ICS Shipping Conference

Topical PSC Issues (including MLC)
11 September 2013

Brian Hogan
Chairman Paris MoU

Structure of Presentation:

- Paris MoU
- New Inspection Regime - NIR
- HAVEP 2013 – Cruise Ships
- Concentrated Inspection Campaigns - CICs
- Ballast Water Management
- ILO MLC, 2006
- Conclusion
Regional scope: (from 01-01-2011 incl. anchorages)

Conventions and agreements

- Port State Control is laid down in International Maritime Conventions of the ILO and IMO & Regional agreement is laid down in Paris MoU on Port State Control.
- Legally Binding for MS through Domestic law.
- Canada & RF national legislation.
- EU MS & EFTA - Port State Control Dir. 2009/16/EC & Amending Directive 2013/38 on ILO MLC.
  - Any other EC Directive requirements exceeding the requirements of the IMO/ILO Conventions can be inspected/enforced by EU-member States PSCOs, but shall not be recorded on the Paris MoU on PSC inspection forms, nor entered into THETIS.
‘Relevant instruments’

- LOAD LINES 66 plus Protocol.
- SOLAS 74 plus Protocols.
- MARPOL 73/78 plus Protocol.
- STCW 78
- COLREG 72
- TONNAGE 69
- ILO Convention No. 147 and Protocol
- Protocol to Civil Liability for Oil Pollution Damage, 1992
- AFS Convention
- Civil Liability for Bunker Oil Pollution Damage, 2001
- Control and Management of Ships’Ballast Water and Sediment
- MLC, 2006 (effective from entry into force date in 2013)

PSC NIR Inspection system features:

- Risk based targeting
- Ship Risk Profile, PI and PII, Overriding Factors, Unexpected Factors
  Inspection intervals, Complaints
- Fair Share commitment, Postponement and Missed inspections
- Refusal of access provisions (Banning)
  All ship types, Grey and Black-list flags
- Benchmarking of Flags, RO’s and Companies
  BGW-list, Company and RO Performance
- Full coverage of ships visiting Paris MoU region incl. anchorages
NIR Inspection Priority

If not inspected within the Window, the ship becomes Priority II. The ship may be inspected under Priority I.

But...

Overriding Factors

If inspected outside the regime, it is considered Priority I.

Unexpected Factors

If inspected by surprise, it is considered Priority II.

NIR Ship Risk Profile

- Generic Factors
  - Type of Ship
  - Age of Ship
  - Flag
  - RO
  - Company

- Historical Factors
  - Deficiencies
  - Detentions

HRS – High Risk Ship
SRS – Standard Risk Ship
LRS – Low Risk Ships

(SRP is recalculated on a daily basis)
NIR: SRP Inspections Intervals

- **HRS**
  - 10th to 12th month
  - 5th to 6th month

- **SRS**
  - 10th to 12th month

- **LRS**
  - 24th to 36th month

**Inspection Window**

NIR Types of inspection

<table>
<thead>
<tr>
<th>Category</th>
<th>Ship Risk Profile</th>
<th>Inspection Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Initial</td>
</tr>
<tr>
<td>Periodic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HRS</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>SRS</td>
<td>YES</td>
<td>If clear grounds are found</td>
</tr>
<tr>
<td>LRS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional: overriding or unexpected factor</td>
<td>All</td>
<td>NO</td>
</tr>
</tbody>
</table>
NIR – Periodic - Types of inspection

- Initial inspection: LRS and SRS
- More detailed inspection: LRS and SRS when clear grounds are found, and additional inspections
- Expanded inspection: HRS and “risky” ship types > 12 years
  - Bulk carriers
  - Oil tanker, chemical tanker, gas carrier
  - Passenger ships

NIR - Additional Inspections

Other factors can trigger an additional inspection

- Overriding factors are Priority I – for example:
  - collision, grounding
- Unexpected factors are Priority II – for example:
  - not complying with reporting obligations
NIR – Outcome Since 2011

- 24% reduction in Inspection Burden on Industry
- Focus on ships posing a higher risk
- Full coverage of shipping throughout the region
- Higher Flag State Performance

HAVEP 2013 – Passenger Ships

- Harmonised Verification Programme – Operational Control
- Inspection of all cruise ships during 2013 in the region
- Twelve Months campaign
- 250 cruise ships expected to be inspected
- Results will be considered by PSCC47 with a possible IMO submission.
Concentrated Inspection Campaigns - CICs

