

PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

The Maritime Authorities of

Belgium
Canada ¹⁾
Croatia ²⁾
Denmark
Finland
France
Germany (Federal Republic of)
Greece
Iceland ³⁾
Ireland
Italy
Netherlands
Norway
Poland ⁴⁾
Portugal
Russian Federation ⁵⁾
Slovenia ⁶⁾
Spain
Sweden
United Kingdom of Great Britain and Northern Ireland

hereinafter referred to as 'the Authorities'

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

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

Noting also the contribution of the European Union 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⁾ The Maritime Authority of Canada adhered to the Memorandum on 3 May 1994; for the Maritime Authority of Canada the Memorandum took effect on 3 May 1994.

²⁾ The Maritime Authority of Croatia adhered to the Memorandum on 8 November 1996; for the Maritime Authority of Croatia the Memorandum took effect on 1 January 1997.

³⁾ The Maritime Authority of Iceland adhered to the Memorandum on 11 May 2000; for the Maritime Authority of Iceland the Memorandum took effect on 1 July 2000.

⁴⁾ The Maritime Authority of Poland adhered to the Memorandum on 27 November 1991; for the Maritime Authority of Poland the Memorandum took effect on 1 January 1992.

⁵⁾ The Maritime Authority of the Russian Federation adhered to the Memorandum on 10 November 1995; for the Maritime Authority of the Russian Federation the Memorandum took effect on 1 January 1996

⁶⁾ The Maritime Authority of Slovenia adhered to the Memorandum on 15 May 2003; for the Maritime Authority of Slovenia the Memorandum took effect on 22 July 2003.

Section 1 Commitments

- 1.1 Each Authority will give effect to the provisions of the present Memorandum and the Annexes thereto, which constitute an integral part of the Memorandum.
- 1.2 Each Authority will maintain an effective system of port State control with a view to ensuring that, without discrimination as to flag, foreign merchant ships calling at a port of its State, or anchored off such a port, comply with the standards laid down in the relevant instruments as defined in section 2. Each Authority may also carry out controls on ships at off-shore installations.
- 1.3 Each Authority will achieve an annual total of inspections corresponding to 25% of the average number of individual foreign merchant ships, hereinafter referred to as 'ships', which entered the ports of its State during the three last calendar years for which statistics are available.
- 1.4 Each Authority will consult, cooperate 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 the following instruments:
- .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 1978 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS PROT 78);
 - .5 the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS PROT 88);
 - .6 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78);
 - .7 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78);
 - .8 the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 72);
 - .9 the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 69);
 - .10 the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147) (ILO 147);
 - .11 the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147) (ILO147 PROT 96);
 - .12 the International Convention on Civil Liability for Oil Pollution Damage, 1992.
- 2.2 With respect to ILO 147 and the ILO Protocol 1996, each Authority will apply the procedures referred to in section 7 of Annex 1 for the application of ILO publication "Inspection of Labour Conditions on board Ship: Guide-lines for procedure".
- 2.3 Each Authority will apply those relevant instruments which are in force and to which its State is a Party. In the case of amendments to a relevant instrument each Authority will

apply those amendments which are in force and which its State has accepted. An instrument so amended will then be deemed to be the 'relevant instrument' for that Authority.

- 2.4 In applying a relevant instrument, the Authorities will ensure that no more favourable treatment is given to ships of non-Parties or to ships below convention size. The Authorities will thereby apply the procedures specified in section 3 of Annex 1.

Section 3 Inspection Procedures, Rectification and Detention

- 3.1 In fulfilling their commitments the Authorities will carry out inspections, which will consist of a visit on board a ship in order to check the certificates and documents as referred to in section 2 of Annex 1. Furthermore the Authorities will satisfy themselves that the crew and the overall condition of the ship, including the engine room and accommodation and including hygienic conditions, meets generally accepted international rules and standards. In the absence of valid certificates or documents or if there are clear grounds for believing that the condition of a ship or of its equipment, or its crew does not substantially meet the requirements of a relevant instrument, a more detailed inspection will be carried out, as referred to in section 5 of Annex 1. Examples of clear grounds are given in section 4 of Annex 1.

The Authorities will include control on compliance with on board operational requirements in their inspections.

- 3.2 The Authorities will ensure that an inspection in accordance with the provisions of section 3.1 is carried out on any ship not subject to expanded inspection with a target factor greater than 50 in the SIRENaC information system, provided that a period of at least one month has elapsed since the last inspection carried out in the region of the Memorandum.

- 3.3 A ship in one of the categories in section 8.2 of Annex 1, is liable to an expanded inspection after a period of twelve months since the last expanded inspection carried out in a port within the region of the Memorandum. If such a ship is selected for inspection in accordance with section 3.6, an expanded inspection shall be carried out. However an inspection in accordance with section 3.1 may be carried out in the period between two expanded inspections. The Authorities will ensure that an expanded inspection is carried out on a ship for which the inspection is indicated as mandatory by the SIRENaC system at its first port visited after a period of 12 months since the last expanded inspection.

- 3.4 In cases where, for operational reasons, an Authority is unable to carry out an inspection or an expanded inspection as referred to in sections 3.2 and 3.3 respectively, the Authority will, without delay, inform the SIRENaC system that such inspection did not take place.

- 3.5 Nothing in these procedures will 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.

- 3.6 In selecting for inspection ships other than those referred to in sections 3.2 and 3.3, the Authorities will determine the order of priority on the basis of the criteria indicated in section 1 of Annex 1.

- 3.7 The Authorities will seek to avoid inspecting ships which have been inspected by any of the other Authorities within the previous six months, unless they have clear grounds for inspection. The frequency of inspection does not apply to the ships referred to in 3.6 and

in 3.2 in which case the Authorities will seek satisfaction whenever they will deem this appropriate.

3.8 Inspections will be carried out by properly qualified persons authorized for that purpose by the Authority concerned and acting under its responsibility, having regard in particular to Annex 7.

When the required professional expertise cannot be provided by the Authority, the port State control officer of that Authority may be assisted by any person with the required expertise. Port State control officers and the persons assisting them will have no commercial interest, either in the port of inspection or in the ships inspected, nor will port State control officers be employed by or undertake work on behalf of non-governmental organizations which issue statutory and classification certificates or which carry out the surveys necessary for the issue of those certificates to ships.

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

3.9.1 Each Authority will endeavour to secure the rectification of all deficiencies detected. On the condition that all possible efforts have been made to rectify all deficiencies, other than those referred to in 3.10.1, the ship may be allowed to proceed to a port where any such deficiencies can be rectified.

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

The suspension of the inspection may continue until the responsible parties 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 the areas set out in 9.3.3 and 9.3.4 of Annex 1, as appropriate.

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

3.10.1 In the case of deficiencies which are clearly hazardous to safety, health or the environment, the Authority will, except as provided in 3.11, ensure that the hazard is removed before the ship is allowed to proceed to sea. For this purpose appropriate action will be taken, which may include detention or a formal prohibition of a ship to continue an operation due to established deficiencies which, individually or together, would render the continued operation hazardous.

3.10.2 In the case of a detention, the Authority will immediately notify the flag State Administration ^{*)} in writing, which includes the report of inspection. Like wise, the recognized organization which has issued the class certificates or the relevant certificates on behalf of the flag State Administration will be notified, where appropriate. The parties above will also be notified in writing of the release of detention.

3.10.3 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:

*) Refer to MSC/Circ, 781 and MEPC 6/Circ 2 "National contact points of Members for safety and pollution prevention" (annexes 1 and 2). When a valid contact point is not available the nearest diplomatic representative should be informed.

- .1 due account has been given to the requirements contained in Regulation I/11(c) of SOLAS 74 regarding notification to the flag State Administration, the nominated surveyor or the recognized organization responsible for issuing the relevant certificate;
- .2 prior to entering a port 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 State 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 rectified.

3.10.4 The following procedure is applicable in the absence of ISM certificates:

- .1 Where the inspection reveals that the copy of the Document of Compliance or the Safety Management Certificate issued in accordance with the International Safety Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) are missing on board a vessel to which the ISM Code is applicable at the date of the inspection, the Authority will ensure that the vessel is detained.
- .2 Notwithstanding the absence of the documentation referred to in 3.10.4.1, if the inspection finds no other deficiencies warranting detention the Authority may lift the detention order in order to avoid port congestion. Whenever such a decision is taken, the Authority will immediately inform all other Authorities thereof.
3. The Authorities will take the measures necessary to ensure that all ships authorised to leave a port of their State under the circumstances referred to in 3.10.4.2 will be refused access to any port within the States, the Authorities of which are signatories to the Memorandum, except in the situations referred to in 3.12.3, until the owner or operator of the vessel has demonstrated, to the satisfaction of the Authority in whose State detention was ordered, that the ship has valid certificates issued in accordance with the ISM Code.

3.10.5 Access refusal measures concerning certain ships

1. The Authorities will ensure that a ship in one of the categories of Annex 3, section A, is refused access to any port within the region of the Memorandum, except in the situations described in section 3.12.3 if the ship:
 - either flies the flag of a State appearing in the black list as published in the annual report of the MOU, and has been detained more than twice in the course of the preceding 24 months in ports within the region of the Memorandum;
 - or flies the flag of a State described as "very high risk" or "high risk" in the black list as published in the annual report of the MOU, and has been detained more than once in the course of the preceding 36 months in ports within the region of the Memorandum.

The refusal of access shall become applicable immediately the ship has been authorised to leave the port where it has been subject of a second or third detention as appropriate.

2. For the purpose of paragraph 1, the Authorities will comply with the procedures laid down in Annex 3 section B.

3.11 Where deficiencies which caused a detention as referred to in 3.10.1 cannot be remedied in the port of inspection, the Authority may allow the ship concerned to proceed to the nearest appropriate repair yard available, as chosen by the master and the Authority, provided that the conditions determined by the competent authority of the flag State and agreed by the Authority are complied with. Such conditions, which may include discharging of cargo and/or temporary repairs, will ensure that the ship can proceed without risk to the safety and health of the passengers or crew, or risk to other ships, or without being an unreasonable threat of harm to the marine environment.

Where the decision to send a ship to a repair yard is due to a lack of compliance with IMO Resolution A. 744(18), either with respect to ship's documentation or with respect to ship's structural failures and deficiencies, the Authority may require that the necessary thickness measurements are carried out in the port of detention before the ship is allowed to sail.

If the vessel is detained because it is not equipped with a functioning voyage data recorder system, when its use is compulsory, and this deficiency cannot be readily rectified in the port of detention, the competent authority may allow the ship to proceed to the nearest appropriate port where it shall be readily rectified or require that the deficiency is rectified within a maximum period of 30 days.

In such circumstances the Authority will notify the competent authority of the region State where the next port of call of the ship is situated, the parties mentioned in 3.10.2 and any other authority as appropriate. Notification to Authorities shall include the final report of inspection and the estimated place and time of arrival. Additional notification will be made by means of the SIRENaC system. The Authority receiving such notification will inform the notifying Authority of action taken.

3.12.1 The Authorities will take measures to ensure that:

- .1 ships referred to in 3.10.1 or 3.11 which proceed to sea without complying with the conditions determined by the Authority in the port of inspection; or
- .2 ships referred to in 3.11 which refuse to comply with the applicable requirements of the relevant instruments by not calling into the indicated repair yard;

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

3.12.2 In the circumstances referred to in 3.12.1.1, the Authority where the ship was found defective will immediately alert all other Authorities.
In the circumstances referred to in 3.12.1.2, the Authority in whose State the repair yard lies will immediately alert all other Authorities.
Before denying entry, the Authority may request consultations with the flag State Administration of the ship concerned.

3.12.3 Notwithstanding the provisions of 3.12.1, access to a specific port may be permitted by the relevant authority of that port State in the event of force majeure or overriding safety considerations, or to reduce or minimize the risk of pollution, provided that adequate measures to the satisfaction of the competent authority of such State have been implemented by the owner, the operator or the master of the ship to ensure safe entry.

