

## ANNEX V

### **EXAMPLES OF ‘CLEAR GROUNDS’ (referred to in Article 13(3))**

#### A.Examples of clear grounds for a more detailed inspection

1. Ships identified in Annex I, Part II 2A and 2B.
2. The oil record book has not been properly kept.
3. During examination of the certificates and other documentation, inaccuracies have been revealed.
4. Indications that the crew members are unable to comply with the requirements related to on-board communication set out in Article 18 of Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers<sup>(1)</sup>.
5. A certificate has been fraudulently obtained or the holder of a certificate is not the person to whom that certificate was originally issued.
6. The ship has a master, officer or rating holding a certificate issued by a country which has not ratified the STCW 78/95.
7. Evidence of cargo and other operations not being conducted safely, or in accordance with IMO guidelines, e.g. the content of oxygen in the inert-gas main supply to the cargo tanks is above the prescribed maximum level.
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.
- [<sup>F1</sup>16. The documents required under MLC 2006 are not produced or maintained or are falsely maintained or the documents produced do not contain the information required by MLC 2006 or are otherwise invalid.

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### Textual Amendments

**F1** Inserted by [Directive 2013/38/EU of the European Parliament and of the Council of 12 August 2013 amending Directive 2009/16/EC on port State control \(Text with EEA relevance\)](#).

17. The living and working conditions on the ship do not conform to the requirements of MLC 2006.
  18. There are reasonable grounds to believe that the ship has changed flag for the purpose of avoiding compliance with MLC 2006.
  19. There is a complaint alleging that specific living and working conditions on the ship do not conform to the requirements of MLC 2006.]
- B. Examples of clear grounds for the control of ships on security aspects
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 the ship's personnel cannot communicate with each other.
    - 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 International Ship Security Certificate (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 specify the circumstances when an Interim Certificate may be issued.
  2. If clear grounds as described above are established, the inspector shall immediately inform the competent security authority (unless the inspector is also an Officer Duly Authorised for Security). The competent security authority shall 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.

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(1) [OJ L 323, 3.12.2008, p. 33.](#)