



INTERTANKO

**A Guide to the Vetting Process
12th Edition
2017**

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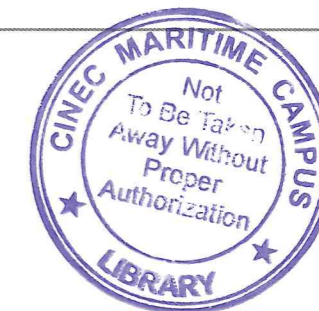
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Foreword

Maritime risk – What is it and how do different organisations address risk? As a mariner and one who has been involved in the marine transportation business for the past 40 years, I have had to address maritime risk through different lenses and perspectives – as an individual on a ship, as part of the shipboard management team, as part of the company's management team ashore and as part of an oil major's marine risk assurance team.

Maritime transport poses various risks in terms of safety of life, environmental pollution and loss of property. Readers will agree that eliminating risk completely is difficult to achieve; however, it is the ever-demanding expectations of society and our customers that we must satisfy. In response to these expectations, companies and organisations that provide business to the marine transportation industry are increasingly sensitive to any form of risk. It is, therefore, the ability of shipping companies to demonstrate that they are able to reduce or eliminate risk by using risk-management techniques as part of their company quality and safety management systems that will make them potential business partners.

Vetting is the process which the oil-majors, charterers and Port State authorities use to manage risk when assessing a vessel. A successful "vetting" is, therefore, a vessel's "ticket to trade".

During my years in the maritime industry, I have in one way or another been involved with INTERTANKO and its Vetting Committee – the entity that conceived and developed this invaluable guide for the industry.

INTERTANKO responds to many enquiries for up-to-date information on the different vetting and ship-inspection requirements of oil and chemical companies, terminals, insurers and underwriters as well as for information pertaining to the various Port State Control requirements. This Guide to the Vetting Process, compiled with the assistance and support of the vetting departments of oil-companies, Port State authorities and the INTERTANKO Vetting Committee, brings together the requirements of these stakeholders to provide our Members the information they require. Continuous improvement is a key aspect of risk management and is one that INTERTANKO strives to meet.

Feedback is key to ensuring continuous improvement in any process and INTERTANKO has developed a number of platforms to facilitate this. Its Vetting and Port State Control Inspection Feedback systems, as well as its Terminal Vetting Database, are useful tools for the owner/operator and ship's Master in ensuring fair ship inspections, as well as for enhancing safety at ports and terminals. Also the development of the Incident Repository is another example of the results of INTERTANKO's close cooperation with OCIMF.

As Chairman of the Vetting Committee, I cannot understate the importance of understanding the risk-management values and principles that are employed by the oil companies, charterers and Port State authorities. This guide, now in its 12th Edition, will provide shore-based personnel a better understanding of these systems and will help them comply with various vetting requirements.

Although the aim of this publication has been to assist INTERTANKO Members with information and guidance on ship-inspections and vetting processes, it has become the "go-to" publication for the wider shipping industry. For this edition, we have turned the section on Port State Control (Section 1) into a separate publication, which we feel will be valuable for those dry bulk and container operators that may not need the guidance on vetting.

There are too many individuals and organisations to thank for their contributions and hard work to include here, however, I would like to offer particular thanks to INTERTANKO's Vetting Committee and its Secretariat.

I strongly recommend this as a standard publication in all office and ship libraries.



Alan Johnson

NYK Line

Chairman, Vetting Committee

NB: While every effort has been made to ensure that the information in this book is correct at the time of going to print, INTERTANKO welcomes any information on changes that may be made since the publication was issued.

Introduction, Scope and Background to PSC

Port State Control (PSC) is the inspection of foreign ships in national ports to verify that the condition of the ship and its equipment comply with the requirements of international regulations and that the ship is manned and operated in compliance with these rules.

These inspections were originally intended to be a back up to Flag State implementation, however, experience has shown that they can be extremely effective. Port State Control provides a "safety net" to catch substandard ships.

This chapter provides a general insight into the Port State Control inspection process; when, how and why it was institutionalised by countries and the general principles driving this process.

Background

Ships have always been inspected by Port Authorities around the world in various different ways, however, such inspections were only carried out in a systematic manner with specific rules and regulations after the formation of the Paris Memorandum of Understanding (Paris MoU) in July 1982.

The history of Port State Control (PSC) inspections in the form we currently know it can be traced back to 1978 and the *Amoco Cadiz* grounding off the coast of Brittany. The grounding led to the spill of more than 220,000 tons of Crude oil and had a devastating impact on the environment. The accident was said to be a result of insufficient monitoring of the ship's technical condition, inadequate training of the crew and deficiencies in what we know as 'safety management' on board.

The incident caused a huge public outcry demanding far stricter regulatory measures with regard to safety not only on all domestic ships but also foreign-Flagged ones. This public pressure finally led to the signing of Memorandum of Understanding on Port State Control in January 1982 by fourteen European countries in Paris.

The MoU entered into operation on 1 July 1982 and covered:

- safety of life at sea
- prevention of pollution by ships, and
- living and working conditions on board ships.

The Paris MoU recognised that in accordance with International Law the responsibility for compliance with the requirements of international Conventions lies with the shipowner/operator and the responsibility for ensuring compliance lies with the Flag State Administration, a task that can prove difficult.

This is especially the case where a ship does not regularly call at a port of the Flag State. This challenge, although partly overcome by appointing inspectors at foreign ports and/or authorising Recognised Organisations (Classification Societies) to act on behalf of the administration, is still present.

In order to assist administrations in ensuring continuous control of the ship's compliance with international Conventions and complement the measures already taken by the Flag State, it was decided to perform unannounced inspections of "foreign-Flagged" merchant ships calling at ports of the Member States of the Paris MoU.

The PSC inspections proved to be successful as the number of ships with serious deficiencies decreased year after year.

The IMO recognised this success and in 1991 invited its members to develop regional agreements similar to the Paris MoU.

Such regional agreements, or "MoUs" ensure that as many ships as possible are inspected without being delayed by unnecessary inspections.

Currently there are nine regional agreements (MoUs) around the world and the United States maintains a separate PSC regime.

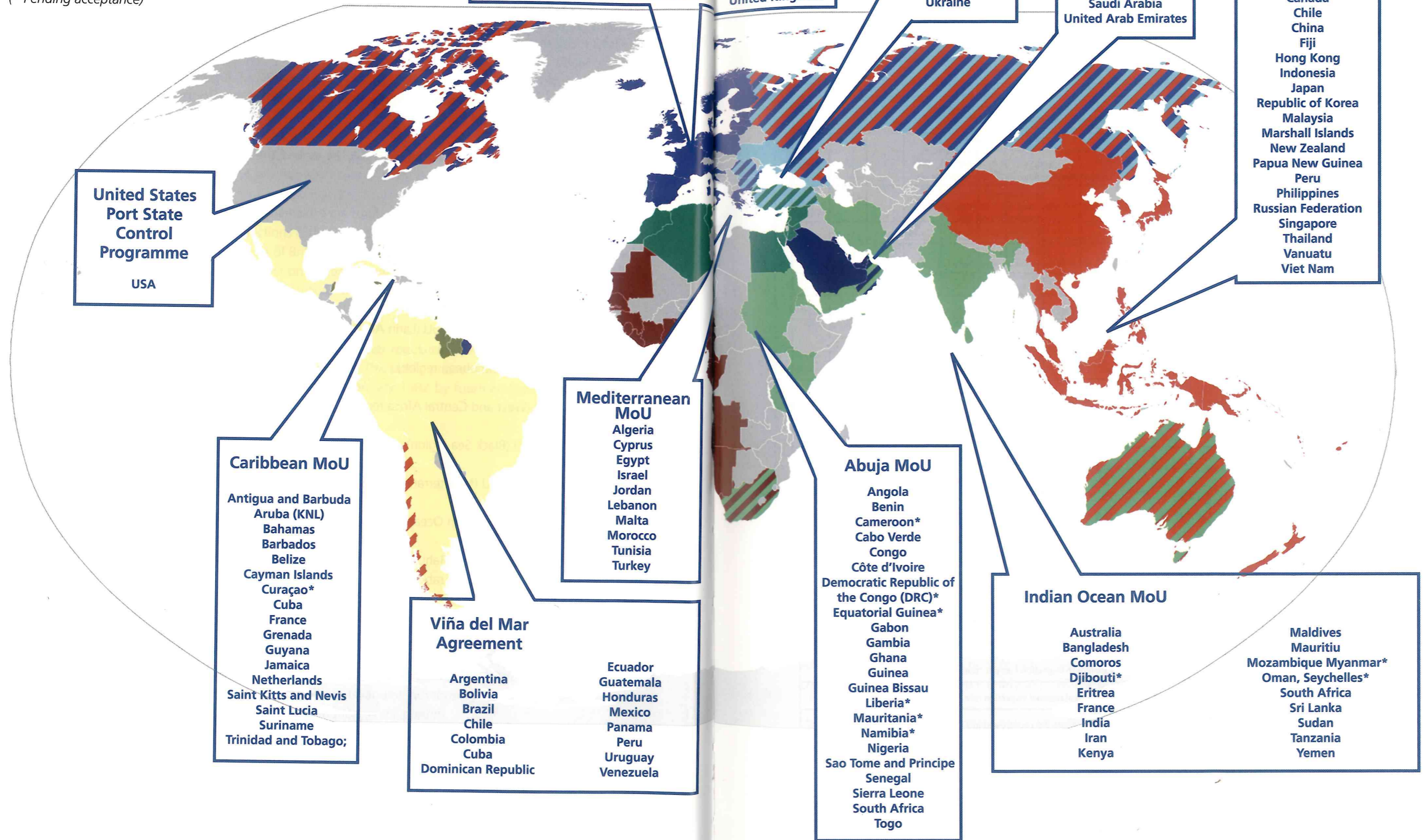
These MoUs are listed below and their procedures are explained in further detail in pages 31-98.

- Paris MoU (Europe and the north Atlantic region)
- Tokyo MoU (Asia and the Pacific region)
- Acuerdo de Viña del Mar MoU (Latin America region)
- Caribbean MoU (Caribbean region)
- Abuja MoU (West and Central Africa region)
- Black Sea MoU (Black Sea region)
- Mediterranean MoU (Mediterranean Region)
- Indian Ocean MoU (Indian Ocean Region)
- Riyadh MoU (Kingdom of Bahrain, State of Kuwait, Sultanate of Oman, State of Qatar, Kingdom of Saudi Arabia and United Arab Emirates)
- The United States Coast Guard maintain the tenth PSC regime.

Table 1 – Geographical Overview of the Port State Control Regions

Signatories to the Paris MoU (blue), Tokyo MoU (red), Indian Ocean MoU (green), Mediterranean MoU (dark green), Acuerdo Latino (yellow), Caribbean MoU (olive), Abuja MoU (dark red), Black Sea MoU (cyan) and Riyadh MoU (navy).

(* Pending acceptance)



Map based on an image by 'Kristofferjay' as uploaded to <https://commons.wikimedia.org/wiki/File:Portstatecontrol.svg>

Selection of ships for Port State Control

The aim of Port States when conducting PSC inspections is to ensure foreign ships visiting their ports comply with all the requirements as set out in the international Conventions which govern all aspects of sea transport.

Taking into account the number of port calls in any region it is understandable that inspecting all foreign ships would be impossible and, up to a point, unnecessary, as most ships nowadays are operating in accordance with international standards.

Table 1 (Source IMO)

	Relevant Instruments															
	LL 66	LL PRO T 88	SOLAS 74	SOLAS PROT 78	SOLAS PROT 88	MARPOL 73/78/97	STCW 78	COLREG 72	TONNAGE 69	ILO 147	ILO 147 ProT 96	MLC 06	AFS 2001	CLC 69/92	BUNKERS 2001	BWM
Paris MoU	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Viña del Mar Agreement	x	x	x	x	x	x	x	x	x			x	x	x		
Tokyo MoU	x	x	x	x	x	x	x	x	x	x		x	x	x		
Caribbean MoU	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Mediterranean MoU	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Indian Ocean MoU	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Abuja MoU	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
Black Sea MoU	x	x	x	x	x	x	x	x	x	x	x	x			x	x
Riyadh MoU	x		x	x		x	x	x	x	x						
USCG	x	x	x	x	x	x	x	x	x	x			x			

PSC regimes set targets on inspection rates in order to ensure a minimum but indicative number of ships are inspected and therefore use "targeting factors" to ensure that inspections are focused on those ships considered to be below standard.

Table 2 (Source IMO)

	Target Inspection Rate
Paris MoU	The scope, frequency and priority of inspections are determined on the basis of a ship's risk profile
Viña del Mar agreement	20% six-month inspection rate per country
Tokyo MoU	80% annual regional inspection rate
Caribbean MoU	15% annual inspection rate per country within 3 years
Mediterranean MoU	15% annual inspection rate per country within 3 years
Indian Ocean MoU	10% annual inspection rate per country within 3 years
Abuja MoU	15% annual inspection rate per country within 3 years
Black Sea MoU	75% annual regional inspection rate
Riyadh MoU	15% annual inspection rate per country within 3 years
USCG	100% annual inspection rate per vessel, safety risk and ISPS risk matrix applied to all arriving ships

Port States utilise various different means in their efforts to identify suitable ships for inspection. These include national and regional reporting schemes which help identify and map ship movements within the region. Regional databases like the Thetis database of the Paris MoU help regional members identify which ships are eligible for inspection according to the specific regional MoU rules, and international databases like EQUASIS, to which most of the MoUs are linked, provide historical inspection data on all seagoing ships.

Table 3 (Source IMO)

	Interregional/Global Data Exchange		
	IMO	EQUASIS	MoUs/USCG
Paris MoU	Detention data provided Signed Data Exchange Protocol at FSI 20 Data exchange with GISIS: Live	Data provider to Equasis	Deep hyperlink to Tokyo MoU, Black Sea MoU and Abuja MoU
Viña del Mar Agreement	All inspection data Signed data exchange agreement during the 5th IMO Workshop Data exchange with GISIS: Under development	Data provider to Equasis	Hyperlink with Tokyo MoU Paris MoU Data Interchange
Tokyo MoU	All inspection data Signed data exchange agreement during the 5th IMO Workshop Data exchange with GISIS: Live	Data provider to Equasis	Inter-regional exchange with Black Sea MoU, Indian Ocean MoU, Paris MoU and the Viña del Mar Agreement
Caribbean MoU	All inspection data Signed data exchange agreement during FSI 20 Data exchange with GISIS: Testing	Data Exchange with Equasis signed in November 2013	Hyperlink with Paris MoU Pursuing Hyperlink with TMOU and IOMOU
Mediterranean MoU	All inspection data Signed data exchange agreement during FSI 18 and renewed data exchange agreement during PSCWS 6 Data exchange with GISIS: Live	Data provider to Equasis	Hyperlink to Black Sea MoU and CMoU MoU
Indian Ocean MoU	All inspection data Signed data exchange agreement during FSI 18 and renewed data exchange agreement during PSCWS 6 Data exchange with GISIS: Live	Data provider to Equasis (6 Port States) Hyperlink to Equasis	Hyperlink to Tokyo MoU
Abuja MoU	All inspection data provided Signed Data Exchange agreement during FSI 20 Data exchange with GISIS: Live	Data Exchange with Equasis is pending	Hyperlink to Paris MoU Hyperlink to Indian Ocean MoU
Black Sea MoU	Detention data provided Data exchange protocol signed during FSI 21 Data exchange with GISIS: Live	Data provider to Equasis	Hyperlink to Paris MoU, Tokyo MoU and Mediterranean MoU
Riyadh MoU	All inspection data Signed data exchange agreement during the 5th IMO Workshop. Data exchange with GISIS: Under development (Final stages of testing)	Data Exchange with Equasis is under process	
USCG	Detention data provided Data exchange with GISIS: Under development	Data provider to Equasis	

Targeting Factors

As the concept of PSC inspections matured over the years, the MoUs recognised that there are certain specific characteristics which can help identify ships whose operation in their territorial waters are considered a risk.

Using these specific characteristics, criteria were developed to identify which ships should be targeted for inspection.

These characteristics include:

- Type of ship (some ships may present a special hazard due to the nature of their cargo)
- Age of ship (some MoUs target older ships)

- Flag of ship (ships of Flag States whose detention ratios exceed average detention ratios of all Flag States can expect to be especially targeted)
- Classification Society (as above for Flag State targeting)
- Previous history of the ship
- Owner (detention and deficiency history of all ships in a company's fleet).

Such characteristics are seen as directly influencing the quality of a ship's condition and operations. MoUs have developed methodologies using scoring systems which assign scores to each of the identified criteria and generate a targeting factor.

Different regimes have different systems; the Paris MoU assigns an overall targeting factor to ships whereas the US Coast Guard (USCG) has developed a boarding priority matrix for the purpose of calculating a targeting factor.

Information on targeting factors used by different Port State regions is published on their respective websites.

Overriding factors

Independently of the aforementioned targeting factors, a ship might also be targeted for inspection for a number of other reasons which can override the targeting regime.

These reasons are called overriding factors.

Overriding factors can also allow the inspector to proceed directly to conducting a more detailed inspection.

The Paris MoU, for example, identifies the following overriding factors as being sufficiently serious to trigger an additional inspection. Additional inspections could be either a more detailed or an expanded inspection depending on the seriousness of the overriding factor:

- Ships reported by another Member State,
- Ships involved in a collision, grounding or other form of incident on their way to port,
- Ships accused of an alleged violation of the provisions on discharge of harmful substances or effluents,
- Ships which have been manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigational practices and procedures have not been followed,
- Ships which have been suspended or withdrawn from their Class Society for safety reasons after their last PSC inspection,
- Ships which cannot be identified in the database.

Port State Control Inspections

All ships sailing outside territorial waters will be controlled by the national authorities in a Port State to verify that the condition of the ship and its equipment comply with the requirements of international Conventions. A ship is required to be manned and managed in compliance with these rules. Inspections are carried out by Port State Control Officers (PSCOs) representing the national port authority of each country. Many of IMO's Conventions contain provisions for ships to be inspected when they visit foreign ports to ensure that they meet IMO requirements. Non-compliance may lead to detentions.

IMO has provided guidance on the conduct of Port State Control in IMO Resolution A.1052(27). The resolution is intended to provide 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. A copy of Resolution A.1052(27) is recommended to be available onboard to assist officers and crew in the conduct of Port State Control inspections.

Types of Inspections

The following inspection types can be carried out:

- Initial inspection
- More detailed inspection
- Expanded inspection
- Concentrated Inspection Campaign.

Initial Inspection

A Port State Control inspection on board a ship will normally start with, as a minimum, an examination of the ship's certificates and documents.

In addition to checking the validity of the relevant certificates and other documents, the PSCO will conduct a general visual inspection to confirm that the overall condition of the ship demonstrates a good standard of maintenance. The visual inspection will include the ship's various equipment, the navigational bridge, the decks including the forecastle, the cargo holds/areas, the engine-room and the pilot transfer arrangements.

If the ship is found to comply, the PSCO will issue a 'clean' inspection report (Form A – see page 327) to the master of the ship. In case deficiencies have been identified, the inspection report will include a deficiencies found report (Form B – see page 329). This report (Form B) will indicate, using a specific code, a timeframe for any follow-up actions to be taken to rectify the deficiencies reported.

If the PSCO, from the initial inspection on board, has clear grounds for believing that the ship, its equipment or its crew do not substantially meet requirements, the PSCO will initiate a more detailed inspection taking into consideration the guidance provided in IMO Resolution A.1052(27).

The data of the particular ship together with the inspection result will be recorded on the central database. The database for the Paris MoU is located in Lisbon, Portugal.

Clear Grounds

If, during the initial inspection, a PSCO has clear grounds for believing that the condition of the ship or its equipment does not substantially correspond with the particulars of the certificates or that the master or crew is not familiar with essential shipboard procedures, a more detailed inspection will be carried out.

The PSCO should immediately inform the Master of the clear grounds. The Master may then contact the Administration or, as appropriate, the Recognised Organisation responsible for issuing the certificate and invite their presence on the ship.

IMO Resolution A.1052(27), *The Procedures for Port State Control*, provides examples of conditions that could be considered to be "clear grounds" to conduct a more detailed inspection.

"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 the required documentation is not on board, incomplete, not maintained or falsely maintained;
4. evidence 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 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.

It must be noted that this list is not exhaustive and the PSCO may find other conditions that satisfy the criteria of "clear grounds".

More Detailed Inspections

A more detailed inspection will cover the ship's construction, equipment, manning, living and working conditions. It will also cover compliance with on-board operational procedures to a much larger extent than a visual inspection. It is aimed at reviewing the condition of the ship and the conditions for the crew covering all aspects as identified by the PSCO. The extent of more detailed inspections will be determined based on time available, deficiencies found during initial inspection, how many PSCOs are attending and other factors. The inspection will focus on the areas of original concern, however, the inspection is often expanded to check that essential shipboard operations can be carried out by the crew.

If the PSCO has reason to believe that the crew demonstrates insufficient proficiency in a particular area then a control on compliance with on-board operational requirements may be included in the control procedures.

As a general rule inspections should not delay a ship, interfere with cargo operations or other operations that would be regarded as unsafe. The Master should bring such concerns to the attention of the PSCO. It is recommended that the Master always remains positive and cooperative in his dealings with the PSCO.

Concentrated Inspection Campaign (CIC)

While analysing the data resulting from PSC inspections, PSC regimes realised there are specific areas in which serious deficiencies are repeated. In order to tackle this issue and also to ensure compliance with new Convention requirements that may have recently entered into force almost all MoUs decided to initiate Concentrated Inspection Campaigns (CIC) which focus on these areas and will be in addition to the normal PSC inspection.

