

ANNEX I

ELEMENTS OF THE COMMUNITY PORT STATE INSPECTION SYSTEM (referred to in Article 5)

The following elements shall be included in the Community Port State Inspection System:

I. Ship risk profile

The risk profile of a ship shall be determined by a combination of the following generic and historical parameters:

1. Generic parameters

(a) Type of ship

Passenger ships, oil and chemical tankers, gas carriers and bulk carriers shall be considered as posing a higher risk.

(b) Age of ship

Ships of more than 12 years old shall be considered as posing a higher risk.

(c) Flag State performance

(i) Ships flying the flag of a State with a high detention rate within the Community and the Paris MOU region shall be considered as posing a higher risk.

(ii) Ships flying the flag of a State with a low detention rate within the Community and the Paris MOU region shall be considered as posing a lower risk.

(iii) Ships flying the flag of a State for which an audit has been completed and, where relevant, a corrective action plan submitted, both in accordance with the Framework and procedures for the Voluntary IMO Member State Audit Scheme shall be considered as posing a lower risk. As soon as the measures referred to in Article 10(3) are adopted, the flag State of such a ship shall demonstrate compliance with the Code for the implementation of mandatory IMO instruments.

(d) Recognised organisations

(i) Ships which have been delivered certificates from recognised organisations having a low or very low performance level in relation with their detention rates within the Community and the Paris MOU region shall be considered as posing a higher risk.

(ii) Ships which have been delivered certificates from recognised organisations having a high performance level in relation with their detention rates within the Community and the Paris MOU region shall be considered as posing a lower risk.

(iii) Ships with certificates issued by organisations recognised under the terms of Regulation (EC) No 391/2009.

(e) Company performance

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- (i) Ships of a company with a low or very low performance as determined by its ships' deficiency and detention rates within the Community and the Paris MOU region shall be considered as posing a higher risk.
- (ii) Ships of a company with a high performance as determined by its ships' deficiency and detention rates within the Community and the Paris MOU region shall be considered as posing a lower risk.

2. Historical parameters

- (i) Ships which have been detained more than once shall be considered as posing a higher risk.
- (ii) Ships which, during inspection(s) carried out within the period referred to in Annex II have had less than the number of deficiencies referred to in Annex II, shall be considered as posing a lower risk.
- (iii) Ships which have not been detained during the period referred to in Annex II, shall be considered as posing a lower risk.

The risk parameters shall be combined by using a weighting which reflects the relative influence of each parameter on the overall risk of the ship in order to determine the following ship risk profiles:

- high risk,
- standard risk,
- low risk.

In determining these risk profiles greater emphasis shall be given to the parameters for type of ship, flag State performance, recognised organisations and company performance.

II. Inspection of ships

1. Periodic inspections

Periodic inspections shall be carried out at predetermined intervals. Their frequency shall be determined by the ship risk profile. The interval between periodic inspections of high risk ships shall not exceed six months. The interval between periodic inspections of ships of other risk profiles shall increase as the risk decreases.

Member States shall carry out a periodic inspection on:

- Any ship with a high risk profile which has not been inspected in a port or anchorage within the Community or of the Paris MOU region during the last six months. High risk ships become eligible for inspection as from the fifth month.
- Any ship with a standard risk profile which has not been inspected in a port or anchorage within the Community or of the Paris MOU region during the last 12 months. Standard risk ships become eligible for inspection as from the 10th month.
- Any ship with a low risk profile which has not been inspected in a port or anchorage within the Community or of the Paris MOU region during the last 36 months. Low risk ships become eligible for inspection as from the 24th month.

2. Additional inspections

Ships, to which the following overriding or unexpected factors apply, are subject to an inspection regardless of the period since their last periodic inspection. However, the need to undertake an

additional inspection on the basis of unexpected factors is left to the professional judgement of the inspector.

2A. Overriding factors

Ships to which the following overriding factors apply shall be inspected regardless of the period since their last periodic inspection:

- Ships which have been suspended or withdrawn from their class for safety reasons since the last inspection in the Community or in the Paris MOU region.
- Ships which have been the subject of a report or notification by another Member State.
- Ships which cannot be identified in the inspection database.
- Ships which:
 - have been involved in a collision, grounding or stranding on their way to the port,
 - have been accused of an alleged violation of the provisions on discharge of harmful substances or effluents, or
 - have manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigation practices and procedures have not been followed.

2B. Unexpected factors

Ships to which the following unexpected factors apply may be subject to inspection regardless of the period since their last periodic inspection. The decision to undertake such an additional inspection is left to the professional judgement of the competent authority:

- Ships which have not complied with the applicable version of IMO Recommendation on navigation through the entrances to the Baltic Sea.
- Ships carrying certificates issued by a formerly recognised organisation whose recognition has been withdrawn since the last inspection in the Community or in the Paris MOU region.
- Ships which have been reported by pilots or port authorities or bodies as having apparent anomalies which may prejudice their safe navigation or pose a threat of harm to the environment in accordance with Article 23 of this Directive.
- Ships which have failed to comply with the relevant notification requirements referred to in Article 9 of this Directive, in Directive 2000/59/EC, Directive 2002/59/EC and if appropriate in Regulation (EC) No 725/2004.
- Ships which have been the subject of a report or complaint by the master, a crew member, or any person or organisation with a legitimate interest in the safe operation of the ship, on-board living and working conditions or the prevention of pollution, unless the Member State concerned deems the report or complaint to be manifestly unfounded.
- Ships which have been previously detained more than three months ago.
- Ships which have been reported with outstanding deficiencies, except those for which deficiencies had to be rectified within 14 days after departure, and for deficiencies which had to be rectified before departure.
- Ships which have been reported with problems concerning their cargo, in particular noxious and dangerous cargoes.
- Ships which have been operated in a manner posing a danger to persons, property or the environment.
- Ships where information from a reliable source became known, to the effect that their risk parameters differ from those recorded and the risk level is thereby increased.

