

## Commonwealth of Dominica



## Office of the Maritime Administrator

**TO:** ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF MERCHANT SHIPS, MOBILE OFFSHORE DRILLING UNITS AND RECOGNIZED ORGANIZATIONS

**SUBJECT:** NEW INSPECTION REGIME IN PARIS MOU PORT STATE CONTROL

**REFERENCE:**

- (a) SOLAS Convention, Chapter I, Regulation 19
- (b) IMO Resolution A.787(19) relating to PSC procedures, as amended by IMO Resolution A.882(21)
- (c) CDP 501 Rev01 FLAG STATE INSPECTION PROGRAM
- (d) CD-MSC 45-01 Port State Control
- (e) CD-MSC 01-10 Port State Control Concentrated Inspection Campaigns

**PURPOSE:** The purpose of this Circular is to advise the shipowners, operators, masters, officers and recognized organizations of Dominica flag vessels about the New Inspection Regime in Paris MoU Port State Control.

**APPLICABILITY:** The New Inspection Regime in Paris MoU PSC region will replace the existing PSC regime on January 1, 2011. However, the results of all inspections from June 16, 2009 will count towards the application of the new requirements.

**PURPOSE:**

The purpose of this Circular is to bring to the attention of all concerned the information of New Inspection Regime in Paris MoU Port State Control Region.

**BACKGROUND:**

- 1 Port State Control is the internationally accepted system of harmonized inspection of foreign ships in 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 The purpose of Port State Control in its various forms is to identify and eliminate sub-standards ships that do not comply with internationally accepted standards as well as domestic regulations of the nation concerned.

- 3 IMO has encouraged the establishment of regional port State control organizations and agreements on port State control - Memoranda of Understanding (or MOUs) - have been signed covering all of the world's oceans: Europe and the north Atlantic (Paris MOU); Asia and the Pacific (Tokyo MOU); Latin America (Acuerdo de Viña del Mar); Caribbean (Caribbean MOU); West and Central Africa (Abuja MOU); the Black Sea region (Black Sea MOU); the Mediterranean (Mediterranean MOU); the Indian Ocean (Indian Ocean MOU); and the Arab States of the Gulf (GCC MoU (Riyadh MoU)).
- 4 One of the established Memorandum of Understanding is "Paris MoU PSC" covering region of Europe and North Atlantic.
- 5 Beginning from January 1, 2011 Port State Control Inspections within the coverage of Paris MoU will start implementing a new ship targeting and inspection regime.

## INFORMATION:

### 1. The new target of full coverage

With the introduction of the NIR the Paris MoU will change its target of inspecting 25% of individual ships calling at each Member State to a shared commitment for full coverage of inspecting all ships visiting ports and anchorages in the Paris MoU region as a whole.

### 2. Ship Risk Profile

The Ship Risk Profile will replace the Target Factor. The Ship Risk Profile classifies ships into Low Risk Ships (LRS) and High Risk Ships (HRS). If a ship is neither Low Risk nor High Risk it is classified as Standard Risk Ship (SRS).

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The Ship Risk Profile is based on the following criteria, drawn from inspections data in the Paris MoU area during the last 3 years:

- type of ship;
- age of ship;
- performance of the flag of the ship (black, grey, white list), including adoption of Voluntary IMO Member State Audit Scheme (VIMSAS));
- performance of the recognized organization (RO); (high, medium, low performance)
- performance of the company responsible for the ISM management;
- number of deficiencies;
- number of detentions.

### 3 Company performance

The company performance criterion for the calculation of the Ship Risk Profile is a new parameter in the Paris MoU.

The Paris MoU has established a formula which takes into consideration the deficiencies and detentions of a company's fleet in the last 36 months (ships identified according to IMO company number) and compares them to the average of all inspected vessels results in the Paris MoU to determine the performance level.

The companies' performance level will be ranked as very low, low, medium or high. Any Refusal of Access (Ban) will have a negative impact on the ranking of the company.

### 4. Inspection Categories, Time Window, Selection Scheme and inspection types

Recognizing the rights of Port States to inspect foreign flagged ships in their ports at any time, the Paris MoU is introducing the following regime:

#### 4.1 Inspection Categories:

The NIR includes two categories of inspection, a periodic and an additional inspection.

