



## PORTS and MARITIME AFFAIRS

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### Directive No. PSC/01

#### **BAHRAIN PORT STATE CONTROL**

Issued under the enabling power of the Ministerial Resolution 20/2016

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#### 1 Introduction

- (1) The United Nations Convention of the Law of the Sea (UNCLOS) and the most International Conventions developed and amended by the International Maritime Organization (IMO) required for each Contracting Government to exercise some degree of "control" over ships in their waters to ensure ships do not pose an unreasonable threat to the safety of the ship, its crew or the marine environment whilst in their waters.
- (2) Also the Ports and Maritime Affairs (PMA) right and obligation to carry out port State control in the Bahraini territorial waters is stipulated in the national legislations:
  - Article 25 of legislative decree law no.14/1978 : Law for Registration of Ships and Determination of Safety Conditions thereof,
  - Regulation 31 (Port state control) of ministerial resolution no. 6/2001: Bahrain Merchant Shipping (Manning, Training, Certification and related Seafarers matters) Regulations 2001,
  - Regulations 15 of ministerial resolution no. 6/2010: Implementing Regulations of law 61/2006.
- (3) This document provides guidance on the conduct of port State control inspections for compliance with the IMO instruments integral with the Riyadh Memorandum of standing (Riyadh MoU).



## 2 Definitions

For the purpose of this directive the following definitions apply:

- (1) **Port State Control (PSC):** The inspection of foreign ships in the national ports to verify that the condition of the ship and its equipment comply with the requirements of international regulations and that the ship is manned and operated in compliance with these rules.
- (2) **Classification certificate:** a document confirming compliance with SOLAS 74, Chapter II-1, Part A-1, Regulation 3-1.
- (3) **Company:** means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the International Safety Management (ISM) Code.
- (4) **Complaint:** means any information or report submitted by any person or organisation with a legitimate interest in the safety of the ship, including an interest in safety or health hazards to its crew, on-board living and working conditions and the prevention of pollution.
- (5) **Conventions:** means
  - (a) the International Convention on Load Lines, 1966 (LL 66);
  - (b) the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74);
  - (c) the International Convention for the Prevention of Pollution from Ships, 1973, and the 1978 Protocol relating thereto (MARPOL 73/78); (should including only Annexes I, II and V)
  - (d) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78);
  - (e) the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 72);



- (f) the International Convention on Tonnage Measurement of Ships, 1969 (ITC 69);
  - (g) the International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 92);
- (6) **Convention enactments:** means
- (a) the Decree; and
  - (b) Resolutions and Directives made under the Decree which implement the Conventions;
- (7) **Fishing vessel:** means a vessel used for catching fish, whales, seals, walrus or other living resources of the sea;
- (8) **Flag administration:** means the administration of the State whose flag the ship is entitled to fly;
- (9) **IMO:** means the International Maritime Organisation;
- (10) **Initial inspection:** means a visit on board a ship by an inspector in order to check compliance with the relevant Conventions including at least the checks set out in Annex 1 and 2 of this directive.
- (11) **Inspection Database :** means Riyadh Ship Information System (Riyadh SIS);
- (12) **Inspector:** means a person duly authorised by the Undersecretary to carry out inspections required by this Directive;
- (13) **Member State:** a state that is a member of Riyadh MoU;
- (14) **more detailed inspection:** means an inspection where the ship, its equipment and crew as a whole or parts thereof are subjected to an in-depth examination covering the ship's construction, equipment, manning, living and working conditions and compliance with on-board operational procedures;
- (15) **owner:** Includes any operator, manager, charterer or agent of the ship;
- (16) **PMA:** means the Ports and Maritime Affairs at the Ministry of Transportation and Telecommunications.



- (17) **Port authority:** means a harbour authority or if there is no such authority, the person having control of the operation of the port;
- (18) **Recognised organization:** means a classification society or other private body, carrying out statutory tasks on behalf of a flag State administration;
- (19) **Resolution:** means the International Maritime Organisation Assembly Resolution A.1052(27).
- (20) **Riyadh MOU:** means the Memorandum of Understanding on Port State Control, signed in Riyadh on 30<sup>th</sup> June 2004, in its up-to-date version.
- (21) **Riyadh MOU region:** means the geographical area in which the signatories to the Riyadh MOU conduct inspections in the context of the Riyadh MOU.
- (22) **Ship:** means a seagoing vessel to which one or more of the Conventions applies and includes hovercraft;
- (23) **Ship at anchorage:** means a ship in a port or another area within the jurisdiction of a port, but not at berth, carrying out a ship/port interface.
- (24) **Ship/port interface:** means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons or goods or the provision of port services to or from the ship.;
- (25) **Statutory certificate:** means a certificate issued by or on behalf of a flag State in accordance with Conventions.; and
- (26) **Stoppage of an operation:** means a formal prohibition for a ship to continue an operation due to established deficiencies which, individually or together, would render the continued operation hazardous.

