

MEMORANDUM OF UNDERSTANDING

ON PORT STATE CONTROL IN THE MEDITERRANEAN REGION



MEDITERRANEAN
— M.O.U. —

(2022 REVISION)



MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN THE MEDITERRANEAN REGION

The Maritime Authorities¹ of

Algeria
Croatia²
Cyprus
Egypt
Israel
Jordan³
Lebanon
Malta
Morocco
Tunisia
Turkey
Palestinian Authority⁴

hereinafter referred to as "the Authorities"

Recognizing the need to increase maritime safety and the protection of the marine environment and the importance of improving living and working conditions on board ships;

Recalling the Declaration adopted on 28 November 1995 on the occasion of the Euro-Mediterranean Conference in Barcelona, establishing a Euro-Mediterranean partnership and including, inter alia, co-operation in maritime safety and pollution prevention in the Mediterranean basin;

Noting with appreciation the progress achieved in these fields, in particular by the International Maritime Organization (IMO) and the International Labour Organization (ILO);

Noting also the contribution which has and which can be made by the European Community 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 co-operation and the exchange of information;

Have reached the following understanding:

¹ **Maritime Authorities** are the national maritime administrations designated for the implementation of this Memorandum.

² **Croatia** adhered to the Memorandum starting from the 1st of January 2024

³ **Jordan** joined the Med MoU in 1999 {Amendment No.(2)}

⁴ **Palestine Authority** memberships was discussed by the committee in its 1st meeting and noted the communication by the Maritime Authority of Israel informing on certain internal procedural arrangements which would prevent the signing of the Mediterranean MoU by the Palestinian Authority. In the absence of the delegations of Israel and Palestinian Authority, the committee agreed to defer consideration of the matter until both Authorities presented in the committee meeting. The committee noted, however, that as the delegation of the Palestinian Authority was unable to sign the Mediterranean MoU within the period prescribed for its signature (i.e. 12 July 1997 to 23 Feb. 1998) considered that the matter raised by the Maritime Authority of Israel can be dealt with in due course under the procedures prescribed in Section 8 of the Memorandum. {Amendment No.(1)}

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, and take all necessary steps to ratify instruments relevant for the purposes of this 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 15% 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. The Committee established pursuant to Section 6.1 will monitor the overall inspection activity and its effectiveness throughout the region. The Committee will also adjust the target inspection rate based on experience gained and progress made in the implementation of the Memorandum of Understanding.
- 1.4** Each Authority will consult, co-operate and exchange information with the other Authorities in order to further the aims of the Memorandum.
- 1.5** Each Authority, or any other body, as the case may be, will establish an appropriate procedure for pilot services and port authorities to immediately inform the competent Authority of the port State, whenever they learn in the course of their normal duties that there are deficiencies which may prejudice the safety of the ship, or which may pose a threat of harm to the marine environment.

Section 2 Relevant instruments

- 2.1** For the purposes of the Memorandum "relevant instruments" are, together with the Protocols and amendments to these instruments and related codes of mandatory status in force is as indicated in (Annex 1):
- 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: Guidelines 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** When inspecting a ship flying the flag of a State not party to a Convention or a "relevant instrument" as amended for the purposes of port State control, the Authorities which are party to such Convention or "relevant instrument" as amended shall ensure that the treatment given to such ship and its crew is not more favorable than that given to ships flying the flag of a State which is party to that Convention or "relevant 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

3.1.1 In implementing the Memorandum, the Authorities will carry out inspections which will consist of a visit on board a ship in order to check the validity of the certificates and other documents relevant for the purposes of the Memorandum as well as the condition of the ship, its equipment and crew, as well as the living and working conditions of the crew.

3.1.2 The Authority shall ensure that the inspector shall, as a minimum, check the certificates and documents listed in Annex 1, to the extent applicable and satisfy himself of the overall conditions of the ship including the engine room and the accommodations and the hygienic conditions.

3.2.1 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.

3.2.2 Clear grounds exist when the inspector finds evidence which in his professional judgement 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.

3.2.3 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.

3.2.4 The relevant procedures and guidelines for control of ships specified in Annex 1 shall also be applied.

3.3 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.
- 3.4** The Authorities will seek to endeavour to inspect ships which have not been inspected within the previous 6 months by other Authorities unless there are clear grounds for inspection. These procedures are not applicable to ships listed under 3.3 which may be inspected whenever the Authority deems appropriate.
- 3.5.1** Inspections will be carried out only by a person, duly authorized by his Authority to carry out port State inspections and responsible to that Authority, who fulfils the requirements of paragraph 3.5.3 and the qualification criteria specified in Annex 7.
- 3.5.2** The inspector carrying out port State control may be assisted by a person with the required expertise when such expertise cannot be provided by his Authority.
- 3.5.3** The inspector carrying out port State control and the person assisting him shall have no commercial interest either in the port of inspection or in the ships inspected, nor shall the inspector be employed 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.
- 3.5.4** Each Inspector shall carry a personal document in the form of an identity card issued by his authority indicating that the inspector is authorized to carry out inspections. A common model for such an identity card is attached at Annex 7.
- 3.6.1** On completion of an inspection the master of ship shall be provided by the inspector with a document in the form specified in Annex 5 to this Memorandum of Understanding, giving the results of the inspection and details of any decision taken by the inspector and of the corrective action to be taken by the master, owner, or operator.
- 3.6.2** The Authority shall be satisfied that any deficiencies confirmed or revealed by the inspection are rectified.
- 3.6.3** 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 the course of 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 3.8.1 below.
- 3.6.4** When exercising his professional judgment as to whether or not a ship should be detained, the inspector shall be guided by the criteria set out in Annex 1.
- 3.6.5** Where the ground for a detention is the result of accidental damage suffered on the ship's voyage to a port or during cargo operations, no detention order will be issued, provided that:
 1. due account has been given to the requirements contained in Regulation I/11(c) of SOLAS regarding notification to the flag Administration, the nominated surveyor or the recognized organization responsible for issuing the relevant certificate;

2. prior to entering a port or immediately after a damage has occurred, the master or ship owner has submitted to the port State control authority details on the circumstances of the accident and the damage suffered and information about the required notification of the flag Administration;
3. appropriate remedial action, to the satisfaction of the Authority, is being taken by the ship, and
4. the Authority has ensured, having been notified of the completion of the remedial action, that deficiencies which were clearly hazardous to safety, health or the environment have been addressed to the satisfaction of the Authority.

3.6.6 In exceptional circumstances where, as a result of a more detailed inspection, the overall condition of a ship and its equipment, also taking the seafarers and their living and working conditions into account, is found to be obviously substandard, the Authority may suspend an inspection. The suspension of the inspection may continue until the responsible parties have taken the steps necessary to ensure that the ship complies with the requirements of the relevant instruments. Prior to suspending an inspection, the Authority must have recorded detainable deficiencies in several areas. The notification of the detention to the responsible parties will state that the inspection is suspended until the Authority has been informed that the ship complies with all relevant requirements.

3.7 In the event that a ship is detained the Authority shall immediately inform the administration of the State whose flag the ship is entitled to fly and the consul or, in his absence, its nearest diplomatic representative of the action taken. Where relevant, the organization responsible for the issue of the certificates shall also be informed.

3.8.1 Where deficiencies referred to in 3.6.3 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 region State where the next port of call or the repair yard is situated, the parties mentioned in 3.7 and any other Authority as appropriate. Notification to Authorities will be made in accordance with Annex 5. The Authority receiving such notification will inform the notifying Authority of action taken.

3.8.2 The Authorities will take measures to ensure that ships referred to in 3.8.1 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.

3.8.3 In the exceptional event of "force majeure", access to a specific port may be permitted to minimize the risk of life or of pollution.

3.9 The provisions of Section 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.

- 3.10** 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.
- 3.11** In case the master, owner or agent of the ship notifies the port State control Authorities prior to or upon arrival of the vessel at 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 recorded only if deficiencies justifying detentions are found after the master has given notification that the ship was ready for inspectors. 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.
- 3.12** 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.
- 3.13** 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 appeal shall not cause the detention to be suspended
- 3.14** 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.

Section 4 Provision of information

- 4.1** Each Authority will report on its inspections under the Memorandum and their results, in accordance with the procedures specified in Annex 4.
- 4.2** The Authorities will supply the following information to the Memorandum Secretariat :
- (a) Number of inspectors working on their behalf on port State inspections. Where inspections work on a part-time basis, the total is corrected into a number of full time employed inspectors;
 - (b) Number of individual ships entering their ports in a representative year prior to the Memorandum;
 - (c) Fees for inspections, if any.

This information will be updated at least every three years.

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 operation 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. In the cases referred to in this article, the requesting Authority should state that the flag State of the ship has already been notified of the alleged violation.

Section 6 Organization

- 6.1** A Committee composed of a representative of each of the Authorities that are party to the Memorandum will be established. A representative of the International Maritime Organization, of the International Labour Organization and of the European Commission will be invited to participate without vote in the work of the Committee. Representatives of the maritime Authorities of other Mediterranean Coastal States and, subject to the provisions of Section 8, any other Organization or Authority which the Committee may deem appropriate, may be accorded the status of observer without vote.
- 6.2** The Committee will meet once a year and at such other times as it may decide.
- 6.3** The Committee will:
- * Carry out the specific tasks assigned to it under the Memorandum.
 - * Promote by all means necessary, including seminars for surveyors, the harmonization of procedures and practices relating to the inspection, rectification, detection and the application of 2.4.
 - * Develop and review guidelines for carrying out inspections under the Memorandum.
 - * Develop and review procedures, including those related to the exchange of information.
 - * Keep under review other matters relating to the operation and the effectiveness of the Memorandum.
 - * Promote by all means necessary the harmonization of the operation and effectiveness of this Memorandum with those of similar agreements for other Regions.
 - * Adopt the budget and decide the contributions of every Party to the Memorandum.
- 6.4** Except where provided otherwise (in Section 7), the Committee will take its decisions acting on simple majority.
- 6.5** A Secretariat provided by the Maritime Authority of Egypt will be set up and will have its office in Alexandria-Egypt.
- 6.6** The Secretariat, acting under the guidance of the Committee and within the limits of the resources made available to it, will:

- * Prepare meetings, circulate papers and provide such assistance as may be required to enable the Committee to carry out its functions.
- * 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.
- * Carry out such other work as may be necessary to ensure the effective operation of the Memorandum and to revise the Memorandum periodically in 5 years duration.

6.7 A Secretariat Head Quarter Agreement must be established between the Med. MoU represented by its Chairman & the Government of Egypt.

Section 7 Amendments

7.1 Any Authority, which has accepted the Memorandum, may propose amendments to the Memorandum.

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

- (a) The proposed amendment will be submitted through the Secretariat for consideration by the Committee.
- (b) Amendments will be adopted by a two-thirds majority of the representative 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.

The amendments of paragraph 1 of Section 2 are adopted by a two-thirds majority of the representatives of the Authorities present and voting which are party to the new Convention proposed for inclusion as "relevant instrument".

- (c) 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.
- (d) 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:

- (a) the proposed amendment will be submitted through the Secretariat for consideration by the Authorities.
- (b) 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.

- (c) the amendment will take effect 60 days after it has been accepted or at the end of any period determined unanimously by the Authorities.

Section 8 Administrative provisions

- 8.1** The Memorandum is without prejudice to the rights and obligations under any international Agreement.
- 8.2** A Maritime Authority of a State, which complies with the criteria specified in Annex 6, may adhere to the Memorandum by the acceptance of simple majority of the representatives of the Authorities present and voting in the Committee.
- 8.3** The Memorandum remains open for signature, at the Headquarters of the Secretariat of the Committee from 11 July 1997 to 23 February 1998. Maritime Authorities meeting the requirements specified in Annex 6 may become parties of the Memorandum by:
 - a) Signature without any reservations as to acceptance, or
 - b) Signature subject to acceptance, followed by acceptance.
- 8.4** Acceptance or accession will be effected by a written communication by the Maritime Authorities to the Secretariat.
- 8.5** The Secretariat will inform the Maritime Authorities who have signed the Memorandum of any signature or written communication, or of acceptance or accession and of the date on which such an event has taken place.
- 8.6** This Memorandum will enter into force for each Authority on the date duly notified to the Secretariat.
- 8.7** Any Maritime Authority or Organization wishing to participate as an observer will submit in writing an application to the Committee and will be accepted as an observer subject to the unanimous consent of the representatives of the Authorities present and voting at the Committee meeting.
- 8.8** Any Authority may withdraw from the Memorandum by providing the Committee with 60 days notice in writing.
- 8.9** The English, French and Arabic versions are equally authentic. The English text is the official version of the Memorandum in case of dispute.

Section 9 Training programmes and seminars

The Authorities will endeavour to establish appropriate training programmes and seminars.

Section 10 Financial Mechanism

The costs for running the Secretariat and the Information Centre are financed by:

- The financial contribution of every party to the Memorandum.