The time window determines periodic inspections. Additional inspections are triggered by overriding or unexpected factors and depend on the severity of the occurrence.

#### 4.2 Time Window

The time window is set according to the Ship Risk Profile as follows:

- HRS: between 5-6 months after the last inspection in the PMoU region;
- SRS: between 10-12 months after the last inspection in the PMoU region;
- LRS: between 24-36 months after the last inspection in the PMoU region.

The time span for the next periodic inspection re-starts after every inspection.

#### 4.3 Selection Scheme:

When the time window opens (5 months following inspection of HRS, 10 months following inspection of SRS or 24 months for LRS) a ship becomes Priority II. The ship can be selected for a periodic inspection.

If the time window for inspection passes with no inspection the ship is classified as Priority I for inspection. The ship will be selected for a periodic inspection.

If an overriding factor is logged against a ship it is classified as Priority I irrespective of the time window and the ship will be selected for inspection. If an unexpected factor is logged against a ship it becomes Priority II irrespective of the time window. The ship can be selected for inspection.

In the period before the window opens for a vessel assigned any risk profile with no logged overriding or unexpected factors the ship has no priority status and member States are not obliged to perform an inspection on such a ship but if deemed appropriate may still choose to do so.

#### **4.4 Inspection types (initial, more detailed and expanded inspection):**

The Paris MoU will not change the inspection types but will extend the expanded inspection to all ship types. In the case of a periodic inspection each ship with a HRS profile and each bulk carrier, chemical tanker, gas carrier, oil tanker or passenger ship older than 12 years will have to undergo an expanded inspection.

Each ship with a SRS and LRS profile which is not one of the above mentioned ship types, will undergo an initial inspection or if justified a more detailed inspection.

Any additional inspection shall be a more detailed inspection at the least. If the ship has a HRS profile or is of one of the above mentioned ship types, the Member State may decide to perform an expanded inspection instead.

#### **5. Refusal of access (banning)**

The Paris MoU will extend the banning for multiple detentions to all ship types and as well as ships flying the flag of an administration on the grey list. Starting January 2011 the banning criteria will be amended as follows:

- if the ship flies a black listed flag it will be banned after more than 2 detentions in the last 36 months;
- if the ship flies a grey listed flag it will be banned after more than 2 detentions in the last 24 months.

Any subsequent detention after the 2nd banning will lead to a ban, regardless of the flag.

Furthermore a time period until the banning can be lifted will be introduced which is as follows:

- 3 months after the first ban;
- 12 months after the second ban;
- 24 months after the third ban;
- permanent refusal to lift the ban with no right to appeal.

To lift the 3rd ban more stringent conditions are applied which have to be fulfilled before the 24-month period elapses.

## 6. Reporting obligations

With the implementation of NIR the Paris MoU has amended the arrival notification requirements. The former regime had a 72 hour pre-arrival (ETA72) notification duty in place in the case of ships eligible for an expanded inspection. The ETA72 now covers all ships with a HRS profile as well as every bulk carrier, chemical tanker, gas carrier, oil tanker and passenger ship older than 12 years eligible for an expanded inspection.

Eligibility for expanded inspection can be checked on [www.parismou.org](http://www.parismou.org) after 1 January 2011.

Furthermore, all ships continue to have the obligations of pre- arrival notification 24 hours in advance (ETA24).

Ships shall submit both the ETA72 and ETA24 notifications to the Port State in accordance with its national requirements. A new reporting requirement which is introduced with the NIR is the notification of the actual time of arrival (ATA) and the actual time of departure (ATD) for all ships calling at all ports and anchorages in the Paris MoU region.

### RECOMMENDATIONS:

Shipowners and operators should take measures to reduce the likelihood that their ships will be subjected to intervention or detention, bearing in mind that with the introduction of the NIR the Paris MoU will change its target of inspecting 25% of individual ships calling at each Member State to a shared commitment for full coverage of inspecting all ships visiting ports and anchorages in the Paris MoU region as a whole.

In the event a Shipowner, Operator or Master of a ship registered under the Commonwealth of Dominica Flag believes that the ship is being unfairly delayed or detained, it is recommended that immediate contact be made with the Dominica Maritime Registry by the most practical means available: e.g. telephone, fax, e-mail. It is the intent of the Registry to assist Shipowners expeditiously in clearing any deficiencies that may cause undue delay or interruption of service.

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