### 3 Application

- (1) This Directive applies to any ship and its crew calling at a port or anchorage in the Kingdom of Bahrain to engage in a ship/port interface.
- (2) An inspector must, when exercising functions in respect of a ship below 500 gross tonnage:



- (a) have regard to article 2.5 of the Riyadh MOU;
  - (b) to the extent a Convention applies to the ship, apply the requirements of that Convention; and
  - (c) to the extent a Convention does not apply to the ship, take such action as may be necessary to ensure that the ship is not clearly hazardous to safety, health or the environment.
- (3) An inspection in the Kingdom of Bahrain of a ship, while not in a port, is considered where:
- (a) a ship is detained under a Convention enactment; or
  - (b) the master of such a ship is served with a detention notice under such an enactment;

#### 4 Exceptions

The present directive does not apply to:

- (1) a Bahraini ship;
- (2) a fishing vessel;
- (3) a warship;
- (4) a naval auxiliary;
- (5) a wooden ship of primitive build;
- (6) a government ship used for non-commercial purposes; or
- (7) a pleasure yacht not engaged in trade.

#### 5 Inspection Commitment

The PMA is committed to eliminate substandard ships through carrying out an annual total of inspections corresponding to 10% of the average number of individual foreign merchant ships calling ports in the Kingdom of Bahrain as applicable.

The total number of inspections to be carried out annually is determined pursuant to article 1.3 of Riyadh MoU.



## 6 Type of Inspection

An inspection is:

- (a) an initial inspection; or
- (b) a more detailed inspection

## 7 Initial Inspections and More Detailed Inspections

- (1) In carrying out an inspection of a ship, the inspector must as a minimum carry out an initial inspection. If:
  - (a) after an inspection complying with paragraph 2.2 and 2.5 of the IMO Resolution A.1052(27) have been carried out, deficiencies to be rectified in the ship's next port of call have been recorded in the inspection database; and
  - (b) that next port of call is in the Kingdom of Bahrain; the inspector must, if carrying out an inspection of that ship, as a minimum verify, where appropriate, whether outstanding deficiencies found during the previous inspection carried out by a Member State or by a State signatory to the Riyadh MoU have been rectified.
- (2) A more detailed inspection must be carried out when there are clear grounds for believing, after an initial inspection, that the condition of a ship or of its equipment or crew does not substantially meet the relevant requirements of a Convention.
- (3) Clear grounds exist when the inspector finds evidence which in the inspector's professional judgment warrants a more detailed inspection of the ship, its equipment or its crew; examples of clear grounds are set out in paragraph 2.4.2 of the IMO Resolution A.1052(27).

## 8 Report of Inspection to the Master

On completion of an initial inspection or a more detailed inspection, the inspector must draw up a report in accordance with Annex 3 of this Directive and must provide the ship's master with a copy of the report.



## 9 Professional Profile of Inspectors

- (1) Inspections under this Directive must not be carried out by persons who do not fulfill the qualification criteria specified in Annex 4 to the Directive.
- (2) Where an inspector with the required professional expertise cannot be provided by the undersecretary, the inspector may be assisted by any person with the required professional expertise.
- (3) An inspector and any person assisting an inspector must have no commercial interest either in the port of inspection or in the ships inspected, nor must the inspectors be employed by, or undertake work on behalf of, non-governmental organisations which issue statutory and classification certificates or which carry out surveys necessary for the issue of those certificates to ships.

