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8. Failure of the master on an oil tanker to produce the record of the oil discharge monitoring and control system for the last ballast voyage.
9. 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.
10. The emission of false distress alerts not followed by proper cancellation procedures.
11. The absence of principal equipment or arrangements required by the conventions.
12. Excessively unsanitary conditions on board the ship.
13. Evidence from the inspector's general impression and observations that serious hull or structural deterioration or deficiencies exist that may place at risk the structural, watertight or weathertight integrity of the ship.
14. 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.
15. The absence of a table of shipboard working arrangements or of records of hours of work or rest of seafarers.

ANNEX VI

PROCEDURES FOR THE CONTROL OF SHIPS

1. Principles of safe manning (IMO Resolution A.890(21) as amended).
2. The provisions of the International Maritime Dangerous Goods Code.
3. ILO publication 'Inspection of Labour Conditions on Board Ship: Guidelines for procedures'.
4. Annex I, 'Port State Control Procedures' to the Paris MOU and the relevant instructions or guidelines issued by the Paris MOU.
5. IMO Resolution MSC.159(78) (adopted on 21 May 2004) 'Interim guidance on control and compliance measures to enhance maritime security'.

ANNEX VII

PROCEDURES FOR THE CONTROL OF SHIPS ON SECURITY ASPECTS

- A. Prior to boarding.
 1. This guidance applies only to ships mentioned in Articles 3(1) **and** 3(2) **and, where appropriate**, 3(3) of Regulation (EC) No 725/2004, as long as they do not fly the flag of the port state of inspection.
 2. Inspectors should be aware of the security level of the port facility at which a ship is to be inspected.
 3. Reports or complaints relating to security received by inspectors prior to boarding the ship should be passed to the competent authority for maritime security⁽¹⁾ who will decide on priority for security inspection by an Officer Duly Authorised for Security.

⁽¹⁾ The Authority designated by the State for the application of security measures.

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4. While the master of a ship has discretion for ship security, he is not entitled to deny access to a duly authorised inspector to carry out an inspection. There may be cases when it is mandatory to carry out a port State control inspection but the master attempts to limit the inspection on grounds of security. If the inspector considers this to be unreasonable he should consult the competent security authority.
5. Inspectors should be aware that on a ship at security level 3 the protective measures set up may restrict the scope of the 'safety' port State control inspection.

For example a full emergency drill may not be allowed. There may also be circumstances where the competent security authority restricts port State control activity.

B. Initial inspection

During the initial inspection the inspector should:

1. while approaching and boarding the ship and moving around the ship take note of security aspects as defined in the relevant guidelines of the Paris MOU, taking into account the security level imposed by the port and ship. Inspectors are not required to test the security system and should only consider those aspects which arise during the course of their normal business on board;
2. check that the International Ship Security Certificate (ISSC) or the Interim ISSC is on board, valid and has been issued by the ship's Administration, an organisation authorised by it or by another State at the request of the Administration;
3. ask the master with which security level the ship is complying and confirm that this is at least the level imposed by the port;
4. when checking other documentation ask for evidence that security drills have been carried out at appropriate intervals — at least every three months but also after certain crew changes — (ISPS Code Part A Section 13 and Part B paragraphs 13.6 and 13.7) and seek information on any exercise involving the ship;
5. check the records of the last 10 calls at port facilities including any ship/port or ship/ship interfaces which should include for each interface:
 - security level at which ship operated — any special or additional security measures that were taken,
 - that appropriate ship security measures were maintained during any ship/ship activity.
6. assess whether key members of the ship's personnel are able to communicate effectively with each other.