- 3.13** The provisions of 3.10.2 and 3.11 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.
- 3.14** The Authorities will ensure that, on the conclusion of an inspection, the master of the ship is provided with a report of inspection, giving the results of the inspection and details of any action taken.
- 3.15** Should any inspection referred to in 3.1 confirm or reveal deficiencies in relation to the requirements of a relevant instrument warranting the detention of a ship, all costs relating to the inspections in any normal accounting period will be covered by the shipowner or the operator or by his representative in the port State.
All costs relating to inspections carried out by the Authority under the provisions of 3.12.1 will be charged to the owner or the operator of the ship.
The detention will not be lifted until full payment has been made or a sufficient guarantee has been given for the reimbursement of the costs.
- 3.16** The owner or the operator of a ship or his representative in the State concerned will have a right of appeal against a detention decision or refusal of access taken by the Authority of that State. An appeal will not cause the detention or refusal of access to be suspended. The Authority will properly inform the master of a ship of the right of appeal.
- 3.17** Each Authority will take necessary measure in order to ensure that information listed in Annex 5 on ships inspected and ships detained is published at least every month.
- 3.18** When exercising control under the Memorandum, the Authorities will make all possible efforts to avoid unduly detaining or delaying a ship. Nothing in the Memorandum affects rights created by provisions of relevant instruments relating to compensation for undue detention or delay. In any instance of alleged undue detention or delay the burden of proof lies with the owner or operator of the ship.

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** Information provided in accordance with the previous paragraph may be made available for publication in printed form or by electronic means in order to assist Authorities with the publications mentioned in section 3.17 as well as for other purposes in accordance with decisions of the Committee mentioned in section 6.
- 4.3** DSI, mentioned in Annex 4 and the Secretariat, mentioned in section 6.4 may facilitate the publication of data by providing data in any electronic or printed format derived unaltered from the information system mentioned in Annex 4.
- 4.4** When inspection or detention data contain information concerning private persons the Authorities undertake to ensure protection of the privacy of those persons in accordance with applicable international, European Community and national laws and regulations. This protection shall however not prevent the publication of the company of ships inspected or publication of the names of charterers involved.

Section 5 Operational violations

The Authorities will upon the request of another Authority, endeavour to secure evidence relating to suspected violations of the requirements on operational matters of Rule 10 of COLREG 72 and MARPOL 73/78. 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. Procedures for investigations into contravention of discharge provisions are listed in Annex 2.

Section 6 Organization

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

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

6.3 The Committee will:

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

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

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

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

Section 7 Amendments

7.1 Any Authority may propose amendments to the Memorandum.

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

- .1 the proposed amendment will be submitted through the secretariat for consideration by the Committee;
- .2 amendments will be adopted by a two-thirds majority of the representatives of the Authorities present and voting in the Committee. If so adopted an amendment will be communicated by the secretariat to the Authorities for acceptance;
- .3 an amendment will be deemed to have been accepted either at the end of a period of six months after adoption by the representatives of the Authorities in the Committee or at the end of any different period determined unanimously by

- the representatives of the Authorities in the Committee at the time of adoption, unless within the relevant period an objection is communicated to the secretariat by an Authority;
- .4 an amendment will take effect 60 days after it has been accepted or at the end of any different period determined unanimously by the representatives of the Authorities in the Committee.

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

Section 8

- 8.1** The Memorandum is without prejudice to rights and obligations under any international Agreement.
- 8.2** A Maritime Authority of a European coastal State and a coastal State of the North Atlantic basin from North America to Europe, which complies with the criteria specified in Annex 6, may adhere to the Memorandum with the consent of all Authorities participating in the Memorandum.
- 8.3** When the Memorandum takes effect, it will supersede the 'Memorandum of Understanding between Certain Maritime Authorities on the Maintenance of Standards on Merchant Ships', signed at The Hague on 2 March 1978.
- 8.4** The Memorandum will take effect on 1 July 1982.
- 8.5** The English and French versions of the text of the Memorandum are equally authentic.

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

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Section 1 Priority inspections

- 1.1 Regardless of the value of the target factor, as referred to in Section 1.2, the following ships shall be considered as an overriding priority for inspection :
- .1 Ships which have been reported 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:
 - involved in a collision, grounding or stranding on their way to the port,
 - accused of an alleged violation of the provisions on discharge of harmful substances or effluents,
 - manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigation practices and procedures have not been followed, or
 - 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.
- 1.2 In determining the order of priority for the inspection of ships, the Authority shall take into account the order indicated by the target factor displayed on the SIRENaC information 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. In the absence of appropriate data for this purpose, the Authorities will rely upon the available SIRENaC data and inspect those ships which have not been registered in the SIRENaC following the entry into force of that database on 1 January 1993;
 - .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 an organization which is not recognized by the Authority;
 - .4 Ships flying the flag of a State appearing in the black-list 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:
 - a) deficiency to be rectified before departure
 - b) deficiency to be rectified at the next port

- c) deficiencies to be rectified within 14 days
- d) deficiencies for which other conditions have been specified
- e) 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;
- .7 Ships which have been detained in a previous port;
- .8 Ships flying the flag of a non-Party to a relevant instrument;
- .9 Ships with class deficiency ratio above average;
- .10 Ships in a category referred to in section 8 of this Annex;
- .11 Other ships above 13 years old.

Section 2 Examination of certificates and documents

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

- .1 International Tonnage Certificate (1969);
- .2 Passenger Ship Safety Certificate;
- .3 Cargo Ship Safety Construction Certificate;
- .4 Cargo Ship Safety Equipment Certificate;
- .5 Cargo Ship Safety Radio Certificate;
- .6 Exemption Certificate and any list of cargoes (as per SOLAS II-2/53.1.3);
- .7 Cargo Ship Safety Certificate;
- .8 Document of Compliance (SOLAS 74, Regulation II-2/54)
- .9 Dangerous goods special list or manifest, or detailed stowage plan;
- .10 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;
- .11 International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, or the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, whichever is appropriate;
- .12 International Oil Pollution Prevention Certificate;
- .13 International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;
- .14 International Load Line Certificate (1966);
- .15 International Load Line Exemption Certificate;
- .16 Oil Record Book, parts I and II;
- .17 Shipboard Oil Pollution Emergency Plan
- .18 Cargo Record Book;
- .19 Minimum Safe Manning Document;
- .20 Certificates issued in accordance with STCW Convention;
- .21 Medical certificates (see ILO Convention No. 73);
- .22 Table of shipboard working arrangements (see ILO Convention No. 180 and STCW95)
- .23 Records of hours of work or rest of seafarers (see ILO Convention No. 180)
- .24 Stability information;
- .25 Copy of Document of Compliance and Safety Management Certificate issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention;
- .26 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);
- .27 Survey Report Files (in case of bulk carriers or oil tankers);

- .28 For ro-ro passenger ships, information on the A/A-max ratio;
- .29 Document of authorization for the carriage of grain;
- .30 Special Purpose Ship Safety Certificate;
- .31 High Speed Craft Safety Certificate and Permit to Operate High Speed Craft;
- .32 Mobile Offshore Drilling Unit Safety Certificate;
- .33 For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage;
- .34 The muster list, fire control plan, and for passenger ships, a damage control plan, a decision-support system for the master (printed emergency plan);
- .35 Ship's log book with respect to the records of tests and drills and the log for records of inspection and maintenance of lifesaving appliances and arrangements;
- .36 Reports of previous port State control inspections;
 - .37 Cargo Securing Manual;
 - .38 For passenger ships, List of operational limitations;
 - .39 For passenger ships, a Plan for co-operation with SAR Services;
 - .40 Bulk Carrier Booklet;
- .41 Loading/Unloading Plan for bulk carriers;
- .42 Garbage Management Plan;
- .43 Garbage Record Book;
- .44 Certificate of insurance or any other financial security in respect of civil liability for oil pollution damage.

Section 3 No more favourable treatment

3.1 Ships of non-Parties

Ships entitled to fly the flag of a State which is not a Party to a relevant instrument and thus not provided with certificates representing *prima facie* evidence of satisfactory conditions on board, or manned with crew members who do not hold valid STCW certificates, will receive a more detailed or, as appropriate, expanded inspection. In making such an inspection the port State control officer will follow the same procedures 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 such a ship and its equipment and the certification of the crew and the flag State's minimum manning standard must be compatible with the aims of the provisions of the relevant instruments; 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.

3.2 Ships below convention size.

3.2.1 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.

3.2.2 In the exercise of his functions the port State control officer will be guided by any certificates and other documents issued by or on behalf of the flag State Administration. The port State control officer will, in the light of such certificates and documents and in

his general impression of the ship, use his professional judgement in deciding whether and in what respects the ship will be further inspected. When carrying out a further inspection the port State control officer will, to the extent necessary, pay attention to the items listed in 3.2.3 of this Annex. The list is not considered exhaustive but is intended to give an exemplification of relevant items.

3.2.3 Items of general importance

3.2.3.1 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.

3.2.3.2 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.

3.2.3.3 Items related to the prevention of pollution from ships:

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

3.2.4 In the case of deficiencies which are considered hazardous to safety, health or the environment the port State control officer will take such action, which may include detention as may be necessary, having regard to the factors mentioned in 3.2.1 of this Annex, to ensure that the deficiency is rectified or that the ship, if allowed to proceed to another port, does not present a clear hazard to safety, health or the environment.

Section 4 Examples of "clear grounds" for a more detailed inspection

In applying 3.1 of the Memorandum, "clear grounds" which warrant a more detailed inspection include the following:

- .1 the ship has been identified as a priority case for inspection, under section 1.1 and section 1.2.3, 1.2.4, 1.2.5b, 1.2.5.c, and 1.2.8 of this Annex;
- .2 during examination of the certificates and documents referred to in section 2 of this Annex, inaccuracies have been revealed or the documents have not been properly kept or updated;
- .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 or in the language of those authorities;
- .4 evidence of cargo and other operations not being conducted safely or in accordance with IMO guidelines;

- .5 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;
- .6 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;
- .7 the emission of false distress alerts not followed by proper cancellation procedures;
- .8 the absence of principal equipment or arrangements required by the conventions;
- .9 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;
- .10 excessively unsanitary conditions on board the ship;
- .11 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;
- .12 the absence of a table of shipboard working arrangements or records of hours of work or rest of seafarers (see ILO180).

Section 5 More detailed inspection

5.1 General

5.1.1 In the absence of valid certificates or documents or after the establishment of clear grounds, the port State control officer will:

- .1 conduct a more detailed inspection in the area(s) where clear grounds were established;
- .2 carry out a more detailed inspection in other areas at random; and
- .3 include further checking of compliance with on-board operational requirements.

5.1.2 In the exercise of a more detailed inspection the port State control officer will take into account:

- .1 the provisions of this section;
- .2 the provisions of the International Maritime Dangerous Goods Code;
- .3 the provisions of sections 6 and 7 of this Annex, as appropriate.

5.2 Procedures for inspection of ship structural and equipment requirements

Structure

5.2.1 The port State control officer's impression of hull maintenance and the general state on deck, the condition of such items as ladder ways, guard-rails, pipe coverings and areas of corrosion or pitting will influence the port State control officer's decision as to whether it is necessary to make the fullest possible examination of the structure with the ship afloat. Significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull affecting seaworthiness or strength to take local loads, may justify detention. It may be necessary for the underwater portion of the ship to be checked. In reaching a decision, the port State control officer will have regard to the seaworthiness and not the age of the ship, making an allowance for fair wear and tear over the minimum acceptable scantlings. Damage not affecting seaworthiness will not constitute grounds for judging that a ship should be detained, nor will damage that has been temporarily but effectively repaired for a voyage to a port for permanent repairs. However, in this assessment of the effect of damage, the port State control officer will have regard to the location of crew accommodation and whether the damage substantially affects its habitability.

- 5.2.2** The port State control officer will pay particular attention to the structural integrity and seaworthiness of bulk carriers and oil tankers (IMO Resolution A.744(18) as amended).
- 5.2.3** The port State control officer's assessment of the safety of the structure of those ships will be based on the Survey Report File carried on board. This file should contain reports of structural surveys, condition evaluation reports (translated into English and endorsed by the flag State Administration), thickness measurement reports and a survey planning document.
- 5.2.4** If the Survey Report File necessitates a more detailed inspection of the structure of the ship or if no such report is carried, special attention will be given by the port State control officer, as appropriate, to hull structure, piping systems in way of cargo tanks or holds, pump-rooms, cofferdams, pipe tunnels, void spaces within the cargo area, and ballast tanks.
- 5.2.5** For bulk carriers, port State control officers will inspect holds' main structure for any obviously unauthorized repairs. Where applicable, for bulk carriers the port State control officer will verify that the bulk carrier booklet has been endorsed, that any restrictions imposed on the carriage of solid bulk cargoes have been recorded in the booklet, that the bulk carrier loading triangle is permanently marked and that water level alarms in cargo holds are fitted.

