

6 (1982) Nr. 2

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1996 Nr. 248

A. TITEL

*Memorandum van overeenstemming inzake toezicht op schepen door
de havenstaat, met bijlagen;
Parijs, 26 januari 1982*

B. TEKST

De tekst van het Memorandum van overeenstemming is geplaatst in *Trb.* 1982, 59. Het Memorandum is zeventien maal gewijzigd. Zie voor de thans geldende tekst rubriek J hieronder.

F. TOETREDING

De Maritieme autoriteiten van de volgende Staten zijn in overeenstemming met afdeling 8 toegetreden tot het Memorandum:

| | |
|----------------------------------|------------------|
| Polen. | 27 november 1991 |
| Canada. | 3 mei 1994 |
| de Russische Federatie | 10 november 1995 |

G. INWERKINGTREDING

Zie *Trb.* 1982, 59.

Het Memorandum is voor de maritieme autoriteiten van de volgende Staten op de daarbij vermelde data van kracht geworden:

| | |
|----------------------------------|----------------|
| Polen. | 1 januari 1992 |
| Canada. | 3 mei 1994 |
| de Russische Federatie | 1 januari 1996 |

J. GEGEVENS

Zie *Trb.* 1982, 59.

Verwijzingen

Voor het op 6 maart 1948 te Genève tot stand gekomen Verdrag nopens de Intergouvernementele Maritieme Consultatieve Organisatie zie ook, laatstelijk, *Trb.* 1994, 44.

Voor het op 28 juni 1919 te Versailles tot stand gekomen Statuut van de Internationale Arbeidsorganisatie zie ook, laatstelijk, *Trb.* 1987, 53.

Voor het op 25 maart 1957 te Rome tot stand gekomen Verdrag tot oprichting van de Europese (Economische) Gemeenschap zie ook, laatstelijk, *Trb.* 1995, 76.

Voor het op 5 april 1966 te Londen tot stand gekomen Internationaal Verdrag betreffende de uitwatering van schepen, 1966, zie ook, laatstelijk, *Trb.* 1996, 158.

Voor het op 1 november 1974 te Londen tot stand gekomen Internationaal Verdrag voor de beveiliging van mensenlevens op zee, 1974, zie ook, laatstelijk, *Trb.* 1996, 128.

Voor het op 17 februari 1978 te Londen tot stand gekomen Protocol van 1978 bij het Internationaal Verdrag voor de beveiliging van mensenlevens op zee, 1974, zie ook, laatstelijk, *Trb.* 1993, 147.

Voor het op 2 november 1973 te Londen tot stand gekomen Internationaal Verdrag ter voorkoming van verontreiniging door schepen zie ook, laatstelijk, *Trb.* 1992, 28.

Voor het op 17 februari 1978 tot stand gekomen Protocol van 1978 bij het Internationaal Verdrag ter voorkoming van verontreiniging door schepen, 1973, zie ook, laatstelijk, *Trb.* 1996, 24.

Voor het op 7 juli 1978 te Londen tot stand gekomen Internationaal Verdrag betreffende de normen voor zeevarenden inzake opleiding, diplomering en wachtdienst, 1978, zie ook, laatstelijk, *Trb.* 1995, 268.

Voor het op 20 oktober 1972 te Londen tot stand gekomen Verdrag inzake Internationale Voorschriften ter voorkoming van aanvaringen op zee, 1972, zie ook, laatstelijk, *Trb.* 1994, 137.

Voor het op 29 oktober 1976 te Genève tot stand gekomen Verdrag betreffende minimumnormen op koopvaardischepen zie ook *Trb.* 1986, 153.

Wijzigingen

Het Port State Control Committee heeft een aantal malen wijzigingen in het Memorandum aangebracht, en wel laatstelijk in 1996. Hieronder volgt de Engelse tekst¹⁾ van het Memorandum van overeenstemming inzake toezicht op schepen door de havenstaat, zoals dat vanaf 1 juli 1996 luidt:

¹⁾ De Franse tekst is niet afgedrukt.

Paris Memorandum of Understanding on Port State Control

The Maritime Authorities of

Belgium

Canada

Denmark

Finland

France

Germany (Federal Republic of)

Greece

Ireland

Italy

Netherlands

Norway

Poland

Portugal

Russian Federation

Spain

Sweden

United Kingdom of Great Britain and Northern Ireland

hereinafter referred to as “the Authorities”

Recalling the Final Declaration adopted on 2 December 1980 by the Regional European Conference on Maritime Safety which underlined the need to increase maritime safety and the protection of the marine environment and the importance of improving living and working conditions on board ship;

Noting with appreciation the progress achieved in these fields by the International Maritime Organization and the International Labour Organization;

Noting also the contribution of the European Communities towards meeting the above mentioned objectives;

Mindful that the principal responsibility for the effective application of standards laid down in international instruments rests upon the authorities of the State whose flag a ship is entitled to fly;

Recognizing nevertheless that effective action by port States is required to prevent the operation of substandard ships;

Recognizing also the need to avoid distorting competition between ports;

Convinced of the necessity, for these purposes, of an improved and harmonized system of port State control and of strengthening cooperation and the exchange of information;

Have reached the following understanding:

Section 1 Commitments

1.1 Each Authority will give effect to the provisions of the present Memorandum and the Annexes thereto, which constitute an integral part of the Memorandum.

1.2 Each Authority will maintain an effective system of port State control with a view to ensuring that, without discrimination as to flag, foreign merchant ships calling at a port of its State, or anchored off such a port, comply with the standards laid down in the relevant instruments as defined in section 2. Each Authority may also carry out controls on ships at off-shore installations.

1.3 Each Authority will achieve, within a period of 3 years from the coming into effect of the Memorandum, an annual total of inspections corresponding to 25% of the estimated number of individual foreign merchant ships, hereinafter referred to as “ships”, which entered the ports of its State during a recent representative period of 12 months.

1.4 Each Authority will consult, cooperate and exchange information with the other Authorities in order to further the aims of the Memorandum.

Section 2 Relevant instruments

2.1 For the purposes of the Memorandum “relevant instruments” are the following instruments:

- .1 the International Convention on Load Lines, 1966;
- .2 the Protocol of 1988 relating to the International Convention on Load Lines, 1966;
- .3 the International Convention for the Safety of Life at Sea, 1974;
- .4 the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974;
- .5 the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974;
- .6 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;
- .7 the International Convention on Standards of Training, Cer-

- tification and Watchkeeping for Seafarers, 1978;
- .8 the Convention on the International Regulations for Preventing Collisions at Sea, 1972;
- .9 the International Convention on Tonnage Measurement of Ships, 1969;
- .10 the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147).

2.2 With respect to the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention 147), each Authority will apply the instructions in Annex 1 for the application of ILO publication “Inspection of Labour Conditions on board Ship: Guide-lines for procedure”.

2.3 Each Authority will apply those relevant instruments which are in force and to which its State is a Party. In the case of amendments to a relevant instrument each Authority will apply those amendments which are in force and which its State has accepted. An instrument so amended will then be deemed to be the “relevant instrument” for that Authority.

2.4 In applying a relevant instrument for the purposes of port State control, the Authorities will ensure that no more favourable treatment is given to ships entitled to fly the flag of a State which is not a Party to that instrument.

2.5 In the case of ships below 500 tons gross tonnage the Authorities will apply those requirements of the relevant instruments which are applicable and will to the extent that a relevant instrument does not apply take such action as may be necessary to ensure that those ships are not clearly hazardous to safety, health or the environment, having regard in particular to Annex 1.