- **CIC – 2012 FSS**
  - Submission to IMO
- **CIC Propulsion & Aux Machinery 2013**
  - Sept 2013 to November 2013
  - All ships excluding Passenger Ships
  - Questionnaire on PMoU website
- **CIC 2014 Hours of Rest – STCW - Confirmed**
- **CIC 2015 Enclosed Space Entry & Crew Familiarisation – Tentative**
- **CIC ILO MLC – Postponed - Under Consideration 2016.**

Ballast Water Management

- Relevant Instrument of PMoU
- Adopted Provisional Guidelines
- Following Request from IMO FSI PMoU forwarded a copy of draft Guidelines to Correspondence Group under IMO FSI (III) S/C.
- PMoU will await Developments at the IMO.
ILO MLC, 2006 Developments

- Relevant Instrument under the Paris MoU
- PMoU guidelines for PSCOs developed by an international Working Group – TF35
- Training of PSCOs
- Amended Information System - THETIS

ILO MLC, 2006 - Challenge

Enforcement of ILO147 and MLC,2006 during the transitional period (until all PMoU members have ratified MLC,2006)

- MoU text amended to cover both the Maritime Labour Convention, 2006 (MLC, 2006) and Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) and ILO 147 Protocol, 1996 provisions, whichever is applicable to the PMoU member State.
- Different ILO related PSCCInstructions for PSCOs to provide guidance for the inspection.
- Different sets of deficiency codes in the information system
ILO MLC, 2006 Developments

- **No more favourable treatment**
  Ships under 500GT compliance, but no MLC required. Vessel subject to a more detailed inspection to evaluate compliance with MLC, 2006.

- **Pre-boarding**
  Verification of flag of the ship (history), ship particulars and any ship related messages / outstanding deficiencies.

- **Initial inspection, including tour on the ship**
  - valid MLC and DMLC - Parts I and II as prima facie evidence of compliance
  - Crew list, Safe Manning Document, Working arrangement

ILO MLC, 2006 Developments (cont.)

- **Clear Grounds**
  e.g invalid MLC, flag State has not ratified the MLC2006, ship changed flag to avoid compliance, investigation (onshore) complaint, deficiencies encountered during tour on the ship

- **More detailed inspection**
  - taking account of provisions stated in DMLC part 1 (14 areas).
  - use professional judgement: - in areas where clear grounds are established
  - in other areas

- **Expanded inspection**
  - High Risk Ships and Risky ship types more than 12 years old
  - e.g employment agreement, food and catering facilities, hours of work/rest, onboard medical care facilities, risk evaluation, programmes, training and instruction, accident report and protective equipments
ILO MLC, 2006 Developments (cont.)

- **Deficiencies**
  Non-exhaustive list for all 14 areas compiled.

- **Detainable deficiencies**
  Non-exhaustive list compiled. Release upon rectification or acceptance of Rectification Action Plan.

- **Rectification Action Plan (RAP)**
  * Ship owner/Master’s responsibility to propose and implement RAP and to specify required action(s) and timeframe.
  * Flag State acceptance required before being proposed to PSCO for consideration.
  * RAP will be annexed to report of inspection, if not carried out -> subject to detention in other ports.
  * PSCO not bound by a RAP agreed in another MoU.

ILO MLC, 2006 Developments (cont.)

- **Reporting**
  * Notification of significant deficiencies, deficiencies in relation to complaints, on-shore complaints (not resolved), ship detained due to MLC2006 deficiency or RAP not agreed.
  * Reports to flag State, PSC authority of next port, ILO and appropriate Ship owners and Seafarers organization (where applicable).

- **Complaint and On-shore complaint**
  Unexpected factor -> Additional inspection, professional judgement, more detailed inspection

- **Onboard complaint**
  Internal procedure.
ILO MLC, 2006 - Additional Inspections

- Unexpected factors are Priority II – for example:
  - Ships reported by pilots, VTS, master, crew member or others with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution.
  - not complying with reporting obligations
  - outstanding deficiencies
  - previously detained ships (after 3 months)
  - cargo problems
  - RO recognition withdrawn
QUESTIONS?

- Secretariat of Paris MoU on Port State Control,
- P.O.Box 90653  2509 LR The Hague The Netherlands
- www.parismou.org