Machinery spaces

- 5.2.6** The port State control officer will assess the condition of the machinery and of the electrical installations such that they are capable of providing sufficient continuous power for propulsion and for auxiliary services.
- 5.2.7** During inspection of the machinery spaces, the port State control officer will form an impression of the standard of maintenance. Frayed or disconnected quick-closing valve wires, disconnected or inoperative extended control rods or machinery trip mechanisms, missing valve hand wheels, evidence of chronic steam, water and oil leaks, dirty tank tops and bilges or extensive corrosion of machinery foundations are pointers to an unsatisfactory organization of the systems' maintenance. A large number of temporary repairs, including pipe clips or cement boxes, will indicate reluctance to make permanent repairs.
- 5.2.8** While it is not possible to determine the condition of the machinery without performance trials, general deficiencies, such as leaking pump glands, dirty water gauge glasses, inoperable pressure gauges, rusted relief valves, inoperative or disconnected safety or control devices, evidence of repeated operation of diesel engine scavenge belt or crank-case relief valves, malfunctioning or inoperative automatic equipment and alarm systems, and leaking boiler casings or uptakes, would warrant inspection of the engine room log book and investigation into the record of machinery failures and accidents and a request for running tests of machinery.
- 5.2.9** If one electrical generator is out of commission, the port State control officer will investigate whether power is available to maintain essential and emergency services and should conduct tests.
- 5.2.10** If evidence of neglect becomes evident, the port State control officer will extend the scope of an investigation to include, for example, tests on the main and auxiliary steering gear arrangements, overspeed trips, circuit breakers, etc.

- 5.2.11** It must be stressed that while detection of one or more of the above deficiencies would afford guidance to a substandard condition, the actual combination is a matter for professional judgement in each case.

Conditions of assignment of load lines

- 5.2.12** It may be that the port State control officer has concluded that a hull inspection is unnecessary but, if dissatisfied on the basis of observations on deck, with items such as defective hatch closing arrangements, corroded air pipes and vent coamings, the port State control officer will examine closely the conditions of assignment of load lines, paying particular attention to closing appliances, means of freeing water from the deck and arrangements concerned with the protection of the crew.

Life-saving appliances

- 5.2.13** The effectiveness of life-saving appliances depends heavily on good maintenance by the crew and their use in regular drills. The lapse of time since the last survey for a Safety Equipment Certificate can be a significant factor in the degree of deterioration of equipment if it has not been subject to regular inspection by the crew. Apart from failure to carry equipment required by a convention or obvious defects such as holed lifeboats, the port State control officer will look for signs of disuse of, or obstructions to, survival craft launching equipment which may include paint accumulation, seizing of pivot points, absence of greasing, condition of blocks and falls and improper lashing or stowing of deck cargo.

- 5.2.14** Should such signs be evident, the port State control officer will be justified in making a detailed inspection of all life-saving appliances. Such an examination might include the lowering of survival craft, a check on the servicing of life rafts and any fitted marine evacuation system a check of means of recovery of survivors, the number and condition of life jackets and lifebuoys and ensuring that the pyrotechnics are still within their period of validity. It would not normally be as detailed as that for a renewal of the Safety Equipment Certificate and would concentrate on essentials for safe abandonment of the ship, but in an extreme case could progress to a full Safety Equipment Certificate inspection. The provision and functioning of effective overside lighting, means of alerting the crew and passengers and provision of illuminated routes to assembly points and embarkation positions will be given importance in the inspection.

Fire safety

- 5.2.15** The poor condition of fire and wash deck lines and hydrants and the possible absence of fire hoses and extinguishers in accommodation spaces might be a guide to a need for a close inspection of all fire safety equipment. In addition to compliance with convention requirements, the port State control officer will look for evidence of a higher than normal fire risk; this might be brought about by a poor standard of cleanliness in the machinery space, which together with significant deficiencies of fixed or portable fire-extinguishing equipment could lead to a judgement of the ship being substandard.

- 5.2.16** The port State control officer will examine the fire control plan on board in order to obtain a general picture of the fire safety measures provided in the ship and consider their compliance with convention requirements for the year of build. Queries on the method of structural protection will be addressed to the flag State Administration and the port State control officer will generally confine the inspection to the effectiveness of the arrangements provided.

5.2.17 The spread of fire could be accelerated if fire doors are not readily operable. The port State control officer will inspect for the operability and securing arrangements of those doors in the main zone bulkheads and stairway enclosures and in boundaries of high fire risk spaces, such as main machinery rooms and galleys, giving particular attention to those retained in the open position. Attention will also be given to main vertical zones which may have been compromised through new construction. An additional hazard in the event of fire is the spread of smoke through ventilation systems. Spot checks might be made on dampers and smoke flaps to ascertain the standard of operability. The port State control officer will also ensure that ventilation fans can be stopped from the master controls and that means are available for closing main inlets and outlets of ventilation systems.

5.2.18 Attention will be given to the effectiveness of escape routes by ensuring that vital doors are not maintained locked and that alleyways and stairways are not obstructed.

Regulations for preventing collisions at sea

5.2.19 A vital aspect of ensuring safety of life at sea is full compliance with the collision regulations. Based on observations on deck, the port State control officer will consider the need for close inspection of lanterns and their screening and means of making sound and distress signals.

Cargo Ship Safety Construction Certificate

5.2.20 The general condition of the ship may lead the port State control officer to consider matters other than those concerned with safety equipment and assignment of load lines, but nevertheless associated with the safety of the vessel, such as the effectiveness of items associated with the Cargo Ship Safety Construction Certificate, which can include pumping arrangements, means for shutting off air and oil supplies in the event of fire, alarm systems and emergency power supplies.

Cargo Ship Safety Radio Certificates

5.2.21 The validity of the Cargo Ship Safety Radio Certificates and associated Record of Equipment (Form R) may be accepted as proof of the provision and effectiveness of its associated equipment, but the port State control officer will ensure that appropriate certificated personnel are carried for its operation and for listening periods. Requirements for maintenance of radio equipment are contained in Regulation IV/15 of SOLAS 74. The radio log or radio records will be examined. Where considered necessary, operational checks may be carried out.

Equipment in excess of convention or flag State requirements

5.2.22 Equipment on board which is expected to be relied on in situations affecting safety or pollution prevention must be in operating condition. If such equipment is inoperative and is in excess of the equipment required by an appropriate convention and/or the flag State, it should be repaired, removed or, if removal is not practicable, clearly marked as inoperative and secured.

5.3 Crude oil washing

5.3.1 Inspection of crude oil washing operations

The port State control officer will ensure that crude oil washing is performed by all crude carriers either required to have a crude oil washing system or where the owner or

operator chooses to install a crude oil washing system in order to comply with Regulation 13 of Annex I to MARPOL 73/78. In addition, compliance will be ensured with the operational requirements set out in the revised Specifications for the Design, Operation and Control of Crude Oil Washing Systems (IMO Resolution A.446(XI), as amended by IMO Resolution A.497(XII)). This can best be done in the ports where the cargo is unloaded.

5.3.2 Procedures for in-port inspection of crude oil washing procedures

Inspections

5.3.2.1 The port State control officer will make the appropriate arrangements so as to ensure compliance with requirements governing the crude oil washing of oil tankers. This is not, however, to be construed as relieving terminal operators and ship owners of their obligations to ensure that the operation is undertaken in accordance with the regulations.

5.3.2.2 The inspection may cover the entire operation of crude oil washing or only certain aspects of it. It is thus in the interest of all concerned that the ship's records with regard to the crude oil washing operations are maintained at all times so that a port State control officer may verify those operations undertaken prior to the inspection.

Ship's personnel

5.3.2.3 The person in charge and the other nominated persons who have responsibility in respect of the crude oil washing operation must be identified. They must, if required, be able to show that their qualifications meet the requirements, as appropriate, of 5.2 and 5.3 of the revised Specifications for the Design, Operation and Control of Crude Oil Washing Systems (IMO Resolution A.446(XI), as amended by IMO Resolution A.497(XII)).

5.3.2.4 The verification may be accomplished by reference to the individual's discharge papers, testimonials issued by the ship's operator or by certificates issued by a training centre approved by an Administration. The numbers of such personnel must be at least as stated in the COW Operations and Equipment Manual.

Documentation

5.3.2.5 The following documents must be available for inspection:

- .1 The IOPP Certificate and the Record of Construction and Equipment, to determine:
 - .1 whether the ship is fitted with a crude oil washing system as required in Regulation 13(6) or (8) of Annex I to MARPOL 73/78;
 - .2 whether the crude oil washing system is according to and complying with the requirements of Regulation 13(B) of Annex I to MARPOL 73/78;
 - .3 the validity and date of the COW Operations and Equipment Manual; and
 - .4 the validity of the Certificate.
- .2 The approved COW Operations and Equipment Manual;
- .3 The Oil Record Book; and
- .4 The Cargo Ship Safety Equipment Certificate to confirm that the inert gas system conforms to regulations contained in Chapter II-2 of SOLAS 74, as amended.

Inert gas system

5.3.2.6 Inert gas system regulations require that instrumentation shall be fitted for continuously indicating and permanently recording at all times when inert gas is being supplied, the pressure and the oxygen content of the gas in the inert gas supply main. Reference to the permanent recorder must indicate if the system had been operating before and during the cargo discharge in a satisfactory manner.

5.3.2.7 If conditions specified in the COW Operations and Equipment Manual are not being met then the washing must be stopped until satisfactory conditions are restored.

5.3.2.8 As a further precautionary measure, the oxygen level in each tank to be washed is to be determined at the tank. The metres used must be calibrated and inspected to ensure that they are in good working order. Readings from tanks already washed in port prior to inspection must be available for checking. Spot checks on readings may be instituted.

Electrostatic generation

5.3.2.9 It will be confirmed either from the cargo log or by questioning the person in charge that presence of water in the crude oil is being minimized as required by 6.7 of the revised Specifications (IMO Resolution A.446(XI) , as amended by IMO Resolution A.497(XII)).

Communication

5.3.2.10 It will be established that effective means of communication exist between the person in charge and the other persons concerned with the crude oil washing operation.

Leakage on deck

5.3.2.11 Port State control officers will ensure that the crude oil washing piping system has been operationally tested for leakage before cargo discharge and that the test has been noted in the ship's Oil Record Book.

Exclusion of oil from engine-room

5.3.2.12 It will be ascertained that the method of excluding cargo oil from the machinery space is being maintained by inspecting the isolating arrangements of the tank washing heater (if fitted) or of any part of the tank washing system which enters the machinery space.

Suitability of the crude oil

5.3.2.13 In judging the suitability of the oil for crude oil washing, the guidance and criteria contained in section 9 of the COW Operations and Equipment Manual must be taken into account.

Checklist

5.3.2.14 It will be determined from the ship's records that the pre-crude oil wash operational checklist was carried out and all instruments functioned correctly. Spot checks on certain items may be instituted.

Wash programmes

5.3.2.15 Where the tanker is engaged in a multiple port discharge, the Oil Record Book must indicate if tanks were crude oil washed at previous discharge ports or at sea. It will be determined that all tanks which will, or may, be used to contain ballast on the forthcoming

voyage will be crude oil washed before the ship departs from the port. There is no obligation to wash any tank other than ballast tanks at a discharge port except that each of these other tanks must be washed at least in accordance with 6.1 of the revised Specifications (IMO Resolution A.446(XI) , as amended by IMO Resolution A.497(XII)). The Oil Record Book will be inspected to check that this is being complied with.

5.3.2.16 All crude oil washing must be completed before a ship leaves its final port of discharge.

5.3.2.17 If tanks are not being washed in one of the preferred orders given in the COW Operations and Equipment Manual, the port State control officer will determine that the reason for this, and the proposed order of tank washing, are acceptable.

5.3.2.18 For each tank being washed it will be ensured that the operation is in accordance with the COW Operations and Equipment Manual in that:

- .1 the deck mounted machines and the submerged machines are operating either by reference to indicators, the sound patterns or other approved methods;
- .2 the deck mounted machines, where applicable, are programmed as stated;
- .3 the duration of the wash is as required; and
- .4 the number of tank washing machines being used simultaneously does not exceed that specified.

Stripping of tanks

5.3.2.19 The minimum trim conditions and the parameters of the stripping operations are to be stated in the COW Operations and Equipment Manual.