## 10 Rectification and Detention

- (1) A ship's owner must satisfy the PMA that any deficiencies which are confirmed or revealed by an initial inspection or more detailed inspection, are or will be rectified in accordance with the Conventions.
- (2) Where such deficiencies are clearly hazardous to safety, health or the environment, the inspector must detain the ship, or require the stoppage of the operation in the course of which the deficiencies have been revealed, using powers of detention in Convention enactments as appropriate.
- (3) A detention notice issued in the circumstances described in paragraph (10.2) may:
  - (a) include a direction that a ship must remain in a particular place, or must move to a particular anchorage or berth; and
  - (b) specify circumstances when the master of the ship may move that ship from a specified place for reasons of safety or prevention of pollution.
- (4) Measures imposed by an inspector in the circumstances described in paragraph (10.2) must not be lifted until the undersecretary has established that the ship can, subject to any necessary conditions, proceed to sea or the operation be resumed without risk to the safety and health of passengers or



- crew, or risk to other ships, or without there being an unreasonable threat of harm to the marine environment.
- (5) Without prejudice to any other requirement in the Convention enactments, when exercising professional judgment as to whether or not a ship should be detained the inspector must apply the criteria set out in Annex 5 of this Directive.
  - (6) In exceptional circumstances, where the overall condition of a ship is obviously substandard, the inspector may, in addition to detaining the ship, suspend the inspection of that ship until the responsible parties have taken the steps necessary to ensure that it complies with the relevant requirements of the Conventions.
  - (7) If a ship is detained following an initial inspection or a more detailed inspection the PMA must immediately inform, in writing:
    - (a) the ship's flag administration; or, if this is not possible,
    - (b) the Consul of the State of the flag administration; or, in the Consul's absence,
    - (c) the nearest diplomatic representative of the State of the flag administration.
  - (8) The written information referred to in paragraph (10.7) must set out all the circumstances relating to the decision to detain the ship and must include the report of inspection.
  - (9) Where paragraph (10.7) applies the Undersecretary must also notify all relevant responsible for the issue of classification certificates or statutory certificates :
    - (a) nominated surveyors; or
    - (b) recognised organisations;
  - (10) This directive does not prejudice the additional requirements of the Conventions concerning notification and reporting procedures related to port State control.
  - (11) When carrying out an inspection under this directive, the inspector must make all possible efforts to avoid a ship being unduly detained or delayed.





- (12) The risk of port congestion must not be a consideration in a decision to detain a ship or to release a ship from detention.

### 11 Refusal of Access

A ship which either proceeds to sea without complying with the conditions determined by the Authority which detained the ship or which do not call into the agreed port or yard to undertake repairs must not enter any port or anchorage in the Kingdom of Bahrain.

### 12 Power to Permit Prohibited Ships to Enter Port

- (1) Notwithstanding paragraph 10 of this Directive applies the undersecretary may allow a ship access to a specific port or anchorage in the Kingdom of Bahrain, if the Undersecretary:
- considers that a circumstance in paragraph (12.2) applies in relation to the ship; and
  - is satisfied that adequate measures to ensure safe entry have been implemented by the owner or master of the ship.
- (2) The circumstances are:
- force majeure;
  - overriding safety considerations;
  - the need to reduce or minimise the risk of pollution; or
  - the need to have deficiencies rectified.

### 13 Rights of Appeal and Compensation

The owner of the ship has the right of appeal against a detention decision to higher administrative authority or to the court of competent jurisdiction. However the application for appeal shall not cause the detention to be suspended.

### Prohibition on Detained Ships Requiring Repair from Entering Port

- (1) A ship which falls within paragraph (14.2) and proceeds to sea from any port or anchorage in any Member State:



- (a) without complying with the conditions determined by the competent authority of the Member State in the port of inspection; or
- (b) without calling into the indicated repair yard;

must not enter any port or anchorage within the Kingdom of Bahrain until the owner has provided evidence to the satisfaction of the competent authority referred to in sub-paragraph (14.1.a) that the ship fully complies with all applicable requirements of the Conventions.

- (2) A ship falls within this paragraph if it:
  - (a) was detained in a port in a Member State after an inspection revealed deficiencies clearly hazardous to safety, health or the environment; or
  - (b) was so detained and was allowed by the competent authority of the Member State to proceed to the appropriate repair yard nearest to the port of detention.

#### **14 Power to Permit Detained Ships to Proceed to Repair Yard**

- (1) Where deficiencies cannot be rectified in the port of inspection, an inspector may allow the ship to proceed without undue delay to the appropriate repair yard nearest to the port of detention, as chosen by the master and authorities concerned, where follow-up action can be taken, provided that the conditions determined by the competent authority of the flag administration and agreed by the inspector are complied with.
- (2) Such conditions must ensure that the ship can proceed without risk to the safety and health of passengers or crew, or risk to other ships, or without there being an unreasonable threat of harm to the marine environment.