- If possible, gifts and subventions by donor countries or organizations.

Financial contributions to the costs for running the Secretariat and the Information Centre of Parties to the Memorandum are to be settled, in conformity with the decisions and procedures adopted by the Committee.

Signed at Malta in the English language, this Eleventh day of July of One Thousand Nine Hundred and Ninety Seven.

MEMORANDUM OF UNDERSTANDING

**ON PORT STATE CONTROL
IN THE MEDITERRANEAN REGION**

Signitures



**MEDITERRANEAN
— M.O.U. —**


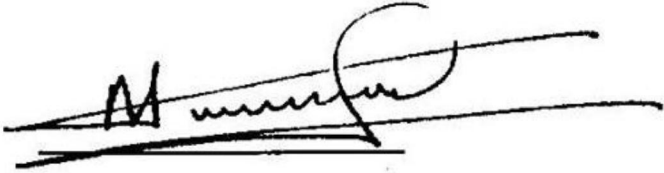

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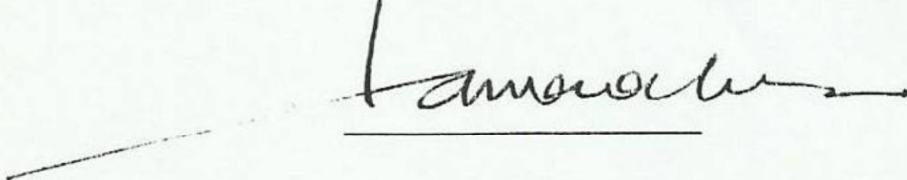
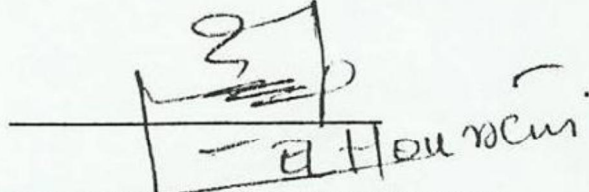
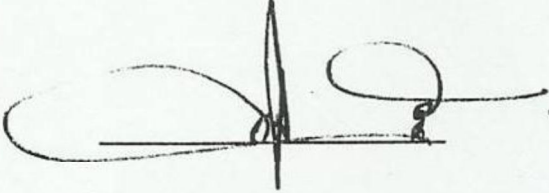


**MARITIME AUTHORITIES SIGNING THE
MEDITERRANEAN MEMORANDUM OF UNDERSTANDING
ON PORT STATE CONTROL (MEDITERRANEAN MOU)**

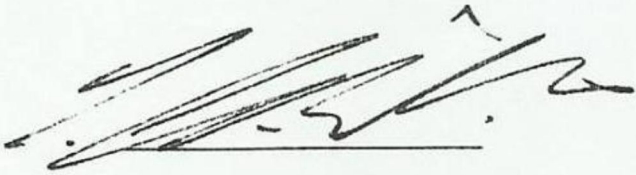
This memorandum is signed at Malta in the English language, this Eleventh day of July of one thousand nine hundred and ninety seven by the following authorities:

Algeria	 Mr. M. Noureddine Zebar Sous-Directeur de la Navigation Maritime Ministère des Transports
Cyprus	 Captain Andreas Constantinou Senior Marine Surveyor Department of Merchant Shipping Ministry of Communications and Works
Egypt	 Admiral Ahmed Medhat ABD EL Bari Counsellor Ministry of Maritime Transport

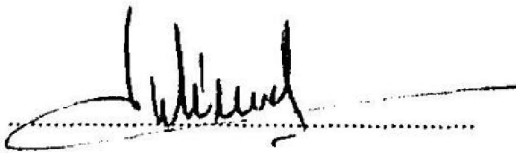


<p>Israel</p>	<p></p> <p>..... Admiral Arieh Rona Director of Shipping and Port Administration Ministry of Transport</p>
<p>Malta</p>	<p></p> <p>..... Dr. Edward Woods Chairman Malta Maritime Authority</p>
<p>Morocco</p>	<p></p> <p>..... Mr. Mohamed Amine El Housseini Hilal Directeur de la Division Navigation Maritime Direction de la Marine Marchande</p>
<p>Tunisia</p>	<p></p> <p>..... Dr. Mokhtar Rachdi Directeur Général de la Marine Marchande Direction Générale de la Marine Marchande</p>

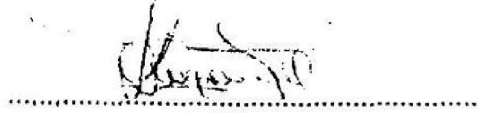


<p>Turkey</p>	 <p>..... Mr. Taner Ciftci Head of Delegation Deputy Undersecretary for Maritime Affairs</p>
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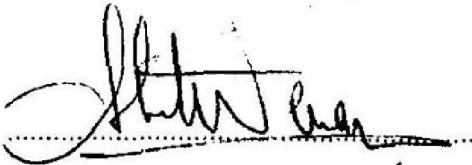
Signed as witness to the above signatures:



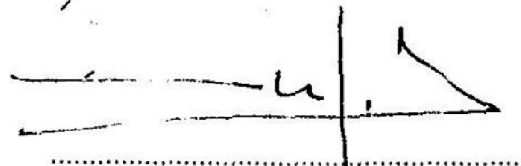
Representative of France



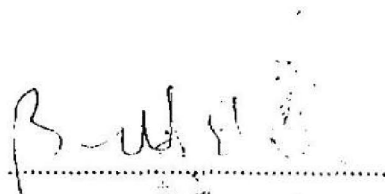
Representative of Greece



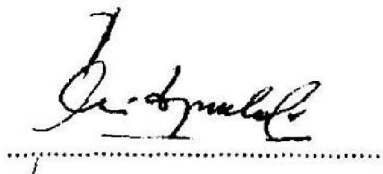
Representative of Italy



Representative of Spain



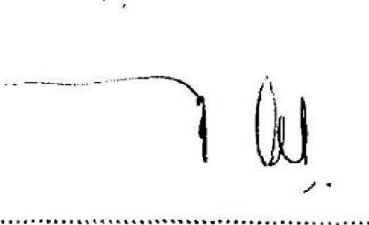
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Organization



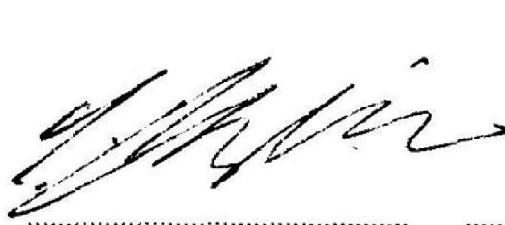
International Maritime
Organization



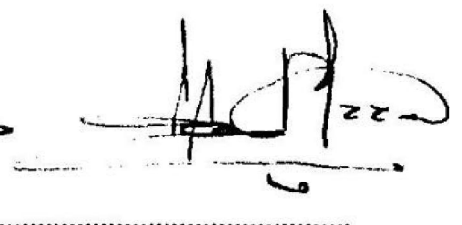
Commission of
European Communities



Chairman



Vice-Chairman



Rapporteur



- Acceptance from Jordan on the Mediterranean Memorandum of Understanding on Port State Control:

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Mediterranean Memorandum of
Understanding on Port State Control

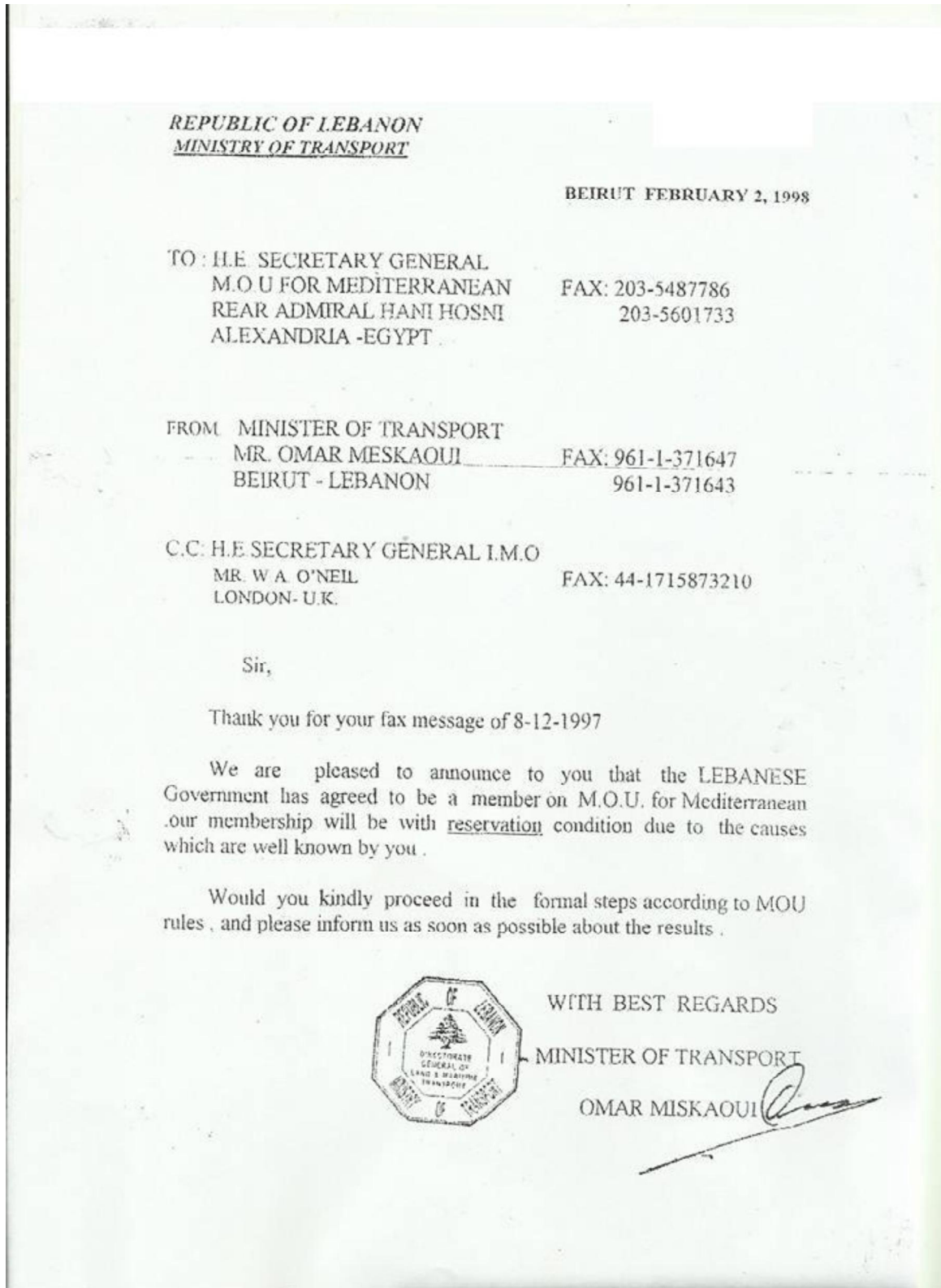
The Maritime Authority of the Hashemite
Kingdom of Jordan has the honor to announce
That it hereby **accepts without** reservation and
With immediate effect the Mediterranean
Memorandum of Understanding on Port State
Control

Signed, on **Tenth** of July one Thousand **nine**
hundred ninety nine

Signed By
Abdel Jalil Maaytah
Director General
Ports Corporation



- Acceptance from Lebanon on the Mediterranean Memorandum of Understanding on Port State Control:



Mediterranean Memorandum

of Understanding on Port State Control

The Maritime Authority of Croatia hereby accepts without reservation and with immediate effect the Mediterranean Memorandum of Understanding on Port State Control.

Signed, on 17th of October year 2023.