Section 3 Inspection Procedures Rectification and Detention

3.1 In fulfilling their commitments the Authorities will carry out inspections, which will consist of a visit on board a ship in order to check the certificates and documents relevant for the purposes of the Memorandum. Furthermore the Authorities will satisfy themselves that the crew and the overall condition of the ship, including the engine room and accommodation and including hygienic conditions, meets generally accepted international rules and standards. In the absence of valid certificates or documents or if there are clear grounds for believing that the condition of a ship or of its equipment, or its crew does not substantially meet the requirements of a relevant instrument, a more detailed inspection will be carried out. It is necessary that Authorities include control on compliance with on board operational requirements in their control procedures. Inspections will be carried out in accordance with the guide-lines specified in Annex 1.

3.2.1 The Authorities will regard as “clear grounds” *inter alia* the following:

- .1 a report or notification by another Authority;
- .2 a report or complaint by the master, a crew member, or any person or organization with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution, unless the Authority concerned deems the report or complaint to be manifestly unfounded. The identity of the person lodging the report or the complaint must not be revealed to the master or the shipowner of the ship concerned;
- .3 other indications which may warrant a more detailed or an expanded inspection, having regard in particular to Annex 1.

3.2.2 For the purpose of control on compliance with on board operational requirements, specific “clear grounds” are the following:

- .1 evidence of operational shortcomings revealed during port State control procedures in accordance with SOLAS 74, MARPOL 73/78 and STCW 1978;
- .2 evidence of cargo and other operations not being conducted safely or in accordance with IMO guidelines;
- .3 involvement of the ship in incidents due to failure to comply with operational requirements;
- .4 evidence, from the witnessing of a fire and abandon ship drill, that the crew are not familiar with essential procedures;
- .5 absence of an up-to-date muster list;
- .6 indications that the relevant crew members are unable to communicate appropriately with each other, or with other persons on board, or that the ship is unable to communicate with the shore-based authorities either in a common language or in the language of those authorities.

3.2.3 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.

3.3 In selecting ships for inspection, the Authorities will give priority to the ships referred to in 1.1 of Annex 1.

3.4 The Authorities will seek to avoid inspecting ships which have been inspected by any of the other Authorities within the previous six months, unless they have clear grounds for inspection. The frequency of inspection does not apply to the ships referred to in 3.3, in which case the Authorities will seek satisfaction whenever they will deem this appropriate.

3.5 Inspections will be carried out by properly qualified persons authorized for that purpose by the Authority concerned and acting under its responsibility, having regard in particular to Annex 6.

When the required professional expertise cannot be provided by the Authority, the port State control officer of that Authority may be assisted by any person with the required expertise. Port State control officers and

the persons assisting them will have no commercial interest, either in the port of inspection or in the ships inspected, nor will port State control officers be employed by or undertake work on behalf of non-governmental organizations which issue statutory and classification certificates or which carry out the surveys necessary for the issue of those certificates to ships.

Each port State control officer will carry a personal document in the form of an identity card issued by his Authority in accordance with the national legislation, indicating that the port State control officer is authorized to carry out inspections.

3.6 Each Authority will endeavour to secure the rectification of all deficiencies detected. On the condition that all possible efforts have been made to rectify all deficiencies, other than those referred to in 3.7, the ship may be allowed to proceed to a port where any such deficiencies can be rectified. The provisions of 3.8 apply accordingly.

In exceptional circumstances where, as a result of the initial control and a more detailed inspection, the overall condition of a ship and its equipment, also taking the crew and its living and working conditions into account, is found to be sub-standard, the Authority may suspend an inspection.

The suspension of the inspection may continue until the responsible parties inform the Authority that the ship complies with the relevant requirements.

Prior to suspending an inspection, the Authority must have recorded detainable deficiencies in the areas set out in 6.3 and 6.4 of Annex 1, as appropriate.

In cases where the ship is detained and an inspection is suspended, the Authority shall, as soon as possible, notify the responsible parties. The notification shall include information about the detention. Furthermore it shall state that the inspection is suspended until the Authority has been informed that the ship complies with all relevant requirements.

3.7 In the case of deficiencies which are clearly hazardous to safety, health or the environment, the Authority will, except as provided in 3.8, ensure that the hazard is removed before the ship is allowed to proceed to sea. For this purpose appropriate action will be taken, which may include detention or a formal prohibition of a ship to continue an operation due to established deficiencies which, individually or together, would render the continued operation hazardous. In the event of a detention, the Authority will, as soon as possible, notify in writing the flag State or its consul or, in his absence, its nearest diplomatic representative of all the circumstances in which intervention was deemed necessary. Where the certifying Authority is an organization other than a maritime administration, the former will also be advised.

3.8 Where deficiencies which caused a detention as referred to in 3.7 cannot be remedied in the port of inspection, the Authority may allow the ship concerned to proceed to the nearest appropriate repair yard

available, as chosen by the master and the Authority, provided that the conditions determined by the competent authority of the flag State and agreed by the Authority are complied with. Such conditions shall ensure that the ship can proceed without risk to the safety and health of the passengers or crew, or risk to other ships, or without being an unreasonable threat of harm to the marine environment. In such circumstances the Authority will notify the competent authority of the region State where the next port of call of the ship is situated, the parties mentioned in 3.7 and any other authority as appropriate. Notification to Authorities will be made in accordance with Annex 2. The Authority receiving such notification will inform the notifying Authority of action taken.

3.9.1 The Authorities will take measures to ensure that ships referred to in 3.8 which proceed to sea:

- .1 without complying with the conditions by the Authority in the port of inspection; or
- .2 which refuse to comply with the applicable requirements of the relevant instruments by not calling into the indicated repair yard;

will be refused access to any port within the States, the Authorities of which are signatories to the Memorandum, until the owner or operator has provided evidence to the satisfaction of the Authority where the ship was found defective, that the ship fully complies with all applicable requirements of the relevant instruments.

3.9.2 In the circumstances referred to in 3.9.1.1, the Authority where the ship was found defective will immediately alert all other Authorities.

In the circumstances referred to in 3.9.1.2, the Authority in which the repair yard lies will immediately alert all other Authorities.

Before denying entry, the Authority may request consultations with the flag Administration of the ship concerned.

3.9.3 Notwithstanding the provisions of 3.9.1, access to a specific port may be permitted by the relevant authority of that port State in the event of force majeure or overriding safety considerations, or to reduce or minimize the risk of pollution or to have deficiencies rectified, provided that adequate measures to the satisfaction of the competent authority of such State have been implemented by the owner, the operator or the master of the ship to ensure safe entry.

3.10 The provisions of 3.7 and 3.8 are without prejudice to the requirements of relevant instruments or procedures established by international organizations concerning notification and reporting procedures related to port State control.

3.11 The Authorities will ensure that, on the conclusion of an inspection, the master of the ship is provided with a document, in the form specified in Annex 3, giving the results of the inspection and details of any action taken.

3.12 Should the inspection referred to in 3.1 and section 7 of Annex 1 confirm or reveal deficiencies in relation to the requirements of a relevant instrument warranting the detention of a ship, all costs relating to the inspections in any normal accounting period will be covered by the shipowner or the operator or by his representative in the port State.

All costs relating to inspections carried out by the Authority under the provisions of 3.9.1 will be charged to the owner or the operator of the ship.

The detention will not be lifted until full payment has been made or a sufficient guarantee has been given for the reimbursement of the costs.

3.13 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.

3.14 Each Authority will, as a minimum, publish quarterly information concerning ships detained during the previous 3-month period and which have been detained more than once during the past 24 months. The information published will include the following:

- .1 name of the ship;
- .2 name of the shipowner or the operator of the ship;
- .3 IMO number;
- .4 flag State;
- .5 classification society, where relevant, and, if applicable, any other Party which has issued certificates to such ship in accordance with the relevant instruments;
- .6 reason for detention;
- .7 port and date of detention.