5.3.2.20 All tanks which have been crude oil washed are to be stripped. The adequacy of the stripping is to be checked by hand dipping at least in the after most hand dipping location in each tank or by such other means provided and described in the COW Operations and Equipment Manual. It will be ascertained that the adequacy of stripping has been checked or will be checked before the ship leaves its final port of discharge.

Ballasting

5.3.2.21 Tanks that were crude oil washed at sea will be recorded in the Oil Record Book. These tanks must be left empty between discharge ports for inspection at the next discharge port. Where these tanks are the designated departure ballast tanks they may be required to be ballasted at a very early stage of the discharge. This is for operational reasons and also because they must be ballasted during cargo discharge if hydrocarbon emission is to be contained on the ship. If these tanks are to be inspected when empty, then this must be done shortly after the tanker berths. If a port State control officer arrives after the tanks have begun accepting ballast, then the sounding of the tank bottom would not be available. However, an examination of the surface of the ballast water is then possible. The thickness of the oil film should not be greater than that specified in 4.2.10(b) of the revised Specifications (IMO Resolution A.446(XI), as amended by IMO Resolution A.497(XII)).

5.3.2.22 The tanks that are designated ballast tanks will be listed in the COW Operations and Equipment Manual. It is, however, left to the discretion of the master or responsible officer to decide which tanks may be used for ballast on the forthcoming voyage. It will be determined from the Oil Record Book that all such tanks have been washed before the tanker leaves its last discharge port. It must be noted that where a tanker back-loads a cargo of crude oil at an intermediate port into tanks designated for ballast, then it will not be required to wash those tanks at that particular port but at a subsequent port.

- 5.3.2.23** It will be determined from the Oil Record Book that additional ballast water has not been put into tanks which had not been crude oil washed during previous voyages.
- 5.3.2.24** It will be verified that the departure ballast tanks are stripped as completely as possible. Where departure ballast is filled through cargo lines and pumps these must be stripped either into another cargo tank, or ashore by the special small diameter line provided for this purpose.
- 5.3.2.25** The methods to avoid vapour emission where locally required will be provided in the COW Operations and Equipment Manual and they must be adhered to. The port State control officer will ensure that this is being complied with.
- 5.3.2.26** The typical procedures for ballasting listed in the COW Operations and Equipment Manual must be observed. The port State control officer will ensure this is being complied with.
- 5.3.2.27** When departure ballast is to be shifted, the discharge into the sea must be in compliance with Regulation 9 of Annex I to MARPOL 73/78. The Oil Record Book will be inspected to ensure that the ship is complying with this.

5.4 Unloading, stripping and prewash operations under Annex II to MARPOL 73/78

5.4.1 Procedures for inspection of unloading, stripping and prewashing operations (mainly in unloading ports)

Introduction

- 5.4.1.1** The port State control officer or the surveyor authorized by the port State Administration exercising control in accordance with Regulation 8 of Annex II to MARPOL 73/78 must be thoroughly acquainted with Annex II to MARPOL 73/78 and the custom of the port as of relevance to cargo handling, tank washing, cleaning berths, prohibition of lighters alongside, etc.

Documentation

- 5.4.1.2** The documentation required for the inspection referred to in this appendix consists of:
- .1 CoF or NLS Certificate;
 - .2 cargo plan and shipping document;
 - .3 Procedures and Arrangements (P and A) Manual; and
 - .4 Cargo Record Book.

Information by ship's staff

- 5.4.1.3** Of relevance to the port State control officer or the surveyor authorized by the port State Administration is the following:
- .1 the intended loading and unloading programme of the ship;
 - .2 whether unloading and stripping operations can be effected in accordance with the P and A Manual and if not the reason why it cannot be done;
 - .3 the constraints, if any, under which the efficient stripping system operates (i.e. back pressure, ambient air temperature, malfunctioning, etc.);
 - .4 whether the ship proceeds to, remains inside, or leaves a Special Area; and
 - .5 whether the ship requests an exemption from the prewashing and the discharge of residues in the unloading port.

5.4.1.4 When tank washing is required without the use of water the port State control officer or the surveyor authorized by the port State Administration is to be informed about the tank washing procedure and disposal of residues.

5.4.1.5 When the Cargo Record Book is not up to date, any information on prewash and residue disposal operations outstanding must be supplied.

Information from terminal staff

5.4.1.6 Terminal staff must supply information on limitations imposed upon the ship in respect of back pressure and/or reception facilities.

Control

5.4.1.7 On boarding and introduction to the master or responsible ship officer's, the port State control officer or the surveyor authorized by the port State Administration will examine the necessary documentation.

5.4.1.8 The documentation may be used to establish the following:

- .1 noxious liquid substances to be unloaded, their categories and stowage (cargo plan, P and A Manual);
- .2 details (possibilities and limitations) of efficient stripping system, if fitted (P and A Manual);
- .3 tanks which require prewashing with disposal of tank washings to reception facilities (shipping document and cargo temperature);
- .4 tanks which require prewashing with disposal of tank washings either to reception facilities or into the sea (P and A Manual, shipping document and cargo temperature);
- .5 prewash operations and/or residue disposal operations outstanding (Cargo Record Book); and
- .6 tanks which may not be washed with water due to the nature of substances involved (P and A Manual).

5.4.1.9 In respect of the prewash operations referred to in 5.4.1.8 of this Annex, the following information is of relevance (P and A Manual):

- .1 pressure required for tank washing machines;
- .2 duration of one cycle of the tank washing machine and quantity of water used;
- .3 washing programmes for the substances involved;
- .4 required temperature of washing water; and
- .5 special procedures.

5.4.1.10 The port State control officer or the surveyor authorized by the port State Administration, in accordance with Regulation 8 of Annex II to MARPOL 73/78, will ascertain that unloading, stripping and/or prewash operations are carried out in conformance with the information obtained in accordance with 5.4.1.2 of this Annex (Documentation). If this cannot be achieved, alternative measures will be taken to ensure that the ship does not proceed to sea with more than the quantities of residue specified in Regulation 5A to Annex II to MARPOL 73/78, as applicable. If the residue quantities cannot be reduced by alternative measures the port State control officer or the surveyor authorized by the port State Administration will inform his Administration.

5.4.1.11 Care must be taken to ensure that cargo hoses and piping systems of the terminal are not drained back to the ship.

- 5.4.1.12** If a ship is exempted from certain pumping efficiency requirements under Regulation 5A of Annex II to MARPOL 73/78 or requests an exemption from certain stripping or prewashing procedures under Regulation 8 of Annex II to MARPOL 73/78 the conditions for such exemption set out in the said regulations will be observed. These concern:
- .1 Regulation 5A(6). The ship is constructed before 1 July 1986 and is exempted from the requirement for reducing its residue quantities to specified limits (i.e. category B substances 0.3 m³ or 1 m³ and category C substances 0.9 m³ or 3 m³). Whenever a cargo tank is to be washed or ballasted, a prewash is required with disposal of prewash slops to shore reception facilities. The CoF or NLS Certificate must have been endorsed to the effect that the ship is solely engaged in restricted voyages;
 - .2 Regulation 5A(7). The ship is never required to ballast its cargo tanks and tank washing is only required for repair or drydocking. The CoF or NLS Certificate must indicate the particulars of the exemption. Each cargo tank must be certified for the carriage of only one named substance;
 - .3 Regulations 8(2)(b)(i), 8(5)(b)(i), 8(6)(c)(i) and 8(7)(c)(i). Cargo tanks will not be washed or ballasted prior to the next loading;
 - .4 Regulations 8(2)(b)(ii), 8(5)(b)(ii), 8(6)(c)(ii) and 8(7)(c)(ii). Cargo tanks will be washed and prewash slops will be discharged to reception facilities in another port. It must be confirmed in writing that an adequate reception facility is available at that port for such purpose; and
 - .5 Regulations 8(2)(b)(iii), 8(5)(b)(iii), 8(6)(c)(iii) and 8(7)(c)(iii). The cargo residues can be removed by ventilation.
- 5.4.1.13** The port State control officer or the surveyor authorized by the port State Administration must endorse the Cargo Record Book under section J whenever an exemption referred to under 5.4.1.12.3, 5.4.1.12.4 and 5.4.1.12.5 of this Annex has been granted, or whenever a tank having unloaded category A substances has been prewashed in accordance with the P and A Manual.
- 5.4.1.14** Alternatively, for category A substances, Regulation 8(3) of Annex II to MARPOL 73/78, residual concentration must be measured by the procedures which each port State authorizes. In this case the port State control officer or the surveyor authorized by the port State Administration must endorse in the Cargo Record Book under section K whenever the required residual concentration has been achieved.
- 5.4.1.15** In addition to 5.4.1.13 of this Annex, the port State control officer or the surveyor authorized by the port State Administration must endorse the Cargo Record Book whenever the unloading, stripping or prewash of category B, C and D substances, in accordance with the P and A Manual, has actually been witnessed.
- 5.4.1.16** The port State control officer or the surveyor authorized by the port State Administration must be aware that certain “oil like” noxious liquid substances may be carried on product carriers. Such substances must be indicated on the IOPP Certificate. For the control of ships carrying such substances, the Control Procedures under Annex I to MARPOL 73/78 apply. The port State control officer or the surveyor authorized by the port State Administration exercising control in accordance with Regulation 8 of Annex II to MARPOL 73/78 must be thoroughly acquainted with Annex I to MARPOL 73/78.
- 5.5 Procedures for control of operational requirements**
- 5.5.1** In the exercise of a more detailed inspection, the port State control officer will not include any operational tests or impose physical demands which, in the judgement of the master, could jeopardize the safety of the ship, crew, passengers, control officers or cargo.

5.5.2 When carrying out operational control, the port State control officer will ensure, as far as possible, no interference with normal shipboard operations, such as loading and unloading of cargo and ballasting, which is carried out under the responsibility of the master, nor will the port State control officer require demonstration of operational aspects which would unnecessarily delay the ship.

5.5.3 Having assessed the extent to which operational requirements are complied with, the port State control officer then has to exercise professional judgement to determine whether the operational proficiency of the crew as a whole is of a sufficient level to allow the ship to sail without danger to the ship or persons on board, or presenting an unreasonable threat of harm to the marine environment.

Muster list

5.5.4 The port State control officer may determine if the crew members are aware of their duties indicated in the muster list.

5.5.5 The port State control officer may ensure that muster lists are exhibited in conspicuous places throughout the ship, including the navigational bridge, the engine room and the crew accommodation spaces. When determining if the muster list is in accordance with the regulations, the port State control officer may verify whether:

- .1 the muster list shows the duties assigned to the different members of the crew;
- .2 the muster list specifies which officers are assigned to ensure that life-saving and fire appliances are maintained in good condition and are ready for immediate use;
- .3 the muster list specifies the substitutes for key persons who may become disabled, taking into account that different emergencies may call for different actions;
- .4 the muster list shows the duties assigned to crew members in relation to passengers in case of emergency;
- .5 the format of the muster list used on passenger ships is approved and that the list includes translation into the working language, if it is not the official language.

5.5.6 To determine whether the muster list is up to date, the port State control officer may require an up-to-date crew list, if available, to verify this. Other possible means, e.g. Safe Manning Document, may be used for this purpose.

5.5.7 The port State control officer may determine whether the duties assigned to crew members manning the survival craft (lifeboats or life rafts) are in accordance with the regulations and verify that a deck officer or certificated person is placed in charge of each survival craft to be used. However, the flag State Administration, having due regard to the nature of the voyage, the number of persons on board and the characteristics of the ship, may permit persons practised in the handling and operation of life rafts to be placed in charge of life rafts in lieu of persons qualified as above. A second-in-command must have been nominated in the case of lifeboats.

5.5.8 The port State control officer may determine whether the crew members are familiar with the duties assigned to them in the muster list and are aware of the locations where they should perform their duties.

Communication

5.5.9 The port State control officer may determine if the key crew members are able to communicate with each other, and with passengers as appropriate, in such a way that the safe operation of the ship is not impaired, especially in emergency situations.

5.5.10 The port State control officer may ask the master which languages are used as the working languages and may verify whether the language has been recorded in the logbook.

5.5.11 The port State control officer may ensure that the key crew members are able to understand each other during the inspection or drills. The crew members assigned to assist passengers must be able to give the necessary information to the passengers in case of an emergency.