#### **15 Duty on Pilots and Port Authorities to Report anomalies**

- (1) Any pilot authorised by PMA and any pilot boards the ship in the Kingdom of Bahrain, in the course of their normal duties, learn that there are apparent anomalies which may prejudice the safe navigation of the ship, or which may pose a threat of harm to the marine environment, the pilot must immediately inform:
  - (a) the port authority which authorised the pilot;



- (b) in any other case,
  - the undersecretary; or
  - the competent authority of a coastal Member State.
- (2) Port authority must immediately inform the Undersecretary if:
  - (a) receives information from a pilot; or
  - (b) learns that a ship within its port has apparent anomalies which may prejudice the safety of the ship or poses an unreasonable threat of harm to the marine environment;
- (3) The information provided in accordance with paragraph (16.1) or (16.2) must be in electronic format whenever possible and must include:
  - (a) the ship's name, IMO number and call sign;
  - (b) the flag under which the ship is sailing;
  - (c) the previous port of call;
  - (d) the port of destination; and
  - (e) a description of the apparent anomalies.

## **16 Duty on Port Authorities to Report Ship Arrivals and Departures, etc**

- (1) A port authority must provide the information specified in paragraph (17.2) in respect of each ship calling at its port or anchorage to the PMA, in a reasonable time and, whenever possible, in electronic format.
- (2) The information is:
  - (a) the identifier of the port concerned;
  - (b) the ship's name, IMO number and call sign; and
  - (c) the ship's actual time of arrival or departure as appropriate.
- (3) A port authority must also provide the PMA with information in its possession about:
  - (a) a ship which fails to notify any information in accordance PMA pre-arrival notification
  - (b) a ship which proceeds to sea without having outbound clearance;
  - (c) a ship which has been denied entry or expelled from port on security grounds;
  - (d) whether such information or compliance is required by Kingdom of Bahrain law or not.



- (4) The information provided in accordance with paragraph (3) must include the ship's name, IMO number and call sign.

## 17 Complaints

- (1) If a complaint relating to a ship is submitted to the undersecretary, the PMA must make an assessment of it as quickly as possible to determine whether it is justified.
- (2) If the complaint is determined to be justified, the undersecretary must:
  - (a) inform the complainant of that conclusion and of any follow-up action taken with regard to the complaint;
  - (b) ensure that anyone directly concerned by that complaint can make their views known;
  - (c) take such action as the undersecretary considers necessary;
  - (d) inform the administration of the ship's flag State of the complaint and action taken.
- (3) If the complaint is determined not to be justified, the undersecretary must inform the complainant of the reasons for this conclusion.
- (4) The identity of the complainant must not be revealed to the master or owner of the ship concerned by the undersecretary or by an inspector.
- (5) An inspector interviewing any members of the crew of the ship concerning the complaint must:
  - (a) ensure confidentiality during such interviews; and
  - (b) report on such interviews to the undersecretary.

## 18 Costs

- (1) The second visit on board a foreign ship by an authorised PSCO to carry out a follow up inspection is subject to fee of BHD 150, as stated in (2.10 Miscellaneous Marine Services) of Ports and Maritime Tariff issued in March 2014.



- (2) All costs are recoverable from the shipowner or the authorized ship agent in the Kingdom of Bahrain, fees payable procedure is described in the PMA Directive No. PSC/02 "Follow-Up Inspection Fee".

## 19 Revision History

Revision No. 1 of the present Directive is the first revision.

  
**Hassan Aji Al Majed**

Undersecretary for Ports and Maritime Affairs

8<sup>th</sup> December 2016



**ANNEX – 1**

**INITIAL AND MORE DETAILED INSPECTIONS**

PMA shall ensure that ships which are selected for inspection in accordance the Directive are subject to an initial inspection or a more detailed inspection as follows:

1. On each **initial inspection** of a ship, the competent authority shall ensure that the inspector, as a minimum:
  - (a) checks the certificates and documents listed in Annex 2 required to be kept on board in accordance with maritime legislation and Conventions relating to safety and security;
  - (b) verifies, where appropriate, whether outstanding deficiencies found during the previous inspection carried out by a Member State or by a State signatory to the Riyadh MOU have been rectified;
  - (c) satisfies himself of the overall condition of the ship, including the hygiene of the ship, including engine room and accommodation.