3.15 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. In any instance of alleged undue detention or delay the burden of proof shall lie with the owner or operator of the ship.

Section 4 Provision of information

Each Authority will report on its inspections under the Memorandum and their results, in accordance with the procedures specified in Annex 4.

Section 5 Operational violations

The Authorities will upon the request of another Authority, endeavour to secure evidence relating to suspected violations of the requirements on operational matters of Rule 10 of the International Regulations for

Preventing Collisions at Sea, 1972 and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, relating thereto. In case of suspected violations involving the discharge of harmful substances, an Authority will, upon the request of another Authority, visit in port the ship suspected of such a violation in order to obtain information and where appropriate to take a sample of any alleged pollutant.

Section 6 Organization

6.1 A Committee will be established, composed of a representative of each of the Authorities and of the Commission of the European Communities. An observer from each of the International Maritime Organization and the International Labour Organization will be invited to participate in the work of the Committee.

6.2 The Committee will meet once a year and at such other times as it may decide.

6.3 The Committee will:

- .1 carry out the specific tasks assigned to it under the Memorandum;
- .2 promote by all means necessary, including seminars for port State control officers, the harmonization of procedures and practices relating to the inspection, rectification, detention and the application of 2.4;
- .3 develop and review guidelines for carrying out inspections under the Memorandum;
- .4 develop and review procedures for the exchange of information;
- .5 keep under review other matters relating to the operation and the effectiveness of the Memorandum.

6.4 A secretariat provided by the Netherlands' Ministry of Transport and Public Works will be set up and will have its office in The Hague.

6.5 The secretariat, acting under the guidance of the Committee and within the limits of the resources made available to it, will:

- .1 prepare meetings, circulate papers and provide such assistance as may be required to enable the Committee to carry out its functions;
- .2 facilitate the exchange of information, carry out the procedures outlined in Annex 4 and prepare reports as may be necessary for the purposes of the Memorandum;
- .3 carry out such other work as may be necessary to ensure the effective operation of the Memorandum.

Section 7 Amendments

7.1 Any Authority may propose amendments to the Memorandum.

7.2 In the case of proposed amendments to sections of the Memorandum the following procedure will apply:

- .1 the proposed amendment will be submitted through the secretariat for consideration by the Committee;
- .2 amendments will be adopted by a two-thirds majority of the representatives of the Authorities present and voting in the Committee. If so adopted an amendment will be communicated by the secretariat to the Authorities for acceptance;
- .3 an amendment will be deemed to have been accepted either at the end of a period of six months after adoption by the representatives of the Authorities in the Committee or at the end of any different period determined unanimously by the representatives of the Authorities in the Committee at the time of adoption, unless within the relevant period an objection is communicated to the secretariat by an Authority;
- .4 an amendment will take effect 60 days after it has been accepted or at the end of any different period determined unanimously by the representatives of the Authorities in the Committee.

7.3 In the case of proposed amendments to Annexes of the Memorandum the following procedure will apply:

- .1 the proposed amendment will be submitted through the secretariat for consideration by the Authorities;
- .2 the amendment will be deemed to have been accepted at the end of a period of three months from the date on which it has been communicated by the secretariat unless an Authority requests in writing that the amendment should be considered by the Committee. In the latter case the procedure specified in 7.2 will apply;
- .3 the amendment will take effect 60 days after it has been accepted or at the end of any different period determined unanimously by the Authorities.

Section 8

8.1 The Memorandum is without prejudice to rights and obligations under any international Agreement.

8.2 A Maritime Authority of a European coastal State and a coastal State of the North Atlantic basin from North America to Europe, which complies with the criteria specified in Annex 5, may adhere to the Memorandum with the consent of all Authorities participating in the Memorandum.

8.3 When the Memorandum takes effect, it will supersede the “Memorandum of Understanding between Certain Maritime Authorities on the Maintenance of Standards on Merchant Ships”, signed at The Hague on 2 March 1978.

8.4 The Memorandum will take effect on 1 July 1982.

8.5 The English and French versions of the text of the Memorandum are equally authentic.

SIGNED at Paris in the English and French languages, this twenty-sixth day of January one thousand nine hundred and eighty-two.

Annex 1*Guidelines for Port State Control Officers***Contents****Section 1 General**

- 1.1 Ships to be considered for priority inspection.
- 1.2 Guidelines to be observed in the inspection of foreign ships.
- 1.3 Examples of “clear grounds” for a more detailed inspection.
- 1.4 Extent of inspection after clear grounds have been established.
- 1.5 Principles governing rectification of deficiencies or detention of a ship.
- 1.6 Application of the “no more favourable treatment”-clause.

Section 2 The safety of the ship as related to the relevant instruments

- 2.1 Initial control.
- 2.2 More detailed inspection.

Section 3 Minimum manning standards and certification

- 3.1 Introduction.
- 3.2 Manning control.
- 3.3 Certification control.
- 3.4 Detention related to minimum manning standards and certification.

Section 4 Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)**Section 5 Ships below 500 tons gross tonnage****Section 6 Guidelines for the detention of ships of all sizes**

- 6.1 Introduction.
- 6.2 Main criteria.
- 6.3 Application of main criteria.
- 6.4 Detainable deficiencies.

Section 7 Expanded inspection of certain ships

- 7.1 General provision for expanded inspection.
- 7.2 Passenger ships in regular services.
- 7.3 Categories of ships subject to expanded inspection.

7.4 Non-mandatory guidelines for expanded inspection of certain categories of ships.

Section 1 General

1.1 Ships to be considered for priority inspection (the sequence of the criteria is not indicative of the order of their importance)

- .1 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. In the absence of appropriate data for this purpose, the Authorities will rely upon the available data in the information system referred to in Annex 4 and inspect those ships which have not been registered in that information system following its entry into force on 1 January 1993;
- .2 Ships flying the flag of a State appearing in the three-year rolling average table of above-average detentions and delays published in the annual report of the Memorandum;
- .3 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;
- .4 Ships which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation;
- .5 Ships whose statutory certificates on the ship's construction and equipment, issued in accordance with the relevant instruments and the classification certificates, have been issued by an organization which is not recognized by the Authority;
- .6 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;
- .7 Ships which are in a category for which expanded inspection has been decided, pursuant to 7.3 of this Annex;
- .8 Ships which have been suspended from their class for safety reasons in the course of the preceding six months.

1.2 Guidelines to be observed in the inspection of foreign ships

The guidelines mentioned in section 3.1 of the Memorandum refer to the relevant provisions of the following:

- .1 Procedures for the Control of Ships (IMO Resolution A.466 (XII)), as amended;
- .2 Principles of Safe Manning (IMO Resolution A.481 (XII)) and Annexes which are Contents of Minimum Safe Manning Document (Annex 1) and Guidelines for the Application of Principles of Safe Manning (Annex 2);

- .3 Procedures for the Control of Ships and Discharges under Annex I of MARPOL 73/78 (IMO Resolution A.542 (13));
- .4 Procedures for the Control of Ships and Discharges under Annex II of MARPOL 73/78 (IMO Resolution MEPC 26 (23));
- .5 Procedures for the Control of Operational Requirements related to the Safety of Ships and Pollution Prevention (IMO Resolution A.742(18));
- .6 the provisions of the International Maritime Dangerous Goods Code;
- .7 ILO publication "Inspection of Labour Conditions on board Ship: Guide-lines for procedure";
- .8 The procedures laid down in this Annex to the Memorandum.