Search and Rescue Plan

5.5.11 bis For passenger ships trading on fixed routes, the port State control officer may verify that there is on board an approved plan for co-operation with appropriate search and rescue services in event of an emergency.

Emergency training and drills

5.5.12 The port State control officer will check the on board training and examine the dates and details of the muster as recorded in such logbook as may be prescribed by the Administration. The port State control officer witnessing a fire and abandon ship drill will ensure that the crew members are familiar with their duties and the proper use of the ship's installations and equipment.

Fire drills

5.5.13 The port State control officer may witness a fire drill carried out by the crew assigned to these duties on the muster list. After consultation with the master of the vessel, one or more specific locations of the ship may be selected for a simulated fire. A crew member may be sent to the location(s) and activate a fire alarm system or use other means to give alarm.

5.5.14 At the location the port State control officer can describe the fire indication to the crew member and observe how the report of fire is relayed to the bridge or damage control centre. At this point most ships will sound the crew alarm to summon the fire-fighting parties to their stations. The port State control officer will observe the fire-fighting party arriving on the scene, breaking out their equipment and fighting the simulated fire. Team leaders must be capable of giving orders as appropriate to their crews and passing the word back to the bridge or damage control centre on the conditions. The fire-fighting crews will be observed for proper donning and the use of their equipment. The port State control officer will make sure that all the gear is complete. Merely mustering the crew with their gear is not acceptable. Crew response to personnel injuries can be checked by selecting a crew member as a simulated casualty. The port State control officer will observe how the word is passed and the response of stretcher and medical teams. Handling a stretcher properly through narrow passageways, doors and stairways is difficult and takes practice.

5.5.15 The drill must, as far as practicable, be conducted as if there were an actual emergency.

5.5.16 Those crew members assigned to other duties related to a fire drill, such as the manning of the emergency generators, the CO₂ room, the sprinkler and emergency fire

pumps, must also be involved in the drill. The port State control officer may ask these crew members to explain their duties and if possible to demonstrate their familiarity.

5.5.17

On passenger ships, special attention will be paid to the duties of those crew members assigned to the closing of manually operated doors and fire dampers. These closing devices must be operated by the responsible persons in the areas of the simulated fire(s) during the drill. Crew members not assigned to the fire-fighting teams are generally assigned to locations throughout the passenger accommodations to assist in passenger evacuation. These crew members will be asked to explain their duties and the meaning of the various emergency signals and asked to point out the two means of escape from the area, and where the passengers are to report. Crew members assigned to assist passengers must be able to communicate at least enough information to direct a passenger to the proper muster and embarkation stations.

Abandon ship drills**5.5.18**

After consultation with the master, the port State control officer may require an abandon ship drill for one or more survival craft. The essence of this drill is that the survival craft are manned and operated by the crew members assigned to them on the muster list. If possible the port State control officer will include the rescue boat(s) in this drill. Chapter III of SOLAS 74 gives specific requirements on abandon ship training and drills, of which the following principles are particularly relevant.

5.5.19

The drill must, as far as practicable, be conducted as if there was an actual emergency.

5.5.20

- The abandon ship drill must include:
- .1 summoning of (passengers and) crew to the muster station(s) with the required alarm and ensuring that they are aware of the order to abandon ship as specified in the muster list;
 - .2 reporting to the stations and preparing for the duties described in the muster list;
 - .3 checking that (passengers and) crew are suitably dressed;
 - .4 checking that life jackets are correctly donned;
 - .5 lowering of at least one lifeboat after the necessary preparation for launching;
 - .6 starting and operating the lifeboat engine; and
 - .7 operation of the davits used for launching life rafts;
 - .8 a mock search and rescue of passengers trapped in their staterooms;
 - .9 instructions in the use of radio life saving appliances;
 - .10 testing of emergency lighting for mustering and abandonment; and
 - .11 if the ship is fitted with marine evacuation systems, exercising of the procedures required for the deployment of such systems up to the point of immediately preceding actual deployment.

5.5.21

If the lifeboat lowered during the drill is not the rescue boat, the rescue boat must be lowered as well, taking into account that it is boarded and launched in the shortest possible time. The port State control officer will ensure that crew members are familiar with the duties assigned to them during abandon ship operations and that the crew member in charge of the survival craft has complete knowledge of the operation and equipment of the survival craft.

5.5.22

Each survival craft must be stowed in a state of continuous readiness so that two crew members can carry out preparations for embarking and launching in less than 5 minutes.

5.5.23 On passenger ships, it is required that lifeboats and davit-launched life rafts are capable of being launched within a period of 30 minutes.

5.5.24 On cargo ships, it is required that lifeboats and davit launched life rafts are capable of being launched within a period of 10 minutes.

Damage control plan and Shipboard Oil Pollution Emergency Plan (SOPEP)

5.5.25 The port State control officer may determine if a damage control plan on a passenger ship is provided and whether the appropriate crew members are familiar with their duties and the proper use of the ship's installations and equipment for damage control and pollution emergency purposes.

5.5.26 The port State control officer may determine if the officers of the ship are aware of the contents of the damage control booklet which must be available to them, or of the damage control plan.

5.5.27 The officers may be asked to explain the action to be taken in various damage conditions.

5.5.28 The officers may also be asked to explain about the boundaries of the watertight compartments, the openings therein with the means of closure and position of any controls thereof and the arrangements for the correction of any list due to flooding.

5.5.29 The officers must have a sound knowledge of the effect of trim and stability of their ship in the event of damage to and consequent flooding of a compartment and counter-measures to be taken.

5.5.30 The provisions referred to in 5.5.25 to 5.5.29 of this Annex apply accordingly to the damage control plan for cargo ships and to the SOPEP for all ships. Where applicable, for bulk carriers the port State control officer may determine the familiarity of officers with the cargo holds flooding scenarios and the instructions on evacuation preparedness.

Fire control plan

5.5.31 The port State control officer may determine if a fire control plan or booklet is provided and whether the crew members are familiar with the information given in the fire control plan or booklet.

5.5.32 The port State control officer may verify that fire control plans are permanently exhibited for the guidance of the ship's officers. Alternatively, booklets containing the information of the fire control plan may be supplied to each officer, and one copy must at all times be available on board in an accessible position. Plans and booklets must be kept up to date, any alterations being recorded thereon as soon as possible.

5.5.33 The port State control officer may determine that the responsible officers, especially those who are assigned to related duties on the muster list, are aware of the information provided by the fire control plan or booklet and how to act in case of a fire.

5.5.34 The port State control officer may ensure that the officers in charge of the ship are familiar with the principal structural members which form part of the various fire sections and the means of access to the different compartments.

Decision support system for masters of passenger ships

- 5.5.34 bis** For passenger ships the port State control officer may verify that a decision support system for emergency management is provided on the navigation bridge, consisting as a minimum of a printed emergency plan or plans.

Bridge operation

- 5.5.35** The port State control officer may determine if officers in charge of a navigational watch are familiar with bridge control and navigational equipment (including electronic charts where fitted), changing the steering mode from automatic to manual and vice versa, and the ship's manoeuvring characteristics.
- 5.5.36** The officer in charge of a navigational watch must have knowledge of the location and operation of all safety and navigational equipment. Moreover, this officer must be familiar with procedures which apply to the navigation of the ship in all circumstances and must be aware of all information available.
- 5.5.37** The port State control officer may also verify the familiarity of the officers on all the information available to them such as manoeuvring characteristics of the ship, life-saving signals, up-to-date nautical publications, checklists concerning bridge procedures, instructions, manuals, etc.
- 5.5.38** The port State control officer may verify the familiarity of the officers with procedures such as periodical tests and checks of equipment, preparations for arrival and departure, change over of steering modes, signalling, communications, manoeuvring, emergencies and log book entries.
- 5.5.38.1** The Permit to Operate for High Speed Craft (POHSC) includes limitations of the maximum significant wave height (and wind force for hovercraft) within which the craft may operate. When carrying out inspections of HSC, PSCOs may verify by the logbook and the weather records whether these limitations have been respected. PSCOs may find that a voyage had to be completed when worse weather conditions than permitted were encountered, but a new voyage should not commence in such conditions.
- 5.5.38.2** Procedures for obtaining up-to-date forecasts before every voyage should also be checked. Forecasts of significant wave heights should cover a relevant period. When the conditions are marginal the master should obtain updates from the port State weather services or ships in the vicinity. If procedures are found to be lacking, owners should be required to confirm their corrective action. PSCOs should question logbook entries which record conditions significantly below forecasts of conditions above operating limits. If further evidence is needed, hindcasts (i.e. reports of the actual weather over a given period) may be available from the port weather service but these should normally only be obtained when there is significant doubt. Where a HSC is found to have breached its weather limitations, action may include sending a warning letter to the owners with a copy to the flag State.

Cargo operation

- 5.5.39** The port State control officer may determine if ship's personnel assigned specific duties related to the cargo and cargo equipment are familiar with those duties, any dangers posed by the cargo and with the measures to be taken in such a context.

5.5.39 bis The port State control officer may verify that the master has been provided with appropriate written information on the precautions for the proper stowage and safe carriage of cargo.

5.5.40 With respect to the carriage of solid bulk cargoes, the port State control officer will verify, as appropriate, that cargo loading is performed in accordance with a ship's loading plan and unloading in accordance with a ship's unloading plan agreed by the ship and the terminal, taking into account the information provided by the loading instrument, where fitted.

5.5.41 The port State control officer, when appropriate, may determine whether the responsible crew members are familiar with the relevant provisions of the Code of Safe Practice for Solid Bulk Cargoes, particularly those concerning moisture limits and trimming of the cargo, the Code of Safe Practice for Ships Carrying Timber Deck Cargoes and the Code of Safe Practice for Cargo Stowage and Securing.

5.5.42 Some solid materials transported in bulk can present a hazard during transport because of their chemical nature or physical properties. SOLAS regulation VI/2 and Section 2 of the Code of Safe Practice for Solid Bulk Cargoes give general precautions. Section 4 of the Code of Safe Practice for Solid Bulk Cargoes contains the obligation imposed on the shipper to provide all necessary information to ensure a safe transport of the cargo. The port State control officer may determine whether all relevant details, including all relevant certificates of tests, have been provided to the master from the shipper.

5.5.43 For some cargoes, such as cargoes which are subject to liquefaction, special precautions are given in section 7 of the Code of Safe Practice for Solid Bulk Cargoes. The port State control officer may determine whether all precautions are met with special attention for the stability of those vessels engaged in the transport of cargoes subject to liquefaction and solid hazardous waste in bulk.

5.5.44 Officers responsible for cargo handling and operation and key crew members of oil tankers, chemical tankers and liquefied gas carriers must be familiar with the cargo and cargo equipment and with the safety measures as stipulated in the relevant sections of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) and of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code).

5.5.45 For the carriage of grain in bulk, reference is made to part C of Chapter VI of SOLAS 74 and the International Code for the Safe Carriage of Grain in Bulk (IMO Resolution MSC.23(59)).

5.5.46 The port State control officer may determine whether the operations, cargo securing and loading manuals include all the relevant information for safe loading and unloading operations in port as well as in transit conditions.

Operation of the machinery

5.5.47 The port State control officer may determine if responsible ship's personnel are familiar with their duties related to operating essential machinery, such as:

- .1 emergency and stand-by sources of electrical power;
- .2 auxiliary steering gear;
- .3 bilge and fire pumps; and
- .4 any other equipment essential in emergency situations.