Signed by



Siniša Orlić

Director General

Maritime Safety Directorate

MEMORANDUM OF UNDERSTANDING

ON PORT STATE CONTROL IN THE MEDITERRANEAN REGION

Annexes



MEDITERRANEAN
— M.O.U. —

(2022 REVISION)



ANNEXES TO MEMORANDUM

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Annex 3	<u>Facts regarded as "Clear Grounds"</u>
Annex 4	<u>Information system on inspections</u>
Annex 5	<u>Publication of information for PSC</u>
Annex 6	<u>Qualitative criteria for adherence to the Med MoU</u>
Annex 7	<u>Port State control officer criteria and requirements</u>
Annex 8	<u>Appeal and review procedures</u>
Annex 9	<u>Selection criteria (target factor)</u>
Annex 10	<u>Refusal of Access</u>
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ANNEX 1

PORT STATE CONTROL PROCEDURES

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- 1.2** Principles governing rectification of deficiencies or detention of a ship.
- 1.3** Application of the clause of "no more favourable treatment".
- 1.4** More Detailed Inspection

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- 2.2** Manning control
- 2.3** Certification control
- 2.4** Detention

Section 3 Maritime Labour Convention, 2006 (MLC 2006) or Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) and ILO 147 Protocol, 1966, if applicable

Section 4 Guidelines for surveyors to be observed in the inspection of cargo ships below 500 tons gross tonnage and ships of traditional Build

Section 1 General

1.1 Guidelines to be observed in the inspection of foreign ships.

1.1.1 The relevant instruments mentioned in section 2.1 of the Memorandum is as following:

- 1) The International Convention on Load Lines, 1966 (LOAD LINES 66);
- 2) the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 88);
- 3) The International Convention for the Safety of Life at Sea, 1974 (SOLAS 74);
- 4) The Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS PROT 88);
- 5) The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as further amended by the Protocol of 1997 (MARPOL);
- 6) The International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978 (STCW 78);
- 7) The Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 72);
- 8) the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 69);
- 9) The Maritime Labour Convention, 2006 (MLC 2006);
- 10) The Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147) (ILO 147);
- 11) Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1992);
- 12) International Convention on the Control of Harmful Anti Fouling Systems on Ships, 2001 (AFS 2001);
- 13) The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;
- 14) The International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM).
- 15) The Nairobi International Convention on the Removal of Wrecks (Nairobi WRC 2007).

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

- Procedures for Port State Control, 2011 (IMO resolution A.1052(27));
- Principles of Safe Manning (IMO resolution A.1047 (27).
- The Provisions of the International Maritime Dangerous Goods Code.
- ILO publication " Inspection of Labour Conditions on board Ship: Guidelines for procedure "
- The Procedures lay down in the Annex to the Memorandum.

1.2 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 PSCO shall take into consideration the results of the more detailed inspection carried out in accordance with section 3 of the Memorandum. The PSCO shall exercise his professional judgment 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 the Maritime Labour Convention, 2006 (MLC 2006) and / or ILO Convention No.147, special procedures shall be observed set out in sections 3 and 4 of this Annex.

1.3 Application of the clause of "no more favourable treatment".

In applying Section 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 more detailed, or as appropriate, an expanded inspection. In making such an inspection the PSCO should follow the same guidelines as provided for ships to which the relevant instruments are applicable.

If the ship or the crew has some alternative form of certification, the Port State Control Officer, in making this inspection, may take the form and content of this documentation into account. 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, otherwise the ship must be subject to such restrictions as are necessary to obtain a comparable level of safety and protection of the marine environment.

1.4 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 Protocol thereto, the Load Lines Convention, Convention on Collision Regulations and MARPOL 73/78, the PSCO when carrying out this inspection shall take into account the considerations given in the guidelines for "Preparation and Type of a PSC Inspection", the provisions of the International Maritime Dangerous goods Code in its latest edition, and the Provisions of Section 3 of this Annex with regard to living and working conditions on board ships.

Section 2 Minimum manning standards and certification

2.1 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:

- The International Convention for the Safety of life at Sea (SOLAS) 1974.
- The Merchant Shipping (Minimum Standards) Convention 1976 (ILO Convention 147) which *inter*

alia refers to the ILO Convention No. 53 Articles 3 and 4;

- The Maritime Labour Convention 2006 (MLC 2006);
- The International Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW) 1978;
- The Principles of Safe Manning (IMO resolution A. 1047(27) as amended

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.

2.2 Manning control

2.2.1 If a ship is manned in accordance with a safe manning document or equivalent document issued by the flag State, the PSCO 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 PSCO should act according to the procedures defined in paragraph 2.2.3

2.2.2 If the actual crew number or composition does not confirm 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 writing. 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 paragraph 2.4 of this Annex have been taken into proper account.

2.2.3 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 confirm to the specifications received from the flag State, the procedure as contained in paragraph 2.2.2 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 2.1. The ship shall only be allowed to proceed if it is safe to do so, taking into account the criteria for detention under paragraph 2.4. 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.

2.3 Certification control

2.3.1 General certification control upon ships should be carried out in accordance with the procedures stipulated in Article X and in Regulation 1/4 of the STCW Convention.

2.3.2 Certification control upon ships engaged in the carriage of liquid hazardous cargo in bulk should be more stringent. The PSCO 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.

2.4 Detention

Before detaining a ship under paragraph 2.2 or 2.3 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 3 Maritime Labour Convention, 2006 (MLC 2006) or Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) and ILO 147 Protocol, 1966, if applicable

3.1 Maritime Labour Convention, 2006 (MLC, 2006), if applicable

- 3.1.1** In the exercise of control of the MLC, 2006, the Port State Control Officer (PSCO) will decide, on the basis of the clear grounds listed in Annex 3 and his/her professional judgment, whether the ship will receive a more detailed inspection. All complaints not manifestly unfounded regarding conditions on board will be investigated thoroughly and action taken as deemed necessary. The PSCO will also use his/her professional judgment to determine whether the conditions on board give rise to a hazard to the safety or health of the seafarers which necessitates the rectification of conditions and may, if necessary, detain the ship until appropriate corrective action is taken. Reporting procedures for detentions are provided in Annex 5.

[Implementation of PSC procedures which are specific to MLC, 2006, may be found in the ILO publication "Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention 2006"]

3.2 Merchant Shipping (Minimum Standards) Convention, 1976 (ILO147) and ILO 147 Protocol, 1966, if applicable

- 3.2.1** 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 (Ship's Crews) Convention, 1946 (No.68) (Articles 5);
6. the Officers' Competency Certificates Convention, 1936 (No.53) (Articles 3 and 4).

Inspection regarding certificates of competency is dealt with in Section 2 of this Annex. In the exercise of control of the conventions listed above in (.1) to (.6) the Port State Control Officer PSCO will decide on the basis of the clear grounds listed in Annex 3, and in the light of his/hers general impression of the ship, will have to use his / hers professional judgment 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 judgment 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. Reporting procedures for detentions are provided in Annex 5.

3.3 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 previous paragraph in this section and the considerations given in the ILO publication "Inspection of Labour Conditions on board Ship: guidelines for procedure".

3.4 The Conventions relevant in the framework of the provisions of paragraph 3.5 are:

1. the Seamen's Articles of Agreement Convention, 1926 (No.22);
2. the Repatriation of Seamen Convention 1926 (No.23);
3. the Ship owners' 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 Organize Convention, 1948 (No.87);
5. the Right to Organize and Collective Bargaining Convention, 1949 (No.98);
6. the Seafarers' Identity Documents Convention, 1958 (no. 108);
7. the Workers' Representatives Convention, 1971 (no. 135);
8. the Health Protection and Medical Care (Seafarers) Convention, 1987 (no. 164);
9. the Repatriation of Seafarers Convention (Revised), 1987, (no. 166).

3.5 If the Port State Control Officer receives a complaint to the effect that the standards laid down in the Conventions listed in paragraph 3.4 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.

3.6 Those parts of the ILO publication "Inspection of Labour Conditions on board Ship: Guidelines for

procedure" which deal with:

1. Control procedures for national flag ships;
2. Vocational training;
3. Officer's 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 4 Guidelines for surveyors to be observed in the inspection of cargo ships below 500 tons gross tonnage and ships of traditional build

4.1 Mediterranean cargo ships below 500 tons gross tonnage

4.1.1 The following is a guide for the application of section 2.5 of the Memorandum in respect of Mediterranean cargo ships below 500 tons gross tonnage.

4.1.2 Authorities that have accepted and applied the "Mediterranean Cargo Ship Safety Regulations" on their vessels may to the extent a relevant instrument is not applicable to a ship below 500 tons gross tonnage; be guided with said regulations.

4.1.3 Authorities that cannot apply the provisions of 4.1.2 above, to the extent a relevant instrument is not applicable to a ship below convention size, 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 will 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.

4.2 Ships of Traditional build

4.2.1 The following is a guide for the application of Section 2.5 of the Memorandum in respect of ships of traditional build

4.2.2 To the extent a relevant instrument is not applicable to a ship of traditional build, the PSCO'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 PSCO 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.

4.2.3 In the exercise of his functions under paragraph 2.2, the PSCO should be guided by any certificates and other documents issued by the flag State. The PSCO will, in the light of such certificates and documents and in his general impression of the ship, use his professional judgment in deciding whether and in what respects the ship shall receive a more detailed inspection, taking into account the factors mentioned in paragraph 2.2 when carrying out a more detailed inspection the PSCO shall, to the extent he deems necessary, pay attention to the items listed in paragraph 2.4. The list is not considered

4.2.4 Items of general importance

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

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

4.2.4.2 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.

4.2.4.3 Items related to the prevention of pollution from ships:

6. means for the control of discharge of oil and oily mixtures, e.g., oily water separating or other equivalent means (tank(s)) for retaining oil, oily mixtures, oil residues;
7. Presence of oil in the engine room bilges.

4.2.5 In the case of deficiencies which are considered to safety, health or the environment the PSCO shall take such action, which may include detention as may be necessary, having regard to the factors mentioned in paragraph 2.2, 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.

ANNEX 2

PROCEDURES FOR INVESTIGATIONS UNDER MARPOL 73/78

Contents

- Section 1** **Procedures for discharge requirements under Annexes I and II to MARPOL 73/78**
- Section 2** **Contravention of discharge provisions under Annex I to MARPOL 73/78**
- Section 3** **Itemized list of possible evidence on alleged contravention of the discharge provisions of Annex I to MARPOL 73/78**
- 3.1** Action on sighting oil pollution
 - 3.2** Investigation on board
 - 3.3** Investigation ashore
 - 3.4** Information not covered by the foregoing
 - 3.5** Conclusion
- Section 4** **Contravention of discharge provisions under Annex II to MARPOL 73/78**
- Section 5** **Itemized list of possible evidence on alleged contravention of the discharge provisions of Annex II to MARPOL 73/78**
- 5.1** Action on sighting pollution
 - 5.2** Investigation on board
 - 5.3** Investigation ashore
 - 5.4** Information not covered by the foregoing
 - 5.5** Conclusion

Section 1 Procedures for discharge requirements under Annexes I and II to MARPOL 73/78

- 1.1** Acting upon a report or notification of an alleged violation of the discharge requirements under Annexes I and II to MARPOL 73/78, the port State control officer will be guided by the procedures set out in sections 2 and 3 of this Annex with regard to investigations into alleged contravention of the discharge provisions of Annex I to MARPOL 73/78 and in sections 4 and 5 of this Annex with regard to investigations into alleged contravention of the discharge provisions of Annex II to MARPOL 73/78.
- 1.2** When exercising control on alleged violations of the discharge requirements under Annexes I and II to MARPOL 73/78, the port State control officer will give due regard to the provisions of 4.3.1 and 4.3.2 of IMO Resolution A. 1052(27) as amended and of Appendix 3 of the same Resolution, and to the instructions of the port State Administration based on these provisions.
- 1.3** In the event that his investigation reveals deficiencies which are clearly hazardous to safety, health or the environment, the port State control officer will apply the provisions of 3.6.3 of the Memorandum.

Section 2 Contravention of discharge provisions under Annex I to MARPOL 73/78

- 2.1** The provisions of sections 2 and 3 of this Annex are intended to identify information which is often needed by a flag State Administration for the prosecution of such possible violations.
- 2.2** It is recommended that in preparing a port State control report on deficiencies, where contravention of the discharge requirements is involved, the authorities of the coastal or port State be guided by the itemized list of possible evidence as shown in section 3 of this Annex. It must be borne in mind in this connection that:
 1. The report aims to provide the optimal collation of obtainable data; however, even if all the information cannot be provided, as much information as possible must be submitted;
 2. It is important for all the information included in the report to be supported by facts which, when considered as a whole, would lead the port or coastal State to believe a contravention had occurred.
- 2.3** In addition to the port State control report on deficiencies, a report must be completed by a port or coastal State, on the basis of the itemized list of possible evidence. It is important that these reports are supplemented by documents such as:
 1. A statement by the observer of the pollution. In addition to the information required in 3.1 of this Annex, the statement must include considerations which lead the observer to conclude that none of any other possible pollution sources is in fact the source;
 2. Statements concerning the sampling procedures both of the slick and on board. These must include location of and time when samples were taken, identity of person(s) taking the samples and receipts identifying the persons having custody and receiving transfer of the samples;

3. reports of analyses of samples taken of the slick and on board; the reports must include the results of the analyses, a description of the method employed, reference to or copies of scientific documentation attesting to the accuracy and validity of the method employed and names of persons performing the analyses and their experience;
4. a statement by the port State control officer on board together with the port State control officer's rank and organization;
5. statements by persons being questioned;
6. statements by witnesses;
7. photographs of the oil slick;
8. Copies of relevant pages of Oil Record Books, log books, discharge recordings, etc.

All observations, photographs and documentation must be supported by a signed verification of their authenticity. All certifications, authentications or verifications shall be executed in accordance with the laws of the State which prepares them. All statements must be signed and dated by the person making the statement and, if possible, by a witness to the signing. The names of the persons signing statements must be printed in legible script above or below the signature.