These campaigns are run concurrently with a PSC inspection and usually are performed using a separate, additional checklist which focuses on the specific item of the CIC campaign.

The duration of the CIC is usually two to three months and it is not uncommon that the various MoUs cooperate and launch a CIC on the same issue; table 4 shows the CIC performed by all MoUs in the years 2014, 2015 and 2016.

Table 4

	Concentrated inspection campaign during 2014, 2015 & 2016		
	2014	2015	2016
Paris MoU	Hours of rest as per STCW 78 as amended (including the Manila amendments) 1 September-30 November (Joint with the Tokyo MoU)	Crew Familiarisation for Enclosed Space Entry 1 September-30 November (Joint with the Tokyo MoU)	MLC, 2006 1 September-30 November
Viña del Mar Agreement	Hours of rest as per STCW 78 as amended (including the Manila amendments) 1 September-30 November	Crew Familiarisation for Enclosed Space Entry 1 September-30 November	Cargo securing arrangement 1 September-30 November
Tokyo MoU	Hours of rest as per STCW 78 as amended (including the Manila amendments) 1 September-30 November (Joint with the Paris MoU)	Crew Familiarisation for Enclosed Space Entry 1 September-30 November (Joint with the Paris MoU)	for Enclosed Space Entry 1 September-30 November (Joint with the Paris MoU) Cargo securing arrangement 1 September-30 November (coordinated with Black Sea, Indian Ocean, Mediterranean MOUs and the Viña del Mar Agreement)
Caribbean MoU	Fire Safety Systems 1 September-30 November	Safety of Navigation and Hours of Work or Rest 1 September-30 November	Crew Familiarisation for Enclosed Space Entry 1 September-30 November
Mediterranean MoU	Hours of rest as per STCW 78 as amended (including the Manila amendments) 1 September-30 November	Crew Familiarisation for Enclosed Space Entry 1 September-30 November	Cargo securing arrangement 1 September-30 November
Indian Ocean MoU	Hours of rest as per STCW 78 as amended (including the Manila amendments) 1 September-30 November	Crew Familiarisation for Enclosed Space Entry 1 September-30 November	Cargo securing arrangement 1 September-30 November
Abuja MoU			
Black Sea MoU	Hours of rest as per STCW 78 as amended (including the Manila amendments) 1 September-30 November	Crew Familiarisation for Enclosed Space Entry 1 September-30 November	Cargo securing arrangement 1 September-30 November
Riyadh MoU	Fire Safety System 1 October-31 December	Safety of Navigation 1 October-31 December	Pilot transfer arrangement 1 September-30 November

The Port State Control Inspections Process

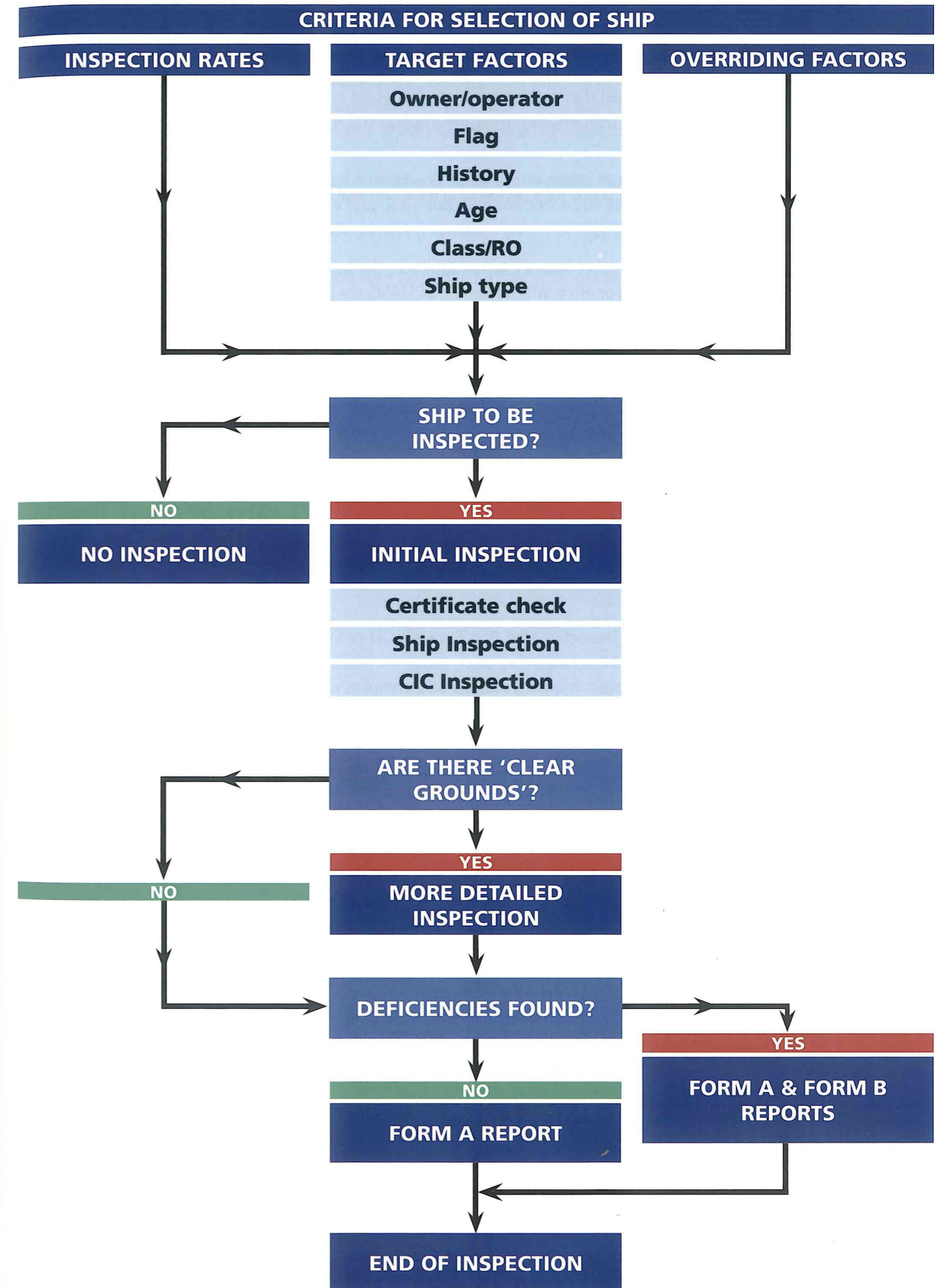
A Port State Control regime may decide to conduct inspections on foreign ships in their ports on the basis of:

- i. the initiative of the Port State itself;
- ii. the request of, or from information regarding, a ship provided by another Party; or
- iii. 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.

Since PSC inspections are unannounced it is difficult for a ship to make special preparations for an inspection. A ship should therefore always be prepared an inspection.

An overview of the Port State Control inspection process is provided in the flow chart opposite.

The Port State Control Process



Port State Control Inspection Reports

At the conclusion of an inspection, the Master should be provided with a document showing any findings from the inspection, and a list of any corrective action to be initiated by the Master or company.

If no deficiencies have been identified during the inspection, the report will be provided as "Form A". In the event that the PSCO has recorded deficiencies during the inspection the report "Form A" will also include Form B.

These reports should be retained on board for a period of at least two years and made available for future Port State Control inspections.

These reports will be recorded in the Port State's internal database, the MoU's database, as well as with those MoUs that contribute to EQUASIS. For more information on EQUASIS see page 312.

Suspension of an inspection

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

This implies therefore that, before suspending an inspection the PSCO must have recorded detainable deficiencies.

The suspension would continue until the deficiencies identified by the PSCO have been rectified and the ship complies with the requirements of the relevant instruments, as instructed. See more on deficiencies and detentions on pages 20-21.

In the event of a suspension of an inspection, the Port State should notify the Flag State of the suspension without delay. This 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.

Professional Qualifications and Conduct of PSCOs

All MoUs have established a Code of Good Practice regarding the standards of integrity, professionalism and transparency that all PSCOs who are involved in, or associated with, Port State Control inspections shall follow. All these Code of Good Practices follow in full or to a large extent the Code of Good Practice for Port State Control Officers as laid out in appendix 1 of IMO Resolution A.1052(27), this can be found on pages 79-80.

A PSC inspection is to be carried out by qualified PSCOs as acceptable to the Port State. The PSCO should be an experienced officer qualified as a Flag State surveyor and should be able to communicate in English with the crew.

A PSCO should carry a personal identity card issued by the Port State and indicating that the PSCO is authorised to carry out the Port State Control inspection.



Deficiencies and Detentions

If, during an inspection, the PSCO finds that a ship is not in compliance with the requirements of a Convention, a deficiency will be issued. A ship will be detained if the PSCO determines that it is unsafe to sail or because the deficiencies are of a serious nature.

Deficiencies

A Master must ensure that he fully understands the PSCO's explanation of the deficiencies noted in the report and the actions that are needed to be taken to rectify these deficiencies in the given timeframe referring to Form B.

This is particularly important if a deficiency leads to a detention. The explanations provided by the PSCO should accurately reflect the deficiencies as they are written on the Port State Control report (Form B). Any discrepancies should be clarified by the Master before accepting the report.

Masters should inform his company ashore and, as Classification Societies are normally authorised to deal with statutory surveys on behalf of the Flag State, they are advised to contact their Classification Society if the deficiencies relate to a statutory survey items particularly if the ship is detained.

There are usually three options available for rectifying deficiencies; however the Master should endeavour to rectify all deficiencies as soon as possible and preferably before the ship sails.

1. Rectify deficiencies before the ship sails. The PSCO may check before the ship sails.
2. Rectify deficiencies in the next port. The PSCO will inform the next port.
3. Rectify deficiencies within 14 days, or if it is ISM related, within 3 months. It should be noted that these deficiencies will be set as 'outstanding' and, the ship can expect to be targeted for future inspections.

If the ship has been allowed to sail with deficiencies not having been rectified, the Master should take appropriate action to rectify the deficiencies within the agreed timeline. Deficiency rectification reports should be sent back to the inspecting Port State or a regional PSC regime for their record. The rectification of deficiencies will be verified by a Port State Authority of same MoU for formal closure in the PSC report.

Detentions

Annex 2 (Guidelines for the detention of ships) of IMO Resolution A.1052 (27) contains guidance for the PSCO on what deficiencies could lead to detention of a ship. When a PSCO determines that a deficiency will be a threat to the environment or could seriously affect the safety of the ship or its crew then it will, in all likelihood lead to the detention of the ship. A detention order, if issued, would specify the circumstances that would allow the ship to be released from the detention.

Detention of a ship is a serious matter. The Master should liaise with his company ashore and any other interested parties to correct the situation and expedite the vessel's release.

It should be noted that all costs incurred by the Port State to re-inspect the ship may be charged to the ship.

If a ship arrives at a port with any equipment not working, missing or damaged, or with any damage to the ship that may have occurred on the ship's passage to that port, then no detention order should be issued due to such accidental damage, provided that:

- i. a notification has been made to the Flag State Administration, the nominated surveyor or the Recognised Organisation;
- ii. 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 action from the Flag State Administration/Recognised Organisation;
- iii. appropriate remedial action, to the satisfaction of the Port State Authority, is being taken by the ship; and
- iiii. 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.

The Master must ensure that the deficiencies leading to a detention and the actions required to correct them are fully understood.

In extraordinary circumstances, where deficiencies which lead to a detention, cannot be repaired, or rectified in the port of inspection, the Master may request for the ship to sail to another port or appropriate repair yard. Such requests will have to be made with the coordination and cooperation of appropriate regulatory support from the Flag Administration and Class Society.

In preparing such a request, the Master must ensure that the ship can proceed safely to its new destination taking into account the safety of the crew, other ships, or harm to the marine environment etc. As a condition to allow the ship to sail, the Port State may require written confirmation from the Flag State that remedial action has been taken to facilitate the necessary repairs/rectification. If the ship's departure is agreed, the ship must follow the conditions agreed between the ship, Port State Authority and the Flag State.

The authorities at the next Port State Authority will immediately be alerted by the inspecting Port State for appropriate action.

Detention appeals

When a detention order is issued the Master should also be informed by the PSCO of the ship's right of appeal against the order. The Master or company representative has a right of appeal against a detention. It should be noted that an appeal will not lead to the detention being immediately suspended.

The detention procedure for appealing a decision is laid out for each MoU from pages 81-98. Alternatively, the Master or company may use the official national procedure (if provided) to appeal directly with the Port State against the detention order.

It should be noted that some Port States have a shorter timeframe for appealing as compared to the time allowed by the MoU. This means that the Master or company will have to make a decision on whether to make their appeal to the Port State or the MoU. In some circumstances it may be possible to appeal to the Port State first, followed by an appeal to the MoU.

It should be noted that an appeal will normally not result in the detention order being automatically lifted.

General Guide for Masters

As Port State inspections are unannounced, expect that an inspection will be conducted and the ship is prepared. The scheduling of an inspection by Port State Authorities varies depending on the local requirement and target area.

There are various reasons why the ship may not be inspected. For instance:

- i. No PSCO is available.
- ii. Limited PSCO resources at the port.
- iii. The port is not in a location to allow convenient travel for the PSCO, e.g. remote/private terminal.
- iv. The ship's schedule is not within the inspection window, e.g. night time/holidays.
- v. It may be less than six months since the last PSC inspection.
- vi. The ship's risk profile is not within the targeting matrix.

Preparation for a PSC inspection

The following guidance should be a part of a ship's normal work practice, ensuring the ship will always be ready for an inspection.

The Master should always have the correct statutory certificates available for inspection. The Master should ensure that hours of work and rest management procedures and records are implemented and available for inspection, and issues related to the Maritime Labour Convention are appropriately addressed.

A number of organisations such as P&I clubs have issued advice and checklists on Port State Control inspections. Companies should also issue their own procedures and checklists for ships' staff to follow.

Irrespective of the procedures or checklists that are followed, the Master should ensure that checklists are verified by a second person.

If the port or region is covered by an ongoing Concentrated Inspection Campaign (CIC), companies should ensure that the checklist issued by the MoU for that CIC is available on board and that these are properly completed.

It should be kept in mind that the focus areas for certain Port States may be driven by the local community or by geographical and/or political situation with regard to environmental issues. Therefore, you may have to pay particular attention to Low Sulphur regulations or the Polar Code.

The PSC Inspection Process

It should be expected that a PSCO is an experienced officer qualified as a Flag State surveyor and should be able to communicate in English with the crew. In addition, a PSCO should be expected to be carrying an identity card issued by the Port State to identify the authority to carry out the Port State Control inspection.

Ship's staff (the gangway watch), in demonstration of good ship security practices (in accordance with the ISPS Code) should politely ask for and inspect the PSCO's identification and should advise the PSCO of their company's requirements in the event of an emergency and the use of personal protective equipment (PPE). The contents of any bags carried by the PSCO should be declared and the bags inspected by the gangway watch.

The PSCO should then be escorted to the Master. The conduct of the Master and crew must be professional at all times.

The Master should conduct an initial meeting with the PSCO and any other relevant officers and/or members of the crew.

It is during this meeting that the Master should obtain an overview of how the PSCO plans to conduct the inspection, which will help the Master plan and allocate resources for the inspection.

The initial inspection comprises of the verification of the ship's certificates and documentation. This is then followed by a visual inspection of areas critical to the safe operation of the ship to enable the PSCO to form an opinion as to whether the ship is in compliance with those certificates, the overall conditions of the ship, its equipment and crew.

If certification is invalid, or if there are clear grounds to suspect that the ship and/or its equipment or crew may not be in substantial compliance with the relevant Convention requirements, a more detailed inspection is undertaken. Reports of previous Port State inspections and rectification of any deficiencies (if any) should also be readily available for the PSCO.

While the PSCO is checking the ship's documentation and certificates, the Master should arrange for requested items of equipment to be made ready for the inspection and operated if requested.

Other inspections such as ship vetting, audits or Class surveys should be avoided during a PSC inspection. Full attention should be given to the Port State inspection.

During the inspection, the Master should take into account ongoing ship operations; the ship's manning levels and any other issues that may affect the safety of the ship. The Master should also discuss and explain to the PSCO the impact of any ongoing operations that may affect the inspection such as testing of the emergency equipment.

Based on nature of the ship and ongoing operations, certain testing and drills may not be possible, e.g. testing of Emergency Shut Down systems. This has to be made clear to the PSCO during the opening meeting. The Master has the right to intervene if the inspection has an adverse effect on the safety of the crew or on the safe operation of the ship.

During the opening meeting the Master may be asked to confirm if the ship has all its equipment in working order and whether there are any known defects. If the Master confirms that all equipment is in good working order and that the ship is seaworthy, any deficiency identified which has not been previously advised to the PSCO will be reported as a deficiency with its appropriate code.

It should be noted that it is not a requirement to have all shipboard personnel on board to facilitate a PSC inspection. The Maritime Labour Convention (MLC) 2006 Regulation 2.4.2 states that '*Seafarers shall be granted shore leave to benefit their health and well-being and with the operational requirements of their positions*'. Therefore, crew shore leave should be planned to ensure that there are sufficient personnel on board to facilitate the safe operation of the ship as well as the inspection.

During the visual inspection of the ship, the PSCO should be escorted by a responsible officer at all times. The officer should be fully familiar with the ship and have the necessary keys to access spaces that may be restricted. It is recommended to have an additional crewmember assigned to assist in the smooth flow of the visual inspection. The PSCO should be advised to clarify with the officer any queries that could lead to potential deficiencies. If the escorting officer is in doubt then they should clarify any doubts with the Master.

The PSCOs are expected to use their professional judgement in conducting the inspection, determining both the extent of inspection and the actions required in response to any identified deficiencies. Any irregularities found during the inspection must be clarified immediately with the ship's staff and if it is possible, the deficiency should be corrected immediately.

Concluding an Inspection

A closing meeting must always be conducted following the completion of the inspection. This should be agreed with the PSCO at the opening meeting.

The Master should discuss any findings and potential deficiencies with the PSCO and should clarify any ambiguities which may arise before finalising the inspection report.

The PSCO should be offered time and allowed space to write the report. It is suggested that wherever possible, both the opening and closing meetings should be held on the Bridge.

The report consists of:

- i. 'Form A' to indicate that an inspection has been carried out; and,
- ii. 'Form B' if there are deficiencies noted.

The Master should discuss the report with the PSCO and the officers/crew that escorted the PSCO and ensure that there are no discrepancies between the report and the feedback from the ship's officers. It is imperative that the Master understands fully any deficiencies that may have been noted.

If any of the deficiencies can be rectified before the closing meeting is over then this should be done and demonstrated to the PSCO so that these deficiencies can either be removed from the inspection report or noted as being rectified.

The Master should ask for the details of the PSC office as it may be necessary to recall the inspector to verify rectification of deficiencies before the ship departs.

The PSCO must be escorted to the disembarkation point.

In the event that there is a disagreement with regard to any noted deficiencies that cannot be resolved, the Master should at all times be professional and deal with such disagreements calmly and patiently. If agreed with the PSCO, the Master may insert his remarks before signing the report.

Most of the MoUs maintain a detention review panel. Therefore if a Master and/or company is of the opinion that the detention or observation is not justified then these can be appealed. Please refer to pages 81-98 for the procedures of the detention review boards for different MoUs.

Masters of ships owned or managed by an INTERTANKO Member are encouraged to submit the INTERTANKO PSC Inspection Feedback Form (PSCIFF). Please refer to page 384 for further information on PSCIFF.

A Guide for Masters – US Coast Guard Visits

During a visit by US Coast Guard boarding teams it is essential that the conduct of the Master and the crew be professional. The following rules will assist in making a good impression on the US Coast Guard and in facilitation of their visit.

- Ensure the inspection team is met at embarkation and escorted to the Master's office.
- The Master shall present himself as such, treating the Coast Guard like the important official visitors which they are. The Master, however, does not relinquish his role and should not appear to do so.
- Require an opening meeting – even if not offered. Ensure a suitable business-like atmosphere.
- Standards of dress shall be high.
- Properly introduce key officers/personnel and ask for the same courtesy in return. Ensure that the lead in the official party is identified. All key staff should be present unless duty requires otherwise, in which case this should be explained.
- The inspection procedure contemplated by the Coast Guard should be explained. If not, ask for an explanation.
- Identify the ship's officers who will assist in key elements of the inspection. Identify their Coast Guard counterpart.
- Request notification of irregularities ASAP – in order to affect corrections 'on the spot'.
- Never intentionally misrepresent a condition to the Coast Guard.
- Insist on a closing meeting/conference.
- Listen to what the senior boarding officer says.
- Compare it with what the officers write in the report – ask for corrections if necessary.
- Ensure by direct question – "we see nothing here suggesting an intervention?".
- Never offer the boarding party any improper gifts, either during or after the inspection. Invitations to join the officers at meals is perfectly acceptable (at which liquor of any kind is prohibited). Company logos, baseball caps, pins, etc are not considered improper gifts but should not be extended until the inspection is concluded.
- Ensure that the boarding team is escorted up to the disembarkation point when leaving the ship.



The ship must have a copy of the Certificate of Financial Responsibility (COFR), to evidence insurance of the liability of the Owner arising under the Oil Pollution Act of 1990 (OPA 90), and of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (Refer 33 CFR 138).

Ships that are constructed to carry, or that carry, oil in bulk as cargo or cargo residue must have an approved Vessel Response Plan (VRP).