- 5.5.48** The port State control officer may verify whether the responsible ship's personnel are familiar with, inter alia:
- .1 Emergency generator:**
 - .1.1 actions which are necessary before the engine can be started;
 - .1.2 different possibilities to start the engine in combination with the source of starting energy; and
 - .1.3 procedures when the first attempts to start the engine fail.
 - .2 Stand-by generator engine:**
 - .2.1 possibilities to start the stand-by engine, automatic or by hand;
 - .2.2 blackout procedures; and
 - .2.3 load-sharing system.
- 5.5.49** The port State control officer may verify whether the responsible ship's personnel are familiar with, inter alia:
- .1 which type of auxiliary steering gear system applies to the ship;
 - .2 how it is indicated which steering gear unit is in operation; and
 - .3 what action is needed to bring the auxiliary steering gear into operation.
- 5.5.50** The port State control officer may verify whether the responsible ship's personnel are familiar with, inter alia:
- .1 Bilge pumps :**
 - .1.1 number and location of bilge pumps installed on board the ship (including emergency bilge pumps);
 - .1.2 starting procedures for all these bilge pumps;
 - .1.3 appropriate valves to operate; and
 - .1.4 most likely causes of failure of bilge pump operation and their possible remedies.
 - .2 Fire pumps:**
 - .2.1 number and location of fire pumps installed on board the ship (including the emergency fire pump);
 - .2.2 starting procedures for all these pumps; and
 - .2.3 appropriate valves to operate.
- 5.5.51** The port State control officer may verify whether the responsible ship's personnel are familiar with, inter alia:
- .1 starting and maintenance of lifeboat engine and/or rescue boat engine;
 - .2 local control procedures for those systems which are normally controlled from the navigating bridge;
 - .3 use of the emergency and fully independent sources of electrical power of radio installations;
 - .4 maintenance procedures for batteries;
 - .5 emergency stops, fire detection system and alarm system operation of water-tight and fire doors (stored energy systems); and
 - .6 change of control from automatic to manual for cooling water and lube oil systems for main and auxiliary engines.

Manuals, instructions, etc.

- 5.5.52** The port State control officer may determine if the appropriate crew members are able to understand the information given in manuals, instructions, etc., relevant to the safe condition and operation of the ship and its equipment and that they are aware of the

requirements for maintenance, periodical testing, training, drills and recording of log book entries.

5.5.53

The following information must, inter alia, be provided on board and port State control officers may determine whether it is in a language or languages understood by the crew and whether crew members concerned are aware of the contents and are able to respond accordingly:

- .1 instructions concerning the maintenance and operation of all the equipment and installations on board for the fighting and containment of fire must be kept under one cover, readily available in an accessible position;
- .2 clear instructions to be followed in the event of an emergency must be provided for every person on board;
- .3 decks shall be sequentially numbered. Mimic plans indicating positions on board and escape routes and illustrations and instructions in appropriate languages must be posted in passenger cabins and be conspicuously displayed at muster stations and other passenger spaces to inform passengers of their muster station, the essential action they must take in an emergency and the method of donning life jackets;
- .4 posters and signs must be provided on or in the vicinity of survival craft and their launching controls and shall illustrate the purpose of controls and the procedures for operating the appliance and give relevant instructions or warnings;
- .5 instructions for on-board maintenance of life-saving appliances;
- .6 training manuals must be provided in each crew mess room and recreation room or in each crew cabin. The training manual, which may comprise several volumes, must contain instructions and information, in easily understood terms illustrated wherever possible, on the life-saving appliances provided in the ship and on the best method of survival;
- .7 Shipboard Oil Pollution Emergency Plan in accordance with Regulation 26 of Annex I to MARPOL 73/78; and
- .8 stability booklet, associated stability plans and stability information.

Oil and oily mixtures from machinery spaces**5.5.54**

The port State control officer may determine if all operational requirements of Annex I to MARPOL 73/78 have been met, taking into account:

- .1 the quantity of oil residues generated;
- .2 the capacity of sludge and bilge water holding tank; and
- .3 the capacity of the oily water separator.

5.5.55

An inspection of the Oil Record Book will be made. The port State control officer may determine if reception facilities have been used and note any alleged inadequacy of such facilities.

5.5.56

The port State control officer may determine whether the responsible officer is familiar with the handling of sludge and bilge water. The relevant items from the guidelines for systems for handling oily wastes in machinery spaces of ships may be used as guidance. Taking into account the above, the port State control officer may determine if the ullage of the sludge tank is sufficient for the expected generated sludge during the next intended voyage. The port State control officer may verify that, in respect of ships for which the flag State Administration has waived the requirements of Regulation 16(1) and (2) of Annex I to MARPOL 73/78, all oily bilge water is retained on board for subsequent discharge to a reception facility.

5.5.57

When reception facilities in other ports have not been used because of inadequacy, the port State control officer will advise the master to report the inadequacy

of the reception facility to the ship's flag State, in conformity with MEPC/Circ.215 of 25 April 1989.

Loading, unloading and cleaning procedures for cargo spaces of tankers

5.5.58 The port State control officer may determine if all operational requirements of Annexes I or II to MARPOL 73/78 have been met taking into account the type of tanker and the type of cargo carried, including the inspection of the Oil Record Book and/or Cargo Record Book. The port State control officer may determine if the reception facilities have been used and note any alleged inadequacy of such facilities.

5.5.59 For the control on loading, unloading and cleaning procedures for tankers carrying oil, reference is made to 5.3.1 and 5.3.2 of this Annex where procedures have been set out for the inspection of crude oil washing operations.

5.5.60 For the control on loading, unloading and cleaning procedures for tankers carrying noxious liquid substances, reference is made to 5.4.1 of this Annex where procedures have been set out for the inspection of unloading, stripping and prewash operations

5.5.61 When reception facilities in other ports have not been used because of inadequacy, the port State control officer will advise the master to report the inadequacy of the reception facility to the ship's flag State, in conformity with MEPC/Circ.215 of 25 April 1989.

5.5.62 When a vessel is permitted to proceed to the next port with residues of noxious liquid substances on board in excess of those permitted to be discharged into the sea during the ship's passage, it will be ascertained that the residues can be received by that port. At the same time that port will be informed if practicable.

Dangerous goods and harmful substances in packaged form

5.5.63 The port State control officer may determine if the required shipping documents for the carriage of dangerous goods and harmful substances carried in packaged form are provided on board and whether the dangerous goods and harmful substances are properly stowed and segregated and the crew members are familiar with the essential action to be taken in an emergency involving such packaged cargo.

5.5.64 Ship types and cargo spaces of ships built after 1 September 1984 intended for the carriage of dangerous goods must comply with the requirements of Regulation II-2/54 of SOLAS 74, in addition to the requirements of Regulation II-2/53 (for cargo ships) and the requirements of Regulations II-2/3 and II-2/39 (for passenger ships), unless such requirements have already been met by compliance with requirements elsewhere in the Convention. The only exemption permissible is when dangerous goods in limited quantities are carried.

5.5.65 Annex III to MARPOL 73/78 contains requirements for the carriage of harmful substances in packaged form which are identified in the International Maritime Dangerous Goods Code (IMDG Code) as marine pollutants. Cargoes which are determined to be marine pollutants must be labelled and stowed in accordance with Annex III to MARPOL 73/78.

5.5.66 The port State control officer may determine whether a Document of Compliance is on board and whether the ship's personnel are familiar with this document

provided by the flag State Administration as evidence of compliance of construction and equipment with the requirements. Additional control may consist of:

- .1 whether the dangerous goods have been secured in conformity with the cargo securing manual and stowed on board in conformity with the Document of Compliance, using the dangerous goods manifest or the stowage plan, required by Chapter VII of SOLAS 74. This manifest or stowage plan may be combined with the one required under Annex III to MARPOL 73/78;
- .2 whether inadvertent pumping of leaking flammable or toxic liquids is not possible in case these substances are carried in under-deck cargo spaces; or
- .3 determining whether the ship's personnel are familiar with the relevant provisions of the Medical First Aid Guide and Emergency Procedures for Ships Carrying Dangerous Goods.

Garbage

5.5.67 The port State control officer may determine if all operational requirements of Annex V to MARPOL 73/78 have been met. The port State control officer may determine if the reception facilities have been used and note any alleged inadequacy of such facilities.

5.5.68 "Guidelines for the implementation of Annex V to MARPOL 73/78" *) were approved at the MEPC at its twenty-ninth session and have been published. One of the objectives of these guidelines is to assist vessel operators complying with the requirements set forth in Annex V and domestic laws.

5.5.69 The port State control officer may determine whether:

- .1 ship's personnel are aware of these Guidelines, in particular section 3 "Minimizing the amount of potential garbage" and section 4 "Shipboard garbage handling and storage procedures";
- .2 ship's personnel are familiar with the disposal and discharge requirements of Annex V to MARPOL 73/78 inside and outside a special area and are aware of the areas determined as special areas under Annex V to MARPOL 73/78; and
- .3 ship's personnel is familiar with the procedures of the garbage management plan for collecting, storing, processing and disposing of garbage and with the keeping of the Garbage Record Book.

5.5.70 When reception facilities in other ports have not been used because of inadequacy, the port State control officer will advise the master to report the inadequacy of the reception facility to the ship's flag State, in conformity with MEPC/Circ.215 of 25 April 1989.

Section 6 Manning

6.1 Introduction

The guiding principles for port State control of the manning of a foreign ship will be to establish conformity with:

- .1 the flag State's safe manning requirements. Where this is in doubt the flag State will be consulted; and
- .2 the international provisions as laid down in SOLAS 74, STCW 78 and IMO Resolution A.890(21).

*) see IMO Publication IMO-656, "Guidelines for the Implementation of Annex V of MARPOL 73/78".

- .3 the provisions of ILO 147 which inter alia refer to the ILO Convention No. 53, Article 3 and 4.

6.2 Manning control

6.2.1 If a ship is manned in accordance with a safe manning document or equivalent document issued by the flag State, the port State control officer will accept that the ship is safely manned unless the document has clearly been issued without regard to the principles contained in the relevant instruments in which case the port State control officer will act according to the procedures defined in 6.2.3 of this Annex.

6.2.2 If the actual crew number or composition does not conform to the manning document, the port State will request the flag State for advice as to whether or not the ship should be allowed to sail with the actual number of crew and its composition. Such a request and response will be by expedient means and either Party may request this communication in writing. If the actual crew number or 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 9.2 of this Annex have been taken into proper account.

6.2.3 If the ship does not carry a safe manning document or equivalent, the port State will request the flag State to specify the required number of crew and its composition and to issue a document as quickly as possible.
In case the actual number or composition of the crew does not conform to the specifications received from the flag State the procedure as contained in 6.2.2 of this Annex applies.
If the flag State does not respond to the request this will be considered as clear grounds for a more detailed inspection to ensure that the number and composition of the crew is in accordance with the principles laid down in 6.1 of this Annex. The ship will only be allowed to proceed to sea if it is safe to do so, taking into account the criteria for detention indicated in 9.2 of this Annex. In any such case the minimum standards to be applied will be no more stringent than those applied to ships flying the flag of the port State.

6.3 Control under the provisions of STCW 78

- 6.3.1** Without prejudice to other rights and obligations on control by port State control officers concerning communication and information on board, control exercised by the port State control officer will be limited to the following:
- .1 verification that all seafarers serving on board, who are required to be certificated, hold an appropriate certificate or a valid dispensation, or provide documentary proof that an application for an endorsement has been submitted to the flag State Administration;
 - .2 verification that the numbers and certificates of the seafarers serving on board are in conformity with the applicable safe manning requirements of the flag State Administration; and
 - .3 assessment of the ability of the seafarers of the ship to maintain watch keeping standards as required by the Convention if there are clear grounds for believing that such standards are not being maintained because any of the following have occurred:
 - .1 the ship has been involved in a collision, grounding or stranding, or
 - .2 there has been a discharge of substances from the ship when underway, at anchor or at berth which is illegal under any international convention, or

- .3 the ship has been manoeuvred in an erratic or unsafe manner whereby routing measures adopted by the IMO or safe navigation practices and procedures have not been followed, or
- .4 the ship is otherwise being operated in such a manner as to pose a danger to persons, property or the environment.

6.3.2 In assessing the watch keeping standards the port State control officer may check that watch schedules clearly show rest periods, are posted and easily accessible and that all persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch are provided a minimum of 10 hours of rest in any 24 hour period of which at least 6 hours are consecutive and 70 hours in each seven day period. These periods do not need to be maintained in case of an emergency or drill or in other overriding operational conditions which, in any case, should be recorded. Watch schedules may also be in conformity with the requirements of ILO Convention No. 180 (see Section 7).

Section 7 Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) and ILO 147 Protocol, 1996.

7.1 Inspections on board ships under ILO 147 and ILO Protocol 1996 will relate to:

- .1 the Minimum Age Convention, 1973 (No. 138); or the Minimum Age (Sea) Convention (Revised), 1936 (No. 58); or the Minimum Age (Sea) Convention, 1920 (No. 7);
- .2 the Medical Examination (Seafarers) Convention, 1946 (No. 73);
- .3 the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134) (Articles 4 and 7);
- .4 the Accommodation of Crews Convention (Revised), 1949 (No. 92);
- .5 the Food and Catering (Ships' Crews) Convention, 1946 (No. 68) (Article 5);
- .6 the Accommodation and Crews (Supplementary Provisions) Convention, 1970 (No. 133);
- .7 the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180);
- .8 the Officers' Competency Certificates Convention, 1936 (No. 53) (Articles 3 and 4).