- 2.4** The report referred to in 2.2 and 2.3 of this annex must be sent to the flag State Administration. If the coastal State observing the pollution and the port State carrying out the investigation on board are not the same, the State carrying out the latter investigation must also send a copy of its findings to the State observing the pollution and requesting the investigation.

Section 3 Itemized list of possible evidence on alleged contravention of the discharge provisions of Annex I to MARPOL 73/78

3.1 Action on sighting oil pollution

3.1.1 Particulars of ship or ships suspected of contravention

1. Name of ship
2. Reasons for suspecting the ship
3. Date and time (UTC) of observation or identification
4. Position of ship
5. Flag and port of registry
6. Type (e.g. tanker, cargo ship, passenger ship, fishing vessel), size (estimated tonnage) and other descriptive data (e.g. superstructure colour and funnel mark)
7. Draught condition (loaded or in ballast)
8. Approximate course and speed
9. Position of slick in relation to ship (e.g. astern, port, starboard)
10. Part of the ship from which side discharge was seen emanating
11. Whether discharge ceased when ship was observed or contacted by radio

3.1.2 Particulars of slick

1. Date and time (UTC) of observation if different from 3.1.1.3 of this Annex;

2. Position of oil slick in longitude and latitude if different from 3.1.1.4 of this Annex;
3. Approximate distance in nautical miles from the nearest landmark;
4. Approximate overall dimension of oil slick (length, width and percentage thereof covered by oil);
5. Physical description of oil slick (direction and form e.g. continuous, in patches or in windrows);
6. Appearance of oil slick (indicate categories);
7. Category A: Barely visible under most favourable light condition;
8. Category B: Visible as silvery sheen on water surface;
9. Category C: First trace of colour may be observed;
10. Category D: Bright band of colour;
11. Category E: Colours begin to turn dull;
12. Category F: Colours are much darker;
13. Sky conditions (bright sunshine, overcast, etc.), light fall and visibility (kilometres) at the time of observation;
14. Sea state;
15. Direction and speed of surface wind;
16. Direction and speed of current.

3.1.3 Identification of the observer(s)

1. Name of the observer;
2. Organization with which observer is affiliated (if any);
3. Observer's status within the organization;
4. Observation made from aircraft/ship/shore/otherwise;
5. Name or identity of ship or aircraft from which the observation was made;
6. Specific location of ship, aircraft, place on shore or otherwise from which observation was made;
7. Activity engaged in by observer when observation was made, for example: patrol, voyage, flight (en route from to), etc.

3.1.4 Method of observation and documentation

1. Visual;
2. Conventional photographs;
3. Remote sensing records and/or remote sensing photographs;
4. Samples taken from slick;
5. Any other form of observation (specify);

Note: A photograph of the discharge must preferably be in colour. Photographs can provide the following information: that a material on the sea surface is oil; that the quantity of oil discharged does constitute a violation of the Convention; that the oil is being, or has been discharged from a particular ship; and the identity of the ship.

Experience has shown that the aforementioned can be obtained with the following three photographs:

1. details of the slick taken almost vertically down from an altitude of less than 300 metres with the sun behind the photographer;
2. an overall view of the ship and “slick” showing oil emanating from a particular ship; and
3. details of the ship for the purposes of identification.

3.1.5 Other information if radio contact can be established

1. Master informed of pollution
2. Explanation of master
3. Ship's last port of call
4. Ship's next port of call
5. Name of ship's master and owner
6. Ship's call sign

3.2 Investigation on board

3.2.1 Inspection of IOPP Certificate

1. Name of ship
2. Distinctive number or letters
3. Port of registry
4. Type of ship
5. Date and place of issue
6. Date and place of endorsement

Note: If the ship is not issued an IOPP Certificate, as much as possible of the requested information must be given.

3.2.2 Inspection of supplement to the IOPP Certificate

1. Applicable paragraphs of sections 2, 3, 4, 5 and 6 of the supplement to the IOPP Certificate (non-oil tankers)
2. Applicable paragraphs of sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the supplement to the IOPP Certificate (oil tankers)

Note: If the ship does not have an IOPP Certificate, a description must be given of the equipment and arrangements on board, designed to prevent marine pollution.

3.2.3 Inspection of Oil Record Book

1. Sufficient pages of the Oil Record Book - Part I must be copied to cover a period of 30 days prior to the reported incident
2. Sufficient pages of the Oil Record Book - Part II (if on board) must be copied to cover a full loading/unloading/ballasting and tank cleaning cycle of the ship. A copy of the tank diagram must also be taken.

3.2.4 Inspection of log book

1. Last port, date of departure, draught forward and aft
2. Current port, date of arrival, draught forward and aft
3. Ship's position at or near the time the incident was reported
4. Spot check if positions mentioned in the log book agree with positions noted in the Oil Record Book.

3.2.5 Inspection of other documentation on board

Other documentation relevant for evidence (if necessary make copies) such as:

1. recent ullage sheets;
2. records of monitoring and control equipment.

3.2.6 Inspection of ship

1. Ship's equipment in accordance with the supplement of the IOPP Certificate;
2. Samples taken. State location on board;
3. Traces of oil in vicinity of overboard discharge outlets;
4. Condition of engine room and contents of bilges;
5. Condition of oily water separator, filtering equipment and alarm, stopping or monitoring arrangements;
6. Contents of sludge and/or holding tanks;
7. Sources of considerable leakage;
8. On oil tankers the following additional evidence may be pertinent:
 - a. Oil on surface of segregated or dedicated clean ballast
 - b. Condition of pump-room bilges
 - c. Condition of crude oil washing system
 - d. Condition of inert gas system
 - e. Condition of monitoring and control system
 - f. Slop tank contents (estimate quantity of water and of oil)

3.2.7 Statements of persons concerned

If Part I of the Oil Record Book has not been properly completed, information on the following questions may be pertinent:

1. Was there a discharge (accidental or intentional) at the time indicated on the incident report?
2. Is the bilge discharge controlled automatically?
3. If so, at what time was this system last put into operation and at what time was this system last put on manual mode?
4. If not, what were date and time of the last bilge discharge?
5. What was the date of the last disposal of residue and how was disposal effected?
6. Is it usual to effect discharge of bilge water directly to the sea, or to store bilge water first in a collecting tank? Identify the collecting tank
7. Have oil fuel tanks recently been used as ballast tanks?

8. If Part II of the Oil Record Book has not been properly completed, information on the following questions may be pertinent:
9. What was the cargo/ballast distribution in the ship on departure from the last port?
10. What was the cargo/ballast distribution in the ship on arrival in the current port?
11. When and where was the last loading affected?
12. When and where the last unloading was effected?
13. When and where was the last discharge of dirty ballast?
14. When and where was the last cleaning of cargo tanks?
15. When and where was the last crude oil washing operation and which tanks were washed?
16. When and where was the last decanting of slop tanks?
17. What is the ullage in the slop tanks and the corresponding height of interface?
18. Which tanks contained the dirty ballast during the ballast voyage (if ship arrived in ballast)?
19. Which tanks contained the clean ballast during the ballast voyage (if ship arrived in ballast)?
20. In addition the following information may be pertinent:
21. Details of the present voyage of the ship (previous ports, next ports, trade)
22. Contents of oil fuel and ballast tanks
23. Previous and next bunkering, type of oil fuel
24. Availability or non-availability of reception facilities for oily wastes during the present voyage
25. Internal transfer of oil fuel during the present voyage
26. In the case of oil tankers the following additional information may be pertinent:
27. The trade the ship is engaged in, such as short/long distance, crude or product or alternating crude/product, lightering service, oil/dry bulk
28. Which tanks clean and dirty
29. Repairs carried out or envisaged in cargo tanks
30. Miscellaneous information:
31. Comments in respect of condition of ship's equipment
32. Comments in respect of pollution report
33. Other comments

3.3 Investigation ashore

3.3.1 Analyses of oil samples

Indicate method and results of the samples' analyses

3.3.2 Further information

Additional information on the ship, obtained from oil terminal staff, tank cleaning contractors or shore reception facilities may be pertinent.

Note: Any information under this heading is, if practicable, to be corroborated by documentation such as signed statements, invoices, receipts, etc.

3.4 Information not covered by the foregoing

3.5 Conclusion

3.5.1 Summing up of the investigator's technical conclusions

3.5.2 Indication of applicable provisions of Annex I of MARPOL 73/78 which the ship is suspected of having contravened.

3.5.3 Did the results of the investigation warrant the filing of a deficiency report?

Section 4 Contravention of discharge provisions under Annex II to MARPOL 73/78

4.1 The provisions of sections 4 and 5 of this Annex are intended to identify information which will be needed by a flag State Administration for the prosecution of violations of the discharge provisions under Annex II to MARPOL 73/78.

4.2 It is recommended that in preparing a port State control report on deficiencies, where contravention of the discharge requirements is involved, the authorities of a coastal or port State will be guided by the itemized list of possible evidence as shown in section 5 of this Annex. It must be borne in mind in this connection that:

1. the report aims to provide the optimal collation of obtainable data; however, even if all the information cannot be provided, as much information as possible must be submitted; and
2. it is important for all the information included in the report to be supported by facts which, when considered as a whole, would lead the port or coastal State to believe a contravention has occurred; and
3. The discharge may have been oil, in which case annex 2 to appendix II of Annex I to MARPOL 73/78 Control Procedures applies.

4.3 In addition to the port State control report on deficiencies, a report must be completed by a port or coastal State, on the basis of the itemized list of possible evidence. It is important that these reports are supplemented by documents such as:

1. a statement by the observer of the pollution. In addition to the information required in 5.1 of this Annex, the statement must include considerations which have led the observer to conclude that none of any other possible pollution sources is in fact the source;
2. statements concerning the sampling procedures both of the slick and on board. These include location of and time when samples were taken, identity of person(s) taking the samples and receipts identifying the persons having custody and receiving transfer of the samples;
3. reports of analyses of samples taken of the slick and on board; the reports must include the results of the analyses, a description of the method employed, reference to or copies of scientific documentation attesting to the accuracy and validity of the method employed and names of persons performing the analyses and their experience;
4. a statement by the port State control officer on board together with the port State control officer's rank and organization;
5. statements by persons being questioned;
6. statements by witnesses;
7. photographs of the slick; and

8. copies of relevant pages of the Cargo Record Book, log books, discharge recordings, etc.

All observations, photographs and documentation must be supported by a signed verification of their authenticity. All certifications, authentications or verifications shall be executed in accordance with the laws of the State which prepares them. All statements must be signed and dated by the person making the statement and, if possible, by a witness to the signing. The names of the persons signing statements must be printed in legible script above or below the signature.

- 4.4 The report referred to in 4.2 and 4.3 of this Annex must be sent to the flag State Administration. If the coastal State observing the pollution and the port State carrying out the investigation on board are not the same, the State carrying out the latter investigation must also send a copy of its findings to the State observing the pollution and requesting the investigation.

Section 5 Itemized list of possible evidence on alleged contravention of the discharge provisions of Annex II to MARPOL 73/78

5.1 Action on sighting pollution

5.1.1 Particulars of ship or ships suspected of contravention

1. Name of ship
2. Reasons for suspecting the ship
3. Date and time (UTC) of observation or identification
4. Position of ship
5. Flag and port of registry
6. Type, size (estimated tonnage) and other descriptive data (e.g. superstructure, colour and funnel mark)
7. Draught condition (loaded or in ballast)
8. Approximate course and speed
9. Position of slick in relating to ship (e.g. astern, port, starboard)
10. Part of the ship from which discharge was seen emanating
11. Whether discharge ceased when ship was observed or contacted by radio

5.1.2 Particulars of slick

1. Date and time (UTC) of observation if different from 5.1.1.3 of this Annex
2. Position of slick in longitude and latitude if different from 5.1.1.4 of this Annex
3. Approximate distance in nautical miles from the nearest land
4. Depth of water according to sea chart
5. Approximate overall dimension of slick (length, width and percentage thereof covered)
6. Physical description of slick (direction and form, e.g. continuous, in patches or in windrows)
7. Colour of slick
8. Sky conditions (bright sunshine, overcast, etc.), light fall and visibility (kms) at the time of observation
9. Sea state

10. Direction and speed of surface wind
11. Direction and speed of current

5.1.3 Identification of the observer(s)

1. Name of the observer
2. Organization with which observer is affiliated (if any)
3. Observer's status within the organization
4. Observation made from aircraft (ship) (shore) or otherwise
5. Name or identity of ship or aircraft from which the observation was made
6. Specific location of ship, aircraft, place on shore or otherwise from which observation was made
7. Activity engaged in by observer when observation was made, for example: patrol, voyage, flight (en route from ... to ...), etc.