1.3 Examples of "clear grounds" for a more detailed inspection

In applying 3.2.1 of the Memorandum, the port State control officer should also be guided by the following examples of "clear grounds" for a more detailed inspection:

- .1 the ship has been identified as a priority case for inspection;
- .2 the ship has been involved in a collision on its way to the port;
- .3 the Oil Record Book has not been properly kept;
- .4 the ship has been accused of an alleged violation of the provisions on discharge of harmful substances or effluents;
- .5 during examination of the certificates and documents, as referred to in 3.1 of the Memorandum, inaccuracies have been revealed;
- .6 failure of the master of an oil tanker to produce the record of the oil discharge monitoring and control system for the last ballast voyage;
- .7 excessively unsanitary conditions on board the ship.

1.4 Extent of inspection after clear grounds have been established

After the establishment of clear grounds in accordance with 3.2.1 and 3.2.2 of the Memorandum and paragraph 1.2 of this Annex, the port State control officer will:

- .1 conduct a detailed inspection in the area(s) where clear grounds were established;
- .2 carry out random detailed inspections as regards the ship's construction, equipment, manning, living and working conditions and compliance with on board operational procedures, which may involve port State control officers of more than one discipline, if necessary.

In the case of an investigation on the basis of a report, notification or complaint as referred to in 3.2.1 of the Memorandum, the inspection will not be limited to the inspection to these specific areas, but will also include the initial inspection procedure referred to in 3.1 of the Memorandum.

1.5 Principles governing rectification of deficiencies or detention of a ship

In taking a decision concerning the rectification of a deficiency or detention of a ship, the port State control officer shall take into consideration the results of the detailed inspection carried out in accordance with section 3 of the Memorandum and the guidelines mentioned in sections 3 and 6 of this Annex.

The port State control officer shall exercise his professional judgement in determining whether to detain the ship until the deficiencies are corrected or to allow it to sail with certain deficiencies without unreasonable danger to the safety, health, or the environment, having regard to the particular circumstances of the intended voyage. As regards minimum manning standards and the provisions of ILO Convention No. 147, special procedures shall be observed set out in sections 3 and 4 of this Annex.

1.6 Application of the “no more favourable treatment”-clause

In applying 2.4 of the Memorandum the following shall be observed. Ships entitled to fly the flag of a State which is not a party to a relevant instrument listed in section 2 of the Memorandum and thus not provided with certificates representing *prima facie* evidence of satisfactory conditions on board, shall receive a detailed inspection. In making such an inspection the port State control officer should follow the same guidelines as provided for ships to which the relevant instruments are applicable.

The conditions of and on such a ship and its equipment and the certification of the crew, its number and composition shall be compatible with the aims of the provisions of a relevant instrument; otherwise the ship shall be subject to such restrictions as are necessary to obtain a comparable level of safety.

Section 2 The safety of the ships as related to the relevant instruments

2.1 Initial control

At the initial control the port State control officer shall, as a minimum and to the extent applicable, examine the following documents:

- .1 International Tonnage Certificate (1969);
- .2 Passenger Ship Safety Certificate;
- .3 Cargo Ship Safety Construction Certificate;
- .4 Cargo Ship Safety Equipment Certificate;
- .5 Cargo Ship Radio Telegraphy Certificate;
- .6 Cargo Ship Radio Telephony Certificate;
- .7 Cargo Ship Safety Radio Certificate;
- .8 Exemption Certificate;
- .9 Cargo Ship Safety Certificate;
- .10 International Certificate of Fitness for the Carriage of Lique-

- ified Gases in Bulk, or the Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, whichever is appropriate;
- .11 International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, or the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, whichever is appropriate;
 - .12 International Oil Pollution Prevention Certificate;
 - .13 International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;
 - .14 International Load Line Certificate (1966);
 - .15 International Load Line Exemption Certificate;
 - .16 Oil Record Book, parts I and II;
 - .17 Cargo Record Book;
 - .18 Minimum Safe Manning Document;
 - .19 Certificates of Competency;
 - .20 Medical certificates (see ILO Convention No. 73);
 - .21 Stability information;
 - .22 Copy of Document of Compliance and Safety Management Certificate issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (IMO Resolutions A.741(18) and A.788(19));
 - .23 Certificates as to the ship's hull strength and machinery installations issued by the classification society in question (only to be required if the ship maintains its class with a classification society).

2.2 More detailed inspection

In so far as there are clear grounds for a more detailed inspection relating to the provisions of the SOLAS Convention, the Protocols thereto, the Load Lines Convention, the Protocol thereto, the Convention on Collision Regulations and MARPOL 73/78 the port State control officer when carrying out this inspection shall take into account the considerations given in the "Procedures for the Control of Ships" (IMO Res. A.466(XII)), the "Procedures for the Control of Ships and Discharges under Annex I of MARPOL 73/78" (IMO Res. A.542(13)), the "Procedures for the Control of Ships and Discharges under Annex II of MARPOL 73/78 (IMO Res. MEPC 26(23)), the provisions of the International Maritime Dangerous Goods Code and the provisions of section 4 of this Annex with regard to living and working conditions on board ships.

Where there are clear grounds for a detailed inspection of a ship belonging to the categories listed in section 7 of this Annex, the port State control officer will ensure that an expanded inspection is carried out.

Section 3 Minimum manning standards and certification

3.1 Introduction

The guiding principle for port State inspection of the manning of a foreign ship should be to establish conformity with the flag State's safe manning requirements. Where this is in doubt the flag State should be consulted. Such safe manning requirements stem from:

- .1 the International Convention for the Safety of Life at Sea (SOLAS) 1974.
- .2 the Merchant Shipping (Minimum Standards) Convention 1976 (ILO Convention 147) which inter alia refers to the ILO Convention No. 53 Article 3 and 4.
- .3 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978.
- .4 the Contents of Minimum Safe Manning Document (IMO Resolution A.481(XII), Annex 1).
- .5 the Guidelines for the Application of Principles of Safe Manning (IMO Resolution A.481 (XII), Annex 2).

Detention as port State action shall only be taken on the grounds laid down in the relevant instruments and used in conjunction with advice from the flag State. Where such response is not readily forthcoming, and the extent of the manning deficiency is such as to render the ship clearly unsafe for the intended voyage or service, detention may be the only resort.

3.2 Manning control

3.2.1 If a ship is manned in accordance with a safe manning document or equivalent document issued by the flag State, the port State control officer should accept that the ship is safely manned unless the document has clearly been issued without regard to the principles contained in the relevant instruments and in the IMO Guidelines for the Application of Principles of Safe Manning. In this last case, the port State control officer should act according to the procedures defined in 3.2.3 of this Annex.

3.2.2 If the actual crew number or composition does not conform to the manning document, the port State should request the flag State for advice whether or not the ship can sail with the actual number of crew and its composition. Such request should be made as quickly as possible. The reply if any, from the flag State should be confirmed by telex. If the actual crew number and composition is not brought into accordance with the safe manning document or the flag State does not advise that the ship could sail, the ship may be considered for detention after the criteria set out in 3.4 of this Annex have been taken into proper account.

3.2.3 If the ship does not carry a safe manning document or equivalent, the port State should request the flag State to specify the required number of crew and its composition and to issue a document as quickly as possible.

In case the actual number or composition of the crew does not conform to the specifications received from the flag State, the procedure as contained in 3.2.2 of this Annex applies.

If the flag State does not respond to the request this will be considered as a clear ground for a more detailed inspection to ensure that the number and composition of the crew is in accordance with the principles laid down in paragraph 3.1. The ship shall only be allowed to proceed if it is safe to do so, taking into account the criteria for detention under 3.4 of this Annex. In any such case the minimum standards to be applied shall be no more stringent than those applied to ships flying the flag of the port State.

The lack of a safe manning document shall be reported as a deficiency.