Inspection regarding certificates of competency is dealt with in section 6 of this Annex. In the exercise of control of the conventions listed in .1 to .7 above, the port State control officer will decide, on the basis of the clear grounds listed in section 4 of this Annex and his professional judgement, whether the ship will receive a more detailed inspection. All complaints regarding conditions on board will be investigated thoroughly and action taken as deemed necessary. He will also use his professional judgement to determine whether the conditions on board give rise to a hazard to the safety or health of the crew which necessitates the rectification of conditions and may, if necessary, detain the ship until appropriate corrective action is taken. Reporting procedures for detentions are provided in Annex 4.

7.2 The port State control officer, when carrying out an inspection as referred to in 7.1 of this Annex, will further take into account the considerations given in the ILO publication "Inspection of Labour Conditions on board Ship: Guide-lines for procedure" and the IMO/ILO Guidelines for the Development of Tables of Seafarers' Shipboard Working Arrangements and Formats of Records of Seafarers' Hours of Work or Hours of Rest.

7.3 The conventions relevant in the framework of the provisions of 7.4 of this Annex are:

- .1 the Seamen's Articles of Agreement Convention, 1926 (no. 22);
- .2 the Repatriation of Seamen Convention, 1926 (no. 23);

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

7.4 If the port State control officer receives a report, notification or complaint to the effect that the standards laid down in the conventions listed in 7.3 of this Annex are not met, the matter will be reported by the Authority, if possible with evidence, to the flag State Administration for further action, with a copy to the ILO.

7.5 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 officers' certificates of competency (regulated under STCW95);
- .4 hours of work and manning (regulated under ILO180/STCW95);

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

Section 8 Expanded inspection of certain ships

8.1 General provision for expanded inspection

The ships referred to in 8.2 of this Annex will be subject to an expanded inspection by any of the Authorities only once during a period of 12 months. However, these ships may be subject to the inspection provided for in 3.1 of the Memorandum. Expanded inspections will be carried out in accordance with the procedures in section 8.3.

8.2 Categories of ships subject to expanded inspection

8.2.1 Oil tankers with a gross tonnage of more than 3000 and older than 15 years of age, as determined on the basis of the date of construction indicated in the ship's safety certificates.

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

8.2.3 Passenger ships older than 15 years of age other than ro-ro ferries and high-speed passenger craft operating in regular service under the provision of Council Directive 1999/35/EC;

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

8.3 Procedures for expanded inspection of certain categories of ships

8.3.1 Subject to their practical feasibility or any constraints relating to the safety of persons, the ship or the port, the following items at least are considered as part of an expanded inspection. Port State control officers must be aware that it may jeopardize the safe execution of certain on-board operations, e.g. cargo operations, if tests having a direct effect thereon are required to be carried out during such operations.

8.3.2 Ships in general (categories as listed in 8.2 of this Annex):

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

8.3.3 Oil tankers:
In addition to the items listed in 8.3.2 of this Annex, the following items are also considered as part of the expanded inspection for oil tankers:

- .1 fixed deck foam system;
- .2 fire fighting equipment in general;
- .3 inspection of fire dampers to engine room, pump room and accommodation;
- .4 control of pressure of inert gas and oxygen content thereof;
- .5 ballast tanks: at least one of the ballast tanks within the cargo area to be examined from tank manhole/deck access in first instance and entered if inspector establishes clear ground for further inspection;
- .6 verification that the following documents are on board, review them and confirm that the flag State or Classification Society has endorsed them:
 - (1) reports of structural surveys,
 - (2) condition evaluation reports,
 - (3) thickness measurement reports,
 - (4) descriptive document referred to by IMO resolution A.744(18).

8.3.4 Bulk carriers:
In addition to the items listed in 8.3.2 of this Annex, the following items are also considered as part of the expanded inspection for bulk carriers:

- .1 possible corrosion of deck machinery foundations;
- .2 possible deformation and/or corrosion of hatch covers;
- .3 possible cracks or local corrosion in transverse bulkheads;
- .4 access to cargo holds;
- .5 verification that the following documents are on board, review them and confirm that the flag State or Classification Society has endorsed them :
 - (1) reports of structural surveys,
 - (2) condition evaluation reports,
 - (3) thickness measurement reports,
 - (4) descriptive document referred to by IMO resolution A.744(18).

8.3.5 Gas and chemical tankers:
In addition to the items listed in 8.3.2 of this Annex, the following items are also considered as part of the expanded inspection for gas and chemical tankers:

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

8.3.6 Passenger ships:

In addition to the items listed in 8.3.2 of this Annex, the following items are also considered as part of the expanded inspection for passenger ships:

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

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

Section 9 Rectification and detention

9.1 Principles governing rectification of deficiencies or detention of a ship

In taking a decision concerning the rectification of a deficiency or detention of a ship, the port State control officer will take into consideration the results of the detailed inspection carried out in accordance with section 3 of the Memorandum and the procedures mentioned in section 6 and in 9.3 of this Annex.

The port State control officer will exercise his professional judgement in determining whether to detain the ship until the deficiencies are corrected or to allow it to sail with certain deficiencies without unreasonable danger to the safety, health, or the environment, having regard to the particular circumstances of the intended voyage. As regards minimum manning standards and the provisions of ILO Convention No. 147 and the ILO 147 Protocol 1996, special procedures will be observed set out in sections 6 and 7 of this Annex.

9.2 Detention related to minimum manning standards and certification

Before detaining a ship for reasons of deficient manning standards and certification, the following will be considered, giving due regard to 9.3.4.9 of this Annex:

- .1 length and nature of the intended voyage or service;

- .2 whether or not the deficiency poses a danger to ships, 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; and
- .5 nature of cargo.

9.3 Procedures for the detention of ships of all sizes.

9.3.1 Introduction

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

9.3.2 Main criteria

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

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

The need for the port State control officer to return to the ship classifies the seriousness of the deficiencies. However, it does not impose such an obligation for every case. It implies that the Authority will verify, one way or other, preferably by a further visit, that the deficiencies have been rectified before departure.

9.3.3 Application of main criteria

When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention the port State control officer will assess whether:

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

If the result of any of these assessments is negative, taking into account all deficiencies found, the ship will be strongly considered for detention. A combination of deficiencies of a less serious nature may also warrant the detention of the ship.

9.3.4 Detainable deficiencies

To assist the port State control officer in the use of these procedures there follows a list of deficiencies, grouped under relevant Conventions and/or Codes, which are considered of such a serious nature that they may warrant the detention of the ship involved. This list is not considered exhaustive but is intended to give an exemplification of relevant items. However, the detainable deficiencies in the area of STCW 78, listed in 9.3.4.9 of this Annex, are the only grounds for detention under this Convention.

9.3.4.1 General

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

9.3.4.2 Areas under SOLAS 74 (References are given in brackets)

- .1 failure of proper operation of propulsion and other essential machinery, as well as electrical installations;
- .2 insufficient cleanliness of engine room, excess amount of oily-water mixtures in bilges, insulation of piping including exhaust pipes in engine room contaminated by oil, improper operation of bilge pumping arrangements;
- .3 failure of the proper operation of emergency generator, lighting, batteries and switches;
- .4 failure of the proper operation of the main and auxiliary steering gear;
- .5 absence, insufficient capacity or serious deterioration of personal lifesaving appliances, survival craft and launching arrangements;
- .6 absence, non-compliance or substantial deterioration to the extent that it can not comply with its intended use of fire detection system, fire alarms, fire fighting equipment, fixed fire extinguishing installation, ventilation valves, fire dampers, quick closing devices;
- .7 absence, substantial deterioration or failure of proper operation of the cargo deck area fire protection on tankers;
- .8 absence, non-compliance or serious deterioration of lights, shapes or sound signals;
- .9 absence or failure of the proper operation of the radio equipment for distress and safety communication;
- .10 absence or failure of the proper operation of navigation equipment, taking the provisions of Regulation V/12(o) of SOLAS 74 into account;
- .11 absence of corrected navigational charts, and/or all other relevant nautical publications necessary for the intended voyage, taking into account that type-approved electronic chart display and information system (ECDIS) operating on official data may be used as a substitute for the charts;
- .12 absence of non-sparking exhaust ventilation for cargo pump rooms (Regulation II-2/59.3.1 of SOLAS 74);
- .13 Serious deficiency in the operational requirements listed in 5.5 of this Annex;

- .14 Number, composition or certification of crew not corresponding with safe manning document;
- .15 Failure to carry out the enhanced survey programme in accordance with SOLAS 74, Chapter XI, Regulation 2;
- .16 Absence or failure of a VDR, when its use is compulsory.

9.3.4.3 Areas under the IBC Code (References are given in brackets)

- .1 transport of a substance not mentioned in the Certificate of Fitness or missing cargo information (16.2);
- .2 missing or damaged high pressure safety devices (8.2.3);
- .3 electrical installations not intrinsically safe or corresponding to code requirements (10.2.3);
- .4 sources of ignition in hazardous locations referred to in 10.2 (11.3.15);
- .5 contraventions of special requirements (15);
- .6 exceeding of maximum allowable cargo quantity per tank (16.1);
- .7 insufficient heat protection for sensitive products (16.6).

9.3.4.4 Areas under the IGC Code (References are given in brackets)

- .1 transport of a substance not mentioned in the Certificate of Fitness or missing cargo information (18.1);
- .2 missing closing devices for accommodations or service spaces (3.2.6);
- .3 bulkhead not gastight (3.3.2);
- .4 defective air locks (3.6);
- .5 missing or defective quick closing valves (5.6);
- .6 missing or defective safety valves (8.2);
- .7 electrical installations not intrinsically safe or not corresponding to code requirements (10.2.4);
- .8 ventilators in cargo area not operable (12.1);
- .9 pressure alarms for cargo tanks not operable (13.4.1);
- .10 gas detection plant and/or toxic gas detection plant defective (13.6);
- .11 transport of substances to be inhibited without valid inhibitor certificate (17/19).

9.3.4.5 Areas under LOADLINES 66

- .1 significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull effecting seaworthiness or strength to take local loads, unless proper temporary repairs for a voyage to a port for permanent repairs have been carried out;
- .2 a recognized case of insufficient stability;
- .3 absence of sufficient and reliable information, in an approved form, which by rapid and simple means, enables the master to arrange for the loading and ballasting of his ship in such a way that a safe margin of stability is maintained at all stages and at varying conditions of the voyage, and that the creation of any unacceptable stresses in the ship's structure are avoided;
- .4 absence, substantial deterioration or defective closing devices, hatch closing arrangements and water tight doors;
- .5 overloading;
- .6 absence of or impossibility to read draught mark.

9.3.4.6 Areas under Annex I to MARPOL 73/78 (References are given in brackets)

- .1 absence, serious deterioration or failure of proper operation of the oily-water filtering equipment, the oil discharge monitoring and control system or the 15 ppm alarm arrangements;
- .2 remaining capacity of slop and/or sludge tank insufficient for the intended voyage;
- .3 oil record book not available (20(5));
- .4 unauthorized discharge bypass fitted;
- .5 survey report file missing or not in conformity with Regulation 13G(3)(b) of the Convention.

9.3.4.7 Areas under Annex II to MARPOL 73/78 (References are given in brackets)

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

9.3.4.8 Areas under Annex V to MARPOL 73/78

- .1 absence of the garbage management plan;
- .2 no garbage record book available;
- .3 ship's personnel not familiar with disposal/discharge requirements of garbage management plan.

9.3.4.9 Areas under STCW 78

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

9.3.4.10 Areas under ILO Conventions

- .1 insufficient food for voyage to next port;
- .2 insufficient potable water for voyage to next port;
- .3 excessively unsanitary conditions on board;
- .4 no heating in accommodation of a ship operating in areas where temperatures may be excessively low;
- .5 excessive garbage, blockage by equipment or cargo or otherwise unsafe conditions in passageways/accommodations;
- .6 clear evidence that watch keeping and other duty personnel for the first watch or subsequent relieving watches are impaired by fatigue.