Ships must report the dates of issuance for their company's Document of Compliance (DOC) and the ship's Safety Management Certificate (SMC), and the name of the Flag or Recognised Organisation that issued the ISM Certificates. For every notice of arrival for the US, ships that are not in compliance with the ISM Code will be denied entry into US waters and ships found in US ports in non-compliance will be ordered out of US waters.

Certificate of Compliance Inspections

A Certificate of Compliance is issued by the USCG to a foreign-Flag tanker vessel after it is examined and found to comply with regulations in Title 46 CFR Chapter I. This is required annually prior entry to US ports.

As first impressions count, the following guidelines will help in making a good first impression on the Coast Guard and in the facilitation of their visit.

Certificate of Compliance (COC) examinations, if requested, should be scheduled at least two to three weeks in advance of the requested date and the ship should be kept available for inspection between 0900 to 1600hrs.

The pumproom must be certified as being gas-free and safe for entry by a marine chemist. This will have to be done before the COC exam can commence. Usually no cargo or bunker operation will take place until the attending inspector feels that the COC inspection has progressed to a point where cargo and/or bunker operations will not interfere with the ongoing inspection. However, inspections may be carried out during cargo operations on a case-by-case basis.

Tankers must provide the following documentation for inspection:

- Voyage contract to lighter in US
- Proof of user fee payment
- Vessel Particulars (Specification)
- International Oil Pollution Prevention Certificate (IOPP) and its Form B Supplement
- Safety Management Certificate (SMC) & Document of Compliance (DOC)
- Vapour Collection System (VCS) certificate
- Copy of current or expired COC (if not initial visit to the US)
- Approved Vessel Response Plan

Chemical Tankers must have a Certificate of Fitness (COF) and/or International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk Noxious Liquid Substances (NLS) Certificate.

Gas Carriers must include the International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances (NLS), if applicable and a completed copy of USCG 'Subchapter O' endorsement.

During the COC inspection, any deficiency found will be recorded in the PSC Report of Inspection 'Form B' and entered in the USCG and EQUASIS database.

Therefore it is best to prepare for the annual COC inspection as similar with other PSC inspection despite the ship not being within the six-month window period or categorised as target ship.

The ship will also be subjected to fire and abandon ship drills as well as an ISPS inspection.

QUALSHIP 21 and E-Zero designation

The E-Zero programme is a new addition to the existing QUALSHIP 21 programme, and the intent of this program is to recognise those exemplary ships that have consistently adhered to environmental compliance, while also demonstrating a robust commitment to environmental stewardship. These ships will receive the E-Zero designation on their QUALSHIP 21 certificate. It should be noted that the E-Zero designation can only apply to ships enrolled in the QUALSHIP21 programme

The USCG offer this program to reward those companies, operators, and ships that demonstrate the highest commitment to quality and safety through the highest level of compliance with international standards and United States law and regulation.

Those ships that are enrolled in the QUALSHIP 21 programme may also seek the E-Zero designation if they meet certain requirements.

Ships that comply with the requirements will receive a special recognition denoted on the QUALSHIP 21 Certificate. The QUALSHIP 21 ships will still be inspected annually, however the scope of the exam will be reduced.

Ships with an E-Zero designation will be permitted to conduct cargo operations within six months of both the COC annual examination due date and the COC expiration date.

The officer in-charge of the inspection (OCMI), at a minimum, will verify cargo-specific statutory documents (e.g., IOPP, International Certificate of Fitness) and confirm all cargo systems are operational with the Master prior to allowing cargo operations. Tank vessels will still undergo a full COC renewal examination prior to the issuance of the COC and the vessel's departure from the Captain of the Port Zone.

Guidance for Companies

General

The company may include procedures in their Safety Management Systems (SMS) for the handling of Port State inspections. This procedure should address the general scope and provide guidance and/or checklists on specific aspects of PSC inspections to the ship as an aid in the preparation for PSC inspections.

In addition to ensuring that all the ship trading certificates are in order and valid, the company should ensure that all shipboard personnel have their own required certificates before they join the ship for their tour of duty.

The SMS should provide clear guidance to enable the shipboard personnel to conduct all ship operations safely; there should be procedures and guidance on ensuring that all testing and maintenance of equipment and drills are carried out as required; and procedures and responsibilities to ensure the timely tracking and follow-up on all defects/or deficiencies.

Information related to Port State CIC campaigns should be sent to the ship. The information should include CIC checklists, alerts, PSC statistics, downloadable PSC videos and specific details on the most frequent deficiency areas.

The company should keep its ships updated with any Flag State requirements and any specific requirement or instruction for preparation and notification prior calling to any specific ports or locations, informing the ship as needed. Some Flag States have instigated programmes to assist owners in reducing the probability of detentions. For example, the Liberian Registry has the Advance Notice of Arrival (ANOA) programme to assist owners and operators ensure regulatory compliance and prevent detentions by Port State Control authorities. Further information on this can be found in the Liberian Maritime Authority Marine Advisory: 01/2017.

The Flag State, upon receipt of the Advanced Notice of Arrival (ANOA), will conduct an analysis of the ship and its company history to ensure regulatory compliance and prevent detentions by Port State Control.

It is therefore advisable to declare all defects of equipment and any associated corrective action taken, dispensation received from the Flag State or attendance by Recognised Organisations to the Port State before arrival.

In case there is disagreement concerning any deficiencies raised, the Master must inform the company immediately and support his disagreement with relevant documentation (e.g. reports, documents and/or photographs). The company should then consider making a formal appeal with the local PSC Authorities as per their prescribed procedures or consider engaging in the review process through the appropriate MoU. As far as possible the ship's Flag State or Recognised Organisations should be engaged to support the appeal with the provision of relevant documentary evidence.

All PSC inspection cases are unique and the need for proper coordination in dealing with authorities is always important. First impressions are very important.

The company and the Master should make full use of local support from the agent particularly with regard to local regulations and policies as well as with advice on any local customs.

Facilitation payments

INTERTANKO has long been concerned about bribery and facilitation payments including requests made by PSCOs. Member reports filed in INTERTANKO's Port State Control Inspection Feedback system have indicated actual incidents where, for example, the PSCO has proposed the issuance of an improved report in return for

payment; anecdotal evidence also supports the view that requests for facilitation are being made by PSCOs globally.

Bribery is universally illegal. Facilitation payments are also, in general, unlawful in almost all jurisdictions. The distinction between facilitation and bribery is often blurred. In basic terms:

- A facilitation payment is essentially a payment (money, goods or other things of values) made to a public or government official to speed up a routine administrative service or action where the outcome is already pre-determined.
- A payment made to an official to change an outcome is considered to be a bribe.

There exist some very minor and rare cases where low-level facilitation is permitted as a matter of law. For example: under the US Foreign Corrupt Practices Act there is a narrowly construed exemption for 'grease payments' made to a low level official but only if he lacks any discretion in what he is doing, e.g. issuing a permit or visa. This is unlikely to apply to any Port State Control issues. The trend in both legislation and in company compliance/ethics programmes is zero tolerance to any request for payment to achieve any result, no matter how minor. In addition to this, the UK Bribery Act 2010 which has been in force since July 2011 endeavours to bring about a culture shift even in places where facilitation payments (or 'grease' payments) are customary or commonplace.

The UK Bribery Act 2010 legislates for zero tolerance to facilitation, however small and however low-level the official requesting the payment. It thereby provides the 'gold standard' as the toughest legislation to date. All facilitation payments will be bribes under English law. The Act is coupled with an expectation by the authorities that companies will take a hard line in challenging facilitation payments. The Act has wide extra-territorial reach beyond the UK, so may encompass requests are made by foreign public officials. It affects a broad range of the INTERTANKO Membership.

From a chartering perspective, Owners are also faced with 'no corruption' type clauses in their charterparties. These provide that Owners must warrant that no bribes/facilitation will be paid during the performance of the charter. This is designed to meet strict company compliance/ethics policies on anti-corruption. These clauses can include a provision that Owners will indemnify Charterers from all consequences if any such payments are made. There are often far reaching consequences for any breach of these clauses including termination of the fixture. INTERTANKO has provided assistance to Members on the chartering aspects of facilitation including a model INTERTANKO Bribery Act 2010 Clause to address the difficulties faced both by Owners and Masters when presented with the dilemma of paying the bribe or risking, for example, a delay or being turned away from the port. This can be found at www.INTERTANKO.com

Owners are therefore advised to adopt a 'zero tolerance' to any requests for payment to achieve any result.

Our Port State Control Inspection Feedback system (PSCIFF) is focussed on Port State inspections and gives Members an opportunity to report on their experiences with PSC inspections. Questionnaires are submitted to us by individual ships on a confidential basis. Questions are based on the code of conduct for PSCOs as issued by the IMO and include, for example, whether inspectors have offered to issue a good/unwarranted report in return for a bribe and/or where they behave in an unethical way. We encourage Members to report all requests for facilitation either via the Port State Control Feedback system, in confidence to INTERTANKO's General Counsel or to your usual INTERTANKO contact (on a 'no names' basis if preferred). In that way INTERTANKO can monitor the prevalence of facilitation requests and can follow up on individual cases appropriately.



Port State Control and Regional MoUs

Port State Control – Abuja MoU

The Memorandum of Understanding on Port State Control for West and Central African Region generally referred to as Abuja MoU is one of the 9 Regional MoUs and 1 national MoU established pursuant to IMO Resolution A.682 (17) of 1991. The organisation operates under a Cooperative Agreement with the IMO. Abuja MoU was established on 22nd October 1999 as an inter-governmental organisation comprising of the Maritime Administrations of countries abutting the Atlantic coast of Africa.

Abuja MoU's main work is to develop a system of harmonised Port State Control procedure and practices of all the countries in the region aimed at eliminating the operation of substandard shipping within the region thereby ensuring maritime safety, security, protection of our marine environment from pollution and improving the working and living conditions of ship crew, and to facilitate regional cooperation and exchange of information among member States.

Inspection Procedures, Rectification and Detention

Targeting Matrix

In targeting ships for inspection the following are considered:

- i. Ships visiting a Port of a State the Authority of which is a signatory to the Memorandum for the first time or after an absence of 12 months or more;
- ii. Ships which have been permitted to leave the Port of a State, the Authority of which is a signatory to the Memorandum, on the condition that the deficiencies noted must be rectified within a specified period, upon expiry of such period;
- iii. Ships which have been reported by pilots or Port Authorities as having deficiencies which may prejudice their safe navigation;
- iv. Ships whose statutory certificates on the ship's construction and equipment, have not been issued in accordance with the relevant instruments;
- v. Ships carrying dangerous or polluting goods, which have failed to report all relevant information concerning the ship's particulars, the ship's movements and concerning the dangerous or polluting goods being carried to the competent authority of the port and coastal state;
- vi. Ships, which have been suspended from their Class for safety reasons in the course of the preceding six months.

Vessel Age Limitations

Abuja MoU has no age limitations for vessels. An expanded inspection will be conducted based on a Ship Risk Profile matrix for vessels more than 12 years.

Overriding Priority for Inspection

Overriding Factors listed below are considered sufficiently serious to trigger an additional inspection at Priority I:

- i. Ships reported by another Member State excluding unexpected factors;
- ii. Ships involved in a collision, grounding or stranding on their way to port;
- iii. Ships accused of an alleged violation of the provisions on discharge of harmful substances or effluents;
- iv. Ships which have been manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigational practices and procedures have not been followed;

- v. Ships which have been suspended or
- vi. Ships which cannot be identified in the database.

Unexpected factors could indicate a serious threat to the safety of the ship and the crew or the environment, but the need to undertake an additional inspection is for the professional judgement of the Authority. The ship is eligible for inspection in subsequent ports as Priority II.

These factors include:

- i. Ships reported by pilots or relevant authorities which may include information from Vessel Traffic Services about ships' navigation;
- ii. Ships which did not comply with the reporting obligations;
- iii. Ships reported with outstanding deficiencies (except those with code 16 (within fourteen days) and code 17 (before departure));
- iv. Previously detained ships (3 months after the detention);
- v. Ships reported by the Master, crew member or any person or organisation with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution;
- vi. Ships operated in a manner to pose a danger;
- vii. Ships reported with problems concerning their cargo, in particular noxious or dangerous cargo;
- viii. Ships where information from a reliable source became known, that their risk parameters differ from the recorded ones and the risk level is thereby increased;
- ix. Ships carrying certificates issued by a formerly Abuja MoU recognised organisation whose recognition has been withdrawn since the last inspection in the Abuja MoU region.

Code of Conduct for Inspectors

The Code of Conduct for Inspectors is outlined on pages 79-80.

Details of Forthcoming Focused Inspection Campaigns

There was no information at the time of printing on CICs.

Detention Review Procedures or Legal Appeal Processes

The detention review procedure for Abuja MoU is outlined on page 82.

Contact details

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Port State Control – Black Sea MoU

Due to the role of shipping in region's trade, the sensitivity of the Black Sea basin and its coastline to environmental damage, the Governments of Black Sea States in the "Strategic Action Plan for the Rehabilitation and Protection of the Black Sea (adopted at the Ministerial Conference held in Istanbul, 30-31 October, 1996) decided to launch a harmonised system of Port State Control through the adoption of a Memorandum of Understanding on Port State Control.

The Memorandum of Understanding on Port State Control in the Black Sea Region (BS MoU) was completed and signed in Istanbul, Turkey on 7 April 2000 by representatives of the Maritime Authorities of Bulgaria, Georgia, Romania, the Russian Federation, Turkey and Ukraine.

On December 19, 2000 the Memorandum entered into force in the Black Sea region for three maritime States accepted the BS MoU. By December 12, 2002 the BS MoU entered into effect for all maritime States in the Black Sea, namely: Bulgaria, Georgia, Romania, the Russian Federation, Turkey and Ukraine.

The Port State Control Committee established under the Memorandum monitors and controls implementation and on-going operation of the Memorandum. The Committee consists of representatives of the maritime Authorities of the six member States and observers representatives from the International Maritime Organization (IMO), the International Labour Organization (ILO). The Committee granted observer status to the USCG, Paris MoU, MED MoU, West and Central Africa MoU, Riyadh MoU, the State Maritime Administration of the Republic of Azerbaijan and Commission on the Protection of the Black Sea Against Pollution.

To coordinate daily activity of the organisation, on the kind proposal by the Maritime Administration of Turkey, the MoU Authorities decided to establish Headquarters and the Secretariat in Istanbul. Headquarter Agreement concluded with the Republic of Turkey and ratified by the Grand National Assembly of Turkey.

The Russian Federation has developed and launched the Black Sea Information System (BSIS), PSC computerised information system for the BS MoU, basing on the technique used for the Asia Pacific Computerised Information System (APCIS), PSC information system for the Tokyo MoU, which was also developed by the Russia Federation. The BSIS provides necessary tools to assist PSC Officers to conduct inspections. PSC Officers use a comprehensive database which contains data received from a variety of sources on a large number of vessels. This information includes the general particulars of a vessel, and its PSC inspection history.

The BS MoU currently has six members, some with dual or even triple membership: Bulgaria, Romania and the Russian Federation with the Paris MoU, while the Russian Federation is also a member of the Tokyo MoU. With Turkey there is a further tie with the MED MoU.

The Organisation pays great attention to the global harmonisation of the Port State Control procedures. Thus, the BS MoU is accepted as an observer to several regional PSC agreements, that is, Paris MoU, Tokyo MoU, Mediterranean MoU, Viña Del Mar Agreement, and the Indian Ocean MoU.

PSC inspections are conducted to the highest level of harmonisation with the leading MoUs in general and the Paris MoU in particular, to ensure that foreign ships visiting the Black Sea ports are seaworthy, do not pose a pollution risk, provide a healthy and safe environment and comply with relevant international regulations and are within the scope of the member Authorities' national governing laws and regulations.

In order to further strengthen co-operation with IMO, an agreement for co-operation was concluded with IMO, as an Intergovernmental Organisation, which allows the BS MoU (and other MoUs) to submit papers

and attend IMO meetings in its own right. The BS MoU is represented at the IMO's "Implementation of IMO Instruments" (III) sub-committee meetings where it submits its reports.

In spite of the fact that the BS MoU was just an observer to the second Joint Ministerial Conference of the Paris and Tokyo MoUs, it was agreed to implement the provisions of the Ministerial Declaration in the Black Sea region as much as possible and to co-operate with both the Paris and Tokyo MoUs in that implementation.

To provide industry with the MoU news, procedures and inspection results the BS MoU launched the internet web-site containing general information on MoU, regularly updated detention list.

Inspection Procedures, Rectification And Detention

The BS MoU introduced a New Inspection Regime for selection of ships from 1st January 2016, to harmonise further its existing risk based targeting and inspection system, which was launched into operation in 2007, with the leading memoranda, namely Paris MoU and Tokyo MoU, to the highest level.

The BS MoU New Inspection Regime, BS-IR (2016), consists of combination of Ship Risk Profile and Time Windows for clear indication of the order of priority in selection of ships for inspections. Black Sea Information System (BSIS) calculates and displays outputs of the ship risk profile, time window and ship priority inspections records of member authorities stored in the BSIS for members use at the time of selection of ships for inspections and made available at the MoU website at ship search data base.

Ship Risk Profile

Under the BS MoU New Inspection Regime, BS-IR (2016), existing targeting factor matrix has been replaced by the Ship Risk Profile as set out in the Annex 4 of the BS Sea MoU text. The Ship Risk Profile groups ships into High Risk Ship (HRS), Standard Risk Ship (SRS) and Low Risk Ship (LRS) which are determined in real time utilising PSC inspection and ship historical data over a 36-month moving time window.

Annexes to the Memorandum of Understanding on Port State Control in the Black Sea Region

Annex 4 – Ship Risk Profile

1. All ships in the information system of BSIS will be assigned either as high, standard or low risk based on generic and historic parameters.
2. High Risk Ships (HRS) are ships which meet criteria to a total value of five or more weighting points.
3. Low Risk Ships (LRS) are ships which meet all the criteria of the LRS parameters and have had at least one inspection in the previous 36 months.
4. Standard Risk Ships (SRS) are ships which are neither LRS nor HRS.

Parameter		Profile			
		High Risk Ship (HRS) When sum of the weighting points ≥5		Standard Risk Ship (SRS)	Low Risk ship (LRS)
		Criteria	Weighting Points	Criteria	Criteria
Type of Ship		Chemical tanker Gas Carrier Oil tanker Bulk carrier Passenger ship Ro-Ro cargo ship	1		-
Age of Ship		All type	>12 ≤ 25 y	1	-
Flag	Detention Index¹	High		1	-
		Very High		2	-
	Deficiency Index²	-	-	-	Low
		IMO-Audit³	-	-	Yes
		RO of BS MOU⁴	-	-	Yes
Recognized Organization		RO related Detention Index⁵	High	1	-
		RO related Detainable deficiency Index⁶	-	-	Low
Company		Detention Index⁷	High	2	-
		Deficiency Index⁸	-	-	Low
Ship Historic Parameters	Detentions	Number of detentions within previous 36 months	2 detentions	1	No detention
			3 or more detentions	2	
	Deficiencies	Deficiency Index⁹	Very High	1	Low

Neither LRS nor HRS

¹ According to section 3.1 of this annex

² According to section 3.2 of this annex

³ According to section 3.3 of this annex

⁴ According to section 3.4 of this annex

⁵ According to section 3.5 of this annex

⁶ According to section 3.6 of this annex

⁷ According to section 3.7 of this annex

⁸ According to section 3.8 of this annex

⁹ According to section 3.9 of this annex

Including 10th amendment, adopted 22 April 2015 (Effective date: 1 January 2016)

Inspections and Selection Scheme

Based on Ship Risk Profile, the selection scheme determines the scope, frequency and priority of inspections.

Periodic inspections are carried out at intervals determined by the ship risk profile.

Overriding or unexpected factors presented in the below might trigger an inspection in between periodic inspections. This category of inspections is referred to as an Additional Inspection.

Ships become due for periodic inspection in the following time windows:

- For HRS: between 2-4 months after the last inspection in the BS MoU region;
- For SRS: between 5-8 months after the last inspection in the BS MoU region;
- For LRS: between 9-18 months after the last inspection in the BS MoU region;

Since periodic inspection and additional inspections count equally, the timespan for the next periodic inspection re-starts after an additional inspection.

Selection for inspection is based upon ship priorities. Ships are assigned the following priorities in the BSIS:

- **Priority I:** ships must be inspected, for which time window has been closed or there is an overriding factor.
- **Priority II:** ships may be inspected, which is within time window or there is an unexpected factor.
- **No Priority:** Before the window opens for any risk profile and there are no overriding or unexpected factor is logged, the ship has no priority status and member States are not obliged to perform an inspection on such a ship – but if deemed appropriate may still select for inspection to do so.

Periodic Inspections and additional inspections count equally. Therefore the timespan for the next periodic inspection re-starts after an additional inspection.

Overriding Factors

The overriding factors listed below are considered sufficiently serious to trigger an additional inspection at Priority I:

- Ships reported by another Member State or the secretariat excluding unexpected factors,
- Ships involved in a collision, grounding or stranding on their way to port,
- Ships accused of an alleged violation of the provisions on discharge of harmful substances or effluents,
- Ships which have been manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigational practices and procedures have not been followed,
- Ships refused to access into the Paris MoU ports, and
- Ships on the BS MoU Monthly Ship Watch List.