3.3 Certification control

3.3.1 General certification control upon ships should be carried out in accordance with the procedures stipulated in Article X and in Regulation I/4 of the STCW Convention.

3.3.2 Certification control upon ships engaged in the carriage of liquid hazardous cargo in bulk should be more stringent. The port State control officer should satisfy himself that the officers responsible for cargo handling and operation possess documentary evidence of having had the appropriate training and experience.

No exemption from the carriage of such documentary evidence should be accepted. Where a deficiency is found the master should be informed and the deficiency rectified.

With regard to appropriate training, reference is made to Chapter V of the STCW Convention, to Resolutions 10, 11 and 12 adopted by the International Conference on Training and Certification of Seafarers 1978 and to the relevant sections of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk and the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk.

3.4 Detention related to minimum manning standards and certification

Before detaining a ship under 3.2 or 3.3 of this Annex, the following circumstances should be considered:

- .1 length 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 where the absence is in accordance with any exceptional provisions approved by the flag State.

Section 4 Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

4.1 Inspections on board ships under the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147) shall relate to:

- .1 the Minimum Age Convention, 1973 (No. 138); or
the Minimum Age (Sea) Convention (Revised), 1936 (No. 58);
or
the Minimum Age (Sea) Convention, 1920 (No. 7);
- .2 the Medical Examination (Seafarers) Convention, 1946 (No. 73);
- .3 the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134) (Articles 4 and 7);
- .4 the Accommodation of Crews Convention (Revised), 1949 (No. 92);
- .5 the Food and Catering (Ships' Crews) Convention, 1946 (No. 68) (Article 5);
- .6 the Officers' Competency Certificates Convention, 1936 (No. 53) (Articles 3 and 4).

Inspection regarding certificates of competency is dealt with in section 3 of this Annex. In the exercise of control functions the port State control officer, in the light of his general impression of the ship, will have to use his professional judgement to decide whether the ship shall receive a more detailed inspection. All complaints regarding conditions on board should be investigated thoroughly and action taken as deemed necessary by the circumstances. He shall also use his professional judgement to determine whether the conditions on board give rise to a hazard to the safety or health of the crew which necessitates the rectification of conditions, and may if necessary detain the ship until appropriate corrective action is taken.

4.2 In so far as there are clear grounds for a more detailed inspection relating to the provisions of ILO Convention No.147, the port State control officer when carrying out an inspection shall take into account the provisions of 4.1 of this Annex and the considerations given in the ILO publication "Inspection of Labour Conditions on board Ship: Guidelines for procedure".

4.3 The conventions relevant in the framework of the provisions of 4.4 of this Annex are:

- .1 the Seamen's Articles of Agreement Convention, 1926 (no. 22);

- .2 the Repatriation of Seamen Convention, 1926 (no. 23);
- .3 the Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (no. 55); or
the Sickness Insurance (Sea) Convention, 1936 (no. 56); or
the Medical Care and Sickness Benefits Convention, 1969 (no. 130);
- .4 the Freedom of Association and Protection of the Right to Organise Convention, 1948 (no. 87);
- .5 the Right to Organise and Collective Bargaining Convention, 1949 (no. 98).

4.4 If the port State control officer receives a complaint to the effect that the standards laid down in the conventions listed in 4.3 of this Annex are not met, the matter should be reported to the nearest maritime, consular or diplomatic representation of the flag State for further action. If deemed necessary, the appropriate authority may prepare a report to the flag State, if possible with evidence, with a copy to the ILO.

4.5 Those parts of the ILO publication "Inspection of Labour Conditions on board Ship: Guide-lines for procedure" which deal with:

- .1 control procedures for national flag ships;
- .2 vocational training;
- .3 officers' certificates of competency;
- .4 hours of work and manning;

should not be considered as relevant provisions for the inspection of ships but as information to port State control officers only.

Section 5 Ships below 500 tons gross tonnage

5.1 The following is a guide for the application of section 2.5 of the Memorandum

5.2 *To the extent* a relevant instrument is not applicable to a ship below 500 tons gross tonnage, the port State control officer's task will be to assess whether the ship is of an acceptable standard in regard to safety, health or the environment. In making that assessment the port State control officer shall take due account of such factors as the length and nature of the intended voyage or service, the size and type of the ship, the equipment provided and the nature of the cargo.

5.3 *In the exercise* of his functions under 5.2 of this Annex the port State control officer should be guided by any certificates and other documents issued by the flag State. The port State control officer will, in the light of such certificates and documents and in his general impression of the ship, use his professional judgement in deciding whether and in what respects the ship shall receive a more detailed inspection, taking into account the factors mentioned in 5.2 of this Annex. When carrying out a more detailed inspection the port State control officer shall, to the

extent he deems necessary, pay attention to the items listed in 5.4 of this Annex. The list is not considered exhaustive but is intended to give an exemplification of relevant items.

5.4 Items of general importance

5.4.1 Items related to the conditions of assignment of load lines:

- .1 weathertight (or watertight as the case may be) integrity of exposed decks;
- .2 hatches and closing appliances;
- .3 weathertight closures to openings in superstructures;
- .4 freeing arrangements;
- .5 side outlets;
- .6 ventilators and air pipes;
- .7 stability information.

5.4.2 Other items related to the safety of life at sea:

- .1 life saving appliances;
- .2 fire fighting appliances;
- .3 general structural conditions (i.e. hull, deck, hatch covers, etc.);
- .4 main machinery and electrical installations;
- .5 navigational equipment including radio installations.

5.4.3 Items related to the prevention of pollution from ships:

- .1 means for the control of discharge of oil and oily mixtures e.g. oily water separating or filtering equipment or other equivalent means (tank(s) for retaining oil, oily mixtures, oil residues);
- .2 means for the disposal of oil, oily mixtures or oil residues;
- .3 presence of oil in the engine room bilges.

5.5 *In the case* of deficiencies which are considered hazardous to safety, health or the environment the port State control officer shall take such action, which may include detention as may be necessary, having regard to the factors mentioned in 5.2 of this Annex, to ensure that the deficiency is rectified or that the ship, if allowed to proceed to another port, does not present a clear hazard to safety, health or the environment.

Section 6 Guidelines for the detention of ships of all sizes.

6.1 Introduction

These guidelines shall be used if deficiencies are found during the course of a ship inspection. They are intended for guidance of the port State control officer and should not be considered as a checklist.

6.2 Main criteria

When exercising his professional judgement as to whether or not a ship should be detained the port State control officer should apply the following criteria:

- .1 Timing: ships which are unsafe to proceed to sea should be

detained upon the first inspection irrespective of the time the ship will stay in port;

.2 Criterion: the ship should be detained if the deficiencies on a ship are sufficiently serious to merit a port State control officer returning to the ship to satisfy himself that they have been rectified before the ship sails.

The need for the port State control officer 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 should verify, preferably by a further visit, that the deficiencies have been rectified before departure.

6.3 Application of main criteria

When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention the port State control officer should 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 port State control officer should further assess whether the ship and/or crew is able to:

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

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.

6.4 Detainable deficiencies

To assist the port State control officer in the use of these guidelines there follows a list of deficiencies, grouped under relevant Conventions and/or Codes, which are considered of such a serious nature that they may warrant the detention of the ship involved. This list is not considered exhaustive but is intended to give an exemplification of relevant items.

6.4.1 General

- .1 the lack of valid certificates as required by the relevant instruments. However, ships flying the flag of States not a party to a Convention (relevant instrument) or not having implemented an other relevant instrument, are not entitled to carry the certificates provided for by the Convention or other relevant instrument. Therefore, absence of the required certificates should not by itself constitute reason to detain these ships, however, in applying the “no more favourable treatment” clause, substantial compliance with the provisions must be required before the ship sails.

