairs have been carried out.

2 A recognized case of insufficient stability.

3 The absence of sufficient and reliable information, in an approved form, which by rapid and simple means, enables the master to arrange for the loading and ballasting of the ship in such a way that a safe margin of stability is maintained at all stages and at varying conditions of the voyage, and that the creation of any unacceptable stresses in the ship's structure are avoided.

- 4 Absence, substantial deterioration or defective closing devices, hatch closing arrangements and watertight/weathertight doors.
- 5 Overloading.
- 6 Absence of, or impossibility to read, draught marks and/or Load Line marks.

Areas under the MARPOL Convention, Annex I

- 1 Absence, serious deterioration or failure of proper operation of the oily-water filtering equipment, the oil discharge monitoring and control system or the 15 ppm alarm arrangements.
- 2 Remaining capacity of slop and/or sludge tank insufficient for the intended voyage.
- 3 Oil Record Book not available.
- 4 Unauthorized discharge bypass fitted.
- 5 Failure to meet the requirements of regulation 20.4 or alternative requirements specified in regulation 20.7.

Areas under the MARPOL Convention, Annex II

- 1 Absence of P and A Manual.
- 2 Cargo is not categorized.
- 3 No Cargo Record Book available.
- 4 Unauthorized discharge bypass fitted.

Areas under the MARPOL Convention, Annex IV

To be developed.

Areas under the MARPOL Convention, Annex V

- 1 Absence of the garbage management plan.
- 2 No garbage record book available.

3 Ship's personnel not familiar with disposal/discharge requirements of garbage management plan.

Areas under the MARPOL Convention, Annex VI

1 Absence of valid IAPP Certificate and, where relevant, EIAPP Certificates and Technical Files.

2 A marine diesel engine, with a power output of more than 130 kW, which is installed on board a ship constructed on or after 1 January 2000, or a marine diesel engine having undergone a major conversion on or after 1 January 2000, which does not comply with the NO_x Technical Code 2008.

3 The sulphur content of any fuel oil used on board ships exceeds the following limits:

- .1 4.5% m/m prior to 1 January 2012;
- .2 3.5% m/m on and after 1 January 2012; and
- .3 0.5% m/m on and after 1 January 2020.*

4 The sulphur content of any fuel used on board exceeds the following limits while operating within a SO_x emission control area:

- .1 1.0% m/m on and after 1 July 2010; and
- .2 0.1% m/m on and after 1 January 2015,

respectively, as per the amendments adopted by resolution MEPC.176(58).

5 An incinerator installed on board the ship on or after 1 January 2000 does not comply with requirements contained in appendix IV to the Annex, or the standard specifications for shipboard incinerators developed by the Organization (resolutions MEPC.76(40) and MEPC.93(45)).

6 The master or crew are not familiar with essential procedures regarding the operation of air pollution prevention equipment.

* Refer to the review provision in MARPOL regulation VI/14.

Areas under the STCW Convention

- 1 Failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the Administration.
- 2 Failure to comply with the applicable safe manning requirements of the Administration.
- 3 Failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the Administration.
- 4 Absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radiocommunications or the prevention of marine pollution.
- 5 Inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty.
- 6 Failure to provide proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of pollution.

Areas which may not warrant a detention, but where, e.g., cargo operations have to be suspended

Failure of the proper operation (or maintenance) of inert gas systems, cargo related gear or machinery should be considered sufficient grounds to stop cargo operation.