Unexpected Factors

Unexpected factors could indicate a serious threat to the safety of the ship and the crew or to the environment but the need to undertake an additional inspection is for the professional judgement of the Authority. These factors include:

- Ships reported by pilots or relevant authorities which may include information from Vessel Traffic Services about ships' navigation,
- Ships reported with outstanding deficiencies (except those with code 16 (within fourteen days) and code 17 (before departure))
- Previously detained ships (3 months after the detention),
- Ships which have been the subject of a report or complaint by the master, a seafarer, or any person or organisation with a legitimate interest in the safe operation of the ship, ship on-board living and working conditions or the prevention of pollution, unless the Member State concerned deems the report or complaint to be manifestly unfounded,
- Ships operated in a manner to pose a danger,
- Ships reported with problems concerning their cargo, in particular noxious or dangerous cargo,
- Ships where information from a reliable source became known, that their risk parameters differ from the recorded ones the risk level is thereby increased,
- Ships carrying certificates issued by a formerly BS MoU Recognised Organisation whose recognition has been withdrawn since the last inspection in the BS MoU region.

Code of Conduct for Inspectors

The Code of Conduct for Inspectors is outlined on page 79-80.

Concentrated Inspection Campaigns

2017 CIC – The topic of the Concentrated Inspection Campaign (CIC) for 2017 will be Safety of Navigation including ECDIS, which will be conducted jointly with the Paris and Tokyo MoU during September-November.

2018 CIC – A joint CIC with the Paris and Tokyo MoU on MARPOL Annex VI has been planned for 2018.

Detention Review Board Procedures

The detention review procedure for Black Sea MoU is outlined on page 85.

Contact details

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Port State Control – Caribbean MoU

The Memorandum of Understanding on Port State Control in the Caribbean Region was signed in Christ Church, Barbados on February 9, 1996 by nine States. The Membership has since increased to fifteen States: Antigua and Barbuda, Aruba, The Bahamas, Barbados, Belize, The Cayman Islands, Cuba, Curaçao, Grenada, Guyana, Jamaica, The Netherlands, St. Christopher and Nevis, Suriname, Trinidad and Tobago. France is the sole Associate Member.

Observer States: Anguilla, Bermuda, The British Virgin Islands, Dominica, Haiti, St. Lucia, St. Vincent and the Grenadines, Sint Maarten, Turks and Caicos Islands.

Caribbean Port State Control Committee

The executive body of the CMOU is the Caribbean Port State Control Committee or the CPSCC. It is comprised of representatives of all of the Member States and is headed by a Chairman and a Vice Chairman.

CMOU Secretariat

The Secretariat is the planning and administrative arm of the CMOU. The Secretariat is staffed by a Secretary, an Administrative Assistant, a Database Manager located in Paramaribo, Suriname and a part-time Accountant. The Secretariat reports to the Committee via the Chairman.

The main objective of the Secretariat is to conduct the day-to-day administrative activities of the CMOU. It provides a liaison point and so facilitates the exchange of information among the Members, Observers, the IMO and other PSC regimes and affiliated organisations. It is responsible for the organisation of all meetings and workshops/seminars of the CMOU and the Secretary is mandated to represent the CMOU at various meetings throughout the year.

Inspection Procedures, Rectification and Detention

The Member States are committed to inspecting 15% of international ships calling at their ports. Additionally, the nature of the region is such that there are many non-convention sized vessels in operation for which was developed the Caribbean Cargo Ship Safety (CCSS) Code and the Code for Safety of Small Commercial Vessels (SCV).

Code of Conduct for Inspectors

The Code of Conduct for Inspectors is outlined on page 79-80.

Details of Forthcoming Focused Inspection Campaigns

There was no information at the time of printing on CICs.

Contact Details

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Port State Control – Indian Ocean MoU

The IOMOU Secretariat is based in Goa in India. The secretariat is governed by and accountable to the Committee of the IOMOU on Port State Control. It services the Committee meetings and assists the Committee in its activities. The ultimate goal is to identify and eliminate substandard ships from the region.

The IOMOU was put in place in order to create a harmonised system of ship inspection aimed at eliminating the operation of sub-standard foreign Flag merchant ships visiting the Indian Ocean region. Annually, over 6,000 inspections are conducted on board foreign ships in the IOMOU ports.

A total of 6,010 inspections were carried out in 2016 ensuring that these ships meet international safety, security and environmental standards, and that crew members have adequate living and working conditions.

Inspection Procedures, Rectification and Detention

The authorities will carry out inspections which will consist of at least a visit on board a ship in order to check the validity of the certificates and documents and furthermore satisfy themselves that the crew and the overall condition of the ship, its equipment, machinery spaces and accommodation and hygienic condition on board, meet the provisions of the relevant instruments.

Whenever there are clear grounds for believing that the condition of a ship or its equipment or crew does not substantially meet the requirements of a relevant instrument a more detailed inspection shall be carried out, including further checking of compliance with on-board operational requirements.

For the purpose of control, specific "Clear Grounds" for more detailed inspection include those as prescribed in section 2.4 of IMO Resolution A. 1052 (27), standard A.5.2.1 of MLC 2006 and Annex 3 of the Memorandum.

In selecting ships for inspection, the Authorities shall give priority to the following ships:

- i. Ships visiting a Port of a State, the authority of which is a signatory to the Memorandum, for the first time or after an absence of 12 months or more;
- ii. Ships which have been permitted to leave the Port of a State, the Authority of which is a signatory to the Memorandum, on the condition that the deficiencies noted must be rectified within a specified period, upon expiry of such period;
- iii. Ships which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation;
- iv. Ships whose statutory certificates on the ship's construction and equipment, have not been issued in accordance with the relevant instruments;
- v. Ships carrying dangerous or polluting goods, which have failed to report all relevant information concerning the ship's particulars, the ship's movements and concerning the dangerous or polluting goods being carried to the competent authority of the port and coastal State;
- vi. Ships which have been suspended from their Class for safety reasons in the course of the preceding six months.

The authorities will seek to avoid inspecting ships, which have been inspected within the previous six months by other Authorities unless there are clear grounds for inspection.

Targeting Matrix

Presently the Indian Ocean MoU is following the Ship targeting system to identify the substandard ships. However the IOMOU Committee is in the process of implementation of a New Inspection Regime.

Vessel Age Limitation

IOMOU has no age limitation for vessels.

Code of Conduct for Inspectors

The Code of Conduct for Inspectors is outlined on page 79-80.

Concentrated Inspection Campaigns

2017: 01 Sept – 30 Nov Campaign on Safety of Navigation incl. ECDIS

Detention Review Procedures or Legal Appeal Processes

The detention review procedure for Indian Ocean MoU is outlined on page 88.

Contact details

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Port State Control – Mediterranean MoU

Within the international effort to increase the Maritime Safety and the prevention of pollution and within the activities of the Euro-Med conference that was held in Barcelona on 28 November 1995, it was declared the birth of cooperation project financed by the E.C. under the umbrella of the IMO and ILO. This declaration was developed according to STCW 95 and the international community interest in activating the role of Port State Control to a proposed agreement for southern and eastern Mediterranean countries for a Port State Control System.

Inspection Procedures, Rectification and Detention

Main Criteria for Detention

In exercising the professional judgment as to whether or not a ship should be detained the PSCO will apply the following criteria:

Timing: ships which are unsafe to proceed to sea will be detained upon the first inspection irrespective of the time the ship will stay in port;

Criterion: the ship will be detained if the deficiencies on a ship are sufficiently serious to merit a PSCO returning to the ship to satisfy himself that they have been rectified before the ship sails. The need for the PSCO to return to the ship classifies the seriousness of the deficiencies. However, it does not impose such an obligation for every case. It implies that the Authority will verify, one way or other, preferably by a further visit, that the deficiencies have been rectified before departure.

Application of main criteria

In deciding whether the deficiencies found in a ship are sufficiently serious to merit detention the PSCO will assess whether:

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

During inspection the PSCO will further assess whether the ship and/or crew is able to:

1. navigate safely throughout the forthcoming voyage;
2. safely handle, carry and monitor the condition of the cargo throughout the forthcoming voyage;
3. operate the engine room safely throughout the forthcoming voyage;
4. maintain proper propulsion and steering throughout the forthcoming voyage;
5. fight fires effectively in any part of the ship if necessary during the forthcoming voyage;
6. abandon ship speedily and safely and effect rescue if necessary during the forthcoming voyage;
7. prevent pollution of the environment throughout the forthcoming voyage;
8. maintain adequate stability throughout the forthcoming voyage;
9. maintain adequate watertight integrity throughout the forthcoming voyage;
10. communicate in distress situations if necessary during the forthcoming voyage;
11. provide safe and healthy conditions on board throughout the forthcoming voyage;
12. Provide the maximum of information in case of accident (as provided by the voyage data recorder).

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.

Vessel Age Limitation

There is no age limitation. Vessels greater than 10 years are assigned weighing points for their targeting factors.

Targeting Matrix

CRITERIA	TARGET FACTOR
Ship Age	0 - 5 years: 0 point 6 - 10 years: 5 points 11-15 years: 10 points 16 - 20 years: 10 + 1 point for each year exceeding 15 years >20 years: 15 + 2 points for each year exceeding 20 years
Ship Type	4 points for ships with type codes 13, 30, 40, 55, 60, 61, 70, 71 and of 15 years of age and over 0 points for all others
Ship Flag - Excess of average detention, based upon 3 year rolling average figure	+1 point for each percentage point in excess (decimal number rounded up)
Deficiencies	0.6 points for each deficiency found in last 4 initial inspections or follow up with new deficiency (decimal number rounded up)
Detentions	Depending on number of detentions in last 4 inspections: 1 detention - 15 points 2 detentions - 30 points 3 detentions - 60 points 4 detentions - 100 points
Classification Society - non IACS	0 points
Outstanding Deficiencies (A deficiency recorded in the MedSIS in the last inspection and not marked as rectified (Code10))	2 points for each outstanding deficiency
Time since last inspection: 6 - 12 months 12 - 24 months Over 24 months or never inspected in Med MoU region (including new ships)	3 points 6 points 50 points
Calculation Method	The target factor is the sum of the TFV Values Calculated daily
Priority Level Target Factor 101 - 41 - 100 11 - 40 0 - 10	Priority 1 (very high) Priority 2 (high) Priority 3 (medium) Priority 4 (low)

Concentrated Inspection Campaigns

2017 – Safety of Navigation, including Electronic Chart Display Information System (ECDIS)

Detention Review Procedures or Legal Appeal Processes

The detention review procedures are outlined on page 90.

Contact Details

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Port State Control – Paris MoU

The organisation consists of 27 participating maritime Administrations and covers the waters of the European coastal States and the North Atlantic basin from North America to Europe.

The mission is to eliminate the operation of sub-standard ships through a harmonised system of Port State control.

Annually approximately 18,000 inspections take place on board foreign ships in the Paris MoU ports, ensuring that these ships meet international safety, security and environmental standards, and that crew members have adequate living and working conditions.

The MoU follows the basic principle that the prime responsibility for compliance with the requirements laid down in the international maritime conventions lies with the shipowner/operator. Responsibility for ensuring such compliance remains with the Flag State.

The executive body of the Paris MoU is the Port State Control Committee. It is composed of the representatives of the twenty-seven participating maritime authorities and the European Commission. The Port State Control Committee meets once a year, or at shorter intervals if necessary.

Representatives of the International Maritime Organization (IMO) and the International Labour Organization (ILO) participate as observers in the meetings of the Port State Control Committee, as well as representatives of co-operating Maritime Authorities, if applicable, and other regional agreements on Port State Control. The Committee deals with matters of policy, finance and administration and is assisted by technical bodies established within the organisation.

The MoU Advisory Board (MAB) assists the Port State Control Committee in focusing on key issues, and in particular, directs the Secretariat or the Paris MoU between Port State Control Committee meetings.

Inspection Procedures, Rectification And Detention**Ship Risk Profile**

Each ship in the information system will be attributed a ship risk profile (SRP), in accordance with Annex 7 of the memorandum (text copied below). This SRP will determine the ships priority for inspection, the interval between its inspections and the scope of the inspection.

Ships are assigned high, standard or low risk. This is based on generic and historic parameters. Table 1 of Annex 7 of the Memorandum shows the criteria within each parameter for each ship risk profile.

A ship's risk profile is recalculated daily taking into account changes in the more dynamic parameters such as age, the 36 month history and company performance. Recalculation also occurs after every inspection and when the applicable performance tables for flag and Recognised Organisations are changed.

Owners and operators can calculate the ship risk profiles for their ships on a web-based calculator hosted at the following website: <https://www.parismou.org/inspections-risk/ship-risk-profile/ship-risk-calculator> or <https://portal.emsa.europa.eu/web/thetis/ship-risk-profile-calc>

Ship Risk Profile (Annex 7)

1. All ships in the information system are assigned either as high, standard or low risk based on generic and historic parameters.
2. Table 1 shows the criteria within each parameter for each ship risk profile.
3. Each criterion has a weighting which reflects the relative influence of each parameter on the overall risk of the ship.
4. High Risk Ships (HRS) are ships which meet criteria to a total value of five or more weighting points.
5. Low Risk Ships (LRS) are ships which meet all the criteria of the Low Risk Parameters and have had at least one inspection in the previous 36 months.
6. Standard Risk Ships (SRS) are ships which are neither HRS nor LRS.
7. A ship's risk profile is recalculated daily taking into account changes in the more dynamic parameters such as age, the 36-month history and company performance. Recalculation also occurs after every inspection and when the applicable performance tables for flag and R.O.s are changed.

Table 1: Ship Risk Profile

		Profile				
		High Risk Ship (HRS)	Standard Risk Ship (SRS)	Low Risk Ship (LRS)		
Generic Parameters		Criteria	Weighting points	Criteria	Criteria	
1	Type of ship	Chemical tankship Gas Carrier Oil tankship Bulk carrier Passenger ship	2	neither a high risk nor a low risk ship	All types	
2	Age of ship ¹	all types > 12 y	1		All ages	
3a	Flag	BGW-list ²	2		White	
			1			
3b	IMO-Audit ³	-	-		Yes	
4a	Recognized Organization	Performance ⁴	H	-		High
			M	-		-
			L	Low	1	-
			VL	Very Low		-
4b	Organizations recognized by one or more Paris MoU Member States	-	-		Yes	
5	Company	Performance ⁵	H	-		High
			M			-
			L	Low	2	-
			VL	Very Low		-
Historic Parameters						
6	Number of def. recorded in each insp. within previous 36 months	Deficiencies	Not eligible	-	≤ 5 (and at least one inspection carried out in previous 36 months)	
7	Number of Detention within previous 36 months	Detentions	≥ 2 detentions	1	No Detention	

¹ according to point 9 of this Annex

² according to formula in the Annual Report

³ according to point 11 of this Annex

⁴ according to formula in the Annual Report

⁵ according to point 15 of this Annex

Including 40th Amendment, adopted 26 May 2017 (effective date: 1 July 2017)

The full text of the memorandum including the annexes can be accessed at:

<https://www.parismou.org/inspections-risk/library-faq/memorandum>

Company Performance

As explained in Annex 7 of the Paris MoU text, one of the parameters to determine the SRP is the Company Performance.

Company performance takes account of the detention and deficiency history of all ships in a company's fleet while that company was the ISM Company for the ship. Companies are ranked as having a very low, low, medium or high performance. The calculation is made daily on the basis of a running 36-month period. There is no lower limit for the number of inspections needed to qualify except a company with no inspections in the last 36 months will be given a "medium performance".

Overriding Factors

The overriding factors listed below are considered sufficiently serious to trigger an additional inspection at Priority I:

- Ships reported by another Member State excluding unexpected factors,
- Ships involved in a collision, grounding or stranding on their way to port,
- Ships accused of an alleged violation of the provisions on discharge of harmful substances or effluents,
- Ships which have been manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigational practices and procedures have not been followed,
- Ships which have been suspended or withdrawn from their Class for safety reasons after last PSC inspection,
- Ships which cannot be identified in the database.

Periodic & Additional Inspections

Periodic Inspections are carried out at intervals determined by the ship risk profile. Overriding or unexpected factors might trigger an inspection in between periodic inspections. This category of inspection is referred to as an Additional Inspection.

Ships become due for periodic inspection in the following time windows:

- i. For HRS – between 5-6 months after the last inspection in the Paris MoU region.
- ii. For SRS – between 10-12 months after the last inspection in the Paris MoU region.
- iii. For LRS – between 24-36 months after the last inspection in the Paris MoU region.

Periodic Inspections and Additional Inspections count equally. Therefore the time span for the next periodic inspection re-starts after an additional inspection.

Selection Scheme

The selection scheme is divided into two priorities:

- i. **Priority I:** ships must be inspected because either the time window has closed or there is an overriding factor.

- ii. **Priority II:** ships may be inspected because they are within the time window or the Port State considers an unexpected factor warrants an inspection.

The priority and the level of selection will be shown for each ship in the information system.

Unexpected Factors

Unexpected factors could indicate a serious threat to the safety of the ship and the crew or to the environment but the need to undertake an additional inspection is for the professional judgement of the Authority.

These factors include:

- Ships reported by pilots or relevant authorities which may include information from
- Vessel Traffic Services about ships' navigation,
- Ships which did not comply with the reporting obligations,
- Ships reported with outstanding deficiencies (except those with code 16 (within fourteen days) and code 17 (before departure))
- Previously detained ships (3 months after the detention),
- Ships reported by the master, crew member or any person or organisation with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution,
- Ships operated in a manner to pose a danger,
- Ships reported with problems concerning their cargo, in particular noxious or dangerous cargo,
- Ships where information from a reliable source became known, that their risk parameters differ from the recorded ones and the risk level is thereby increased.
- Ships carrying certificates issued by a formerly Paris MoU Recognised Organisation whose recognition has been withdrawn since the last inspection in the Paris MoU region

Each year a new White, Grey and Black list will be published in the Paris MoU Annual Report.

The "White, Grey and Black (WGB) list" presents the full spectrum, from quality flags to flags with a poor performance that are considered high or very high risk. It is based on the total number of inspections and detentions over a 3-year rolling period for flags with at least 30 inspections in the period.

Targeting Matrix

Every day a number of ships will be selected for a Port State Control inspection throughout the region. To facilitate such selection, the central computer database, known as 'THETIS' is consulted by PSCO's. This information system, hosted by the European Maritime Safety Agency (EMSA), informs national PSC authorities which ships are due for an inspection. Data on ships particulars and reports of previous inspections carried out within the Paris MoU region are provided by the information system as well.

Reporting obligation

General Reporting Obligations (24 ETA)

A ship has to report 24 hours (24 ETA) before arriving at a port or anchorage of the Paris MoU region or before leaving the previous port or anchorage if the voyage is expected to take less than 24 hours. Thus, this pre-arrival notification has to be reported to all ports in the Paris MoU region the ship calls. The 72 hours reporting obligation (72 ETA) is only required when the ship is due for an expanded inspection.

Reporting Obligations for ships due for an expanded inspection (72 ETA)

Ships due for an expanded inspection have to report 72 hours (72 ETA) before arriving at a port or anchorage of the Paris MoU region or before leaving the previous port or anchorage if the voyage is expected to take less than 72 hours. The following information must be provided to the port authority:

- a ship identification (name, flag, call sign IMO or MMSI number);
- b port of destination;
- c estimated time of arrival (ETA);
- d estimated time of departure (ETD);
- e planned duration of the call;
- f for tankers:
 - a configuration: single hull, single hull with SBT, double hull;
 - b condition of the cargo and ballast tanks: full, empty, inerted;
 - c volume and nature of cargo;
- g planned operations at the port or anchorage of destination (loading, unloading, other)
- h planned statutory survey inspections and substantial maintenance and repair work to be carried out whilst in the port of destination;
- i date of last expanded inspection in the Paris MoU region.

Vessel Age Limitation

Paris MOU has no age limitations for vessels. Appropriate weighting is incorporated in the Ship Risk Profile calculation and all vessels more than 12 years will have a higher weighting.

Code of Conduct of Inspectors

The Code of Conduct for Inspectors is outlined on pages 79-80.

Details of Forthcoming Focused Inspection Campaigns

2017 CIC – The topic of the Concentrated Inspection Campaign (CIC) for 2017 will be Safety of Navigation including ECDIS, which will be conducted jointly with the Tokyo MOU during September-November.

2018 CIC – The topic of the Concentrated Inspection Campaign (CIC) for 2018 will be MARPOL Annex VI, which will be conducted jointly with the Tokyo MOU during September-November.

Detention Review Procedures or Legal Appeal Processes

Details of the Paris MoU detention review procedures can be found on page 91.

Contact details

The Secretariat Paris MoU on PSC is responsible for the effective implementation of the Paris Memorandum of Understanding. The Secretariat organises international meetings and participates in various working groups. Furthermore, it is responsible for the exchange of information and serves as first contact point for the member States and external contacts.

The Secretariat is based in The Hague, The Netherlands and falls directly under the responsibility of the Dutch Inspector General. In terms of content the Secretariat is managed by the member States and the MoU Advisory Board (the executive board). The Netherlands is one of these member States. The Secretariat has its own budget that annually is adopted by the Port State Control Committee.

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Port State Control – Riyadh MoU

In June 2005 The RIYADH Memorandum of Understanding on Port State Control in the Gulf Region, known as the Riyadh MoU, was signed at a meeting in Riyadh by six countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and UAE).

The Riyadh Memorandum of Understanding (MoU) is an agreement to achieve safe, secure and efficient shipping in the maritime jurisdictions in the Gulf region.

The Riyadh MoU called for the establishment of a Secretariat and Information Center in Oman. The Secretariat will also house an Information Center which will record and exchange data on ships.