6.4.2 Areas under the SOLAS-Convention (References are given in brackets)

- .1 failure of proper operation of propulsion and other essential machinery, as well as electrical installations;
- .2 insufficient cleanliness of engine room, excess amount of oily-water mixtures in bilges, insulation of piping including exhaust pipes in engine room contaminated by oil, improper operation of bilge pumping arrangements;
- .3 failure of the proper operation of emergency generator, lighting, batteries and switches;
- .4 failure of the proper operation of the main and auxiliary steering gear;
- .5 absence, insufficient capacity or serious deterioration of personal lifesaving appliances, survival craft and launching arrangements;
- .6 absence, non-compliance or substantial deterioration to the extent that it can not comply with its intended use of fire detection system, fire alarms, firefighting equipment, fixed fire extinguishing installation, ventilation valves, fire dampers, quick closing devices;
- .7 absence, substantial deterioration or failure of proper operation of the cargo deck area fire protection on tankers;
- .8 absence, non-compliance or serious deterioration of lights, shapes or sound signals;
- .9 absence or failure of the proper operation of the radio equipment for distress and safety communication;
- .10 absence or failure of the proper operation of navigation

- equipment, taking the provisions of SOLAS Regulation V/12(o) into account;
- .11 absence of corrected navigational charts, and/or all other relevant nautical publications necessary for the intended voyage, taking into account that electronic charts may be used as a substitute for the charts;
 - .12 absence of non-sparking exhaust ventilation for cargo pump rooms (SOLAS Regulation II-2/59.3.1).
- 6.4.3 Areas under the IBC-Code (References are given in brackets)
- .1 transport of a substance not mentioned in the Certificate of Fitness or missing cargo information (16.2);
 - .2 missing or damaged high pressure safety devices (8.2.3);
 - .3 electrical installations not intrinsically safe or corresponding to code requirements (10.2.3);
 - .4 sources of ignition in hazardous locations referred to in 10.2 (11.3.15);
 - .5 contraventions of special requirements (15);
 - .6 exceeding of maximum allowable cargo quantity per tank (16.1);
 - .7 insufficient heat protection for sensitive products (16.6).
- 6.4.4 Areas under the IGC-Code (References are given in brackets)
- .1 transport of a substance not mentioned in the Certificate of Fitness or missing cargo information (18.1);
 - .2 missing closing devices for accommodations or service spaces (3.2.6);
 - .3 bulkhead not gastight (3.3.2);
 - .4 defective air locks (3.6);
 - .5 missing or defective quick closing valves (5.6);
 - .6 missing or defective safety valves (8.2);
 - .7 electrical installations not intrinsically safe or not corresponding to code requirements (10.2.4);
 - .8 ventilators in cargo area not operable (12.1);
 - .9 pressure alarms for cargo tanks not operable (13.4.1);
 - .10 gas detection plant and/or toxic gas detection plant defective (13.6);
 - .11 transport of substances to be inhibited without valid inhibitor certificate (17/19).
- 6.4.5 Areas under the LOAD LINES Convention
- .1 significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull effecting seaworthiness or strength to take local loads, unless proper temporary repairs for a voyage to a port for permanent repairs have been carried out;
 - .2 a recognized case of insufficient stability;
 - .3 absence of sufficient and reliable information, in an approved form, which by rapid and simple means, enables the master

to arrange for the loading and ballasting of his ship in such a way that a safe margin of stability is maintained at all stages and at varying conditions of the voyage, and that the creation of any unacceptable stresses in the ship's structure are avoided;

- .4 absence, substantial deterioration or defective closing devices, hatch closing arrangements and water tight doors;
- .5 overloading;
- .6 absence of or impossibility to read draught mark.

6.4.6 Areas under the MARPOL-Convention, Annex I (References are given in brackets)

- .1 absence, serious deterioration or failure of proper operation of the oily-water filtering equipment, the oil discharge monitoring and control system or the 15 ppm alarm arrangements;
- .2 remaining capacity of slop and/or sludge tank insufficient for the intended voyage;
- .3 oil record book not available (20(5));
- .4 unauthorized discharge bypass fitted.

6.4.7 Areas under the MARPOL-Convention, Annex II (References are given in brackets)

- .1 absence of the P&A Manual;
- .2 cargo is not categorized (3(4));
- .3 no cargo record book available (9(6));
- .4 transport of oil-like substances without satisfying the requirements (14);
- .5 unauthorized discharge by-pass fitted.

6.4.8 Areas under the STCW-Convention

In his assessment whether deficiencies in areas under the STCW-Convention are of such a serious nature that they may warrant the detention of the ship involved, the port State control officer shall be guided by the provisions of section 3 of this Annex.

6.4.9 Areas under ILO-Conventions

- .1 insufficient food for voyage to next port;
- .2 insufficient potable water for voyage to next port;
- .3 excessively unsanitary conditions on board;
- .4 no heating in accommodation of a ship operating in areas where temperatures may be excessively low;
- .5 excessive garbage, blockage by equipment or cargo or otherwise unsafe conditions in passageways/accommodations.

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

- .1 failure of the proper operation (or maintenance) of inert gas system, cargo related gear or machinery will be considered sufficient ground to stop cargo operation.

Section 7 Expanded inspection of certain ships

7.1 General provision for expanded inspection

The ships referred to in 7.3 of this Annex will be subject to an expanded inspection by any of the Authorities only once during a period of 12 months. However, these ships may be subject to the inspection provided for in 3.1 of the Memorandum.

7.2 Passenger ships in regular services

In the case of passenger ships operating on a regular schedule in or out of a port of a State, the Authority of which is a signatory to the Memorandum, an expanded inspection of each ship will be carried out by that Authority.

When a passenger ship operates such a schedule between ports of States, the Authorities of which are signatories to the Memorandum, the Authority of one of these States will undertake the expanded inspection.

7.3 Categories of ships subject to expanded inspection

7.3.1 Oil tankers, 5 years or less from the date of phasing out in accordance with MARPOL 73/78, Annex I, Regulation 13G, i.e.

- .1 a crude oil tanker of 20,000 tonnes deadweight and above or a product carrier of 30,000 tonnes deadweight and above, not meeting the requirements of a new oil tanker as defined in Regulation 1 (26) of Annex I to MARPOL 73/78, will be subject to expanded inspection 20 years after its date of delivery as indicated on the Supplement, Form B, to the IOPP Certificate, or 25 years after that date, if the ship's wing tanks or double-bottom spaces not used for the carriage of oil meet the requirements of Regulation 13G(4) of that Annex, unless it has been reconstructed to comply with Regulation 13F of the same Annex;
- .2 an oil tanker as mentioned above meeting the requirements of a new oil tanker as defined in Regulation 1(26) of Annex I to MARPOL 73/78 will be subject to expanded inspection 25 years after its date of delivery as indicated on the Supplement, Form B, to the IOPP Certificate, unless it complies with or has been reconstructed to comply with Regulation 13F of that Annex;

7.3.2 Bulk carriers, older than 12 years of age, as determined on the basis of the date of construction indicated in the ship's safety certificates;

7.3.3 Passenger ships;

7.3.4 Gas and chemical tankers older than 10 years of age, as determined on the basis of the date of construction indicated in the ship's safety certificates.

7.4 Non-mandatory guidelines for expanded inspection of certain categories of ships

7.4.1 To the extent applicable the following items may be considered as part of an expanded inspection. Port State control officers must be aware that it may jeopardize the safe execution of certain on-board operations, e.g. cargo operations, if tests having a direct effect thereon are required to be carried out during such operations.