C. Clear grounds

1. The inspector may establish clear grounds for further control measures on security during the initial PSC inspection as follows:
 - 1.1. ISSC is not valid or it has expired
 - 1.2. The ship is at a lower security level than the port
 - 1.3. Drills related to the security of the ship have not been carried out
 - 1.4. Records for the last 10 ship/port or ship/ship interfaces are incomplete
 - 1.5. Evidence or observation that key members of ship's personnel cannot communicate with each other

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- 1.6. Evidence from observations that serious deficiencies exist in security arrangements
 - 1.7. Information from third parties such as a report or a complaint concerning security related information
 - 1.8. The ship holds a subsequent, consecutively issued Interim ISSC and in the professional judgement of the inspector one of the purposes of the ship or company in requesting such a certificate is to avoid full compliance with SOLAS 74 Chapter XI-2 and Part A of the ISPS Code, beyond the period of the initial Interim Certificate. ISPS Code Part A specifies the circumstances when an Interim Certificate may be issued.
2. If clear grounds as described above are established the inspector will immediately inform the competent security authority (unless the inspector is also a Officer Duly Authorised for Security). The competent security authority will then decide on what further control measures are necessary taking into account the security level in accordance with Regulation 9 of SOLAS 74 Chapter XI.
 3. Clear grounds other than those above are a matter for the Officer Duly Authorised for Security.
- D. Further control measures
1. If there is no valid ISSC or Interim ISSC onboard, the inspector will detain the ship and apply the detention procedure in Annex XI of this Directive.
 2. All other control measures will be decided by the competent security authority. These are listed in SOLAS 74 Chapter XI-2.
 3. Subject to applicable requirements in Community legislation, national legislation and arrangements the competent security authority may request the inspector to make further verifications before coming to a decision or until Officers Duly Authorised for Security can board the ship.
- These verifications should be limited to:
- (a) verifying that a security plan is on board and that a ship security officer (SSO) is on board;
 - (b) verifying that the master and ship's personnel, in particular the SSO, duty officer and person(s) controlling access, are familiar with essential shipboard security procedures;
 - (c) verifying that communication has been established between the SSO and the Port Facility Security Officer;
 - (d) verifying that records exist for maintaining the ship's security system including:
 - internal audits and reviews of security activities,
 - periodic review of the ship security assessment,
 - periodic review of the ship security plan,
 - implementation of any amendments to the ship security plan,
 - maintenance, calibration and testing of any security equipment provided on board including testing of the ship security alert system;
 - (e) checking records of any:
 - security threats,
 - breaches of security,
 - changes in security levels,
 - communications relating to the direct security of the ship.
4. Where the only means to verify or rectify the non compliance is to review the relevant requirements of the ship security plan, limited access to specific sections of the plan relating to the non compliance is exceptionally allowed, but only with the consent of the flag State, or the master, of the ship concerned. These specific sections are listed in Part A of the ISPS Code.

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5. Some provisions of the plan relating to certain confidential information cannot be subject to inspection unless agreed by the flag State concerned.

These specific sections are listed in Part A of the ISPS Code.

6. If the competent security takes further control actions which limit the scope of or prevent the completion of the 'safety' port state control inspection the inspector should liaise with the competent security authority and endeavour to complete the safety inspection when the ship has been cleared. The principle of not unduly delaying a ship still applies. However the fact that security breaches have been found would normally justify the inspector completing the initial safety inspection or continuing where clear grounds for a more detailed inspection of non-security aspects have been found.
7. If the competent security authority decides to expel the ship the inspector should ensure that the competent security authority is made fully aware of the possible safety and/or environmental consequences of the ship leaving the berth and/or putting to sea. This may include risks arising from the interruption of cargo operations. The competent security authority should decide on the necessary action taking account of all risks.
8. If a ship is detained on non-security grounds but then expelled before the ship is finally released, the detention will count towards a refusal of access in accordance with *Article 15*.

ANNEX VIII

PROCEDURES FOR EXPANDED INSPECTIONS OF SHIPS

(as referred to in **Article 13**)

PROCEDURES RELATING TO EXPANDED INSPECTION OF CERTAIN CATEGORIES OF **SHIPS**

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

1. *SHIPS IN GENERAL*

- Simulated main power failure (black-out test),
- inspection of emergency lighting,
- operation of emergency fire-pump with two fire hoses connected to the fire main-line,
- operation of bilge pumps,
- closing of watertight doors,
- lowering of one lifeboat to the water,
- test of remote emergency stop for, e.g. boilers, ventilation and fuel pumps,
- testing of steering gear including auxiliary steering gear,
- inspection of emergency source of power to radio installations,
- inspection and, as far as, test of engine room separator.