Inspection Procedures, Rectification And Detention

3.1 In implementing the Memorandum, the Authorities will carry out inspections which will consist of at least a visit on board a ship in order to check the validity of the certificates and documents and furthermore satisfy themselves that the crew and the overall condition of the ship, its equipment, machinery spaces and accommodation and hygienic condition on board, meet the provisions of the relevant instruments.

3.2 Whenever there are clear grounds for believing that the condition of a ship or of its equipment or crew does not substantially meet the requirements of a relevant instrument a more detailed inspection shall be carried out, including further checking of compliance with on-board operational requirements.

* Reference is made to IMO Assembly resolution A.787(19) on Procedures for Port State Control as may be amended by IMO.

3.3 Clear grounds exist when the Port State Control Officer (PSCO) finds evidence which in his professional judgment warrants a more detailed inspection of ship, equipment or crew. The Authorities will regard as clear ground, inter alia, those set out in Annex 3.

3.4 Nothing in these procedures should be construed as restricting the powers of the Authorities to take measures within its jurisdiction in respect of any matter to which the relevant instruments relate.

3.5 The relevant procedures and guidelines for control of ships specified in Annex 2 shall also be applied.

3.6 In selecting ships for inspection, the Authorities shall give priority to the following ships:

- Ships visiting a Port of a State, the Authority of which is a signatory to the Memorandum, for the first time or after an absence of 12 months or more;
- Ships which have been permitted to leave the port of a State, the Authority of which is a signatory to the Memorandum, on the condition that the deficiencies noted must be rectified within a specified period, upon expiry of such period;
- Ships which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation;
- Ships whose statutory certificates on the ship's construction and equipment, have not been issued in accordance with the relevant instruments;

- Ships carrying dangerous or polluting goods, which have failed to report all relevant information concerning the ship's particulars, the ship's movements and concerning the dangerous or polluting goods being carried to the competent authority of the port and coastal State;
- Ships which have been suspended from their Class for safety reasons in the course of the preceding six months.

3.7 The Authorities will seek to avoid inspecting ships which have been inspected within the previous 61 months by other Authorities unless there are clear grounds for inspection. These procedures are not applicable to ships listed under 3.6 which may be inspected whenever the Authority deems appropriate.

3.8 3.8 Inspections will be carried out only by a person, duly authorised by his Authority to carry out Port State inspections and responsible to that Authority, who fulfils the requirements of paragraph 3.10 and the qualification criteria specified in Annex 4.

3.9 The PSCO carrying out Port State Control may, if necessary, be assisted by a person or persons having appropriate expertise and approved by the Maritime Authority of the inspecting state.

3.10 The PSCO carrying out Port State Control and the person assisting him shall have no personal or commercial interest either in the port of inspection or in the ships inspected, nor shall the PSCO be employed or undertake work on behalf of non-governmental organisations which issue statutory and Classification certificates or which carry out the surveys necessary for the issue of those certificates to ships.

3.11 Each PSCO shall carry a personal document in the form of an identity card issued by his authority indicating that the PSCO is authorised to carry out inspections. Reference is made to Annex 5.

3.12 On completion of an inspection the master of ship shall be provided by the PSCO with a document in the form specified in Annex 6 to this Memorandum of Understanding, giving the results of the inspection and details of any decision taken by the PSCO and of the corrective action to be taken by the master, owner, or operator.

3.13 The Authorities are or shall be satisfied that any deficiencies confirmed or revealed by the inspection are rectified.

3.14 In the case of deficiencies which are clearly hazardous to safety, health or the environment the Authority will detain the ship or will stop the operation in relation to which the deficiencies have been revealed. The detention order or the stoppage of the operation shall not be lifted until the hazard is removed, except under the conditions provided for in 3.17.

3.15 When exercising his professional judgment as to whether or not a ship should be detained, PSCO shall be guided by the criteria set out in Annex 2.

3.16 In the event that a ship is detained the Authority shall immediately notify the Flag State concerned and its Consul or, in his absence, its nearest diplomatic representative of the action taken. Where relevant, the organisation responsible for the issue of the certificate(s) shall also be informed.

3.17 Where deficiencies referred to in 3.14 cannot be remedied in the port of inspection, the Authority may allow the ship to proceed to another port, or the nearest repair yard subject to any appropriate conditions determined by that Authority with a view to ensuring that the ship can so proceed without danger to safety, health or the environment. In such circumstances the Authority will notify the competent Authority of the State where the next port of call or the repair yard is situated, the parties mentioned in 3.16 and any other Authority as appropriate. Notification to Authorities will be made in accordance with Annex 7.

The Authority receiving such notification will inform the notifying Authority of action taken.

3.18 The Authorities will take measures to ensure that ships referred to in paragraph 3.17 which either proceed to sea without complying with the conditions determined by the Authority which detained the ship or which do not call into the agreed port or yard to undertake repairs, shall be refused access to any port within this Memorandum until the owner or operator and the Flag State notify the Authority of the State where the ship was found defective or the Authority which receives the vessel that the ship complies with all applicable requirements of the relevant instruments. In the latter case, the receiving Authority will notify all other Authorities of such compliance.

3.19 Notwithstanding provisions contained in 3.18 above, in exceptional circumstances, recognised by the Authority, access to specific port may be permitted to minimize the risk of loss of life or of pollution.

3.20 The provisions of Section 3.16 and 3.19 are without prejudice to the requirements of relevant instruments or procedures established by international organisations concerning notification and reporting procedures relating to Port State Control.

3.21 When exercising control under the Memorandum, the Authorities will make all possible efforts to avoid unduly detaining or delaying a ship. Nothing in the Memorandum affects rights created by provisions, of relevant instruments relating to compensation for undue detention or delay.

3.22 In case the master, owner or agent of the ship notifies the Port State Control Authorities prior to, upon arrival or whilst the vessel is in the port, of any damage, breakdown or deficiency to the ship, its machinery and equipment, which is intended to be repaired or rectified before the ship sails from that port, the detention should be issued only if deficiencies justifying detentions are found after the master has given notification that the ship was ready for inspection. The same procedure applies when the Port State Control Authorities are notified that the ship is scheduled to be surveyed at the port with respect to flag, statutory or Class requirements.

3.23 In exceptional circumstances, when a ship on its way to a specified repair yard needs to call at a port for temporary repairs for safety reasons, it may be allowed into that port. All commercial operations are forbidden, except the unloading of its cargo if required for safety reasons. The ship may be allowed to proceed to the specified repair yard only if the Flag State of the ship has issued statutory certificates to the ship restricting their validity to that specific voyage, and the Port State is satisfied that such ship shall not pose undue risk to safety of ship, or to the environment or cause undue hardship to the crew.

3.24 The owner or the operator of a ship will have the right of appeal against a detention decision to higher administrative Authority or to the Court of competent jurisdiction, according to the law in each country. However, an application for appeal shall not cause the detention to be suspended.

3.25 Should an inspection reveal deficiencies warranting detention of a ship, all costs relating to inspections subsequent to the first shall be covered by the ship-owner or the operator. The detention shall not be lifted until full payment has been made or a sufficient guarantee has been given for the reimbursement of the costs.

Targeting Matrix

Currently the RIYADH MoU does not have a targeting matrix however this issue was discussed and taken into consideration by the committee members.

Vessel Age Limitation

The RIYADH MoU has no policies regarding vessel age limitations at this stage.

Code of Conduct for Inspectors

The Code of Conduct is outlined on page 79-80.

Concentrated Inspection Campaigns

2017 – Riyadh MoU agreed on conducting the CIC on Crew Familiarization on Enclosed Space Entry.

Detention Review Procedures or Legal Appeal Processes

A Review Panel is in the process of being created and is not finalised yet. Currently all member states follow their own national regulations regarding this matter.

Details Regarding any Criteria that Will Result in a Detention

Before detaining a ship the following circumstances should be considered:

1. Lengths and nature of the intended voyage or service;
2. Whether or not the deficiency poses a danger to ship, persons on board or the environment;
3. Whether or not appropriate rest periods of the crew can be observed;
4. Size and type of ship and equipment provided;
5. Nature of cargo.

The absence of a Deck or Engineer Officer required to be certificated should not be grounds for detention whether the absence is in accordance with any exceptional provisions approved by the Flag State.

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Port State Control – Tokyo MoU

The Tokyo MOU is one of the most active regional Port State Control (PSC) organisations in the world. The organisation consists of 20 member Authorities in the Asia-Pacific region.

The main objective of the Tokyo MoU is to establish an effective Port State Control regime in the Asia-Pacific region through co-operation of its members and harmonisation of their activities to eliminate substandard shipping so as to promote maritime safety, to protect the marine environment and to safeguard working and living conditions on board ships.

Inspection Procedures, Rectifications and Detention

Targeting Matrix

The Tokyo MoU implemented a new inspection regime (NIR) from 1 January 2014. The relevant information on NIR can be found on their website: http://www.tokyo-mou.org/inspections_detentions/NIR.php and is outlined opposite.

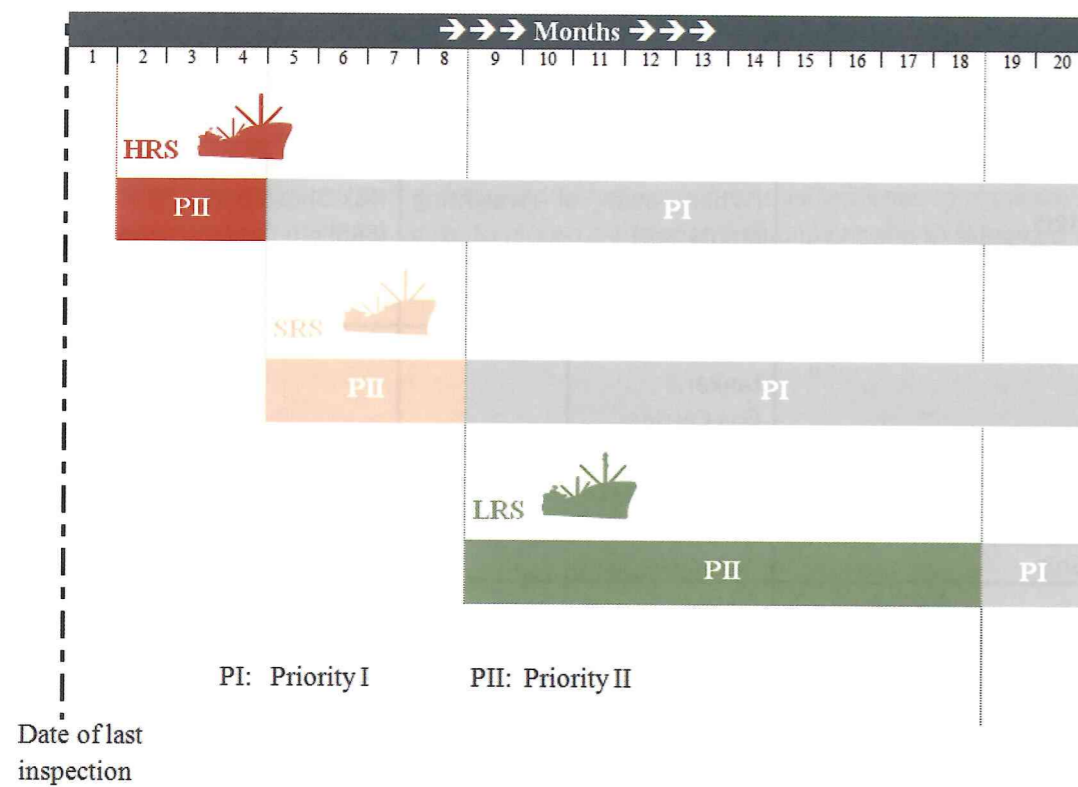
Information Sheet of the New Inspection Regime (Nir)

Ship Risk Profile

Parameters		Profile			
		High Risk Ship (HRS) (When sum of weighting points >=4)		Standard Risk Ship (SRS)	Low Risk Ship (LRS)
		Criteria	Weighting points	Criteria	Criteria
Type of Ship		Chemical tanker, Gas Carrier, Oil tanker, Bulk carrier, Passenger ship	2	Neither LRS nor HRS	-
Age of Ship		All types > 12y	1		-
Flag	BGW-list ¹⁾	Black	1		White
	VIMSAS ²⁾	-	-		Yes
Recognized Organization	RO of Tokyo MOU ³⁾	-	-		Yes
	Performance ⁴⁾	Low Very Low	1		High
Company performance ⁵⁾		Low Very Low	2		High
Deficiencies	Number of deficiencies recorded in each inspection within previous 36 months	How many inspections were there which recorded over 5 deficiencies?	No. of inspections which recorded over 5 deficiencies	All inspections have 5 or less deficiencies (at least one inspection within previous 36 months)	
Detentions	Number of Detention within previous 36 months	3 or more detentions	1	No detention	

1. The Black, Grey and White list for Flag State performance is established annually taking account of the inspection and detention history over the preceding three calendar years and is adopted by the Tokyo MoU Committee as published in the Annual Report.
2. The status on completion of VIMSAS will be based on updated information obtained by the Tokyo MoU.
3. Recognised Organisations of Tokyo MoU are those recognised by at least one member Authority of the Tokyo MoU, a list of which is provided on the website.
4. The performance of all Recognised Organisations is established annually taking account of the inspection and detention history over the preceding three calendar years and is adopted by the Tokyo MoU Committee as published in the Annual Report.
5. Company performance takes account of the detention and deficiency history of all ships in a company's fleet while that company was the ISM company for the ship. Companies are ranked as having a "very low, low, medium or high" performance. The calculation is made daily on the basis of a running 36-month period. There is no lower limit for the number of inspections needed to qualify except a company with no inspections in the last 36 months will be given a "medium performance".

SHIP RISK PROFILE INSPECTION WINDOW



Priority I: ships must be inspected because the time window has closed.

Priority II: ships may be inspected because they are within the time window of inspection.

Company Performance

Company performance is determined based on the deficiency index and the detention index.

$$\text{Deficiency ratio} = \frac{\text{No. of ISM deficiencies} * 5 + \text{No. of non-ISM deficiencies} * 1}{\text{No. of inspections}}$$

$$\text{Detention ratio} = \frac{\text{No. of detentions}}{\text{No. of inspections}}$$

Deficiency Index	Deficiency points per inspection
Above average	> 1 above Tokyo MOU average
Average	Tokyo MOU average +/- 1
Below average	> 1 below Tokyo MOU average

Detention Index	Detention rate
Above average	> 1% above Tokyo MOU average
Average	Tokyo MOU average +/- 1%
Below average	> 1% below Tokyo MOU average

Company Performance Matrix

Detention Index	Deficiency Index	Company Performance
Above average	Above average	Very Low
Above average	Average	Low
Above average	Below average	
Average	Above average	
Below average	Above average	Medium
Average	Average	
Average	Below average	
Below average	Average	High
Below average	Below average	

Vessel Age Limitation

Tokyo MoU has no age limitations for vessels. Appropriate weighting is incorporated in the ship risk profile calculation under the NIR and all vessels more than 12 years will have higher weighting point.

Overriding Priority for Inspection

Regardless of the NIR the following ships will be considered to have overriding priority for inspection:

- i. ships which have been subject of report or notification by another Authority;
- ii. ships which have been the subject of a report or complaint by the master, a crew member, or any other person or organisation with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of the pollution, unless the Authority concerned deems the report or complaint to be manifestly unfounded;
- iii. ships which have been permitted to leave the port of a State, the Authority of which is a signatory to the Memorandum, on the condition that the deficiencies noted must be rectified within a specified period, upon expiry of such period;
- iv. ships which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation;
- v. ships carrying dangerous or polluting goods, which have failed to report all relevant information concerning the ships' particulars, the ships movements and concerning the dangerous or polluting goods being carried to the competent authority of the Port and Coastal State;
- vi. ships where detention deficiencies cannot be remedied in the port of inspection, proceeds to sea without rectification at the agreed repair port;
- vii. ships identified by the Committee from time to time as warranting priority inspections.

Code of Conduct for Inspectors

The Code of Conduct is outlined on pages 79-80.

Concentrated Inspection Campaigns

The topic of the CIC for 2017 will be Safety of Navigation including ECDIS which will be conducted jointly with the Paris MoU during September-November 2017. A joint CIC with the Paris MoU on MARPOL Annex VI has been planned for 2018.

Detention Review Procedures or Legal Appeal Processes

The detention review procedure for Tokyo MoU is outlined on page 93.

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Port State Control – Viña Del Mar MoU

The Latin American Agreement on Port State Control of Vessels was adopted by Resolution No. 5 of the 6th Meeting of the Operative Network for Regional Cooperation among Maritime Authorities of South America, Cuba, Mexico and Panama (ROCRAM), held on 5 November 1992.

The Agreement was originally subscribed by Argentina, Brazil, Colombia, Chile, Ecuador, Mexico, Panama, Peru, Uruguay and Venezuela, thus a major international step was taken since this was the first developing region to reach this sort of operational agreement.

Gradually, other member States, such as Cuba (1995), Bolivia (2000), Honduras (2001), Guatemala (2012) and Dominican Republic (2012) signed the Agreement which is presently formed by fifteen Maritime Authorities.

Its main spirit and purpose are based on the commitment assumed by the Maritime Authorities in the region to maintain an efficient inspection system that guarantees, without discrimination as to flag, that all foreign ships visiting their ports comply with the regulations established by International Conventions.

Its structure rests mainly on two essential bodies: the Committee of the Agreement and the Secretariat; the latter includes the Information Center (CIALA). The Latin American of Viña del Mar agreement is made up by maritime authorities of: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Guatemala, Honduras, Mexico, Panama, Peru, Dominican Republic, Uruguay and Venezuela.

Vessel Age Limitations

There are no limitations regarding ship age, provided they comply with mandatory certificate requirements established by the Relevant Instruments.

Targeting Matrix

Maintain an efficient and harmonized system of inspections to verify that foreign vessels operating in the region meet safety standards contained in the International Maritime Organization (IMO) Conventions.

- Every year, Maritime Authorities inspect at least 20% of the total foreign vessels entering their ports.
- A vessel is not inspected again during the same six-month term unless deficiencies are detected, it carries dangerous goods or it is a passenger ship or a bulk carrier.
- There is a priority factor (risk matrix), displayed by the Viña del Mar Agreement Information Centre (CIALA) and viewed online by each inspector.

Code of Conduct for Inspectors

The Code of Conduct for Inspectors is outlined on pages 79-80.

Details of Forthcoming Focused Inspection Campaigns

Concentrated Inspections Campaigns are carried out annually in a harmonized way with other MoUs. They are announced in advance and their results are informed to the III Subcommittee.

Detention Review Procedures or Legal Appeal Processes

The detention review procedure for Viña del Mar MoU is outlined on page 96.

Contact details

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Port State Control Inspections in Australia

Inspection Procedures, Rectification And Detention

Targeting Matrix

AMSA targets ships based on the calculated risk profiling system. The "risk factor" calculation takes into account a number of criteria and based on this, ships are categorised into "priority groups" with each group having a specific target inspection rate.

The inspection rate targets are as follows:

Priority Group	Risk factor (probability of detention)	Target Inspection Rate
Priority 1	6 or higher	80%
Priority 2	4 or 5	60%
Priority 3	2 or 3	40%
Priority 4	0 or 1	20%

The inspection regime for Single Hull Tankers and Passengers Ships are:

1. Single Hull Tankers (SH) – three monthly and Inspection target is 100%
2. Passenger ships are Priority 1 and are eligible every 6 months

Details of 'SHIPSYS', AMSA's ship inspection record database and targeting system can be found in the Port State Control annual report. The Port State Control Annual Reports can be downloaded from the AMSA website at: <http://www.amsa.gov.au>

Vessel Age Limitations

There are no age limitations over and above relevant international convention requirements however age is one of the parameters forming the algorithm used by 'SHIPSYS' to calculate the 'risk factor' of an arriving vessel.

Overriding Priority For Inspection

When undertaking an inspection an inspector will utilise a Ship Inspection Record (SIR) book which contains some guidelines and all relevant forms. Selected Offices may utilise a computer based SIR Book whereby a notebook computer and special software provide the same information and forms as the hard copy book.

Code of Conduct for Inspectors

AMSA conducts PSC inspections in accordance with international guidelines and within the constraints of its authority. Inspectors are guided by a set of 'Instructions to Inspectors' and a 'Ship Inspection Manual', which are based on the international convention requirements and resolutions of the International Maritime Organization (IMO) and the International Labour Organization (ILO).

It is not an AMSA requirement that all shipboard personnel be retained on board in order to facilitate a PSC inspection. Australia has ratified MLC 2006, and Masters/Operators are to be mindful of MLC Regulation 2.4.2: "Seafarers shall be granted shore leave to benefit their health and well-being and with the operational requirements of their positions".

During a PSC inspection, the Inspector first conducts an initial inspection. This comprises a visit on board to verify the ship carries the necessary valid certificates and documentation. They also inspect areas critical to the safe operation of the ship in order to form an opinion as to whether the vessel is in compliance with those certificates and the overall conditions of the ship, its equipment and its crew. If certification is invalid, or if there are clear grounds to suspect that the ship and/or its equipment or crew may not be in substantial compliance with the relevant convention requirements, a more detailed inspection is undertaken. This attracts a fee which is currently set at A\$272/hr.

For all inspections a 'Form A' is completed to indicate that an inspection has been carried out. When deficiencies are noted, a 'Form B' is additionally completed.

When undertaking an initial inspection the AMSA Inspector will utilise the pocket-sized guidelines and the list of certificates and equipment as the basis for the inspection. Whilst it is important to remember that the guidelines and lists are not exhaustive they are intended to provide the basis for an initial inspection sufficient to identify potentially unseaworthy vessels. The equipment indicated below for example, although limited in number, represents the items responsible for almost 90% of all detentions.