5.1.4 Method of observation and documentation

1. Visual
2. Conventional photographs
3. Remote sensing records and/or remote sensing photographs
4. Samples taken from slick
5. Any other form of observation (specify)

Note: A photograph of the discharge must preferably be in colour. The best results may be obtained with the following three photographs:

- .1 details of the slick taken almost vertically down from an altitude of less than 300 metres with the sun behind the photographer;
- .2 an overall view of the ship and "slick" showing a substance emanating from the particular ship; and
- .3 details of the ship for the purposes of identification.

5.1.5 Other information if radio contact can be established

1. Master informed of pollution
2. Explanation of master
3. Ship's last port of call
4. Ship's next port of call
5. Name of ship's master and owner
6. Ship's call sign

5.2 Investigation on board

5.2.1 Inspection of the certificate (CoF or NLS Certificate)

1. Name of ship
2. Distinctive number or letters

3. Port of registry
4. Type of ship
5. Date and place of issue
6. Date and place of endorsement

5.2.2 Inspection of P and A Manual

1. List of Annex II substances the ship is permitted to carry
2. Limitations as to tanks in which these substances may be carried
3. Ship equipped with an efficient stripping system
4. Residue quantities established at survey

5.2.3 Inspection of Cargo Record Book

Sufficient pages of the Cargo Record Book should be copied to cover a full loading/unloading/ballasting and tank cleaning cycle of the ship. A copy of the tank diagram should also be taken.

5.2.4 Inspection of log book

1. Last port, date of departure, draught forward and aft;
2. Current port, date of arrival, draught forward and aft ;
3. Ship's position at or near the time the incident was reported ;
4. Spot check if times entered in the Cargo Record Book in respect of discharges correspond with sufficient distance from the nearest land, the required ship's speed and with sufficient water depth.

5.2.5 Inspection of other documentation on board

Other documentation relevant for evidence (if necessary make copies) such as:

- .1 cargo documents of cargo presently or recently carried, together with relevant information on required unloading temperature, viscosity and/or melting point;
- .2 records of temperature of substances during unloading ;
- .3 records of monitoring equipment if fitted.

5.2.6 Inspection of ship

1. Ship's equipment in accordance with the P and A Manual;
2. Samples taken; state location on board;
3. Sources of considerable leakage;
4. Cargo residues on surface of segregated or dedicated clean ballast ;
5. Condition of pump room bilges;
6. Condition of monitoring system;
7. Slop tank contents (estimate quantity of water and residues).

5.2.7 Statements of persons concerned

If the Cargo Record Book has not been properly completed, information on the following questions may be pertinent:

1. Was there a discharge (accidental or intentional) at the time indicated on the incident report?
2. Which tanks are going to be loaded in the port?
3. Which tanks needed cleaning at sea? Had the tanks been prewashed?
4. When and where were these cleaned?
5. Residues of which substances were involved?
6. What was done with the tank washing slops?
7. Was the slop tank, or cargo tank used as a slop tank, discharged at sea?
8. When and where was the discharge effected?
9. What are the contents of the slop tank or cargo tank used as slop tank?
10. Which tanks contained the dirty ballast during the ballast voyage (if ship arrived in ballast)?
11. Which tanks contained the clean ballast during the ballast voyage (if ship arrived in ballast)?
12. Details of the present voyage of the ship (previous ports, next ports, trade)
13. Difficulties experienced with discharge to shore reception facilities
14. Difficulties experienced with efficient stripping operations
15. Which tanks are clean or dirty on arrival?
16. Repairs carried out or envisaged in cargo tanks
17. Miscellaneous information
18. Comments in respect of condition of ship's equipment
19. Comments in respect of pollution report
20. Other comments.

5.3 Investigation ashore

5.3.1 Analyses of samples

Indicate method and results of the samples' analyses

5.3.2 Further information

Additional information on the ship, obtained from terminal staff, tank cleaning contractors or shore reception facilities may be pertinent

Note: Any information under this heading is, if practicable, to be corroborated by documentation such as signed statements, invoices, receipts, etc.

5.3.3 Information from previous unloading port terminal

1. Confirmation that the ship unloaded, stripped or prewashed in accordance with its P and A Manual
2. The nature of difficulties if any
3. Restrictions by authorities under which the ship was permitted to sail

4. Restrictions in respect of shore reception facilities

5.4 Information not covered by the foregoing

5.5 Conclusion

1. Summing up of the investigator's conclusions;
2. Indication of applicable provisions of Annex II to MARPOL 73/78 which the ship is suspected of having contravened ;
3. Did the results of the investigation warrant the filing of a deficiency report?

ANNEX 3

FACTS REGARDED AS "CLEAR GROUNDS"

1. The Authorities will regard as "clear grounds" *inter alia* the following:
 1. a report or notification by another Authority;
 2. during examination of the certificates and documents referred to in Annex 11 of the Memorandum, inaccuracies have been revealed or the documents have not been properly kept, updated, or they have been falsely maintained;
 3. 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 of those authorities;
 4. a certificate has been fraudulently obtained or the holder of a certificate is not the person to whom that certificate was originally issued;
 5. the ship has a master, officer or rating holding a certificate issued by a country which has not ratified the STCW Convention;
 6. evidence of cargo and other operations not being conducted safely or in accordance with the IMO guidelines;
 7. 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;
 8. absence of an up to date muster list, or crew members not aware of their duties in the event of fire or an order to abandon the ship;
 9. the emission of false distress alerts not followed by proper cancellation procedures;
 10. the absence of principal equipment or arrangements required by the conventions;
 11. evidence from the Port State Control Officer's general impressions and observations that serious hull or structural deterioration or deficiencies exist that may place at risk the structural, watertight or weather tight integrity of the ship;
 12. 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;
13. the absence of a table of shipboard working arrangements or records of hours of work or rest of seafarers;
 14. the ship has changed flag for the purpose of avoiding compliance with the MLC or the ship flies the flag of a State that has not ratified the MLC, 2006;
 15. there is a complaint alleging that specific working and living conditions on the ship do not conform to the requirements of the MLC, 2006 or following investigation of an on shore complaint;
 16. the working and living conditions on the ship do not conform to the requirements of the MLC;
 17. 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.
2. Following are examples of clear grounds for the control of ships on security aspects:
1. ISSC is not valid or it has expired.
 2. The ship is at a lower security level than the port.
 3. Drills related to the security of the ship have not been carried out.
 4. Records for the last 10 ship/port or ship/ship interfaces are incomplete.
 5. Evidence or observation that key members of the ship's personnel cannot communicate with each other.
 6. Evidence from observations that serious deficiencies exist in security arrangements.
 7. Information from third parties such as a report or a complaint concerning security related information.
 8. The ship holds a subsequent, consecutively issued Interim International Ship Security Certificate (ISSC) and in the professional judgement of the inspector one of the purposes of the ship or company in requesting such a certificate is to avoid full compliance with

SOLAS 74 Chapter XI-2 and Part A of the ISPS Code, beyond the period of the initial Interim Certificate. ISPS Code Part A specifies the circumstances when an Interim Certificate may be issued.

If clear grounds as described above are established, the PSCO shall immediately inform the competent security authority (unless the PSCO is also an Officer Duly Authorized for Security). The competent security authority shall then decide on what further control measures are necessary taking into account the security level in accordance with Regulation 9 of SOLAS 74, Chapter XI.

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 of inspection of an individual foreign flag ship in one of the other regional ports.
2. For that purpose the Authorities undertake to provide an Information Centre, preferably by means of computerizing data transmission, with information on ships inspected in the national ports, basing themselves on the information set out in Annex 5 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 in Section 5 of the Memorandum.
4. The information as in paragraph 2 and 3 above shall be handled in a standardized form and in accordance with standardization as set out in the guide for users of the information system provided by the Information Centre.
5. The Information Centre 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 Information Centre.
6. 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 Information Centre.
7. The information system indicated in the foregoing paragraphs will be implemented as long as the Memorandum takes effect.
8. 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 5 to the Memorandum, to the flag Administration concerned.

ANNEX 5

PUBLICATION OF INFORMATION FOR PSC

Contents

- **Report of Inspection in Accordance with the Med MoU on PSC "Form A/1" and "Form A/2"**

- **Report of Inspection in Accordance with the Med MoU on PSC "Form B"**

- **NOTIFICATION OF DETENTION OF SHIP**

- **NOTIFICATION OF RELEASE OF SHIP**

- **EXCHANGE OF MESSAGES BY REGION AUTHORITIES IN ACCORDANCE WITH SECTION 3.8 OF THE MEMORANDUM**

16. Follow-Up of inspection(s) :

Nr.	Visit date	Inspection Team	Observations
1			
2			

17. Operational controls (if any):

- | | | |
|---|--|--|
| <input type="checkbox"/> Other | <input type="checkbox"/> Communication equipment | <input type="checkbox"/> Abandon Ship drill |
| <input type="checkbox"/> Fire drill | <input type="checkbox"/> Oil filtering equipment | <input type="checkbox"/> Emergency fire pump |
| <input type="checkbox"/> Damage control | <input type="checkbox"/> Emergency generator | <input type="checkbox"/> Emergency steering |

18. Relevant certificate(s)

Nr.	a. Title	b. Issuing Authority	c. Date of issue	d. Date of expiry	e. Information on Last intermediate, periodical, or annual survey		
					Date of survey	Surveying Authority	Country
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

19. Classification society (ies) responsible for issuance of class certificates:

.....

Issued on:

Expired on:

Issued on:

Expired on:

20. Recognized Organization (s) responsible for issuance of certificates on behalf of the flag State:

.....

21. Ship related inspection action taken:

- | | | |
|---|---|---|
| <input type="checkbox"/> Flag State administration informed | <input type="checkbox"/> Inspection done at sea | <input type="checkbox"/> Observations to inspection |
| <input type="checkbox"/> Coastal State informed | <input type="checkbox"/> Inspection suspended | <input type="checkbox"/> Excluded AFS grounds |
| <input type="checkbox"/> Recognized Organization informed | <input type="checkbox"/> Dismissed on AFS grounds | <input type="checkbox"/> MARPOL investigation of contravention of discharge provision |
| <input type="checkbox"/> Next port of call informed | <input type="checkbox"/> Vessel expelled on security | <input type="checkbox"/> The flag State has been requested an action plan within a deadline |
| <input type="checkbox"/> ILO informed | <input type="checkbox"/> Vessel expelled on other grounds | <input type="checkbox"/> Overriding Factor |
| <input type="checkbox"/> Union representative informed | <input type="checkbox"/> Other authority informed | |

22. Deficiencies no yes (see attached FORM B)

23. Supporting documentation no yes (see annex)

PORT STATE PARTICULARS

District office

Address

Telephone

Fax

E-mail

Names:
 (duly authorized PSCO of reporting authority)

Signature

This report must be retained on board for a period of at least two years and must be readily available for consultation by Port State Control Officers at all times.



PORT STATE CONTROL NOTIFICATION OF DETENTION OF SHIP*

Flag State / Consulate

Classification society/recognized organization

Fax no.

E-mail

Number of pages, incl. this

Dear Sir / Madam,

[Ship's name, flag, IMO No.] – Detention of ship

The Maritime Authority have on **[date]** carried out an inspection of the above ship at [Port, country].

The ship is detained at **[time of detention]** hours due to the following detainable deficiencies:

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

Enclosed please find a copy of the Report of inspection forms A & B.

For further inquiries, please contact: [**Name and contact details**]

Yours faithfully,

* As per IMO-MSC/Circ.1011 and MEPC/Circ.383

INCERT AT THE BACK OF THE PRESENT DOCUMENT THE DEDICATED APPEAL PROCEDURE



PORT STATE CONTROL NOTIFICATION OF RELEASE OF SHIP*

Flag State / Consulate

Classification society/recognized organization

Fax no.

E-mail

Number of pages, incl. this

Dear Sir / Madam,

[Ship's name, flag, IMO No.] – Release of ship

The Maritime Authority have on **[date]** carried out a re-inspection of the
above ship at **[Port, country]**.

The ship was released at **[time of release]** hours.

[Insertion of free text, if any]

Enclosed please find a copy of the Report of inspection forms A & B.

Yours faithfully,

* As per IMO-MSC/Circ.1011 and MEPC/Circ.383

EXCHANGE OF MESSAGES BY REGION AUTHORITIES IN ACCORDANCE WITH SECTION 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 paragraph 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 paragraph 1 above, shall contain the following information:
 - date:
 - from (country):
 - port:
 - to (country):
 - port:
 - a statement reading deficiencies to be rectified:
 - name of ship:
 - IMO identification number (if available):
 - type of ship:
 - flag of ship:
 - call sign:
 - gross tonnage:
 - year of build:
 - issuing Authority of relevant certificate(s):
 - date of departure:
 - estimated place and time of arrival:
 - nature of deficiencies:
 - action taken:
 - suggested action at next port of call:
 - name and facsimile number of sender.