**ANNEX – 2**

**LIST OF CERTIFICATES AND DOCUMENTS**

List of certificates and documents which to the extent applicable should be checked during the inspection referred to in paragraph 2.2.3 (as appropriate):

- 1 International Tonnage Certificate (1969);
- 2 Reports of previous port State control inspections;
- 3 Passenger Ship Safety Certificate (SOLAS reg.I/12);
- 4 Cargo Ship Safety Construction Certificate (SOLAS reg.I/12);
- 5 Cargo Ship Safety Equipment Certificate (SOLAS reg.I/12);
- 6 Cargo Ship Safety Radio Certificate (SOLAS reg.I/12);
- 7 Cargo Ship Safety Certificate (SOLAS reg.I/12);
- 8 Special Purpose Ship Safety Certificate (SOLAS reg.I/12, SPS Code reg.1.7);
- 9 For ro-ro passenger ships, information on the A/A-max ratio (SOLAS reg.II-1/8-1\*);
- 10 Damage control plans and booklets (SOLAS reg.II-1/19);
- 11 Stability information (SOLAS reg.II-1/5-1 and LLC 66/88 reg.10);
- 12 Manoeuvring Booklet and information (SOLAS reg.II-1/28);
- 13 Unattended machinery spaces (UMS) evidence (SOLAS reg.II-1/46.3);
- 14 Exemption Certificate and any list of cargoes (SOLAS reg.II-2/10.7.1.4);
- 15 Fire control plan (SOLAS reg.II-2/15.2.4);
- 16 Fire safety operational booklet (SOLAS reg.II-2/16.3.1);
- 17 Dangerous goods special list or manifest, or detailed stowage plan (SOLAS reg.II-2/19 and ILO Convention No.134 art.4.3(h));
- 18 Document of compliance Dangerous Goods (SOLAS reg.II-2/19.4);
- 19 Ship's logbook with respect to the records of drills, including security drills, and the log for records of inspection and maintenance of life-saving appliances and arrangements and fire-fighting appliances and arrangements (SOLAS regs.III/19.5 and 20.6);
- 20 Minimum Safe Manning Document (SOLAS reg.V/14.2);



- 21 SAR coordination plan for passenger ships trading on fixed routes (SOLAS reg.V/7.3);
- 22 LRIT Conformance Test Report;
- 23 Copy of the Document of compliance issued by the testing facility, stating the date of compliance and the applicable performance standards of VDR (voyage data recorder) (SOLAS reg.V/18.8);
- 24 For passenger ships, List of operational limitations (SOLAS reg.V/30.2);
- 25 Cargo Securing Manual (SOLAS reg.VI/5.6);
- 26 Bulk Carrier Booklet (SOLAS reg.VI/7.2);
- 27 Loading/Unloading Plan for bulk carriers (SOLAS reg.VI/7.3);
- 28 Document of authorization for the carriage of grain (SOLAS reg.VI/9);
- 29 INF (International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships) Certificate of Fitness (SOLAS reg.VII/16 and INF Code reg.1.3);
- 30 Copy of Document of Compliance issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (DoC) ISM Code (SOLAS reg.IX/4.2);
- 31 Safety Management Certificate issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (SMC) (SOLAS reg.IX/4.3);
- 32 High-Speed Craft Safety Certificate and Permit to Operate High-Speed Craft (SOLAS reg.X/3.2 and HSC Code 94/00 reg.1.8.1);
- 33 Continuous Synopsis Record (SOLAS reg.XI-1/5);
- 34 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 (IGC Code reg.1.5.4);
- 35 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 (IBC Code reg.1.5.4 and BCH Code reg.1.6.3);
- 36 International Oil Pollution Prevention Certificate (MARPOL Annex I reg.7.1);
- 37 Survey Report Files (in case of bulk carriers or oil tankers) (SOLAS reg.XI-1/2);





- 38 Oil Record Book, parts I and II (MARPOL Annex I regs.17 and 36);
- 39 Shipboard Marine pollution emergency plan for Noxious Liquid Substances (MARPOL Annex II reg.17);
- 40 (Interim) Statement of compliance Condition Assessment Scheme (CAS) (MARPOL Annex I regs.20.6 and 21.6.1);
- 41 For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage (MARPOL Annex I reg.31.2);
- 42 Shipboard Oil Pollution Emergency Plan (MARPOL Annex I reg.37.1);
- 43 International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS) (MARPOL Annex II reg.9.1);
- 44 Cargo Record Book (MARPOL Annex II reg.15);
- 45 Procedures and Arrangements Manual (chemical tankers) (MARPOL Annex II reg.14.1);
- 46 International Sewage Pollution Prevention Certificate (ISPPC) (MARPOL Annex IV reg.5.1);
- 47 Garbage Management Plan (MARPOL Annex V reg.9.2);
- 48 Garbage Record Book (MARPOL Annex V reg.9.3);
- 49 International Air Pollution Prevention Certificate (IAPPC) (MARPOL Annex VI reg.6.1);
- 50 Logbook for fuel oil change-over (MARPOL Annex VI reg.14.6);
- 51 Type approval certificate of incinerator (MARPOL Annex VI reg.16.6);
- 52 Bunker delivery notes (MARPOL Annex VI reg.18.3);
- 53 Engine International Air Pollution Prevention Certificate (EIAPPC) (NOx Technical Code 2008 reg.2.1.1.1);
- 54 Technical files (NOx Technical Code 2008 reg.2.3.6);
- 55 Record book of engine parameters (NOx Technical Code reg.6.2.2.7.1);
- 56 International Load Line Certificate (1966) (LLC 66/88 art.16.1);
- 57 International Load Line Exemption Certificate (LLC 66/88 art.16.2);
- 58 Certificates issued in accordance with STCW Convention (STCW art.VI, reg.I/2 and STCW Code section A-I/2);





- 59 Table of shipboard working arrangements (STCW Code section A-VIII/1.5 and ILO Convention No.180 art. 5.7);
- 60 Mobile Offshore Drilling Unit Safety Certificate (MODU Code 2009 chapter I section 6);
- 61 Certificate of insurance or any other financial security in respect of civil liability for oil pollution damage (CLC 69/92 art.VII.2);
- 62 Certificate of insurance or any other financial security in respect of civil liability for Bunker oil pollution damage (BUNKERS 2001 art.7.2);
- 63 International Ship Security Certificate (ISSC) (ISPS Code part A/19.2);
- 64 Record of AFS (AFS 2001 Annex 4 reg.2);
- 65 International Anti-Fouling System Certificate (IAFS Certificate) (AFS 2001 Annex 4 reg.2); and
- 66 Declaration on AFS (AFS 2001 Annex 4 reg.5).

**For reference:**

- 1 Certificate of Registry or other document of nationality (UNCLOS art.9.1.2);
- 2 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);
- 3 Cargo Gear Record Book (ILO Convention No.32 art.9.2(4) and ILO Convention No.152 art.25);
- 4 Certificates loading and unloading equipment (ILO Convention No.134 art.4.3(e) and ILO Convention No.32 art.9(4));
- 5 Medical certificates (ILO Convention No.73); and
- 6 Records of hours of work or rest of seafarers (ILO Convention No.180 part II art. 8.1).



ANNEX – 3

**INSPECTION REPORT**

The inspection report must contain at least the following items:

**I. General**

- 1 Competent authority that wrote the report
- 2 Date and place of inspection
- 3 Name of the ship inspected
- 4 Flag
- 5 Type of ship (as indicated in the Safety Management Certificate)
- 6 IMO identification number
- 7 Call sign
- 8 Tonnage (gt)
- 9 Deadweight tonnage (where relevant)
- 10 Year of construction as determined on the basis of the date indicated in the ship's safety certificates
- 11 The classification society or classification societies as well as any other organisation, where relevant, which has/have issued to this ship the classification certificates, if any
- 12 The recognised organisation or recognised organisations 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
- 13 Name and address of the ship's company or the operator
- 14 Name and address of the charterer responsible for the selection of the ship and type of charter in the case of ships carrying liquid or solid cargoes in bulk
- 15 Final date of writing the inspection report
- 16 Indication that detailed information on an inspection or a detention may be subject to publication.

**II. Information relating to inspection**

- 1 Certificates issued in application of the relevant Conventions, authority or organisation that issued the certificate(s) in question, including the date of issue and expiry
- 2 Parts or elements of the ship that were inspected (in the case of more detailed or expanded inspection)



- 3 Port and date of the last intermediate or annual or renewal survey and the name of the organisation which carried out the survey
- 4 Type of inspection (inspection, more detailed inspection, expanded inspection)
- 5 Nature of the deficiencies
- 6 Measures taken.

**III. Additional information in the event of detention**

- 1 Date of detention order
- 2 Date of lifting the detention order
- 3 Nature of the deficiencies warranting the detention order (references to Conventions, if relevant)
- 4 Indication, where relevant, of whether the recognised organisation 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
- 5 Measures taken.



## ANNEX – 4

**MINIMUM CRITERIA FOR INSPECTORS**

- 1 Inspectors must have appropriate theoretical knowledge and practical experience of ships and their operation. They must be competent in the enforcement of the requirements of Conventions and of the relevant port State control procedures. This knowledge and competence in enforcing international and Community requirements must be acquired through documented training programmes.
- 2 **Inspectors must, as a minimum, have either:**
  - (a) appropriate qualifications from a marine or nautical institution and relevant seagoing experience holding or having held a valid STCW II/2 or III/2 certificate of competency not limited as regards the operating area or propulsion power or tonnage; or
  - (b) passed an examination recognised by the competent Authority as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least five years; or
  - (c) a relevant university degree or equivalent and have properly trained and qualified as ship safety inspectors.
- 3 **The inspector must have:**
  - (a) completed a minimum of one year's service as a flag-State inspector either dealing with surveys and certification in accordance with the Conventions or involved in the monitoring of the activities of recognised organisations to which statutory tasks have been delegated, or
  - (b) gained an equivalent level of competence by following a minimum of one year's field training participating in Port State Control inspections under the guidance of experienced Port State Control Officers.
- 4 The inspectors mentioned under 2(a) must have gained a maritime experience of at least 5 years, including periods served at sea as officers in the deck- or engine-department respectively, or as a flag State inspector or as an assistant port State control inspector. Such experience shall include a period of at least two years at sea as a deck or engine officer.
- 5 The inspectors must have the ability to communicate orally and in writing with seafarers in the language most commonly spoken at sea.



- 6 Inspectors not fulfilling the above criteria are also accepted if they are employed for port State control at the date of adoption of this Directive.



ANNEX – 5

**CRITERIA FOR DETENTION OF A SHIP**

**1. Introduction**

Before determining whether deficiencies found during an inspection warrant detention of the ship involved, the inspector must apply the criteria mentioned below, including examples of deficiencies that may for themselves warrant detention of the ship involved.

Where the ground for detention is the result of accidental damage suffered on the ship's voyage to a port, no detention order shall be issued, provided that:

- (a) 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 recognised organisation responsible for issuing the relevant certificate;
- (b) prior to entering a port, the master or shipowner 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;
- (c) appropriate remedial action, to the satisfaction of the Authority, is being taken by the ship; and
- (d) 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.

**2. Main criteria**

When exercising his professional judgment as to whether or not a ship should be detained the inspector must apply the following criteria:

**(a) Timing:**

Ships which are unsafe to proceed to sea must be detained upon the first inspection irrespective of how much time the ship will stay in port.

**(b) Criterion:**

The ship is detained if its deficiencies are sufficiently serious to merit an inspector returning to satisfy himself that they have been rectified before the ship sails.





The need for the inspector to return to the ship is a measure of the seriousness of the deficiencies. However, it does not impose such an obligation for every case. It implies that the authority must verify one way or another, preferably by a further visit, that the deficiencies have been rectified before departure.

### 3. Application of main criteria

When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention the inspector must assess whether:

- (a) the ship has relevant, valid documentation;
- (b) the ship has the crew required in the Minimum Safe Manning Document.

During inspection the inspector must further assess whether the ship and/or crew is able to:

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

If the answer to any of these assessments is negative, taking into account all deficiencies found, the ship must be strongly considered for detention. A



combination of deficiencies of a less serious nature may also warrant the detention of the ship.



**ANNEX – 6**

**DETAINABLE DEFICIENCIES UNDER SOLAS CONVENTION**

A list of deficiencies, grouped under **SOLAS Conventions**, which are considered of such a serious nature that they may warrant the detention of the ship involved. This list is not intended to be exhaustive:

- 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 mixture in bilges, insulation of piping including exhaust pipes in engine-room contaminated by oil, and improper operation of bilge pumping arrangements.
- 3 Failure of the proper operation of emergency generator, lighting, batteries and switches.
- 4 Failure of proper operation of the main and auxiliary steering gear.
- 5 Absence, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft and launching and recovery arrangements.
- 6 Absence, non-compliance or substantial deterioration to the extent that it cannot comply with its intended use of fire detection system, fire alarms, fire-fighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers, and 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 relevant provisions of SOLAS regulation V/16.2 into account.
- 11 Absence of corrected navigational charts, and/or all other relevant nautical publications necessary for the intended voyage, taking into account that electronic charts may be used as a substitute for the charts.
- 12 Absence of non-sparking exhaust ventilation for cargo pump-rooms.



- 13 Serious deficiency in the operational requirements listed in appendix 7.
- 14 Number, composition or certification of crew not corresponding with safe manning document.
- 15 Non-implementation or failure to carry out the enhanced survey programme in accordance with SOLAS regulation XI-1/2 and resolution A.744(18), as amended.
- 16 Absence or failure of a voyage data recorder (VDR), when its use is compulsory.



**ANNEX – 7**

**DETAINABLE DEFICIENCIES UNDER IBC CODE**

A list of deficiencies, grouped under **IBC Code**, which are considered of such a serious nature that they may warrant the detention of the ship involved. This list is not intended to be exhaustive:

- 1 Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.
- 2 Missing or damaged high-pressure safety devices.
- 3 Electrical installations not intrinsically safe or not corresponding to the Code requirements.
- 4 Sources of ignition in hazardous locations.
- 5 Contravention of special requirements.
- 6 Exceeding of maximum allowable cargo quantity per tank.
- 7 Insufficient heat protection for sensitive products.
- 8 Pressure alarms for cargo tanks not operable.
- 9 Transport of substances to be inhibited without valid inhibitor certificate.



**ANNEX – 8**

**DETAINABLE DEFICIENCIES UNDER IGC CODE**

A list of deficiencies, grouped under **IGC Code**, which are considered of such a serious nature that they may warrant the detention of the ship involved. This list is not intended to be exhaustive:

- 1 Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.
- 2 Missing closing devices for accommodations or service spaces.
- 3 Bulkhead not gastight.
- 4 Defective air locks.
- 5 Missing or defective quick-closing valves.
- 6 Missing or defective safety valves.
- 7 Electrical installations not intrinsically safe or not corresponding to the Code requirements.
- 8 Ventilators in cargo area not operable.
- 9 Pressure alarms for cargo tanks not operable.
- 10 Gas detection plant and/or toxic gas detection plant defective.
- 11 Transport of substances to be inhibited without valid inhibitor certificate.



ANNEX – 9

**DETAINABLE DEFICIENCIES UNDER LOAD LINES CONVENTION**

A list of deficiencies, grouped under **Load Lines Convention**, which are considered of such a serious nature that they may warrant the detention of the ship involved. This list is not intended to be exhaustive:

- 1 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, unless properly authorized temporary repairs for a voyage to a port for permanent repairs have been carried out.
- 2 A recognized case of insufficient stability.
- 3 The 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 the 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 watertight/weathertight doors.
- 5 Overloading.
- 6 Absence of, or impossibility to read, draught marks and/or Load Line marks.



**ANNEX – 10**

**DETAINABLE DEFICIENCIES UNDER MARPOL CONVENTION**

A list of deficiencies, grouped under **MARPOL Convention**, which are considered of such a serious nature that they may warrant the detention of the ship involved. This list is not intended to be exhaustive:

**Annex I**

- 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.
- 4 Unauthorized discharge bypass fitted.
- 5 Failure to meet the requirements of regulation 20.4 or alternative requirements specified in regulation 20.7 of the Annex I of MARPOL Convention.

**Annex II**

- 1 Absence of P and A Manual.
- 2 Cargo is not categorized.
- 3 No Cargo Record Book available.
- 4 Unauthorized discharge bypass fitted.

**Annex V**

- 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.





**ANNEX – 11**

**DETAINABLE DEFICIENCIES UNDER STCW CONVENTION**

A list of deficiencies, grouped under **STCW Convention**, which are considered of such a serious nature that they may warrant the detention of the ship involved. This list is not intended to be exhaustive:

- 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 Administration.
- 2 Failure to comply with the applicable safe manning requirements of the Administration.
- 3 Failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the 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 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.
- 6 Failure to provide proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of pollution.