Whilst the Inspector is checking the vessel's documentation and certificates the Master would typically arrange for requested items of equipment to be ready for inspection and testing during the physical inspection of the vessel. Most items of equipment do not require lengthy preparation being intended for emergency use but all requested tests of equipment are carried out by the vessel's crew in a manner to ensure everybody's safety.

In cases where clear grounds exist to do so, the Inspector may conduct a more detailed inspection. Depending on the circumstances, this may be limited to a particular aspect of the ship or equipment or in some cases may involve more extensive expansion of the inspection.

The AMSA Inspectors use their professional judgement in conducting the inspection, determining the extent of inspection and in determining the required action required in response to identified deficiencies.

Concentrated Inspection Campaigns

Since 1 December 2000, AMSA has periodically conducted Focused Inspection Campaigns on vessels visiting Australian ports.

The aim of the various phases of the campaigns is to focus on a particular area of a vessel in order to ensure compliance with the applicable international requirements. Australia targets the particular areas for each phase on the basis of Port State Control statistics that indicate areas requiring special attention. The campaigns are conducted in conjunction with routine Port State Control inspections. Each campaign focus and timeframe is advised to the shipping industry via Marine Notices one month prior to commencement.

<http://www.amsa.gov.au/vessels/standards-regulations/marine-notice/index.asp>

For each phase of the campaign, an AMSA surveyor uses guidelines and a standard checklist to confirm that an area or a particular item of equipment meets international standards. When a surveyor detects a deficiency associated with the campaign, the surveyor will require the Master to rectify the problem in the same manner as that required under normal Port State Control inspections. Where a deficiency warrants the vessels detention the surveyor records the details of the deficiencies and detention in accordance with AMSA's Port State Control procedures.



Detention Review Procedures or Legal Appeal Processes

The detention review procedure for Australia is outlined on page 84.

Contact details

AMSA is a large organisation broken up into a number of divisions and further to a number of groups within each division. Every division and each group within a division has specific responsibilities and accountabilities. Subject matter experts are part of each group.

The ship safety section of the AMSA website <http://www.amsa.gov.au/vessels/ship-safety/> provides a starting point to many of the areas that may be relevant. Alternatively, enquiries can be submitted by completing the online enquiry form <http://www.amsa.gov.au/contact-us/>

Choosing the area in which the enquiry relates to under the 'subject area' section will ensure the enquiry is received by the most appropriate group.

Port State Control Inspections in China

In accordance with the Maritime Traffic Safety Law of the People's Republic of China, the Marine Environment Protection Law of the People's Republic of China, and other related laws and regulations, Maritime Safety Administration of the People's Republic of China (China MSA), under the Ministry of Transport, is the competent authority to exercise the administration of shipping safety and maintain the national sovereignty.

MSA plays vital roles in Flag State implementation and as the Port States to ensure compliance with international conventions and to eliminate the operations of substandard ships. Its scope has been expanded from ship hardware to ship operations and management, and its inspections from ship safety and pollution prevention to ship security and Long Range Identification & Tracking (LRIT).

As a Category A member of the IMO Council and a signatory to the Tokyo MoU, China strictly performs its Port State obligations, supervises foreign ships in Chinese waters, and promotes compliance with international conventions among the Flag States through PSC.

As a signatory to various maritime conventions, China faithfully fulfils its Flag State responsibilities, exercises jurisdiction and control over China-Flagged ships, and works to ensure Chinese fleets' compliance with international conventions.

Vessel Age Limitation

There are no age limitations over and above relevant international convention requirements. The ship shall comply with the Rules for the management of old ship in China.

Targeting Matrix

China targets ships based on NIR of the Tokyo MoU. The ship risks profiling and inspections window is used as the target factors.

Reporting Obligation

The ship Master has an obligation to report of any shipboard incidents or key equipment failures that may threaten the safety of life or ship and harm to the environment, to the local MSA through the agent or directly to the local VTS centre. The ship Master must provide the documentation evidence so as to prove that the ship has taken all the necessarily remedial actions to the visiting PSCOs when they boarded the ship.

Code of Conduct of Inspectors

MSA conducts PSC inspections in accordance with international guidelines and within the constraints of its authority. Inspectors are guided by a set of 'Instructions to Inspectors' and a 'Ship Inspection Manual', which are based on the international convention requirements and resolutions of the International Maritime Organization (IMO) and the International Labour Organization (ILO).

It is not an MSA requirement that all shipboard personnel is retained on board to facilitate a PSC inspection. China has ratified MLC 2006, and Masters/Operators are to be mindful of MLC Regulation 2.4.2: "Seafarers shall be granted shore leave to benefit their health and well-being and with the operational requirements of their positions."

During a PSC inspection, the Inspector first conducts an initial inspection. This comprises a visit on board to verify the ship carries the necessary valid certificates and documentation. They also inspect areas critical to the safe operation of the ship to form an opinion as to whether the vessel is in compliance with those certificates and the overall conditions of the ship, its equipment, and its crew. If certification is invalid, or if there are clear

grounds to suspect that the ship and/or its equipment or crew may not be in substantial compliance with the relevant convention requirements, a more detailed inspection is undertaken.

For all inspections, a 'Form A' is completed to indicate that an inspection has been carried out. When deficiencies are noted, a 'Form B' is additionally completed.

When undertaking an initial inspection, the MSA Inspector will utilise the pocket-sized guidelines and the list of certificates and equipment as the basis for the inspection. While it is important to remember that the guidelines and lists are not exhaustive, they are intended to provide the basis for an initial inspection sufficient to identify potentially unseaworthy vessels.

While the Inspector is checking the vessel's documentation and certificates, the Master would typically arrange for requested items of equipment to be ready for inspection and testing during the physical inspection of the vessel. Most items of equipment do not require lengthy preparation being intended for emergency use, but all requested tests of equipment are carried out by the vessel's crew in a manner to ensure everybody's safety.

In cases where clear grounds exist to do so, the Inspector may conduct a more detailed inspection.

Depending on the circumstances, this may be limited to a particular aspect of the ship or equipment or in some cases may involve more extensive expansion of the inspection.

A more detailed inspection may be conducted in case of one of the following circumstances:

- i. lapses or presence of inherent dangers in safety, pollution prevention, security and quality of shipboard work and living environment, discovered during the inspection process;
- ii. clear signs of serious problems with the ship's safety management system;
- iii. involved in collision or pollution incident;
- iv. no report of rectification of previous deficiencies as required by the PSC reports of TOKYO MOU; or
- v. as required by China MSA to conduct detailed inspection.
- vi. The MSA Inspectors use their professional judgement in conducting the inspection, determining the extent of inspection and in determining the required action required in response to identified deficiencies.

Overriding Priority for Inspection

According to Section 21 of the People's Republic of China's Vessel Safety Inspection Rules, on the occasions of national holidays, special celebrations, major events, in designated sea areas, or as a measure for safety precautions on a specific vessel, China MSA may carry out a special PSC inspection.

Special Requirements of Domestic Emission Control Area

There are three Domestic Emission Control Areas (DECAs) in China. The protective areas were created to reduce the levels of ship-generated air pollution and the focus on the Sulphur content of fuels. The three areas are the Pearl River Delta, the Yangtze River Delta and Bohai Sea.

Details information can be found on the China MSA website:

<http://en.msa.gov.cn/uploadfile/2016/0411/20160411104344638.pdf>

Details Of Forthcoming Focused Inspection Campaigns

China MSA is a signatory and active member of Asia Pacific Memorandum of Understanding on Port State Control (Tokyo MOU) and would practically follow the same CIC. Anyhow MSA is well known to have their own area of concern and focus inspection especially with relation to complaints by the third party. Few areas of concern include environment, ECDIS, and MLC.

Detention Review Procedures or Legal Appeal Processes

The detention review procedure for China is outlined on page 87.

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Port State Control Inspections in the United Kingdom

The Maritime and Coastguard Agency (MCA) is responsible for checking that ships visiting UK ports and anchorages meet UK and international safety rules. Under the directive on Port State Control (PSC), and membership of the Paris MoU on PSC, the agency will inspect foreign-flagged ships calling at UK ports and anchorages according to a risk based targeting matrix.

Detention Criteria

Criteria that will result in a detention:

Main Criteria

When exercising professional judgement as to whether or not a ship should be detained the PSCO will apply the following criteria:

1. **Timing:** ships which are unsafe to proceed to sea will be detained upon the first inspection irrespective of the time the ship will stay in port;
2. **Criterion:** the ship will be detained if the deficiencies on a ship are sufficiently serious to merit a PSCO returning to the ship to be satisfied that they have been rectified before the ship sails.

The need for the PSCO to return to the ship classifies the seriousness of the deficiencies.

However, it does not impose such an obligation for every case. It implies that the Authority will verify one way or another, preferably by a further visit, that the deficiencies have been rectified before departure.

Application of Main Criteria

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

1. the ship has relevant, valid documentation;
2. the ship has the crew required in the Minimum Safe Manning Document or equivalent.
3. During inspection the PSCO will further assess whether the ship and/or crew is able to: navigate safely throughout the forthcoming voyage; safely handle, carry and monitor the condition of the cargo throughout the forthcoming voyage; operate the engine room safely throughout the forthcoming voyage; maintain proper propulsion and steering throughout the forthcoming voyage; fight fires effectively in any part of the ship if necessary during the forthcoming voyage; abandon ship speedily and safely and effect rescue if necessary during the forthcoming voyage; prevent pollution of the environment throughout the forthcoming voyage; maintain adequate stability throughout the forthcoming voyage; maintain adequate watertight integrity throughout the forthcoming voyage; communicate in distress situations if necessary during the forthcoming voyage; provide safe and healthy conditions on board throughout the forthcoming voyage; provide the maximum of information in case of an accident (as provided by the voyage data recorder).

If the result of any of these assessments is **negative**, taking into account all deficiencies found, the ship will be strongly considered for detention.

A combination of deficiencies of a less serious nature may also warrant the detention of the ship.

Expanded Inspections and Vessel Age Limitations

Vessels are subject to expanded inspections. Expanded inspections are carried out on the following types of ships due for a periodic Port State inspection:

- ships with a high ship risk profile, as recorded on the Paris Memorandum of Understanding database;
- oil, gas, or chemical tankers over 12 years old;
- bulk carriers over 12 years old;
- passenger ships over 12 years old.

These ships must give 72 hours' notice of their arrival to a UK port:

<https://www.gov.uk/guidance/maritime-and-coastguard-agency-port-state-control-expanded-inspections>

Targeting Matrix

Ships are targeted for inspections as per procedures laid down by the Paris MoU. Ships are assigned a Risk Profile, based on: age; type; flag; RO; Company Performance; Inspection and Detention history. The frequency of inspection depends on the assigned Risk Profile: High Risk (HR) every 6 months; Standard Risk (SR) every 12 months and Low Risk (LR) Ships every 36 months. Ships become Priority I and MUST be inspected at the above intervals. Ships become Priority II at 5, 10 and 24 months for HR, SR and LR respectively and MAY be inspected. Ships with no priority are not eligible for inspection. However, ships with an overriding or unexpected factor, eg pilot report, pollution report, navigation report may be subject to an additional inspection. For information on the calculation of a ship's Risk Profile and/or of a Company's Performance profile, see Paris MoU website (www.parismou.org – Inspection Search)

Conduct of Inspectors

UK Inspectors are employed by the UK Government and as such are bound by the Civil Service Code of Conduct.

As members of the Paris MoU, UK Inspectors are also bound by the Paris MoU Code of Good Practice (<https://www.parismou.org/about-us/psco> – Code of Good Practice – see pages 79-80).

Detention Review Procedures or Legal Appeal Processes

The detention review procedure for the United Kingdom is outlined on page 95.

Details of Forthcoming Focused Inspection Campaigns

2017 01 Sept – 30 Nov Campaign on Safety of Navigation, including ECDIS.

2018 01 Sept – 30 Nov Campaign on MARPOL Annex VI

Contact details

United Kingdom Maritime and Coastguard Agency:
Spring Place
105 Commercial Road
Southampton, SO15 1EG
Email: **infoline@mcga.gov.uk**
Tel: +44 (0)203 817 2000

After office hours (AOH) contact details

MCA Duty Surveyor
Mobile: +44 (0) 7810 528504

Aberdeen Coastguard
Email: **aberdeen-cg@hmcg.gov.uk**
Tel: +44 (0) 1224 592334 (24 hour contact for PSC issues)

Contact person:

Inspection Operations Branch, Southampton
Email: **psc_Headquarters@mcga.gov.uk**

Head of Inspection Operations – Patrick Dolby
Tel: +44 (0)20381 72364
Mobile: +44 (0)7768 067509
Email: **pat.dolby@mcga.gov.uk**

Deputy Head of Inspection Operations – Nick Hodgson
Tel: +44 (0)20381 72365
Email: **nick.hodgson@mcga.gov.uk**

Port State Control inspections in the USA

The Coast Guard's Port State Control (PSC) programme verifies that foreign flagged vessels operating in US waters comply with applicable international conventions, US laws, and US regulations. In an effort to reduce deaths and injuries; loss of or damage to property or the marine environment; and disruptions to maritime commerce, PSC exams focus on those vessels most likely to be substandard, based on identified risk factors.

PSC Officers examine vessels for compliance with international and US standards. Systems for security, firefighting, lifesaving, and pollution prevention equipment are examined to verify proper operation. In addition, the vessel's structure and engineering equipment are examined to verify compliance.

When vessels that are not in substantial compliance with applicable laws or regulations are identified, the Coast Guard imposes controls until the substandard conditions have been rectified and the vessels are brought into compliance.

These controls can include restriction of vessel movement, restrictions on cargo operations, denial of entry into Port, expulsion from Port, or the vessel may be detained under IMO Conventions.

The goal of the PSC programme is to identify and eliminate substandard ships from US waters.

In addition to the risk-based vessel targeting and examination program, US law requires foreign oil, gas and chemical tank vessels to be examined at least annually. After completing an exam, the Coast Guard issues a Certificate of Compliance (COC), which is valid for two years with a mid-period (annual) examination required. Vessels that do not have a valid COC, or vessels that are more than three months beyond the anniversary date of their COC annual exam date, will be prohibited from conducting cargo operations by the COTP. Therefore, tanker owners are encouraged to request a COC exam from the COTP up to 2 months prior to expiration to avoid future delays in US Ports.

Non-US tankships may be examined overseas when resources permit and if the examination is considered to be mutually beneficial to the Coast Guard and the ship's management. If the vessel is up-to-date with user fees, intends to conduct cargo operations in US waters within that year, and is in a foreign Port covered by Coast Guard Activities Europe or Far East Activities (this covers most of Europe, Africa and Asia), tanker managers may request an overseas exam directly from the USCG offices.

More information is available on: <http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Commercial-Vessel-Compliance-Foreign-Offshore-Compliance-Division/psc/>

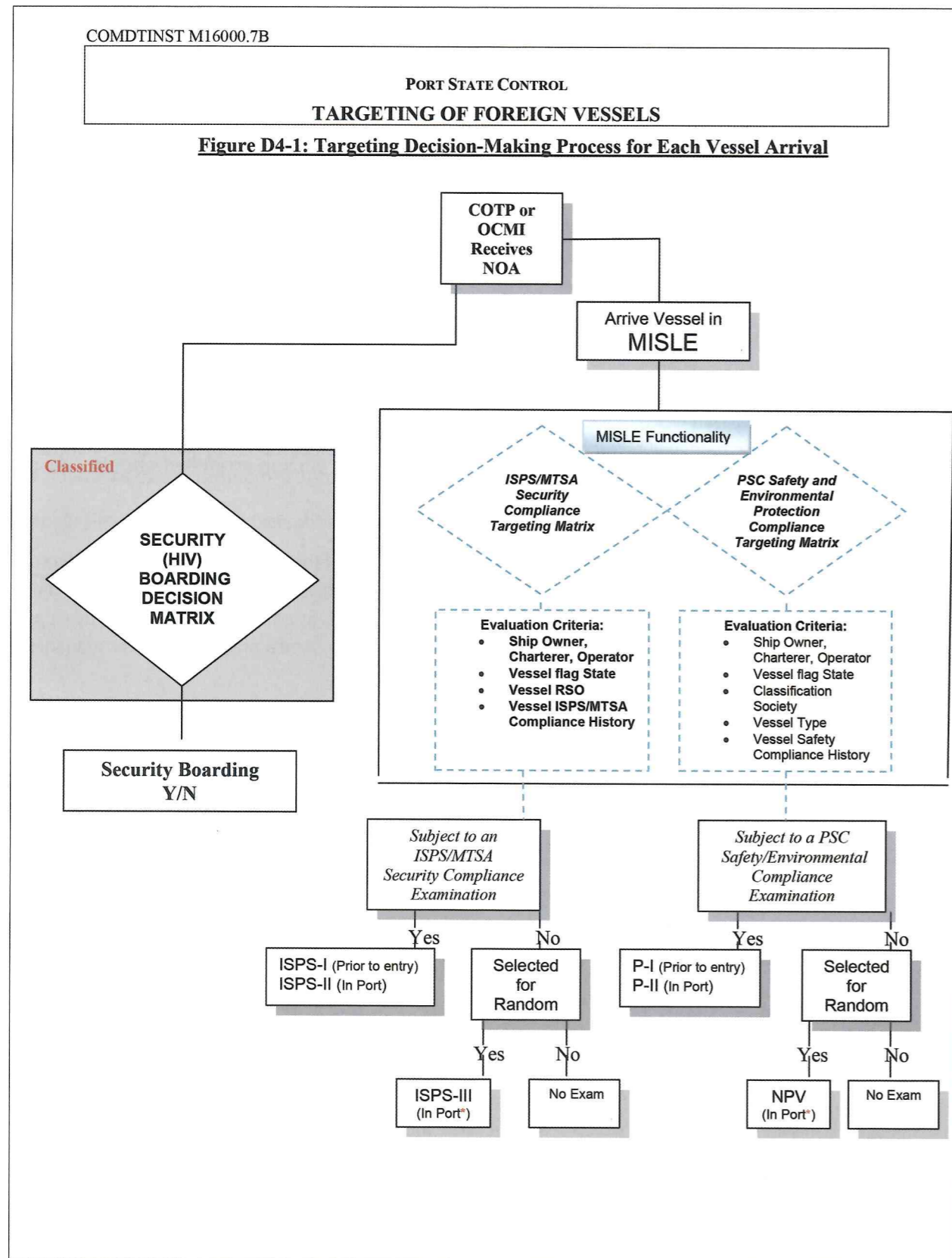


Inspection Procedures, Rectification and Detention

Vessel Age Limitations

The Coast Guard recognises that the age of the vessel serves as a key factor in the assessment of the vessel. Newer vessels (<10 years old) actually have their targeting factor reduced in their scoring regime. While vessels greater than 25 years old have the most points added to the targeting factor score.

Targeting Decision-Making Process for Each Vessel Arrival



U.S. Coast Guard's ISPS Compliance Targeting Matrix

In addition, the Coast Guard commenced enforcement of the International Ship & Port Facility Security (ISPS) Code on July 1, 2004. A separate risk assessment process was developed and five entities were identified that directly influence a vessel's security programme.

PORT STATE CONTROL TARGETING OF FOREIGN VESSELS			
COLUMN I SHIP MANAGEMENT	COLUMN II FLAG STATE	COLUMN III RECOGNIZED SECURITY ORGANIZATION	COLUMN IV SECURITY COMPLIANCE HISTORY
ISPS II Owner or operator, if new owner or operator since last ISPS exam.	ISPS II If new flag since last ISPS exam.	ISPS I 3 or more RSO-related major control actions in the past 12 months.	ISPS I Vessel with an ISPS-related denial of entry/expulsion from port in past 12 months ⁽³⁾ .
5 Points Owner, operator, or charterer associated with one ISPS-related denial of entry or ISPS-related expulsion from port in past 12 months or 2 or more ISPS/MTSA Control Actions in a 12 month period.	7 Points SOLAS Vessels ⁽¹⁾ Flag State has a CAR 2 or more times the overall CAR average for all flag States.	5 Points 2 RSO-related major control actions in the past 12 months.	ISPS II If matrix score does not result in ISPS I priority & no ISPS compliance exam within the past 12 months or a stowaway incident ⁽⁵⁾ .
	2 Points SOLAS Vessels ⁽¹⁾ Flag State has a CAR between the overall CAR average and up to 2 times overall CAR average for all flag States.	2 Points 1 RSO-related major control actions in the past 12 months.	5 Points Vessel with an ISPS/MTSA-related detention in the past 12 months.
	7 POINTS Non-SOLAS Vessels ⁽¹⁾⁽²⁾ Flag State has a CAR 2 or more times the overall CAR average for all flag States.		2 Points Vessel has had 1 or more other ISPS / MTSA control actions in the past 12 months ⁽⁴⁾ .
Total:	Total:	Total:	Total:
Total Targeting Score: _____		Vessel Priority: _____	
Sum of Columns I-IV and/or column specific designation determines priority: 17 or more points = ISPS I 7 to 16 points = ISPS II 0 to 6 points = ISPS III			
<p>(1) Pertains solely to flag States with more than one major control action in a 12-month period. The COTP/OCMI may downgrade a vessel hailing from a targeted flag State scoring 7 to 11 points to ISPS III in accordance with the Downgrading Clause.</p> <p>(2) Includes vessels from non-SOLAS signatory countries and non-SOLAS vessels from signatory countries.</p> <p>(3) COTP or OCMI may downgrade a vessel's priority from ISPS I to ISPS II and ISPS III in accordance with the Downgrading Clause. If denial of entry is solely from failure to provide a Notice of Arrival prior to entry in the U.S., assign 2 points.</p> <p>(4) Includes vessel delays, restriction of operations, and restriction of movement related to vessel security deficiencies. Does not include routine examination of the ship or lesser administrative actions.</p> <p>(5) COTP or OCMI may downgrade a vessel with a stowaway incident if vessel's master notified the COTP and Administration prior to arrival into a U.S. port and vessel's owner demonstrates intent to take appropriate corrective action to prevent further stowaway incidents. The COTP or OCMI should still require a report from the Flagstate/RSO. Additional guidance is provided in Chapter 1 of this section (D1-50 to D1-51).</p>			

- (1) Pertains solely to Flag Administrations with more than one major control action in a 12 month period.
- (2) Includes vessels from non-SOLAS signatory countries and non-SOLAS vessels from signatory countries.
- (3) COTP or OCMI may downgrade a vessel's priority from ISPS I to ISPS II, or ISPS II to ISPS III depending upon circumstances surrounding a denial of entry. If denial of entry is solely from failure to provide a Notice of Arrival prior to entry into the U.S., assign 2 points.
- (4) Includes vessel delays, restriction of operations, and restriction of movement related to vessel security deficiencies. Does not include routine examination of the ship or lesser administrative actions.
- (5) After July 1, 2014 the Coast Guard no longer targeted vessels for ISPS exams based on their Port call history.