7.4.2 Ships in general (categories as listed in 7.3 of this Annex):

- .1 black-out and start of emergency generator;
- .2 inspection of emergency lighting;
- .3 operation of emergency fire pump with two fire hoses connected to the fire main line;
- .4 operation of bilge pumps;
- .5 closing of watertight doors;
- .6 lowering of one seaside lifeboat to the water;
- .7 test of remote emergency stop for e.g. boilers, ventilation and fuel pumps;
- .8 testing of steering gear including auxiliary steering gear;
- .9 inspection of emergency source of power to radio installations;
- .10 inspection and, to the extent possible, test of engine room separator.

7.4.3 Oil tankers:

In addition to the items listed under 7.4.2 of this Annex, the following items may also be considered as part of the expanded inspection for oil tankers:

- .1 fixed deck foam system;
- .2 fire fighting equipment in general;
- .3 inspection of fire dampers to engine room, pump room and accommodation;
- .4 control of pressure of inert gas and oxygen content thereof;
- .5 check of the Survey Report File (see IMO Resolution A.744(18)) to identify possible suspect areas requiring inspection.

7.4.4 Bulk carriers:

In addition to the items listed under 7.4.2 of this Annex, the following items may also be considered as part of the expanded inspection for bulk carriers:

- .1 possible corrosion of deck machinery foundations;
- .2 possible deformation and/or corrosion of hatch covers;
- .3 possible cracks or local corrosion in transverse bulkheads;
- .4 access to cargo holds;
- .5 check of the Survey Report File (see IMO Resolution A.744(18)) to identify possible suspect areas requiring inspection.

7.4.5 Gas and chemical tankers:

In addition to the items listed under 7.4.2 of this Annex, the following items may also be considered as part of the expanded inspection for gas and chemical tankers:

- .1 cargo tank monitoring and safety devices relating to temperature, pressure and ullage;
- .2 oxygen analyzing and explosimeter devices, including their calibration. Availability of chemical detection equipment (bellows) with an appropriate number of suitable gas detection tubes for the specific cargo being carried;
- .3 cabin escape sets giving suitable respiratory and eye protection, for every person on board (if required by the products listed in the International Certificate of Fitness or Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk or Liquefied Gases in Bulk, as applicable);
- .4 check that the product being carried is listed in the International Certificate of Fitness or the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk or Liquefied Gases in Bulk, as applicable;
- .5 the fixed fire fighting installations on deck whether they be foam or dry chemical or other, as required by the product carried.

7.4.6 Passenger ships:

In addition to the items listed under 7.4.2 of this Annex, the following items may also be considered as part of the expanded inspection for passenger ships:

- .1 testing of fire detection and alarm system;
- .2 testing of proper closing of fire doors;
- .3 test of public address system;
- .4 fire drill where, as a minimum, all sets of fireman's outfits must be demonstrated and part of the catering crew take part;
- .5 demonstration that key crew members are acquainted with the damage control plan.

If deemed appropriate the inspection may be continued while the ship is on passage to or from ports of States, the Authorities of which are signatories to the Memorandum, with the consent of the master or the operator. Port State control officers must not obstruct the operation of the ship, nor must they induce situations that, in the master's judgement, could endanger the safety of the passengers, the crew and the ship.

Annex 2*Exchange of Messages by Region States in Accordance with 3.8 of the Memorandum*

1 In the case of deficiencies not fully rectified or only provisionally repaired, a message shall be sent to the competent Authority of the region State where the next port of call of the ship is situated.

2 The exchange of messages, as in 1 above, shall take effect through the use of the communication facilities incorporated in the information system as described in Annex 4 and/or by facsimile on the form contained in the Appendix to this Annex.

3 Each message as in 1 above, shall contain the following information:

- .1 date;
 - .2 from (country);
 - .3 port;
 - .4 to (country);
 - .5 port;
 - .6 a statement reading: deficiencies to be rectified;
 - .7 name of ship;
 - .8 IMO identification number (if available);
 - .9 type of ship;
 - .10 flag of ship;
 - .11 call sign;
 - .12 gross tonnage;
 - .13 year of build;
 - .14 issuing authority of relevant certificate(s);
 - .15 date of departure;
 - .16 estimated place and time of arrival;
 - .17 nature of deficiencies;
 - .18 action taken;
 - .19 suggested action;
 - .20 suggested action at next port of call;
 - .21 name and facsimile number of sender.
-

Appendix to Annex 2

*Report of deficiencies not fully rectified or only provisionally repaired
in accordance with Annex 2 to the Paris Memorandum of Understanding
on Port State Control*

(Copy to maritime authority of next port of call, flag Administration
or other certifying authority, as appropriate, as required by 3.8 of the
Memorandum and to the Port State Control Secretariat) (see Chapter 2
of the Manual for Surveyors for maritime authority addresses)

| | |
|---|---|
| 1. From (country): | 2. Port: |
| 3. To (country): | 4. Port: |
| 5. Name of ship: | 6. Date departed: |
| 7. Estimated place and time of arrival: | |
| 8. IMO number | 9. Flag of ship: |
| 10. Type of ship: | 11. Call sign: |
| 12. Gross tonnage: | 13. Year of build: |
| 14. Issuing authority of relevant certificate(s): | |
| 15. Nature of deficiencies to be rectified: | 16. Suggested action: |
| | (including action at next port of call) |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| 17. Action taken: | |
| | |
| | |
| | |
| | |

| | |
|---|------------------|
| Reporting Authority: | Office: |
| Name: | Facsimile: |
| duly authorized port State control officer of | |
| (reporting authority) | |
| Signature: | Date: |

Annex 3*Report of Inspection in Accordance with the Paris Memorandum of Understanding on Port State Control*)*

| | |
|---------------------|------------------|
| (issuing authority) | Copy head office |
| (address) | (surveyors copy) |
| (telephone) | (master's copy) |
| (telefax) | (IMO copy) |
| (telegram) | |
| (telex) | |

| | |
|-----------------------------------|------------------------------|
| 1 name of issuing authority | 3 flag of ship |
| 2 name of ship | 4 type of ship |
| 4 type of ship | 5 call sign |
| 5 call sign | 6 IMO number |
| 7 gross tonnage | 8 year of build |
| 9 date of inspection | 10 place of inspection |
| 11 relevant Certificate(s) | |

| <u>a title</u> | <u>b issuing authority</u> | <u>c dates of issue and expiry</u> |
|----------------|----------------------------|------------------------------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |
| 11 | | |
| 12 | | |

* Maritime Authorities of Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, the Netherlands, Norway, Poland, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland have concluded a Memorandum of Understanding harmonizing the procedures on Port State Control. This Port State Control is based upon the international conventions on safety, the protection of the environment and living and working conditions on board ships as adopted by the International Maritime Organization and the International Labour Organisation. If this Inspection report does not contain any remarks under the heading "nature of deficiency" the above Maritime Authorities will seek to avoid inspecting the ship again for a period of six months after the date this report was issued, unless there are clear grounds for another inspection. This inspection report has been issued solely for the purpose of informing the master and other port States that an inspection by the port state, mentioned in the heading, has taken place. This inspection report cannot be construed as a seaworthiness certificate in excess of the certificates the ship is required to carry.

| date | surveying authority | place |
|----------|---------------------|-------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |
| 11 | | |
| 12 | | |

| | |
|------------------------------|---|
| district office | name |
| | duly authorized surveyor of (issuing authority) |
| telephone | |
| telex/telefax/telegram | signature |

Report of Inspection in Accordance with the Paris Memorandum of Understanding on Port State Control

Copy head office
(surveyors copy)
(master's copy)
(IMO copy)

[illegible]

name

duly authorized surveyor of (issuing authority)

signature

¹⁾ To be completed in the event of a detention.