ANNEX 6

QUALITATIVE CRITERIA FOR ADHERENCE TO THE MED MOU

1. Maritime Authority of a State may adhere as a full member, provided that all of the following qualitative criteria have been met:
2. 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 substandard ships;
3. Such Maritime Authority shall take all necessary measures to encourage the ratification of all relevant instruments in force. Port State Control shall not be applied by such Maritime Authority to those instruments it has not yet ratified.
4. Such Maritime Authorities 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 inspectors 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. 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 commitment, 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;
6. Such Maritime Authority shall, as of its effective date of membership, establish an online 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.

ANNEX 7

PORT STATE CONTROL OFFICER CRITERIA AND REQUIREMENTS

Contents

Section 1 Qualification Criteria for Port State Control Officers

Section 2 Requirements for the Identity Card for Port State Control Inspectors

Section 1 QUALIFICATION 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 [without prejudice to national provisions].
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 1,600 tons gross tonnage or more (see STCW, Regulation 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 3,000 kW (see STCW, Regulation III/2), or
 3. has passed an examination recognized by the Authority 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 2.1 and 2.2 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. A properly qualified port State control officer must remain updated with the new relevant instruments and regulations. In achieving the goal of retaining and updating their knowledge the PSCO should use the Distance Learning Programs available.
7. 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.

Section 2 REQUIREMENTS FOR THE IDENTITY CARD FOR PORT STATECONTROL INSPECTORS

1. The identity card shall contain at least the following information:
 1. name and issuing Authority;
 2. full name of the holder of the identity card
 3. an up to date picture of the holder of the identity card;
 4. the signature of the holder of the identity card;
 5. a statement to the effect that the holder of the identity card is authorized to carry out inspections in accordance with the national legislation.
2. If the main language used on the identity card is not English, it must include a translation into that language.
3. The format of the identity card is left to the discretion of the competent Authorities.

ANNEX 8

APPEAL AND REVIEW PROCEDURES

Section 1 Appeal Procedure

- 1 Section 3.13 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 to the Court of competent jurisdiction, according to the law in each country. However, an appeal shall not cause the detention to be suspended."
- 2 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).

Section 2 Review Procedure

- 1 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 authorized to act for the flag State).
- 2 The flag State or Recognised Organisation may then ask the port State to reconsider its decision to detain the ship.
- 3 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.
- 4 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.
- 5 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.
- 6 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
- 7** 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.
 - 8** 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.
 - 9** 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.
 - 10** The findings of Review Panel could not be used as a ground for claiming a financial compensation.

ANNEX 9

SELECTION CRITERIA (TARGET FACTOR)

The calculation of the Target Factor is divided into two parts:

1. Generic Factor, based on elements of the ships profile.
2. History Factor, based on the ships inspection history in the Med MoU

1 Generic Factor

The Generic Factor for an individual ship is calculated by adding together the relevant elements of its profile:

- Targeted flag
- Targeted ship type
- Non IACS member classification society
- Ships age

The Generic Factor is updated when the particulars of the ship change or the status of its existing flag change.

2 History Factor

The History Factor is applied to the Generic Factor to reflect the actual condition of the ship found following PSC inspections.

The History Factor is calculated by applying the elements below to each Med MoU inspection of the ship carried out:

- Inspection interval
- Detained
- Number of deficiencies
- Outstanding deficiencies

3 The Overall Target Factor is calculated by adding the Generic and History Factor but it cannot be less than the Generic Factor.

4 Regardless of the target factor value the following ships shall be considered as overriding priority for inspection:

1. Ships which have been reported as overriding priority by pilots or port authorities in accordance with section 1.5 of the Memorandum;
2. 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;
3. Ships which have been the subject of a report or notification by another Authority;
4. Ships which have been the subject of 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 complaint must not be revealed to the master or the shipowner of the ship concerned;

5. Ships which have been:
 - i. involved in a collision, grounding or stranding on their way to the port,
 - ii. accused of an alleged violation of the provisions on discharge of harmful substances or effluents,
 - iii. maneuvered in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigation practices and procedures have not been followed, or
 - iv. otherwise operated in such a manner as to pose a danger to persons, property or the environment;
6. Ships which have been suspended or withdrawn from their class for safety reasons in the course of the preceding 6 months;
 - Ships which cannot be identified in the THETIS-Medⁱ information system.

5 The Authorities will give priority for inspection to the ships with the higher Target Factor as indicated by the THETIS-Medⁱ system. The criteria and their weight are indicated in table 1 of this annex. The Target Factor of the ship will be the sum of all applicable criteria points. Full implementation of the targeting System will become applicable when statistical data for all criteria is available in the THETIS-Medⁱ system. The following elements are relevant for the targeting factor:

- .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.
- .2 Ships not inspected by any Authority within the previous 6 months;
- .3 Ships whose statutory certificates on the ship's construction and equipment, issued in accordance with the Conventions, and the classification certificates, have been issued by a non IACS organization;
- .4 Ships flying the flag of a State appearing in the blacklist as published in the annual report of the MoU;
- .5 Ships which have been permitted by the Authority to leave a port of its State on certain conditions:
 - i. deficiency to be rectified before departure;
 - ii. deficiency to be rectified at the next port;
 - iii. deficiencies to be rectified within 14 days;
 - iv. deficiencies for which other conditions have been specified;
 - v. if ship related action has been taken and all deficiencies have been rectified;
- .6 Ships for which deficiencies have been recorded during a previous inspection, according to the number of deficiencies;

ⁱ PSCC23/16 - replacing all references to MEDSIS to be THETIS-Med

- .7 Ships which have been detained in a previous port;
- .8 Ships flying the flag of a non-party to a relevant instrument;
- .9 Other ships above 13 years old.

TABLE 1

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	10 points
Outstanding deficiencies (A deficiency recorded in the <u>THETIS-Med</u> ⁱ 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)

ANNEX 10 REFUSAL OF ACCESS

Section 1 General Provisions

- 1** In accordance with section 3.8.2 of the Memorandum the Mediterranean MoU States must refuse access to their ports to ships which have:
1. proceeded to sea without complying with the corrective measures laid down by the detaining port (jumped detention);
 2. not called at the indicated repair yard;

The ban may only be lifted following a reinspection of the ship at the company's expense at an agreed port by PSCO's of the banning State and if evidence is provided to its satisfaction that the vessel fully complies with the applicable requirements of the International Conventions.

- 2** A port State may permit the access of a ship in the event of force majeure or overriding safety considerations or to reduce or minimize the risk of pollution or to have deficiencies rectified.
- 3** Procedures for the following cases as well as suggested communication documents are described below:
1. Allowing a ship to sail to a repair yard;
 2. Actions if a ship fails to arrive at an agreed repair yard;
 3. Actions if a ship fails to comply with the detention order (jumped detention).

Section 2 Procedure For Allowing A Ship To Sail To An Agreed Repair Yard

- 1** The flag State or Recognized Organization acting on behalf of the flag State must confirm in writing that the ship is permitted to proceed to the nearest available and appropriate repair port and advise any conditions for the voyage (see letter "Request For Agreement To Proceed To A Repair Yard"). The designated repair yard must be acceptable by the flag state / RO and the PSC authority. The conditions for release must be acceptable to the port State that may impose additional conditions.
- 2** The flag State or recognized organization acting on behalf of the flag State must also issue single voyage certificates or preferably endorse existing certificates. The voyage will be in ballast and exclude any commercial operations. Exceptionally, cargo already on board may be carried to the repair port, or specified intermediate ports, when it is safe to do so. These ports should be included in the conditions of release (see letter "Conditions Of Release from Detention to a Repair Port") and be informed if they would accept the vessel.
- 3** The company and / or Master must provide to the PSC Authority written confirmation of a repair yard contract or supply of equipment as appropriate.

- 4 The agreed repair yard will be in a port in which follow up action will be taken and before releasing the ship the PSCO should obtain confirmation in writing from the relevant port State authority that the ship will be accepted and that they will adhere to the MoU communication procedure (see letter “Request For Agreement To Proceed To A Repair Yard”)
- 5 The master must be informed in writing of the conditions of release. The master must also be advised that the ship may be banned if it does not comply with these conditions or does not call at the repair port (see letter “Conditions Of Release from Detention to a Repair Port”).
- 6 The master must be informed in writing that, as a condition of release, the detaining port must be notified by the port State control authority of the repair port in writing immediately that the ship has arrived at the agreed repair yard (see letter “Conditions Of Release from Detention to a Repair Port”). If a notification is not send the detaining port may proceed with the issuance of a Refusal of Access order.
- 7 The PSC inspection form is to make clear to which port the ship is allowed to sail and its ETA.
- 8 The port State control authority of the repair port, the flag State and the recognized organization should be informed of the departure of the vessel and its ETA at the repair port (see letter “Conditions Of Release from Detention to a Repair Port”)

Section 3 Procedure If A Ship Fails To Call At An Agreed Repair Yard

- 1 If a ship fails to call at the agreed repair yard or fails to arrive at the prearranged time the ship is liable for banning. The decision to apply a ban is for the detaining port State, following confirmation that the ship has not called at the agreed repair yard or fails to comply with the conditions of release (including the notification of arrival) or has not otherwise complied with the detention order. Before issuing the Refusal of Access order the detaining State may request consultations with the flag State Administration of the ship.
- 2 When a ban is applied, the Maritime Authority of the banning State will advise the ISM Company that the ban is in place. This letter will be copied to the flag State, recognized organization(s), classification society(ies), Med MoU members, Med MoU Secretariat, the THETIS-Medⁱ manager, Secretariats of cooperating MoU’s and USCG. The database manager must be informed through the information system.
- 3 Notification of a banned ship will appear on the ship’s identification screen on the THETIS-Medⁱ information system and the list of banned ships on the Med MoU website will be updated simultaneously.
- 4 In the case of a ship banned for not complying with the conditions for a safe, single voyage to a repair yard a formal request by the ISM company for the ban to be lifted must be made to the banning State. The ban may only be lifted following a re inspection of the ship

at the company's expense at an agreed port by PSCO's of the banning State and if evidence is provided to its satisfaction that the vessel fully complies with the applicable requirements of the International Conventions.

- 5** If the agreed port of re inspection is in the Med MoU region, the port State authority of that port may, with the agreement of the banning port State, authorise the ship to proceed thereto, for the sole purpose of verifying that the ship meets the conditions specified in paragraph 4. When the banning State and the ISM company agree to re inspect in a port outside the Med MoU region, the company will consult with that port State to agree access and if so the company will send written confirmation to the banning State. The decision to lift the ban shall remain with the banning State.
- 6** All costs related to the re inspection of a banned ship will be borne by the ISM company.
- 7** If the re inspection has no satisfactory results the ban will not be lifted.
- 8** If the ship is in a port outside the jurisdiction of the PSCO carrying out the re inspection and the PSCO believes the ship is in a detainable condition then PSCO has to inform the port State where the ship lies so that it may consider action to detain the ship. If the ship does not comply with the requirements the ban will not be lifted.
- 9** In order to have the ban lifted, the company must address a formal request to the port State authority of the Member State that imposed the ban. This request must be accompanied by:
1. a document from the flag State administration showing that the ship fully conforms to all the provisions of the applicable international conventions. The document may be in the form of an official statement but it must be issued by the flag administration and not a recognized organization.
 2. a document from the classification society(ies) classing the ship that the ship conforms to the class standards stipulated by that society(ies). The classification society(ies) must also provide evidence that an on board visit has taken place prior to issue of the document, if appropriate
- 10** If the re inspection provides evidence to the satisfaction of the banning State that the ship fully complies with all the requirements of the Conventions the ban will be lifted. The company will be informed of the lifting of the ban by the banning State. This letter will be copied to the flag State, recognized organization(s), classification society(ies), Med MoU members, Med MoU Secretariat, THETIS-Medⁱ manager, Secretariats of cooperating MoU's and USCG.
- 11** The THETIS-Medⁱ will remove the notification from ship's identification screen. The ship will be removed from the banned list on the Med MoU website simultaneously.
- 12** The company has a right of appeal against the banning in accordance with the port States own legislation.

PORT STATE CONTROL

REQUEST FOR AGREEMENT TO PROCEED TO A REPAIR YARD

From: *(PSC office of (port))* *fax:*

To: *(Port State Authority of repair yard)*
(Flag State Authority)

cc: *(Recognized organization issuing the relevant certificates)*

Ship Name	IMO No	Flag
Type of ship	Call sign	Year of keel laid
Gross Tonnage		
Recognised Organization(s)	Classification Society(ies)	

The above named vessel is detained in *(port)* but cannot rectify all deficiencies. The vessel has requested that the following deficiencies are repaired in *(port)*.

Deficiencies that cannot be repaired in the present port	Suggested action: (including action at next port)
.....
.....
.....
.....
.....

Before releasing the vessel this Authority requests:

1. the PSC Authority for the port of **[name]** to confirm by fax or email if the above mentioned ship is permitted to call in that port and that a follow up inspection will be carried out;
2. the Flag State Authority (if necessary through its recognized organization) to confirm by fax that the above mentioned ship is permitted to proceed to *(port)* and any conditions for the voyage.