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

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

PROCEDURES FOR INVESTIGATIONS UNDER MARPOL 73/78

Contents

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- Section 2 Contravention of discharge provisions under Annex I to MARPOL 73/78**
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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 3.4.1 to 3.4.13 of IMO Resolution A.787(19), 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 3.10.1 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 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 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)
 - .1 Category A: Barely visible under most favourable light condition
 - .2 Category B: Visible as silvery sheen on water surface
 - .3 Category C: First trace of colour may be observed
 - .4 Category D: Bright band of colour
 - .5 Category E: Colours begin to turn dull

- .6 Category F: Colours are much darker
- .7 Sky conditions (bright sunshine, overcast, etc.), light fall and visibility (kilometres) at the time of observation
- .8 Sea state
- .9 Direction and speed of surface wind
- .10 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
- On oil tankers the following additional evidence may be pertinent:
- .8 Oil on surface of segregated or dedicated clean ballast
 - .9 Condition of pump-room bilges
 - .10 Condition of crude oil washing system

- .11 Condition of inert gas system
- .12 Condition of monitoring and control system
- .13 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?

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

- .8 What was the cargo/ballast distribution in the ship on departure from the last port?
- .9 What was the cargo/ballast distribution in the ship on arrival in the current port?
- .10 When and where was the last loading effected?
- .11 When and where was the last unloading effected?
- .12 When and where was the last discharge of dirty ballast?
- .13 When and where was the last cleaning of cargo tanks?
- .14 When and where was the last crude oil washing operation and which tanks were washed?
- .15 When and where was the last decanting of slop tanks?
- .16 What is the ullage in the slop tanks and the corresponding height of interface?
- .17 Which tanks contained the dirty ballast during the ballast voyage (if ship arrived in ballast)?
- .18 Which tanks contained the clean ballast during the ballast voyage (if ship arrived in ballast)?

In addition the following information may be pertinent:

- .19 Details of the present voyage of the ship (previous ports, next ports, trade)
- .20 Contents of oil fuel and ballast tanks
- .21 Previous and next bunkering, type of oil fuel
- .22 Availability or non-availability of reception facilities for oily wastes during the present voyage
- .23 Internal transfer of oil fuel during the present voyage

In the case of oil tankers the following additional information may be pertinent:

- .24 The trade the ship is engaged in, such as short/long distance, crude or product or alternating crude/product, lightering service, oil/dry bulk
- .25 Which tanks clean and dirty
- .26 Repairs carried out or envisaged in cargo tanks

Miscellaneous information:

- .27 Comments in respect of condition of ship's equipment
- .28 Comments in respect of pollution report
- .29 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 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 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
- Miscellaneous information
- .17 Comments in respect of condition of ship's equipment
- .18 Comments in respect of pollution report
- .19 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?

ACCESS REFUSAL MEASURES CONCERNING CERTAIN SHIPS**A. CATEGORIES OF SHIPS SUBJECT TO REFUSAL OF ACCESS (as referred to in section 3.10.5.1 of the Memorandum)**

1. Gas and chemical tankers;
2. Bulk carriers;
3. Oil tankers;
4. Passenger ships.

B. PROCEDURES RELATING TO REFUSAL OF ACCESS (as referred to in section 3.10.5.2 of the Memorandum)

1. If the conditions described in section 3.10.5.2 of the memorandum are met, the Authority of the port in which the ship is detained for the second or third time, as appropriate, must inform the captain and the owner or the operator of the ship in writing of the access refusal order served on the ship.

The competent authority must also inform the flag State administration, the classification society concerned, the Département des Systèmes d'Information (DSI) and the Secretariat.

The access refusal order will take effect as soon as the ship has been authorised to leave the port after remediation of the deficiencies leading to the detention.

2. In order to have the access refusal order lifted, the owner or the operator must address a formal request to the Authority of the State that imposed the access refusal order. This request must be accompanied by a certificate from the flag State administration showing that the ship fully conforms to the applicable provisions of the international conventions. The request for the lifting of the access refusal order must also be accompanied, where appropriate, by a certificate from the classification society which has the ship in class showing that the ship conforms to the class standards stipulated by that society.

3. The access refusal order may only be lifted following a re-inspection of the ship at an agreed port by inspectors of the Authority that imposed the access refusal order and if evidence is provided to the satisfaction of this Authority that the vessel fully complies with the applicable requirements of the International Conventions.

If the agreed port is located within the region of the Memorandum, the competent authority of the State of the port of destination may authorise, with the agreement of the Authority that imposed the access refusal order, the ship to proceed to the port of destination in question, for the sole purpose of verifying that the ship meets the conditions specified in paragraph 2.

The re-inspection shall consist of an expanded inspection that must cover at least the relevant items of section 8.3 of the annex 1 to the Memorandum.

All costs of this expanded inspection will be borne by the owner or the operator.

4. If the results of the expanded inspection satisfy the Authority that imposed the measure, the access refusal order must be lifted. The owner or the operator of the ship must be informed thereof in writing.

The Authority must also notify its decision in writing to the flag State administration, the classification society concerned, the DSI and the Secretariat.

5. Information relating to ships that have been refused access to ports within the region of the Memorandum will be made available in the SIRENaC system and published in conformity with the provisions of section 3.17 of the Memorandum.

INFORMATION SYSTEM ON INSPECTIONS

- 1 To assist Authorities in their selection of foreign flag ships to be inspected in their ports it is necessary to have at the disposal of Authorities up to date information on inspections of an individual foreign flag ship in one of the other regional ports within the preceding six months.
- 2 Within the French ministry in charge of transportation, the Département des Systèmes d'Information (DSI) of the Direction Générale des Affaires Maritimes et des Gens de Mer (DAMGM) is in charge of hosting and management of the inspections information system.
- 3 For that purpose the Authorities undertake to provide DSI, preferably by means of computerized data transmission, with information on ships inspected in the national ports. The insertion of information into the inspection files will preferably be realized by means of direct, computerized input on a daily basis.
- 4 For the purpose of exchanging rapid information, the information system will embrace a communication facility which allows for a direct, computerized exchange of messages between individual Authorities, including the notifications as referred to in Section 3.11 of the Memorandum and the exchange of information on operational violations as referred to in section 5 of the Memorandum.
- 5 The information as in 3 and 4 above will be handled in a standardized form and in accordance with standardized procedures as set out in the guide for users of the information system provided by DSI.
- 6 In handling the information DSI will not amend any data provided by the Authorities, except as provided for in standardized procedures ensuring the consistency of the use of certain action taken codes. Otherwise DSI will make amendments to data only on a specific request of the originating Authority.
- 7 DSI will organize the processing of information as in paragraph 3 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 DSI.
- 8 If, in exceptional circumstances the information as in 3 and 4 above cannot be provided by computerized transmission, the information contained in the report of inspection shall be provided by telefax facilities as an alternative system of exchanging information.
- 9 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 DSI.
- 10 The information system indicated in the foregoing paragraphs will be implemented as long as the Memorandum takes effect.
Studies to monitor and, where necessary, to improve the quality of the system will be carried out on a continuous basis.
- 11 With the consent of the Authority, DSI will, on behalf of that Authority, submit detention reports to the International Maritime Organization in accordance with Regulation I/19 of SOLAS 74, Article 11 of MARPOL 73/78, Article 21 of LOADLINES 66 and Article X of STCW 78.
- 12 With the consent of the Authority, DSI will, on behalf of that Authority, submit detention reports to the International Labour Organization in accordance with Article 4 of ILO 147.

PUBLICATION OF INFORMATION RELATED TO DETENTIONS AND INSPECTIONS
(As referred to in section 3.17 of the Memorandum)

I. Information on ships detained will include the following:

- name of the ship;
- IMO number;
- type of ship;
- tonnage;
- year of construction as determined on the basis of the date indicated in the ship's safety certificates;
- name and address of the company of the ship;
- in the case of ships carrying liquid or solid cargoes in bulk, the name and address of the charterer responsible for the selection of the vessel and the type of charter;
- flag State;
- the classification society or classification societies, where relevant, which has/have issued to this ship the class certificates, if any;
- the classification society or classification societies and/or any other party which has/have issued to this ship certificates in accordance with the applicable conventions on behalf of the flag State, stating the certificates delivered;
- port and date of the last expanded inspection stating, where appropriate, whether a detention was ordered;
- port and date of the last special survey and the name of the organisation which carried out the survey;
- number of detentions during the 24 previous months;
- country and port of detention;
- date when the detention was lifted;
- duration of detention, in days;
- number of deficiencies found and the reasons for detention, in clear and explicit terms;
- description of the measures taken by the competent authority and, where relevant, by the classification society as a follow-up to detention;
- if the ship has been refused access to any port within the region of the Memorandum, the reasons for such measure in clear and explicit terms;
- indication, where relevant, of whether the classification society or any other private body that carried out the survey has a responsibility in relation to the deficiencies which, alone or in combination, led to detention;
- description of the measures taken in the case of a ship which has been allowed to proceed to the nearest appropriate repair yard, or which has been refused access to any port within the region of the Memorandum.

II. Information concerning ships inspected will include the following:

- name of the ship;
- IMO number;
- type of ship;
- tonnage;
- year of construction;
- name and address of the company of the ship;
- in the case of ships carrying liquid or solid cargoes in bulk, the name and address of the charterer responsible for the selection of the vessel and the type of charter;
- flag State;
- the classification society or classification societies, where relevant, which has/have issued to this ship the class certificates, if any;
- the classification society or classification societies and/or any other party which has/have issued to this ship certificates in accordance with the applicable conventions on behalf of the flag State, stating the certificates delivered;
- country, port and date of inspection;
- number and nature of deficiencies.

QUALITATIVE CRITERIA FOR ADHERENCE TO THE MEMORANDUM IN ACCORDANCE WITH 8.2 OF THE MEMORANDUM.**Qualitative criteria.**

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

- 1 such Maritime Authority will explicitly subscribe to the commitments under the Memorandum, with a view to contributing to the common endeavour to eliminate the operation of sub-standard ships;
- 2 such Maritime Authority will have ratified all relevant instruments in force, before adherence shall be accomplished;
- 3 such Maritime Authority will 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 will 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;
- 4 such Maritime Authority will have sufficient capacity, logistically and substantially, to comply in full with all provisions and activities specified in the Memorandum in order to enhance its commitments, which will include the employment of properly qualified port State control officers acting under the responsibility of its Administration, to be demonstrated to the satisfaction of the Committee referred to in 6.1 of the Memorandum;
- 5 a Maritime Authority, whose flag has appeared in the list of detentions exceeding the average detention percentage, as published in the annual report in any of three years immediately preceding its application for full membership, cannot be accepted as a full member of the Memorandum;
- 6 such Maritime Authority will, as of its effective date of membership, establish an on-line connection to the information system referred to in Annex 4;
- 7 such Maritime Authority will sign a financial agreement for paying its share in the operating cost of the Memorandum and will, as of its effective date, pay its financial contribution to the budget as approved by the Committee referred to in 6.1 of the Memorandum.

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

MINIMUM CRITERIA FOR PORT STATE CONTROL OFFICERS

1. In pursuance of the provisions of 3.8 of the Memorandum, the port State control officer must be properly qualified and authorized by the Authority to carry out port State control inspections.
2. A properly qualified port State control officer must have completed a minimum of one year's service as a flag State surveyor dealing with surveys and certification in accordance with the relevant instruments and be in possession of:
 - .1 a certificate of competency as master, enabling that person to take command of a ship of 1600 tons gross tonnage or more (see STCW, Reg. II/2), or
 - .2 a certificate of competency as chief engineer, enabling that person to take up that task on board a ship whose main power plant has a power equal or superior to 3000 kW (see STCW, Reg. III/2), or
 - .3 have passed an examination as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least 5 years.The port State control officers mentioned under .1 and .2 above must have served for a period of not less than five years at sea as officer in the deck or engine department.
3. Alternatively, a port State control officer is deemed to be properly qualified if that person:
 - .1 holds a relevant university degree or an equivalent training, and
 - .2 has been trained and qualified at a school for ship safety inspectors, and
 - .3 has served at least 2 years as a flag State surveyor dealing with surveys and certification in accordance with the relevant instruments.
4. A properly qualified port State control officer must be able to communicate orally and in writing with seafarers in the language most commonly spoken at sea.
5. A properly qualified port State control officer must have appropriate knowledge of the provisions of the relevant instruments and of the relevant procedures on port State control.
6. Port State control officers not fulfilling the above criteria are also accepted if they are employed for port State control by the Authorities before 1 July 1996.