Vessels that score 17 points or higher are ISPS I vessels and should be examined prior to Port-entry.

Vessels that score between 7-16 points are ISPS II vessels and are subject to examination upon Port arrival.

Vessels scoring fewer than 7 points are ISPS III vessels and are not subject to examination unless selected at random for random MTS/ISPS examination.

For more information, please visit the following website:

<http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Commercial-Vessel-Compliance/Foreign-Offshore-Compliance-Division/Port-State-Control/security/>

QUALSHIP 21 Initiative

What is QUALSHIP 21?

Coast Guard efforts to eliminate substandard shipping have focused on improving methods to identify poor-quality vessels (targeting schemes). However, regardless of the score that a vessel receives in our targeting matrix, all foreign-Flagged vessels are examined no less than once each year. This provides few incentives for the well run, quality ship. Hundreds, perhaps thousands, of vessels are operated responsibly, and are typically found with few or no deficiencies. Under our current policies, vessels operating at a higher-quality share nearly the same examination intervals as those vessels operating at lower-quality standards. These high-quality vessels should be recognised and rewarded for their commitment to safety and quality. Therefore, on January 1, 2001, the Coast Guard implemented an initiative to identify high-quality ships, and provide incentives to encourage quality operations. This initiative is called QUALSHIP 21, quality shipping for the 21st century.

What is E-Zero?

The U.S. Coast Guard's Office of Commercial Vessel Compliance announced the QUALSHIP 21 E-Zero Program, which officially commenced on July 1, 2017.

The E-Zero programme is a new addition to the existing QUALSHIP 21 program, and the intent of this program is to recognise those vessels that have consistently adhered to environmental compliance, while also demonstrating an immense commitment to environmental stewardship.

The "E-Zero" designation indicates a vessel has zero environmental deficiencies or violations and is a new addition to the existing QUALSHIP 21 programme. The E-Zero designation will be awarded to QUALSHIP 21 ships that have consistently adhered to environmental compliance, while also demonstrating an immense commitment to environmental stewardship, above and beyond the QUALSHIP 21 criteria.

The QUALSHIP 21 programme as a whole remains voluntary and is aimed at recognising foreign ships that have demonstrated the highest commitment to maintaining strict compliance with U.S. and international safety, security and environmental regulations.

All existing QUALSHIP 21 ships due for renewal between July 1 and December 1, 2017 will be automatically screened for eligibility. For all other QUALSHIP 21 ships that presently meet the E-Zero criteria, the USCG welcome shipping companies to submit applications in order to have the E-Zero designation added to current certificates for reissuance.

Vessel Eligibility for QUALSHIP 21	Vessel Eligibility for E-Zero designation
Must be a non-U.S. flagged vessel.	Must be a vessel enrolled in QUALSHIP 21.
The vessel must be registered to a QUALSHIP 21 qualified flag administration.	Zero worldwide MARPOL detentions for the vessel in the past three (3) years.
No substandard vessel detentions in the US- 3 years.	Zero environmental deficiencies (MARPOL, 33 CFR Subchapter O, Ballast Water Management, Vessel General Permit, Antifouling) in the U.S. over the past three (3) years.
No marine violations or serious marine casualties- includes no more than one Notice of Violation (NOV) ticket within 3 years.	Zero Letters of Warning, Notices of Violation or Civil Penalties related to Right Whale Mandatory Ship RePorting or speed restriction violations over the past 5 (five) years.
A successful U.S. PSC safety exam within 24 months.	Installed CG type-approved BWMS or operating with accepted AMS or operating without a BWM compliance date extension letter granted in accordance with 33 CFR 151.2036.
Not owned or operated by any company that has been associated with more than one PSC detention in 24 months.	
Vessels cannot have their statutory convention certificates issued by a "targeted" recognised organisation (RO).	

The Qualship21 & E-Zero Program

The Qualship21 pamphlet and frequently asked questions document provide a full overview of the programme including incentives, eligibility requirements and application instructions.

- Qualship 21/E-Zero Pamphlet: http://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/CG-5PC/CG-CVC/CVC2/psc/safety/qualship/QS21_EZero.pdf?ver=2017-07-10-142514-883
- Frequently Asked Questions: http://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/CG-5PC/CG-CVC/CVC2/psc/safety/qualship/QS21_FAQ.pdf

Contact details

Contact details for USCG personnel can be found through the links below. For local, ship specific issues, inquiries should be directed first to the local U.S. Coast Guard unit. The contact information can be found on below listed websites:

For HQ staff:

<http://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/CG-5PC/CG-CVC/CVC2/psc/poc/HQPocList.pdf>

For field units:

<https://www.uscg.mil/top/units/default.asp>

COMMANDING OFFICER

U.S. Coast Guard Activities Europe
USAG Schinnen
Borgerweg 10
6365CW Schinnen, Netherlands

Tel: +31 10 442 4458

Fax: +31 10 450 4752

E-Mail: acteurinspections@uscg.mil

COMMANDING OFFICER

U.S. Coast Guard Far East Activities
Unit 5073
APO AP, 96328-5073
Japan

Tel: +81 42 507 6545

E-mail: feact@uscg.mil

If a tanker manager would like more information on what equipment is examined, and what operational systems will be tested during a US PSC exam, the PSCO checklists can be downloaded from the Coast Guard's internet web site (see link below). These checklists are not intended to be all-inclusive; a PSC exam may be expanded if "clear grounds" are identified that lead a PSC team to believe that the condition of the ship or its equipment does not correspond with the certificates, or the ship does not comply with applicable law or conventions.

<http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Commercial-Vessel-Compliance/Foreign-Offshore-Compliance-Division/Port-State-Control/jobaid/>

(Click on the appropriate job aid PDF link for the specific vessel type)

The following items are additional US requirements that a tank vessel manager should consider before making a US Port call, and they are:

1. **Pump rooms:** Tank vessels with pump rooms must have their pump room certified gas free by a marine chemist prior to an annual COC exam to allow for a safe pump room examination.
2. **Financial responsibility for water pollution:** Vessels must have a Vessel Certificate of Financial Responsibility (COFR), to cover the liability of the owner arising under the Oil Pollution Act of 1990 (OPA 90), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). See Title 33, part 138, Code of Federal Regulations (33 CFR 138).
3. **Vessel Response Plans (VRP):** Vessels that are constructed to carry, or that carry, oil in bulk as cargo or cargo residue must have an approved VRP.

More detailed information on VRPs can be found on the VRP Frequently Asked Questions page on the Coast Guard's HomePort website: <https://homePort.uscg.mil/vrp>

4. **International Safety Management (ISM) Code:** Tank vessels must report the dates of issuance for their company's DOC and the vessel's SMC, and the name of the Flag or Recognised Organisation that issued the ISM Certificates, with every notice of arrival for the US Vessels that are not in compliance with the ISM Code will be denied entry into US waters; vessels found in US Ports in non-compliance will be ordered out of US waters.
5. **Ballast Water (BW) management** requirements for all vessels equipped with ballast water tanks that operate in waters of the United States shall employ one of the following ballast water management methods (33 CFR 151.2025):
 - Install and operate a BW Management System (BWMS) that has been approved by the Coast Guard (under 46 CFR Part 162); or

- Perform a complete BW exchange in an area 200 nautical miles from any shore prior to discharging BW, unless the vessel is required to employ an approved BWMS per the schedule found in 33 CFR 151.2035(b)
- Provided the vessel is not required to have a CG approved BWMS per the schedule: The CG will allow the operator/master of a vessel which cannot practicably meet the requirements of 33 CFR 151.25 either because its voyages does not take it into waters 200 nautical miles or greater from shore for a sufficient length of time and the vessel retains BW onboard or because the master of the vessel has identified safety or stability concerns, to discharge BW in areas other than the Great Lakes and the Hudson River north of George Washington Bridge; Or
- Operate a BW Management System approved by a foreign flag Administration that meets the requirements of 33 CFR 151.2026 (alternate management system (AMS)) provided it is installed onboard prior to the date that the vessel is required to comply with the BWDS. Prior to using an AMS for compliance with 33 CFR Part 151, a letter of acceptance issued by the CG to the manufacture must be onboard. Until such letter is placed onboard a vessel will be required to meet the BW exchange requirements; Or
- Use only fresh water from a US public water system (PWS), as defined in 40 CFR parts 141 and 143 as BW; Or
- Vessel does not discharge BW into waters of the United States (waters of the US include the territorial sea as extended to 12 nautical miles from the base line).

6. Ballast Water Management Requirements:

There are mandatory reporting (33 CFR 151.2060) and recordkeeping (33 CFR 151.2070) requirements for all vessels equipped with ballast water tanks that are bound for Ports or places of the United States regardless of whether a vessel operated outside of the EEZ. The Master, Owner, Operator, Person in Charge, or vessel agent must send a signed copy of the following information to the US Coast Guard per the guidance in 33 CFR 151.2060. Copies of this information must be maintained on board the vessel for at least two years.

- Vessel's name, type, IMO number, flag, owner, gross tonnage, call sign, and agent
- Last Port, arrival Port and date, next Port
- Total volume of ballast water capacity
- Total volume ballast water on board
- Total number of tanks; on board, used for ballast, to be discharged, underwent exchange, underwent alternative management
- Total number of tanks in ballast
- Is there a ballast water management plan on board? Was it implemented?
- Is there a copy of IMO guidelines on board?
- Location, date, volume, temperature of ballast when loaded for each tank.
- Description of alternative management method if used
- Reasons if no ballast treatment method used.
- Particulars of exchange if conducted including; volume exchanged; location; date; percent of tank volume exchanged, and sea height at time of exchange
- Location, date, volume, and salinity of ballast water to be discharged for each tank.

For more information please visit: <http://homePort.uscg.mil/ballastwater>

For the standardised ballast water reporting form please visit the National Ballast Information Clearinghouse's (NBIC) website for forms and instructions at: <http://invasions.si.edu/nbic/pdfform.html>

7. Mandatory Ship Reporting Systems:

Two mandatory ship reporting systems were implemented on 1 July 1999, in an effort to reduce the threat of ship strikes to endangered North Atlantic right whales on the U.S. East Coast. Both systems were enacted into U.S. regulations under a new Part 169 of Title 33, Code of Federal Regulations (33 CFR 169). The northern system, WHALESNORTH, is operational year-round, and affects vessels bound for Boston, MA and in close vicinity. The southern system, WHALESSOUTH, is operational between November 15 and April 16, and affects vessels along a 90 mile stretch of the East Coast in Florida and Georgia. Ships must report to the shore-based authority upon entering the area covered by each reporting system. Vessels will receive a return message that acknowledges their entry into the system, and they will also receive information about the risks of hitting right whales, where to obtain seasonal right whale advisories, and advice on how to reduce the risk of collision with a right whale. More information on this ship reporting system can be obtained from the COTP, Notice to Mariners and Coast Pilots or at the following website: <http://www.nmfs.noaa.gov/pr/shipstrike/msr.htm>

8. Appeal Process

Any directly affected party wishing to dispute the validity of, or their association with, a decision or action made by a U.S. Coast Guard PSC officer should follow the appeal procedures outlined in Title 46, Code of Federal Regulations, Subpart 1.03. All operational controls (not related to the work of Recognised Organisations and their association with a detention) should be appealed first to the cognizant Captain of the Port (COTP) or Officer in Charge of Marine Inspection (OCMI) who issued the detention. If not satisfied with a COTP/OCMI decision on appeal, a request for reconsideration of the appeal may be forwarded to the cognizant District Commander. If still not satisfied, final consideration of the appeal can be forwarded to the Commandant of the Coast Guard, Office of Commercial Vessel Compliance (CG-CVC). Commandant is the final agency action for appeals and will consider any additional evidence not contained in the original appeal. At each level, there is an opportunity to raise new arguments or provide additional information as to why the appeal should be granted. Addresses for each unit can be found at either of the following website: <https://www.uscg.mil/top/units/default.asp>

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 inspection. 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, for example 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, for example by consulting colleagues, publications, the flag Administration, the Recognised Organisation;
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.



Detention Appeal and Review Procedures

Abuja MoU Detention Review Panel Procedures

Guidelines for Abuja MoU Detention Review Panel

Section 3.12 of the Abuja MoU Memorandum states that "the owner or the operator of a ship or his representative in the state concerned will have a right of appeal against a detention decision taken by the authority of that state. An appeal will not cause the detention to be suspended. The authority will properly inform the Master of a ship of the right of appeal".

The purpose of these guidelines is to provide a standard procedure where an owner or operator exercises their right of appeal in accordance with Section 3.12 of the Memorandum.

1. Owners or operators should be advised to use the official national procedure if they wish to appeal against a detention order.
2. If an owner or operator declines to use the official procedure but still wishes to complain about a detention decision, such a complaint should be sent to the Flag State or the recognised organisation (if authorised to act for the Flag State).
3. The Flag State or Recognised Organisation may then ask the Port State to reconsider its decision to detain the ship.
4. In such cases the Port State should investigate the decision and inform the Flag State or the Recognised Organisation of the outcome. If the Port State agrees to reverse its decision, it should also inform the Information system manager and the Secretariat.
5. In the event that the Flag State or the Recognised Organisation are dissatisfied with the response from the Port State, then they can apply to the Abuja MoU Secretariat to have a Detention Review Panel review the matter. Such a request should be accompanied by all information relevant to the detention in electronic format (Email) and the English language.
6. The Secretariat will set up a "Detention Review Panel" (DRP) comprising of itself, and 4 MoU Authorities requested on an alphabetically rotating basis, excluding the Port and Flag State (if applicable). The members of the panel will remain anonymous until the review case has been finalised. At this time the Secretary should advise the Chairman of the receipt of the appeal, and which members will comprise the Detention Review Panel.
7. The Secretariat will also inform the Port State of the request for review by email or fax (including a copy of the complaint letter) and invite the Port State to submit relevant information in electronic format (E-mail). In case the Port State does not reply within ten days, the DRP will proceed with the review, based on the information submitted by the Flag State and/or recognised organisation.
8. The Secretariat will also inform the Port State involved with the detention decision of the request for a review and will request at that time the Port State submit all their relevant documentation relating to the ships detention.
9. The DRP will consider the procedural and technical aspects of the inspection based on the information provided by the Flag State and/or the Recognised Organisation and the Port State. The DRP members will return their opinions per checklist in electronic format (E-mail) to the Secretariat within 15 days. Should a Panel member require additional information, the Secretariat is to be contacted to ensure that all members receive identical information.

10. In case the DRP opinions differ, a preliminary summary will be circulated by the Secretariat to reach a unanimous opinion. Should a difference of opinion between panel members occur, the majority will decide on the outcome of the request for review.
11. The Secretariat will prepare a summary of the opinions of the DRP within 30 days of accepting the request and will inform the Flag State or the recognised organisation, as appropriate, of the outcome of the review. The Port State and the Intersessional Management Working Group (ISMWG) will receive the summary of opinions. Copies will be sent to the DRP members. The detail of correspondence between the DRP and the Port State will be kept as an internal matter.
12. If the views of the DRP support the Flag State or Recognised Organisation complaint, the Port State will be requested to reconsider its decision again.
13. The findings of the DRP are not binding but may provide justification for the Port State to amend its inspection data already inserted in the Information system and to inform the Information system manager and the Secretariat accordingly. The Secretariat will inform the Flag State or recognised organisation, as appropriate, on the action (not) taken by the Port State. Copies will be sent to the ISMWG and the DRP members to complete their files.
14. If after reviewing the findings of the Panel the Port State considers their detention decision remains warranted. The detention decision will stand. The Panel has no power to overturn the decision of the Port State.
15. The Secretariat will prepare an ongoing overview for every ISMWG meeting about results /status of the review.
16. The Secretariat will prepare an anonymous (identity of members of DRP or their individual findings not included) summary of the completed cases and publish it on the internal part of the website to improve harmonisation of inspections.

The ISMWG will submit an annual report on the activities of the DRP to Abuja MoU Committee Meeting.

Australian Detention Review Panel Procedures

Every effort is made to avoid undue detention of or delay to a ship. The decision to detain a ship may be legally reviewed under the Administrative Appeals Tribunal Act 1975. The procedure for the review is outlined on the detention form itself.

AMSA is however cognisant of the fact that many issues that an Owner/Manager wishes to have a response that can be satisfactorily addressed or explained by an exchange of messages. The AMSA Manager Ship Inspection contact details are provided on every Form A and B to allow such an exchange to take place.

This informal review process is chaired by the Manager, Ship Inspection. There are only two basic principles upon which the review can be successful;

- The AMSA PSCO did not understand the applicable legislative requirement; or,
- The AMSA PSCO did not correctly apply the legislative requirement,

Precedent has been seen in Australian Law that notes if, at the time of inspection a defect existed that resulted in the ship not complying with the requirement (and the defect was not advised to the PSCO prior to the inspection commencing) the review will likely find the PSCO's decision justified.

Precedent has also been set in relation to a code 17 vs code 30. A code 30 is the only code which mandates a follow up inspection in Australian Law, and thus if the vessel is substandard or unseaworthy at the time of the inspection, a code 30 is the only code that can be used.

All messages sent to the psc@amsa.gov.au address are actioned as quickly as possible but time will be taken to ensure the complete facts are included in all responses. The time taken to send a response may therefore include delays whilst we refer the query to the attending AMSA Inspector and appropriate Managers and depends on individual's work and leave commitments.

Through this email address, AMSA will also acknowledge reporting regarding ships 'closing' deficiencies, however it should be noted that database records cannot be updated with this information unless the corrective action is sighted by either an AMSA Inspector or by a Port State Control Officer from another Tokyo MOU member.

Black Sea MoU Detention Review Panel Procedures

Section 3.12 of the BS MOU states that "the owner or the operator of a ship will have the right of appeal against a detention decision to higher administrative Authority or the court of competent jurisdiction, according to the law in each country".

The purpose of these Guidelines is to provide a standard procedure where an owner or operator exercises their right of appeal in accordance with Section 3.12 of the Memorandum.

1. Owners or operators to use official national procedure according to the national jurisdiction of the country where the detention order was issued if they wish to appeal against a detention order.
2. If the operator or the ship-owner declines to use the official appeal procedure, but still wishes to object against the detention order such a complaint should be sent to the Flag State or the recognised organisation (if authorised to act for the Flag State).
3. The Flag State or the Recognised Organisation shall then be entitled to ask the Port State to reconsider its decision on the detention of the ship according to the national jurisdiction of the country where the detention order was issued, after the release of the detention. Basic information about Member States national appeal procedures can be found in the MOU website National Arrangement on PSC in the Black Sea Region.
4. In such cases, the Port State should investigate the decision and inform the Flag State or the Recognised Organisation of the outcome. If the Port State agrees to reverse its decision, it should also inform the BSIS Manager and the BS MOU Secretariat.

Submission of a Case for Review

5. If the Flag State or the Recognised Organisation (R.O.) disagrees with the outcome of the investigation as mentioned above, a request for review may be sent to the BS MOU Secretariat.
6. In case that the Flag State or the R.O. disagrees with the outcome of the investigation as mentioned above, they are entitled to send a request for a review to the BS MOU Secretariat. This request can only be submitted by the Flag State or the R.O. within 90 days after the release of the detention with the justified reasoning for disagreement with the outcome of the investigation. The request shall be made in the English language. The Flag State or the R.O. shall provide the Secretariat with all the relevant information on the case in electronic format (submission by e-mail to: bsmousecretariat@superonline.com) and in the English language. The submission form (opposite) is to be used.
7. The Secretariat shall process the request in accordance with the BS MOU internal procedures for the detention review, by setting up a Review Board, if needed.
8. If the recommendation of the Review Board supports the Flag State or R.O.'s complaint, the Port State will be requested to reconsider its decision again. The recommendation of the Review Board is not binding for the Port State and could not be used as a ground for claiming a financial compensation.
9. Should the Port State decide to follow the recommendation of the Review Board, where it does not support its decision on the detention, the Port State shall amend the inspection data already inserted in the database and shall inform the BSIS Manager and the Secretariat accordingly. The Secretariat shall inform the Flag State or the R.O. as appropriate on the action (not) taken by the Port State.