Reporting Authority	Office:
	Fax:
	Email:
	Tel:
	Date:

Name & Signature
(duly authorized Port State Control Officer)

ANNEX 11

LIST OF CERTIFICATES TO BE VERIFIED

During an inspection the PSCO will as a minimum and to the extent applicable examine the following documents:

1. International Tonnage Certificate (1969) (*ITC, Art .7*);
2. Certificate of Registry or other document of nationality (*UNCLOS*);
3. 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);
4. Reports of previous port State control inspections;
5. Passenger Ship Safety Certificate (*SOLAS 1988 Amend./CI/Reg.12, SOLAS Protocol 1988/CI/Reg.12*);
6. Cargo Ship Safety Construction Certificate (*SOLAS/CI/Reg.12, SOLAS Protocol 1988/CI/Reg.12*);
7. Cargo Ship Safety Equipment Certificate (*SOLAS 1988 Amend./CI/Reg.12, SOLAS Protocol 1988/CI/Reg. 12*);
8. Cargo Ship Safety Radio Certificate (*SOLAS 1988 Amend./CI/Reg.12, SOLAS Protocol 1988/CI/Reg.12*);
9. Cargo Ship Safety Certificate (*SOLAS Protocol 1988/CI/Reg. 12*);
10. Special Purpose Ship Safety Certificate (*SPS Code, C1/Art.1.7.4, Res. A.791 (19)*);
11. For ro-ro passenger ships, information on the A/A-max ratio (*SOLAS 1995 Amend./CII-1/Reg.8-1*);
12. Damage control plans and booklets (*SOLAS 2006 Amend./CII-1/Reg.19, 20, 23*);
13. Stability Booklet and information (*SOLAS 2008 Amend/CII-1/Reg.5, SOLAS/CII-1/Reg.22, LLP88, Reg.10*);
14. Manoeuvring Booklet and information (*SOLAS 1981 Amend./CII-1/Reg.28.2*);
15. Unattended Machinery spaces (UMS) evidence (*SOLAS 1981 Amend./CII-1/Reg.46.3*);
16. Exemption Certificate and any list of cargoes (*SOLAS/CII-2/Reg.10.7.1.4*);
17. Fire control plan (*SOLAS 2000 Amend./CII-2/Reg.15.2.4*);
18. Fire safety operational booklet (*SOLAS 2000 Amend./CII-2/Reg.16.3.1*);
19. Dangerous goods special list or manifest, or detailed stowage plan (*SOLAS 2000 Amend./CII-2/Reg.19*);
20. Doc. of compliance Dangerous Goods (*SOLAS 2001 Amend./CII-2/Reg.19.4*);
21. Ship's log book with respect to the records of drills, including security drills, and the log for records of inspection and maintenance of lifesaving appliances and arrangements and fire fighting appliances and arrangements (*SOLAS 2006 Amend./CII/Reg.37,19.3, 19.4, 20*);
22. Minimum Safe Manning Document (*SOLAS 2000 Amend./CV/Reg.14.2*);
23. SAR coordination plan for passenger ships trading on fixed routes (*SOLAS 1995 Amend./CV/Reg.15, 7.2*);
24. LRIT Conformance Test Report (*SOLAS/CV/Reg.19.1*);
25. Copy of the Document of compliance issued by the testing facility, stating the date of compliance and the applicable performance standards of VDR (voyage data recorder) (*SOLAS/CV/Reg.18.8*);
26. AIS test report (*SOLAS 2010 Amend./CV/Reg.18.9*);

27. For passenger ships, List of operational limitations (*SOLAS 2001 Amend./CV/Reg.30.2*);
28. Cargo Securing Manual (*SOLAS 2002 Amend./CVI/Reg.5.6*);
29. Bulk Carrier Booklet (*SOLAS 1996 Amend./CVI/Reg.7.3*);
30. Loading/Unloading Plan for bulk carriers (*SOLAS 1996 Amend./CVI/Reg.7.3*);
31. Document of authorization for the carriage of grain (*SOLAS 1991 Amend./CVI/Reg.9*);
32. Material Safety Data Sheets (MSDs) (*SOLAS 2009 Amend./CVI/Reg.5-1*);
33. INF (International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships) Certificate of Fitness (*SOLAS 1999 Amend./CVII/Reg.16, INFC 1.3*);
34. Copy of Document of Compliance issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (DoC) ISM Code (*SOLAS 1994 Amend./CIX/Reg.4.1*);
35. Safety Management Certificate issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (SMC) (*SOLAS 1994 Amend./CIX/Reg.4.2, 4.3*);
36. High Speed Craft Safety Certificate and Permit to Operate High Speed Craft (*SOLAS 1994 Amend./CX/Reg.3.2, HSCC 1.8.1, 2*);
37. Continuous Synopsis Record (*SOLAS 2005 Amend./CXI-1/Reg.5*);
38. International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, or the Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, whichever is appropriate (*GCC-4/CI/N1.6.4, IGCC/CI/N1.5.4*);
39. 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 (*BCC-10/CI/N1.6.3, IBCC/CI/N1.5.4, BCH/I/1.6.1*);
40. International Oil Pollution Prevention Certificate (*MARPOL/ANI/Reg.7.1*);
41. Survey Report Files (in case of bulk carriers or oil tankers) (*SOLAS XI-1 reg.2, 2011 ESPcode*);
42. Oil Record Book, parts I and II (*MARPOL/ANI/R17, Reg.36*);
43. Shipboard Marine pollution emergency plan for Noxious Liquid Substances (*MARPOL/ANII/Reg.17*);
44. (Interim) Statement of compliance Condition Assessment Scheme (CAS) (*MARPOL/ANI/Reg.20.6, 21.6.1*);
45. For oil tankers, the record of oil discharge monitoring and control system for the lastballast voyage (*MARPOL/ANI/Reg.31.2*);
46. Shipboard Oil Pollution Emergency Plan (SOPEP) (*MARPOL/ANI/Reg.37.1*);
47. STS Operation Plan and Records of STS Operations (*MARPOL ANI/Reg.41*);
48. International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS) (*MARPOL/ANII/Reg.9.1*);
49. Cargo Record Book (*MARPOL/ANII/Reg.15, MARPOL/ANII-Appendix2*);
50. Procedures and Arrangements Manual (chemical tankers and NLS tankers) (*MARPOL/ANII/Reg.14.1 + P&A manual*);
51. International Sewage Pollution Prevention Certificate (ISPPC) (*MARPOL/ANIV/Reg.5.1*);
52. Garbage Management Plan (*MARPOL/ANV/Appendix I*);

53. Garbage Record Book (*MARPOL/ANV/Appendix II*);
54. International Air Pollution Prevention Certificate (*IAPPC*) (*MARPOL/ANVI/Reg.6.1*);
55. Logbook for fuel oil change-over (*MARPOL/ANVI/Reg.14.5*);
56. Type approval certificate of incinerator (*MARPOL/ANVI/Reg.16.6.1 + Appendix IV(1)*);
57. Bunker delivery notes (*MARPOL/ANVI/Reg.18.5+ Appendix V*);
58. International Energy Efficiency Certificate (*MARPOL/ANVI/Reg.6*);
59. Ship Energy Efficiency Management Plan (SEEMP) (*MARPOL/ANVI/Reg.22*);
60. EEDI Technical File (*MARPOL/ANVI/Reg. 20*);
61. Statement of Compliance – Fuel Oil Consumption Reporting (*MARPOL/ANVI/Reg.6*);
62. Engine International Air Pollution Prevention Certificate (*EIAPPC*) (*NoxTC2008/ 2.1.1.1*);
63. Technical files (*NoxTC2008/2.3.6*);
64. Record book of engine parameters (*NoxTC2008/6.2.2.7.1*);
65. International Load Line Certificate (1966) (*LLP'88 Art.16.1*);
66. International Load Line Exemption Certificate (*LLP'88 Art.16.2*);
67. Certificates issued in accordance with STCW Convention (*STCW95/Art. VI, RI/2, STCW code/Sect. A-I/2*);
68. Maritime Labour Certificate and Declaration of Maritime Labour Compliance part I and II (MLC and DMLC part I and II) (*MLC, 2006/Reg.5.1/ standard A5.1.3*);
69. Medical certificates (*MLC, 2006/ Reg. 1.2/Standard A1.2*);
70. Table of shipboard working arrangements (*MLC, 2006/ Reg.2.3/ standard A2.3, 10 and STCW95/A-VIII/1.5*);
71. Records of hours of work or rest of seafarers (*MLC, 2006/Reg. 2.3/standard A2.3, 12 and STCW95/A-VIII/1.5*);
72. Certificate or documentary evidence of financial security for repatriation (*MLC, 2006/Reg2.5/standard A2.5.2*);
73. Certificate or documentary evidence of financial security relating to shipowners liability (*MLC, 2006/Reg.4.2/standard A4.2.1*);
74. Mobile Offshore Drilling Unit Safety Certificate (*MODU Code/I/Section 6*);
75. Certificate of insurance or any other financial security in respect of civil liability for oil pollution damage (*CLC69P92/AVII.2*);
76. Certificate of insurance or any other financial security in respect of civil liability for Bunker oil pollution damage (*BUNKERS 2001/Art.7.2*);
77. International Ship Security Certificate (ISSC) (*ISPS/PA/19.2.1*);
78. Record of AFS (*AFS/Annex 4/Reg.2(1)*);
79. International Anti-Fouling System Certificate (IAFS Certificate) (*AFS/Annex 4/Reg.2(1)*);
80. Declaration on AFS (*AFS/Annex 4/Reg.5(1)*);
81. International Ballast Water Management Certificate (IBWMC) (*BWMC Art 9.1(a)*);
82. Ballast Water Record Book (BWRB) (*BWMC Art 9.1 (b)*);
83. Certificate of insurance or other financial security in respect of liability for the removal of wrecks (*Nairobi WRC 2007 / Art. 12.2*)

ADMINISTRATIVE RULES OF PROCEDURE

**FOR THE COMMITTEE OF THE
MEMORANDUM OF UNDERSTANDING ON
PORT STATE CONTROL IN THE
MEDITERRANEAN REGION (MED MOU)**



**MEDITERRANEAN
— M.O.U. —**

(2022 REVISION)



ADMINISTRATIVE RULES OF PROCEDURE FOR

THE COMMITTEE OF THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN THE MEDITERRANEAN REGION (MED MoU)

1. Main objective

This document sets the Administrative Rules of Procedure for the Committee of the Memorandum of Understanding on Port State Control in the Mediterranean Region, hereinafter referred to as the Committee, established in accordance with the provisions of paragraph 7.1 of the Mediterranean Memorandum of Understanding (MED MoU) on Port State Control, signed in Malta on 11th July 1997, for the purpose of carrying out the tasks as set out in paragraph 7.3 of the MED MoU.

2. Composition of the Committee

The Committee consists of Members as indicated in ANNEX 1 of the MED MoU.

The International Maritime Organization (IMO), the International Labour Organization (ILO) the European Commission and any other Organisation or Authority, which the Committee may deem appropriate, may be granted with the observer status. Observers will be invited to participate without a vote.

3. Meetings

1. The Committee shall endeavour to meet once a year and at any such time as may be deemed necessary. The Committee may meet in extraordinary session upon request made in writing to the Secretariat by at least 3 Members.
2. At any Committee meeting, a two-thirds majority of the Members shall constitute a quorum.
3. The Committee meetings will take place in any MED MoU Member State, or in any other place, as decided by the Committee. And in the prevailing circumstances which may impose restrictions on travel and congregation, Committee Meetings could be conducted using virtual means, as decided by the Secretariat.¹
4. At each Committee Meeting, any Member desiring to host the next meeting shall put forward its invitation. Priority shall be given to a Member, which has not hosted a meeting, or to the one, which did so the longest time ago. In case of equal priority the decision will be taken with a simple majority of the Members present and voting.
5. The meeting of the Committee should not exceed 4 working days.
6. The Secretariat shall notify the Members and the Observers in writing and electronically at least ninety (90) days in advance of the holding of a session.
7. The Authority hosting the meeting will provide at its own expense all the necessary arrangements for the meeting as stated in Annex 1 of this document.

¹ PSCC23/14

4. Delegations to the Committee

1. Members shall be represented by the Heads of the Maritime Authorities or their alternate. They may be accompanied by such advisors and experts as may be required, who have sufficient responsibility for port state control matters in their Administration and/or relevant governmental organizations to allow for effective policy making at the Committee.
2. Members not able to attend the meeting shall notify the Secretariat 30 days before the date of the meeting in writing and electronically.
3. Each Member or Government entitled to participate shall transmit to the Secretariat the credentials of its representative and alternates, if any, and the names of other members of its delegation not later than the opening of the session, signed by an appropriate authority.