²) Codes for actions taken include i.a.: ship detained/released, flag State informed, classification society informed, next port informed (for codes see reverse side of copy).

(reverse side of Form B)

codes for actions taken

code

- 00 no action taken
 - 10 deficiency rectified
 - 12 all deficiencies rectified
 - 15 rectify deficiency at next port
 - 16 rectify deficiency within 14 days
 - 17 master instructed to rectify deficiency before departure
 - 20 grounds for delay
 - 25 ship allowed to sail after delay
 - 30 grounds for detention
 - 35 ship allowed to sail after detention
 - 36 ship allowed to sail after follow-up detention
 - 40 next port informed
 - 45 next port informed to re-detain
 - 50 flag state/consul informed
 - 55 flag state consulted
 - 60 region state informed
 - 70 classification society informed
 - 80 temporary substitution of equipment
 - 85 investigation of contravention of discharge provisions (MARPOL)
 - 95 letter of warning issued
 - 96 letter of warning withdrawn
 - 99 other (specify in clear text)
-

Annex 4**INFORMATION SYSTEM ON INSPECTIONS**

1 To assist Authorities in their selection of foreign flag ships to be inspected in their ports it is necessary to have at the disposal of Authorities up to date information on inspections of an individual foreign flag ship in one of the other regional ports within the preceding six months.

2 For that purpose the Authorities undertake to provide the "Centre Administratif des Affaires Maritimes" (C.A.A.M.) in Saint Malo, preferably by means of computerized data transmission, with information on ships inspected in the national ports, basing themselves on the information set out in Annex 3 to the Memorandum. The insertion of information into the inspection files should preferably be realized by means of direct, computerized input on a daily basis.

3 For the purpose of exchanging rapid information, the information system shall embrace a communication facility which allows for a direct, computerized exchange of messages between individual Authorities, including the notifications as referred to in Section 3.8 of the Memorandum and the exchange of information on operational violations as referred to in section 5 of the Memorandum.

4 The information as in 2 and 3 above shall be handled in a standardized form and in accordance with standardized procedures as set out in the guide for users of the information system provided by the C.A.A.M.

5 The C.A.A.M. will organize the processing of information as in paragraph 2 above so as to ensure that inspection data are easily accessible both for purposes of consultation and updating in accordance with procedures as set out in the guide for users of the information system provided by the C.A.A.M.

6 The telex facilities shall continue to be an alternative system of exchanging information, to which a standardized form applies as set out in the Appendix to this Annex.

7 Information for administrative purpose, such as statistical information, will be provided by the Secretariat under the guidance of the Committee. This will be based on data provided by the C.A.A.M.

8 The information system indicated in the foregoing paragraphs will be implemented as long as the Memorandum takes effect. Studies to monitor and, where necessary, to improve the quality of the system will be carried out on a continuous basis.

9 Whenever deficiencies are found which lead to the delay or detention of a ship, the port State Authority will send a copy of the report, as referred to in Annex 3 to the Memorandum, to the regional flag Administration concerned.

Appendix to Annex 4

TELEX FORM FOR SHIPS INSPECTED

Report of inspection

- 1 name of issuing country
- 2 name of ship
- 3 flag of ship
- 4 type of ship
- 5 call sign
- 6 IMO number
- 7 gross tonnage
- 8 year of build
- 9 date of inspection (format: dd-mm-yy)
- 10 place of inspection
- 11 relevant certificates¹⁾
 - .1 title of certificate
 - .2 issuing authority
 - .3 date of issue and expiry (format: dd-mm-yy/dd-mm-yy)
 - .4 last intermediate survey (format: dd-mm-yy/authority/place)
- 12 deficiencies (yes/no)
- 13 ship delayed/detained (yes/no)
- 15 nature of deficiencies²⁾ (format: def;def;def;)
- 16 actions taken³⁾

¹⁾ To be repeated for each relevant certificate.

²⁾ Including reference to the relevant Conventions if shown on the document left on board.

³⁾ May alternatively be added to the particulars under 15 (nature of deficiencies) if the action taken has a direct relation to the corresponding deficiency. Deficiency and action(s) taken must be separated by a slant (/) (format: 15. def/at/at;def/at/at; 16. see 15).

Annex 5*Qualitative Criteria for Adherence to the Memorandum in Accordance with 8.2 of the Memorandum*

Qualitative criteria.

A Maritime Authority of a State, meeting the geographical criterion specified in 8.2 of the Memorandum, may adhere as a full member, provided that all of the following qualitative criteria have been met:

.1 such Maritime Authority shall explicitly subscribe to the commitments under the Memorandum, with a view to contributing to the common endeavour to eliminate the operation of sub-standard ships;

.2 such Maritime Authority shall have ratified all relevant instruments in force, before adherence shall be accomplished;

.3 such Maritime Authority shall have sufficient capacity, logistically and substantially, to appropriately enforce compliance with international maritime standards regarding maritime safety, pollution prevention and living and working conditions on board with regard to ships entitled to fly its flag, which shall include the employment of properly qualified port State control officers acting under the responsibility of its Administration, to be demonstrated to the satisfaction of the Committee referred to in 6.1 of the Memorandum;

.4 such Maritime Authority shall have sufficient capacity, logistically and substantially, to comply in full with all provisions and activities specified in the Memorandum in order to enhance its commitments, which shall include the employment of properly qualified port State control officers acting under the responsibility of its Administration, to be demonstrated to the satisfaction of the Committee referred to in 6.1 of the Memorandum;

.5 a Maritime Authority, whose flag has appeared in the list of detentions exceeding the average detention percentage, as published in the annual report in any of three years immediately preceding its application for full membership, cannot be accepted as a full member of the Memorandum;

.6 such Maritime Authority shall, as of its effective date of membership, establish an on-line connection to the information system referred to in Annex 4;

.7 such Maritime Authority shall sign a financial agreement for paying its share in the operating cost of the Memorandum and shall, as of its effective date, pay its financial contribution to the budget as approved by the Committee referred to in 6.1 of the Memorandum.

Assessment of compliance with the above conditions shall only be valid for each individual case and shall not create a precedent for any future cases, neither for the Authorities present under the Memorandum, nor for the potential new signatory.

Annex 6*Minimum Criteria for Port State Control Officers*

1. In pursuance of the provisions of 3.5 of the Memorandum, the port State control officer must be properly qualified and authorized by the Authority to carry out port State control inspections.

2. A properly qualified port State control officer must have completed a minimum of one year's service as a flag State surveyor dealing with surveys and certification in accordance with the relevant instruments and be in possession of:

- .1 a certificate of competency as master, enabling that person to take command of a ship of 1600 tons gross tonnage or more (see STCW, Reg. II/2), or
- .2 a certificate of competency as chief engineer, enabling that person to take up that task on board a ship whose main power plant has a power equal or superior to 3000 kW (see STCW, Reg. III/2), or
- .3 have passed an examination as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least 5 years.

The port State control officers mentioned under .1 and .2 above must have served for a period of not less than five years at sea as officer in the deck or engine department.

3. Alternatively, a port State control officer is deemed to be properly qualified if that person:

- .1 holds a relevant university degree or an equivalent training, and
- .2 has been trained and qualified at a school for ship safety inspectors, and
- .3 has served at least 2 years as a flag State surveyor dealing with surveys and certification in accordance with the relevant instruments.

4. A properly qualified port State control officer must be able to communicate orally and in writing with seafarers in the language most commonly spoken at sea.

5. A properly qualified port State control officer must have appropriate knowledge of the provisions of the relevant instruments and of the relevant procedures on port State control.

6. Port State control officers not fulfilling the above criteria are also accepted if they are employed for port State control by the Authorities before 1 July 1996.

Uitgegeven de *achttiende* september 1996.

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO