

INTRODUCTION OF PARIS MEMORANDUM OF UNDERSTANDING (MOU)

The Paris MOU, is an administrative agreement between the maritime authorities of twenty-four European countries and Canada. In 1978 the 'Hague Memorandum' between a numbers of maritime authorities in Western Europe was developed. It dealt mainly with enforcement of shipboard living and working conditions, as required by ILO Convention no. 147. However, just as the Memorandum was about to come into effect, in March 1978, a massive oil spill occurred off the coast of Brittany (France), As a result of the grounding of the supertanker 'Amoco Cadiz'.

This incident caused a strong political and public outcry in Europe for far more stringent regulations with regard to the safety of shipping.

This pressure resulted in a more comprehensive memorandum which covered

- Safety of life at sea.
- Prevention of pollution by ships.
- Living and working conditions on board ships.

Subsequently, a new, effective instrument known as the Paris Memorandum of Understanding on Port State Control was adopted in January 1982 and was, initially, signed by fourteen European countries. It entered into operation on 1 July 1982. Since that date, the Paris Memorandum has been amended several times to accommodate new safety and marine environment requirements stemming from the International Maritime Organization (IMO) as well as other important developments such as the various EU Directives which address marine safety.

The Paris MoU consists of 27 participating maritime Administrations and covers the waters of the European coastal States and the North Atlantic basin from North America to Europe. The Paris MoU aims at eliminating the operation of sub-standard ships through a harmonized system of port State control. Annually over 20.000 inspections take place on board foreign ships in the Paris MoU ports, ensuring that these ships meet international safety, security and environmental standards, and that crew members have adequate living and working conditions.

The geographical scope of the Paris MOU region covers the European coastal States and the coastal States of the North Atlantic basin from North America to Europe.

The current Member States of the Paris MOU region are

Belgium, Bulgaria, Canada, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovenia, Spain, Sweden and United Kingdom.

BASIC PRINCIPLES OF PARIS MOU

- The prime responsibility for compliance with the requirements laid down in the international maritime conventions lies with the ship-owner/operator; responsibility for ensuring such compliance remains with the flag State.
- The member-countries have agreed to inspect 25% of the estimated number of individual foreign merchant ships which enter their ports.
- IMO and ILO conventions provide the basis for inspections under the Paris MOU.

- In general ships will not be inspected within six months of a previous inspection in a MOU port, unless there are clear grounds for inspection, and the vessel is not of a type described in section 8 of this brochure.
- All possible efforts are made to avoid unduly detaining or delaying a ship.

RELEVANT INSTRUMENTS

The international maritime conventions mentioned in the previous section, referred to as the relevant instruments, are as follows:

- International Convention on Load Lines 1966, as amended, and its 1988 Protocol, (LOADLINES 66/88);
- International Convention for the Safety of Life at Sea (SOLAS), 1974, its Protocol of 1978, as amended, and the Protocol of 1988, (SOLAS 74/78/88);
- International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, as amended (MARPOL 73/78);
- International Convention on Standards of Training, Certification and Watch keeping for Seafarers 1978, as amended (STCW 78);
- Convention on the International Regulations for Preventing Collisions at Sea 1972, as amended (COLREG 72);
- International Convention on Tonnage Measurement of Ships 1969 (TONNAGE 1969);
- Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147).

Inspections on board ships under the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147) relate to:

- Minimum Age Convention, 1973 (No. 138);
- Minimum Age (Sea) Convention (Revised), 1936 (No. 58);
- Minimum Age (Sea) Convention, 1920 (No. 7);
- Medical Examination (Seafarers) Convention, 1946 (No. 73);
- Prevention of Accidents (Seafarers) Convention, 1970 (No. 134) (Articles 4 and 7);
- Accommodation of Crews Convention (Revised), 1949 (No. 92);
- Food and Catering (Ships' Crews) Convention, 1946 (No. 68) (Article 5);
- Officers' Competency Certificates Convention, 1936 (No. 53) (Articles 3 and 4).

All complaints regarding conditions on board will be investigated thoroughly and action will be taken as deemed necessary by the PSCO. If necessary, the ship will be detained until appropriate corrective action is taken.

SELECTION OF SHIPS FOR INSPECTIONS

Every day a number of ships will be selected for a port State control inspection throughout the region. To facilitate such selection, the central computer database, known as 'SIRENAC' is consulted by PSCOs for data on ships particulars and for the reports of previous inspections carried out within the Paris MOU region. If a ship has been inspected within the Paris MOU region during the previous six months and, on that occasion, was found to comply, the ship will in principle be exempted from further inspection, unless there are clear grounds to warrant further investigation.

In selecting ships for inspection the Paris MOU Authorities will give priority to 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 data in the information system and inspect those ships which have not been registered in that information system following its entry into force on 1 January 1993;

- Ships flying the flag of a State appearing in the three-year rolling average table of above-average detentions and delays published in the annual report of the Memorandum;
- Ships which have been permitted to leave the port of a State, the Authority of which is a signatory to the Memorandum, on the condition that the deficiencies noted must be rectified within a specified period, upon expiry of such period;
- Ships which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation;
- Ships whose statutory certificates on the ship's construction and equipment, issued in accordance with the relevant instruments and the classification certificates, have been issued by an organization which is not recognized by the Authority;
- Ships carrying dangerous or polluting goods, which have failed to report all relevant information concerning the ship's particulars, the ship's movements and concerning the dangerous or polluting goods being carried to the competent authority of the port and coastal State;
- Ships which are in a category for which expanded inspection has been decided.
- Ships which have been suspended from their class for safety reasons in the course of the preceding six months.

INSPECTION PROCEDURES OF PARIS MOU

A port State control visit on board a ship will normally start with, as a minimum and to the extent applicable, examination of the following documents

- International Tonnage Certificate (1969);
- Passenger Ship Safety Certificate;
- Cargo Ship Safety Construction Certificate;
- Cargo Ship Safety Equipment Certificate;
- Cargo Ship Radio Telegraphy Certificate;
- Cargo Ship Radio Telephony Certificate;
- Cargo Ship Safety Radio Certificate;
- Exemption Certificate;
- Cargo Ship Safety Certificate;
- Document of Compliance (SOLAS 74, Regulation II-2/54)
- Dangerous goods special list or manifest, or detailed stowage plan;
- 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;
- 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;
- International Oil Pollution Prevention Certificate;
- International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;
- International Load Line Certificate (1966);
- International Load Line Exemption Certificate;
- Oil Record Book, parts I and II;
- Shipboard Oil Pollution Emergency Plan
- Cargo Record Book;
- Minimum Safe Manning Document;

- Certificates of Competency;
- Medical certificates (see ILO Convention No. 73);
- Stability information;
- 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 (IMO Resolutions A.741(18) and A.788(19));
- 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);
- Survey Report Files (in case of bulk carriers or oil tankers);
- For ro-ro passenger ships, information on the A/A-max ratio;
- Document of authorization for the carriage of grain;
- Special Purpose Ship Safety Certificate;
- High Speed Craft Safety Certificate and Permit to Operate High Speed Craft;
- Mobile Offshore Drilling Unit Safety Certificate;
- For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage;
- The muster list, fire control plan, and for passenger ships, a damage control plan;
- 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;
- Reports of previous port State control inspections;
- Cargo securing manual;
- For passenger ships, list of operational limitations;
- For passenger ships, a plan for co-operation with SAR-services;
- Bulk carrier booklet;
- Loading/Unloading Plan for bulk carriers;
- Garbage Management Plan;
- Garbage Record Book;
- Certificate of financial insurance or any other financial security in respect of civil liability for oil pollution damage;
- International Ship Security Certificate (ISSC);
- Continuous Synopsis Record.

In addition the PSCO conducts a general inspection of several areas on board to verify that the overall condition of the ship (including the engine room and accommodation, and including hygienic conditions) complies with that required by the various certificates.

If valid certificates or documents are not on board, or if there are 'clear grounds' to believe that the condition of a ship, its equipment or its crew does not substantially meet the requirements of a relevant convention, a more detailed inspection will be carried out.

If the ship is found to comply, the PSCO will issue a 'clean' inspection report (Form A) to the master of the ship. Next, the data of the respective ship and the inspection result will be recorded on the central computer database, located in Saint Malo, France.

For the purpose of control on compliance with on board operational requirements, examples of "clear grounds" are, amongst others, the following:

- Evidence of operational shortcomings revealed during port State control procedures in accordance with SOLAS 74/78/88, MARPOL 73/78 or STCW 78;
- Evidence of cargo operations or other procedures not being conducted safely or in accordance with IMO guidelines;

- Involvement of the ship in incidents due to failure to comply with operational requirements;
- Evidence, from the witnessing of fire or abandon ship drills, that the crew are not familiar with essential procedures;
- Absence of an up-to-date muster list;
- Indications that key crew members may not be able to communicate with each other or with other persons on board.

Furthermore, control on compliance with on board operational requirements may be included in the control procedures, particularly if the PSCO has reason to believe that the crew demonstrates insufficient proficiency in that area.

When deficiencies are found during the inspection, the nature of the deficiencies and the corresponding action taken are filled in on the inspection report. Some examples of actions taken are: 'master instructed to rectify deficiency before departure', 'ship detained', 'flag State informed', etc.

The descriptions of all codes for "action-taken" can be found on the reverse side of Form B of the inspection report.

In principle, all deficiencies must be rectified before departure of the ship. It is up to the professional judgment of the PSCO to decide that he has to board the ship on a second occasion to check personally if all deficiencies have indeed been rectified.

The following are the main criteria for the detention of a ship:

- A ship which is unsafe to proceed to sea will be detained upon the first inspection, irrespective of the time the ship is scheduled to stay in port;
- The deficiencies on a ship are so serious that they will have to be rectified before the ship sails.
- In case deficiencies are clearly hazardous to safety, health or the environment, the maritime authorities will ensure that the hazard is rectified before the ship is allowed to proceed to sea and for this purpose they will either detain the vessel or issue a formal prohibition of a ship to continue an operation. The flag State will be notified as soon as possible.
- If deficiencies cannot be remedied in the port of inspection, the maritime authority may allow the ship to proceed to another port, subject to any appropriate conditions determined by the maritime authority of the port of departure, with a view to ensuring that the ship can so proceed without unreasonable danger to safety, health or the environment. In this case a follow-up inspection will normally be carried out in this respective port.
- In the event of a detention of a ship, the PSCO will note information on the owner or operator of the vessel at the time of the detention. The master will be asked to sign to confirm this information.
- When a ship has been detained all costs accrued by the port State to inspect the ship will be charged to the owner or the operator of the ship or to his representative in the port State.

- The detention shall not be lifted until full payment has been made or a sufficient guarantee has been given for the reimbursement of the costs.
- The owner or the operator of a ship has a right of appeal against a detention decision taken by the port State authority. An appeal will not however result in the detention being immediately lifted.

On the conclusion of an inspection, the master of the ship will be provided with a document, which will indicate the results of the inspection and details of any action required to be taken.

EUROPEAN UNION RECOGNISED CLASSIFICATION SOCIETIES

The Classification Societies recognized by EU on the basis of Article 4(1) of Council Directive 94/57/EC are the following:

- American Bureau of Shipping (ABS)
- Bureau Veritas (BV)
- China Classification Society (CCS)
- Det Norske Veritas (DNV)
- Germanischer Lloyd (GL)
- Korean Register of Shipping (KRS)
- Lloyd's Register of Shipping (LRS)
- Nippon Kaiji Kyokai (NK)
- Polski Rejestr Statków (PRS)
- Registro Italiano Navale (RINA)
- Russian Maritime Register of Shipping (RMRS)

Additionally, there are two other Classification Societies recognized on the basis of the Article 4(3) of Council Directive 94/57/EC:

- Hellenic Register of Shipping (HRS)
(the effects of this recognition are limited to Greece)
- Registro Internacional Naval, SA (RINAVE)
(the effects of this recognition are limited to Portugal)

IMPORTANT CONTACTS OF PARIS MOU MEMBERS STATES AND RELATED ORGANIZATIONS.

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