BS MOU DETENTION REVIEW BOARD PROCEDURE

Documents submitted for review:

Submitted by :		Pgs.:
Flag/RO*	Port State	

1	Opinions :			
.1	Request Flag /RO, incl. opinion why detention not justified	<input type="checkbox"/>		..
.2	Statement port State, incl. opinion why detention is justified		<input type="checkbox"/>	..

2	PSC Official Documents :			
.1	Inspection report form A & B, signed / unsigned	<input type="checkbox"/>	<input type="checkbox"/>	..
.2	Print-out inspection report from database	<input type="checkbox"/>	<input type="checkbox"/>	..
.3	Notification of detention for the Master	<input type="checkbox"/>	<input type="checkbox"/>	..
.4	Notification of detention of the ship to flag State and RO	<input type="checkbox"/>	<input type="checkbox"/>	..
.5	Notification of release of the ship	<input type="checkbox"/>	<input type="checkbox"/>	..
.6	Request for agreement to proceed to a repair yard (if appl.)	<input type="checkbox"/>	<input type="checkbox"/>	..
.7	Conditions of release from a detention to a repair yard (if appl.)	<input type="checkbox"/>	<input type="checkbox"/>	..
.8	Refusal of access (if appl.)	<input type="checkbox"/>	<input type="checkbox"/>	..

3	Correspondence :			
.1	Ship owner – port State	<input type="checkbox"/>	<input type="checkbox"/>	..
.2	Ship owner – flag State	<input type="checkbox"/>	<input type="checkbox"/>	..
.3	Ship owner - recognized organization	<input type="checkbox"/>	<input type="checkbox"/>	..
.4	Ship owner - BS MOU Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	..
.5	Flag State - port State	<input type="checkbox"/>	<input type="checkbox"/>	..
.6	Flag State - recognized organization	<input type="checkbox"/>	<input type="checkbox"/>	..
.7	Flag State - BS MOU Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	..
.8	Recognized organization - port State	<input type="checkbox"/>	<input type="checkbox"/>	..
.9	Recognized organization – BS MOU Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	..
.10	Other	<input type="checkbox"/>	<input type="checkbox"/>	..

4	Correspondence :			
.1	Photographs	<input type="checkbox"/>	<input type="checkbox"/>	..
.2	Copies of ship drawings	<input type="checkbox"/>	<input type="checkbox"/>	..
.3	Sketches made by crew / PSCO*	<input type="checkbox"/>	<input type="checkbox"/>	..
.4	Copies of relevant certificates	<input type="checkbox"/>	<input type="checkbox"/>	..
.5	Logbook entries, maintenance records	<input type="checkbox"/>	<input type="checkbox"/>	..
.6	Purchase orders, incl. invoice / Service order, incl. reports*	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..

China Detention Review Panel Procedures

Detention Appeal Procedures in China

1. In accordance with national administrative review regulations, appeal against the decision of detention could be made to the related regional MSA offices (totally 13), which cover certain port offices which deliver the notice of the detention, within 60 days from the date of detention. The regional MSA office, taking the responsibility for supervising the quality of PSC inspections, will examine and make a decision on the appeal within 60 days from the date of acceptance of the appeal.
2. In the case of the appeal-maker does not accept the decision made by the regional MSA office, it might forward the appeal to the head office for reviewing again. The appeal might also be forwarded to the head office of China MSA directly. However, the appeal will be transferred to the regional MSA in charge for initial reviewing before the head office returning its decision to the qualified appeal-maker.
3. In the case of the party concerned disagreed with the decision of the administrative review, the appeal may be brought to a People's Court in accordance with the national laws.

Indian Ocean MoU Independent Detention Review Panel

Section 3.13 of the Indian Ocean MoU states in part;

'The owner or operator of a ship will have the right of appeal against a detention to higher administrative Authority or the court of competent jurisdiction, according to the law in each country. However, an appeal shall not cause the detention to be suspended'.

If an owner or operator wishes to make an appeal about a detention decision, then in the first instance they should use the official national procedures of the individual Indian Ocean MoU member country (Port State) that issued the detention notice. The Indian Ocean MoU website www.iomou.org provides a list of the member contacts that would advise on their countries basic appeal procedures.

Owners or operators should initiate the appeal procedure within 30 days from the date of detention, or within the timeframe required, or as advised, by the individual member country.

In the event an owner or operator declines to use the official procedures of the Port State, but still wishes to complain about a detention decision; such a complaint with the relevant details should be sent to the vessels Flag State, or Recognised Organisation (if authorised by the Flag State to act on their behalf). The Flag State or recognised organisation may then ask the Port State to reconsider its decision to detain the ship.

In such cases, the Port State should investigate the detention decision, and inform the Flag State or their recognised organisation of the outcome. If the Port State agrees to reverse the decision, it should inform the Indian Ocean MoU Secretariat, and arrange for a correction to the PSC data held on the Indian Ocean Computerised Information System (IOCIS).

Submission of a case to the Detention Review Panel for review:

1. If the Flag State or their Recognised Organisation acting on behalf of the Flag State disagree with the outcome of the Port State ruling, either may request a review by the Indian Ocean MoU's Detention Review Panel.
2. The Flag State or their Recognised Organisation should send their request, in the English language by e-mail (or fax) to the Indian Ocean MoU Secretariat, within 90 days from the date of detention using the Appendix 1 form. The request should include all the information relating to the ships detention.
3. The Secretariat will set up a 'Detention Review Panel' comprising three Indian Ocean MoU member authorities, chosen as per Secretary's choice but excluding the Port State. Also excluded from the Panel would be the vessels Flag State and the ISM issuing country if they are members of the IOMOU. The Secretariat will also inform the Port State of the request for a review and will request at that time they submit all their relevant documentation relating to the ships detention.
4. The Panel will only consider the procedural and technical aspects of the Port State control inspection based on the information provided by the Flag State, their Recognised Organisation, and the Port State.

5. The Secretariat will prepare a final summary of the Panel member's opinions and inform the Flag State, or their Recognised Organisation. All correspondence between the Panel and the Port State will remain as an internal matter.
6. If the views of the Panel support the Flag State or their Recognised Organisation's complaint, the Secretariat will request the Port State to reconsider their detention decision.
7. The findings of the Panel are not binding but may provide justification for the Port State to amend the inspection data entered into IOCIS. If a Port State, based on the Panel's findings, agrees to reverse the detention decision and amend the PSC inspection data, the Port State should immediately notify the Secretariat.
8. Owners, operators, or other interested parties cannot use any of the Panels findings or recommendations as grounds for claiming financial compensation. The Secretariat will inform the Flag State, or the Recognised Organisation presenting the appeal of the resulting action taken by the Port State.

The Appendix 1 form is available at: <http://www.iomou.org/naprocmain.htm>

Mediterranean MoU Review Panel/Appeal Procedures

Appeal Procedure

Section 3.12 of the Med MoU memorandum states that “the owner or the operator of a ship will have the right of appeal against a detention decision to higher administrative Authority or the Court of competent jurisdiction, according to the law in each country. However, an appeal shall not cause the detention to be suspended.”

Owners or operators are advised to use the official Authority’s procedure if they wish to appeal against a detention order. The basic appeal procedures in the Med MoU member States are listed in the document called: Appeal procedures in Med MoU member States (as published on the website www.medmou.org).

Review Procedure

In case an owner or operator declines to use the Authority’s official appeal procedure but still wishes to complain about a detention decision, such a complaint should be sent to the Flag State or the Recognised Organisation (if authorised to act for the Flag State).

The Flag State or Recognised Organisation may then ask the Port State to reconsider its decision to detain the ship.

In such cases, the Port State should investigate the decision and inform the Flag State or the Recognised Organisation of the outcome. If the Port State agrees to reserve its decision, it should also inform the Med MoU database manager and the Med MoU Secretariat.

If the Flag State or the Recognised Organisation disagrees with the outcome of the investigation as mentioned above, a request for review may be sent within 90 days, from the date of detention to the Med MoU Secretariat. Such a request should be accompanied by all information relevant to the detention in electronic format (submission by E-mail to: secretariat@medmou.org) and in English language.

The Secretariat will set up a “Review Panel: comprising of the Secretariat as Coordinator and 3 MoU Authorities requested on an alphabetically rotating basis, excluding the Port and Flag State. The Secretariat will also inform the Port State of the request of review and invite the Port State to submit relevant information in electronic format.

The Review Panel will consider the procedural and technical aspects of the inspection based on the information provided by the Flag State and/or the Recognised Organisation and the Port State. The Review Panel members return their opinions to the Secretariat. Should additional information been required, the Secretariat will arrange this information to be provided to all Review Panel members. The detail of correspondence is kept as an internal matter. The Review Panel findings represent a majority opinion.

The Secretariat will prepare a summary of the opinions of the Review Panel and will inform the Flag State or the Recognised Organisation, as appropriate, the Port State and the MoU advisory Board.

If the view of the Review Panel supports the Flag State or the Recognised Organisation’s complaint, the Port State will be requested to reconsider its decision again.

The findings of the Review Panel are not binding but could provide justification for the Port State to amend its inspection data already inserted in the database and to inform the database manager and the Secretariat accordingly. The Secretariat will inform the Flag State or Recognised Organisation, as appropriate on the action (not) taken by the Port State.

The findings of Review Panel could not be used as a ground for claiming a financial compensation.

Paris MoU Detention Review Panel Procedure

Section 3.12 of the Paris MoU text states that; “the owner or the operator of a ship or his representative in the State concerned will have a right of appeal against a detention decision taken by the Authority of that State. An appeal will not cause the detention to be suspended. The Authority will properly inform the master of a ship of the right of appeal”.

Owners or operators are advised to use the official national procedure if they wish to appeal against a detention order. The National appeal procedures for Paris MoU member States are listed in the document called: National appeal procedure Paris MoU member States. This document is published on the Paris MoU public website.

In case an owner or operator declines to use the National appeal procedure but still wishes to complain about a detention decision, such a complaint should be sent to the Flag State or the Recognised Organisation (if authorised to act for the Flag State).

The Flag State or Recognised Organisation may then ask the Port State to reconsider its decision to detain the ship.

In such cases the Port State should investigate the decision and inform the Flag State or the R.O. of the outcome. If the Port State agrees to reverse its decision it should also inform the Paris MoU database manager and the Paris MoU Secretariat.

Submission of a case for review:

1. If the Flag State or the Recognised Organisation disagrees with the outcome of the investigation as mentioned above, a request for review may be sent to the Paris MoU Secretariat. This request can only be submitted by the Flag State or the R.O., within 120 days from the date of release of the vessel from detention. Such a request should be accompanied by all information relevant to the detention in electronic format (submission by E-mail to: secretariat@parismou.org) and in the English language. The submission form (hereunder) is to be used.
2. The Secretariat will set up a “Review Panel” comprising of itself and 4 MoU Authorities requested on a rotating basis, excluding the Port- and Flag States involved if applicable.
3. The Review Panel will consider the procedural and technical aspects of the inspection based on the information provided by the Flag State and/or the Recognised Organisation and the Port State. The details of correspondence are kept as an internal matter.
4. The Secretariat will prepare a summary of the opinions of the Review Panel within 30 days of accepting the request and will inform the Flag State or the Recognised Organisation, as appropriate, the Port State and the MoU Advisory Board.
5. If the views of the Review Panel support the Flag State or Recognised Organisation’s complaint, the Port State will be requested to reconsider its decision again.
6. The findings of the Review Panel are not binding but may provide justification for the Port State to amend its inspection data already inserted in the database and to inform the database manager and the Secretariat accordingly. The secretariat will inform the Flag State or Recognised Organisation, as appropriate on the action (not) taken by the Port State.



Documents submitted for review:

	Submitted by:		Pgs.:
	Flag / R.O*	port State	
1 Opinions:			
.1 Request Flag / R.O. , incl. opinion why detention not justified	<input type="checkbox"/>		..
.2 Statement port State, incl opinion why detention is justified		<input type="checkbox"/>	..
2 PSC official documents:			
.1 Inspection report form A & B, signed / unsigned*	<input type="checkbox"/>	<input type="checkbox"/>	..
.2 Print-out inspection report from database	<input type="checkbox"/>	<input type="checkbox"/>	..
.3 Notification of detention for the Master	<input type="checkbox"/>	<input type="checkbox"/>	..
.4 Notification of detention of the ship to flag State and R.O.	<input type="checkbox"/>	<input type="checkbox"/>	..
.5 Notification of release of the ship	<input type="checkbox"/>	<input type="checkbox"/>	..
.6 Request for agreement to proceed to a repair yard (if appl.)	<input type="checkbox"/>	<input type="checkbox"/>	..
.7 Conditions of release from a detention to a repair yard (if appl.)	<input type="checkbox"/>	<input type="checkbox"/>	..
.8 Refusal of access (if appl.)	<input type="checkbox"/>	<input type="checkbox"/>	..
3 Correspondence:			
.1 Ship owner – port State	<input type="checkbox"/>	<input type="checkbox"/>	..
.2 Ship owner – flag State	<input type="checkbox"/>	<input type="checkbox"/>	..
.3 Ship owner – recognized organization	<input type="checkbox"/>	<input type="checkbox"/>	..
.4 Ship owner – PMOU Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	..
.5 Flag State – port State	<input type="checkbox"/>	<input type="checkbox"/>	..
.6 Flag State - recognized organization	<input type="checkbox"/>	<input type="checkbox"/>	..
.7 Flag State – PMOU Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	..
.8 recognized organization – port State	<input type="checkbox"/>	<input type="checkbox"/>	..
.9 recognized organization – PMOU Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	..
.10 Other	<input type="checkbox"/>	<input type="checkbox"/>	..
4 Supporting documents / evidence:			
.1 Photographs	<input type="checkbox"/>	<input type="checkbox"/>	..
.2 Copies of ship drawings	<input type="checkbox"/>	<input type="checkbox"/>	..
.3 Sketches made by crew / PSCO*	<input type="checkbox"/>	<input type="checkbox"/>	..
.4 Copies of relevant certificates	<input type="checkbox"/>	<input type="checkbox"/>	..
.5 Logbook entries, maintenance records	<input type="checkbox"/>	<input type="checkbox"/>	..
.6 Purchase orders, incl. invoice / Service order, incl. reports*	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..
..	<input type="checkbox"/>	<input type="checkbox"/>	..

* Delete what is not applicable

Tokyo MoU Detention Review Panel Procedures

INTERTANKO is very grateful to the Tokyo MoU for considering our views and proposals.

Appeal Procedures of Member Authorities of the Tokyo MOU

In accordance with the provisions of the Memorandum, the company of a ship or its representative will have a right of appeal against a detention taken by the Authority of the Port State. The Port State Control officer should properly inform the master of the right of appeal. The shipmaster should be advised to use the official national procedure if they wish to appeal against a detention order.

For information and reference the basic appeal procedures of the Tokyo MoU member Authorities are provided.

The particulars required to submit a national appeal to member Authorities of the Tokyo MoU can be found at:

http://www.tokyo-mou.org/inspections_detentions/appeal_procedures.php

Detention Review

Should an owner or operator decline to use the official procedure but still wish to complain about a detention decision, then such a complaint should be sent to the Flag State or the Recognised Organisation (acting on behalf of the Flag State).

The Flag State or the Recognised Organisation may then ask the Port State to reconsider its decision to detain the ship.

In such cases, the Port State should investigate the decision and inform the Flag State or the Recognised Organisation of the outcome. If the Port State agrees to reverse its decision, it should also inform the Secretariat and the Asia Pacific Computerised Information System (APCIS) Manager.

Submission of a case for review

If the Flag State or the Recognised Organisation disagrees with the outcome, a request for review may be sent to the Secretariat (secretariat@tokyo-mou.org) within 120 days from the date of release of the detention. Such a request should be accompanied by all information relevant to the detention in electronic format (E-mail) and in the English language.

The Secretariat will set up a "Detention Review Panel" (hereafter referred to as the "Panel") comprising of 3 Authorities chosen by alphabetical order, excluding the Port and Flag State (if applicable). The Secretariat will also inform the Port State of the request for review and invite the Port State to submit relevant information.

The Panel will consider the procedural and technical aspects of the inspection based on the information provided by the Flag State and/or the Recognised Organisation and the Port State. The Panel members will return their opinions in electronic format.

The Secretariat will prepare a final summary of the opinions of the Panel and will inform the Flag State or the recognised organisation, as appropriate. The detail of correspondence between the Panel and the Port State will be kept as an internal matter.

If the views of the Panel support the Flag State or the Recognised Organisation's complaint, the Port State will be requested to reconsider its decision again.

The findings of the Panel are not binding but may provide justification for the Port State to amend its inspection data already inserted in the APCIS and to inform the Secretariat and the APCIS Manager accordingly. The recommendation of the Panel could not be used as a ground for claiming a financial compensation. The Secretariat will inform the Flag State or the Recognised Organisation, as appropriate on the action (not) taken by the Port State.

INTERTANKO Comment

INTERTANKO advises owners/operators that if they believe a detention to be unjustified then before seeking a legal review by the detaining authority, they should first seek a detention review by the Tokyo MoU Detention Review board.

It should be noted that once a legal appeal has been initiated this will prohibit an independent review by the review board due to sub-judice.

Owners/operators should also beware that the procedures for any review by a Detention Review Panel may exceed the deadlines for the submission of a legal appeal in a member state.

INTERTANKO is very grateful to the Tokyo MoU for considering our views and opinions regarding this matter.

United Kingdom Detention Review Procedures**Detention Review Procedures Or Legal Processes**

The UK has a legal arbitration process whereby the Master/owner of a detained ship has a right of appeal against the detention. The Master is handed a copy of the "Right of Appeal" information at the time of issuing the detention notice. The owner/Master has 21 days to contact the MCA requesting arbitration.

The owner/Flag State also has recourse to the Paris MoU Review Panel process, whereby a panel of 5 Paris MoU members will consider the case and make a ruling as to whether the detention was correct from a procedural point of view. The decision to rescind a detention is not binding on the Port State (see Paris MoU website for details www.parismou.org).

Details of the Paris MoU detention review can be found on page 91.

INTERTANKO Comment:

INTERTANKO advises owners/operators that if they believe a detention to be unjustified then before seeking a legal review by the detaining authority, they should first seek a detention review by the Paris MoU Detention Review board.

It should be noted that once a legal appeal has been initiated this will prohibit an independent review by the review board due to sub-judice.

Owners/operators should also beware that the procedures for any review by a Detention Review Panel may exceed the deadlines for the submission of a legal appeal in a member state.

INTERTANKO is extremely grateful to the Paris MoU and the UK MCA for considering our views and opinions regarding this matter.

Viña del Mar MoU Detention Review Panel Procedures

General Procedure of Review of the Appeals, as determined by Section 3.15 of the Viña del Mar Agreement Text which states that "The Company or its representative have the right to appeal against the detention order issued by a Port State Control Authority. The appeal should not give rise to the suspension of the detention. The Port State Control officer will duly report to the master the existence of the right to appeal".

Procedure

The PSC officer of the corresponding Maritime Authority should duly report to the master of the vessel the existence of the right to Appeal and what is the specific procedure of their Maritime Authority for using the right to appeal the detention.

In case the ship Owner or Operator do not wish to appeal this measure directly with the Port State Control, but to record their disagreement with the detention, they may submit their claim to the Administration or Recognised Organisation acting in their representation, who may request Port State Control to reconsider the decision of detention of the vessel.

In such case, the Port State Control must analyse the decision, investigate the facts and report to the Administration or Recognised Organisation the result of that analysis. In case the Port State Control decides to reconsider and change their decision, they must also inform it to the Agreement Secretariat and the CIALA Database Manager.

The Agreement Secretariat will prepare for each Committee a summary of the cases received in the framework of the revision of Appeals of the period between Committees.

Furthermore, the Agreement Secretariat will publish a report of the cases in the private website of the Agreement (with no identification of those involved), so as to capitalise the experiences and harmonisation of the inspection procedures among the member Authorities of the Viña del Mar Agreement Committee.

Generic appeal letter for USCG interventions

Following a US Coast Guard inspection, a ship master may find that his vessel is subject to a so-called "Coast Guard Intervention". An intervention is effectively an administrative finding of a breach of the regulations on the part of the vessel.

INTERTANKO has considerable confidence in the US Coast Guard and their inspectors but, as vessel inspections and the determination of whether or not regulations are breached are sometimes difficult to assess objectively and because regulations sometimes can be interpreted in more than one manner, there is still a chance that errors can occur. The US Coast Guard has, therefore, instituted a right whereby owners are able to request that an intervention be reconsidered. However, this right may not be well known. Also a tanker master has many other tasks to attend to besides drafting letters which include the right legal phrases in an attempt to secure a reconsideration of an intervention. To assist companies in seeking the reconsideration of an intervention, INTERTANKO has prepared the following draft letter which may be used for this purpose:

Date

Captain of the Port

US Coast Guard

Request for Reconsideration

Dear Sir/Madam

On (date) the vessel (name/IMO Number) was the subject of an intervention by the Coast Guard in the port of (name of port).

It is our position that this intervention was in error. Consequently, in accordance with the provisions of Title 46 of the US Code of Federal Regulations (CFR) Part 1.03-20 and Title 33 CFR Part 160.7, we request that you reconsider the intervention decision.

We are currently preparing materials to support this request for the intervention decision be set aside. We will forward these materials to you as soon as they are completed.

If you have any questions regarding this matter, please contact (name of person and contact details). It is further requested that any response regarding this request be rendered in writing.

Sincerely

(Corbett and Holt LLP acknowledged as the source for the Guide to Master for USCG Visits.)



Guide to Vetting Inspections