5. Chairman of the Committee

1. The Committee shall elect from among its members a Chairman, by the majority of members present and voting. The Chairman shall hold office for a term of three years to cover at least three Committee meetings. The Chairman shall be eligible for re-election for up to three consecutive terms of office.
2. The new Chairman shall be elected during the last session of previous Chairman. The newly elected Chairman shall assume his function at the end of that session.
3. In the event that the Chairman of the Committee has to discontinue his office, a new Chairman shall be elected at the beginning of the first meeting of the Committee following the event. The newly elected Chairman shall assume his office immediately after his election for the duration of that meeting and, subsequently, for a full term of office as specified in paragraph 5.1. The Vice-Chairman shall act as Chairman pending the election of a new Chairman.
4. The Head of the Authority hosting the Committee Meeting or his designated alternate shall be the Vice-Chairman for that Committee meeting. He shall hold that office until the appointment of a new vice chairman during next meeting.
5. In the absence of the Chairman, the vice chairman shall preside.
6. The Chairman or vice-chairman acting as Chairman shall not vote.

6. Secretariat

1. The Secretariat acts upon the instructions of the Committee and shall carry out the tasks as set out in the relevant section of the MED MoU.
2. The Secretary of the MED MoU is nominated via the regular procedures for the appointment of Civil Servants in the host country Egypt.

7. Subsidiary Bodies

1. The Committee may establish working and correspondence groups, as it considers necessary, setting their Terms of Reference and leadership.
2. The following rules will be applied for the working and correspondence groups:

1. Leader or Coordinator shall be appointed by the Committee and shall be a representative of any of the Members.
2. Each Member participating in any group, shall nominate its participant(s).
3. The Secretariat provides technical support and observes the activity of the working group.
4. The Secretariat shall be regularly informed of the work progress of the correspondence group.
5. The Coordinator of any correspondence group shall gather full and complete contact information of all participants, including e-mail address, in order to provide full and timely information exchange among group's members.
6. The Leader/ Coordinator shall prepare the report and submit it through the Secretariat to the Committee for consideration and approval.

8. Agenda

1. The provisional agenda for each session shall be prepared by the Secretariat and approved by the Chairman; it shall normally be communicated in written or electronic form to the Members. The agenda with the basic supporting documents will be made available through a secure web page to the Members by the Secretariat at least 60 days before the opening of the session.
2. The first item on the provisional agenda for each session shall be the adoption of the agenda.
3. The provisional agenda for each session of the Committee shall include the standing agenda items as specified in Annex 2 of this document.
4. Subject to the provisions of rule 8.5 of the MOU Text, any item of the agenda of a session of the Committee, consideration of which has not been completed at that session, shall be included in the agenda of a subsequent session unless otherwise decided by the Committee.
5. When, in any year the Committee meets more than once, there shall not be included in the agenda for the second of such sessions any item (other than a procedural item) which has been included in the agenda for the first session in that year unless the Chairman, in consultation with the Secretariat, deems this to be necessary.
6. In circumstances of urgency the Secretariat, with the approval of the Chairman, may include any item suitable for the agenda which may arise between the dispatch of the provisional agenda and opening of the session, in a supplementary provisional agenda which the Committee shall examine together with the provisional agenda. The Secretariat shall advise members immediately of the intention to include an item in a supplementary provisional agenda.
7. The Committee shall not proceed unless it determines otherwise, to the discussion of any item until at least twenty-fours have elapsed after the relevant documents have been made available to Members.

9. Proceedings of the meetings and voting.

1. The Committee may decide to hold meetings in private or public. In the absence of a decision to hold meetings in public, they shall be held in private. Meetings of subsidiary bodies of the committee shall be held in private unless the Committee decides otherwise in any particular case.
2. In addition to exercising the powers conferred upon him elsewhere by these Rules, the Chairman shall declare the opening and the closing of each session of the Committee. He shall direct the discussion and ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions resulting from the voting.
3. Proposals and amendments shall normally be introduced in writing and handed to the Secretariat who shall circulate copies to delegations. As a general rule, no proposals shall be discussed or put to the vote at any meeting of the committee unless copies of it have been circulated to delegations not later than the day preceding the meeting. The Chairman may, however permit the discussion and consideration, without voting, of amendments or of motions as to procedure even though these amendments and motions have not been circulated or have only been circulated the same day.
4. All Members, the Secretariat, CIMED and Observers have the right of speech during the meeting. Observers shall not be given priority over any Member. Only Members shall be entitled to vote. Each Member has one vote.
5. The Committee will take its decisions acting on simple majority of members present and voting, unless provided otherwise by the MED MoU.
6. The Committee shall normally vote by show of hands, unless the proposal relates to persons in which case voting will be exercised in writing or through a ballot in accordance with procedures to be determined by the Chairman.
7. If a vote is equally divided, a second vote may be taken after further discussions. If the situation remains unchanged, another vote shall be taken at the next meeting; if this vote is equally divided the proposal shall be regarded as rejected.
8. A summary list of the decisions made during the meeting shall be prepared by the Secretariat under the guidance and supervision of the Chairman. At the end of the meeting, before closure, the Chairman shall introduce the summary list prior to the preparation of a draft report.
9. The draft report shall be prepared and distributed to Members within 30 days after the closure of the meeting. Members shall communicate to the Secretariat their comments and corrections within 30 days after submission of draft report. The final report shall be issued by the Secretariat within 15 days.

10. Submission of papers

1. Members, Observers, the Secretariat and CIMED have the right to submit papers for the Committee meetings. Submissions must be received by the Secretariat not later than 45 days prior the scheduled meeting dates. Submitted papers shall be in the template format, as given in Annex 3 of this document.

2. Meeting documents will be distributed to the Members by the Secretariat, not later than 30 days prior the scheduled meeting date by electronic means.
3. Observers shall have access to non confidential documents and to such other documents as the Committee may decide to make available.
4. Meeting documents shall, in principle, be no longer than 2 pages, comprising a clear summary of the issue together with a list of all decisions and action the Committee is requested to make, preferably in electronic form. Any submitting body shall give due consideration to the technical, administrative and financial implications associated with the submission. Any supporting information shall be attached as an annex to the paper.

11. Language

1. The working language of the Committee and its subsidiary bodies shall be English.
2. All Committee documents for consideration by the participants shall be issued in English.

12. Final Provisions

1. Nothing in these Rules of Procedure shall be construed as restricting the competence of the Committee to take measures, as it deems necessary.
2. In all cases, the provisions of the MED MoU shall prevail over these Rules of the Procedure.
3. The present Rules of Procedure may be amended by the Committee if it so decides. The decision shall be taken by a two-thirds majority of the Members present and voting.
4. For the purpose of this rules, “Members present and voting” means such Members casting an affirmation or a negative vote. Those abstaining from voting or casting invalid votes shall be considered as not voting.

ANNEX 1 HOST COUNTRY REQUIREMENTS

Conference venue (including sound system, computers/photocopiers, data show), office for the officers, reproduction of documents, and refreshments during the meeting, organisation of accommodation for participants, local transportation and visa support.

**ANNEX 2
STANDING AGENDA**

- 1. OPENING OF THE MEETING**
- 2. ADOPTION OF THE AGENDA, TIME TABLE AND DOCUMENTATION**
- 3. ELECTION OF VICE CHAIRMAN**
- 4. STATUS AND ANY OTHER MATTERS RELATED TO THE MED MOU**
 - 4.1 Membership of the Memorandum
 - 4.2 Amendments to the Memorandum
 - 4.3 Status of Relevant Instruments
- 5. REPORT BY THE SECRETARIAT**
- 6. PORT STATE CONTROL ACTIVITIES IN THE MEDITERRANEAN REGION**
 - 6.1 National Arrangements for Port State Control by Member Authorities
 - 6.2 Port State inspections carried out by the Member Authorities
 - 6.3 Monthly detention list
 - 6.4 Annual Report for 200x
- 7. HARMONIZATION AND IMPROVEMENT ON PORT STATE CONTROL**
- 8. ADMINISTRATIVE AND FINANCIAL MATTERS**
 - 8.1 Secretariat REPORT ON ACCOUNT 200x
 - 8.2 Secretariat Budget
- 9. INFORMATION CENTRE**
 - 9.1 Progress Report
 - 9.2 Budget
- 10. TECHNICAL CO-OPERATION PROGRAMMES**
- 11. PORT STATE CONTROL ACTIVITIES OUTSIDE THE MEDITERRANEAN REGION**
- 12. DATE AND VENUE OF THE NEXT MEETING**
- 13. ANY OTHER BUSINESS**
- 14. DECISIONS AND RECOMMENDATIONS**
- 15. CLOSURE OF THE MEETING**

ANNEX 3

TEMPLATE FOR SUBMISSIONS

MED MOU COMMITTEE
XXth.Session
Agenda item XX

(Document Symbol) X/X
..... // 200.

Heading

SUMMARY

Executive summary:

Action to be taken:

Related document:

Introduction:

(Times New Roman, 12 Font)

Implications, if any

Action requested of the Committee:

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ADMINISTRATIVE RULES OF PROCEDURE

***FOR THE MANAGEMENT ADVISORY BOARD OF THE
MEMORANDUM OF UNDERSTANDING ON
PORT STATE CONTROL IN THE
MEDITERRANEAN REGION (MED MOU)***



**MEDITERRANEAN
— M.O.U. —**

(2022 REVISION)



ADMINISTRATIVE RULES OF PROCEDURE

FOR

THE MANAGEMENT ADVISORY BOARD (MAB) OF THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN THE MEDITERRANEAN REGION (MED MoU)

- 1- The Committee at its 10th meeting in Casablanca was of the general opinion that management assistance was needed for the guidance of the Med MoU Committee and the operation of the Secretariat of the MoU. Thus, a new approach should be established in order to maintain consistency and to be able to draw fully on the experience and know-how on port State control as gained in the Med MoU, to avoid duplication of work, to guarantee full co-operation and facilitate the Med Mou committee decisions.
- 2- The structure will ensure that all members of the Med MoU are actively involved at the very start of new developments in port State control in order to reach an efficient and effective system of port State control in the region covered by the Med MoU. The structure will assist the Committee in focusing on key issues.
- 3- The Committee agreed in principle on the establishment of a Management Advisory Board (MAB) for this purpose, and in particular to direct the MoU Secretariat between the Committee meetings.
- 4- The MAB will consist of 4 members:
 - 3 representatives of Med Mou member authorities, elected during PSCC meetings by Med Mou member authorities.
 - 1 representative a member to Med Mou and Paris Mou.
 - The members of the board will be elected on an alphabetical rotation base.

The MoU Secretariat and the information Centre have a standing invitation to the MAB Activities.

The chairman of the PSCC will chair the meetings of the MAB.

The Member State providing the PSCC Chairman cannot be represented in the MAB as a member. In the absence of the chairman MAB shall be chaired by the vice chairman.

- 5- In order to ensure some continuity in the work of MAB it would be desirable that the MAB members do not change all at the same time. It would also be advisable that the MAB members remain in post for a period of not more than three years (this would facilitate the overall routine system taking into consideration the fact that the Chairman of the Committee – who is a member of MAB – is elected every three years).
- 6- The MAB members will be high level senior officials, or their deputies, responsible for PSC policy matters. The elected member's term of office will be for a period of 3 years.
- 7- MAB should strive to achieve unanimous decisions with consensus. If that is not possible the decisions will be taken by vote of the Member States of the MAB but all different opinions will be recorded and reflected to the submitting paper to the Committee. The chairman of the meeting will have the casting vote.
- 8- Each MAB member has a right to propose a meeting of the group at a place to be decided by the MAB and to place an issue on the agenda of any MAB- meeting. And in the prevailing circumstances which may impose restrictions on travel and congregation, MAB Meetings could be conducted using virtual means, as decided by the Secretariat.²
- 9- MAB meetings will be held as deemed necessary but generally twice a year. Preferably at the secretariat premises.
- 10- In preparation of Committee decisions, the tasks of the MAB includes:
 - consideration on strategic level, including implications for the MoU Secretariat, if any, of:
 - long term and annual work programme of the Committee;
 - high level policy matters in general;
 - relations between the members states;
 - external relations with 3rd countries and other PSC regions, including technical co-operation;
 - Draft terms of reference for working groups, to be decided upon by the Committee.
 - Any other tasks if so directed by the committee or its chairman.

² PSCC23/14

10.1- With respect to the MoU Secretariat, the tasks of the MAB are:

- direction of the MoU Secretariat between Committee meetings;
- Preparation of the draft agenda of Committee meetings (notwithstanding the right of all parties to propose agenda-items and to submit documents).

10.2- This rule of Med MoU shall be revised and attached to the Med MoU rules of procedure after a term of 3 years starting from the date of its approval by the MED MoU committee.

10.3- Fund resources to cover attendance of the MAB meetings shall be covered by every Med MoU MAB member authority. Chairman /secretariat & information centre MAB activities shall be covered from the Med MoU budget.



MEDITERRANEAN

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