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3. Selection scheme
- 3A. Priority I ships shall be inspected as follows:
 - (a) An expanded inspection shall be carried out on:
 - any ship with a high risk profile not inspected in the last six months,
 - any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 12 months.
 - (b) An initial or a more detailed inspection, as appropriate, shall be carried out on:
 - any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 12 months.
 - (c) In case of an overriding factor:
 - A more detailed or an expanded inspection, according to the professional judgement of the inspector, shall be carried out on any ship with a high risk profile and on any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age.
 - A more detailed inspection shall be carried out on any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age.
- 3B. Where the competent authority decides to inspect a Priority II ship, the following shall apply:
 - (a) An expanded inspection shall be carried out on:
 - any ship with a high risk profile not inspected in the last five months,
 - any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 10 months, or
 - any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age, with a low risk profile not inspected in the last 24 months.
 - (b) An initial or a more detailed inspection, as appropriate, shall be carried out on:
 - any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 10 months, or
 - any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age, with a low risk profile not inspected in the last 24 months.
 - (c) In case of an unexpected factor:
 - a more detailed or an expanded inspection according to the professional judgement of the inspector, shall be carried out on any ship with a high risk profile or any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age,
 - a more detailed inspection shall be carried out on any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age.

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ANNEX II

DESIGN OF SHIP RISK PROFILE

(referred to in Article 10(2))

		Profile				
		High Risk Ship (HRS)	Standard Risk Ship (SRS)	Low Risk Ship (LRS)		
Generic parameters		Criteria	Weighting points	Criteria	Criteria	
1	Type of ship	Chemical tankship Gas carrier Oil tankship Bulk carrier Passenger ship	2	neither a high risk nor a low risk ship	All types	
2	Age of ship	all types > 12 y	1		All ages	
3a	Flag	BGW-list	Black – VHR, HR, M to HR	2	White	
			Black – MR	1		
3b		IMO-Audit			Yes	
4a	Recognised organisation	Performance	H		High	
			M			
			L	Low		1
			VL	Very Low		
4b		EU recognised			Yes	
5	Company	Performance	H		High	
			M			
			L	Low		2
			VL	Very low		

HRS are ships which meet criteria to a total value of 5 or more weighting points.

LRS are ships which meet all the criteria of the Low Risk Parameters.

SRS are ships which are neither HRS nor LRS.

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Historical parameters					
6	Number of deficiencies recorded in each insp. within previous 36 months	Deficiencies	Not eligible		≤ 5 (and at least one inspection carried out in previous 36 months)
7	Number of detentions within previous 36 months	Detentions	≥ 2 detentions	1	No detention

HRS are ships which meet criteria to a total value of 5 or more weighting points.

LRS are ships which meet all the criteria of the Low Risk Parameters.

SRS are ships which are neither HRS nor LRS.

ANNEX III

NOTIFICATION (referred to in Article 9(1))

Information to be provided in accordance with Article 9(1):

The information listed below shall be submitted to the port authority or body or to the authority or body designated for that purpose at least three days before the expected time of arrival in the port or anchorage or before leaving the previous port or anchorage if the voyage is expected to take fewer than three days:

- (a) ship identification (name, call sign, IMO identification number or MMSI number);
- (b) planned duration of the call;
- (c) for tankers:
 - (i) configuration: single hull, single hull with SBT, double hull;
 - (ii) condition of the cargo and ballast tanks: full, empty, inerted;
 - (iii) volume and nature of the cargo;
- (d) planned operations at the port or anchorage of destination (loading, unloading, other);
- (e) planned statutory survey inspections and substantial maintenance and repair work to be carried out whilst in the port of destination;
- (f) date of last expanded inspection in the Paris MOU region.

ANNEX IV

**LIST OF CERTIFICATES AND DOCUMENTS
(referred to in Article 13(1))**

1. International Tonnage Certificate (1969).
2. — Passenger Ship Safety Certificate,
— Cargo Ship Safety Construction Certificate,
— Cargo Ship Safety Equipment Certificate,
— Cargo Ship Safety Radio Certificate,
— Exemption certificate, including, where appropriate, the list of cargoes,
— Cargo Ship Safety Certificate.
3. International Ship Security Certificate (ISSC).
4. Continuous Synopsis Record.
5. International Certificate of Fitness for Carriage of Liquefied Gases in Bulk;
— Certificate of Fitness for the Carriage of Liquefied Gases in Bulk.
6. International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
— Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk.
7. International Oil Pollution Prevention Certificate.
8. International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk.
9. International Load Line Certificate (1966);
— International Load Line Exemption Certificate.
10. Oil record book, parts I and II.
11. Cargo record book.
12. Minimum Safe Manning Document.
13. Certificates or any other documents required in accordance with the provisions of the STCW 78/95.
14. Medical certificates (see ILO Convention No 73 concerning Medical Examination of Seafarers).
15. Table of shipboard working arrangements (ILO Convention No 180 and STCW 78/95).
16. Records of hours of work and rest of seafarers (ILO Convention No 180).
17. Stability information.
18. Copy of the Document of Compliance and the Safety Management Certificate issued, in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (SOLAS 74, Chapter IX).
19. Certificates as to the ship's hull strength and machinery installations issued by the recognised organisation in question (only to be required if the ship maintains its class with a recognised organisation).

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20. Document of compliance with the special requirements for ships carrying dangerous goods.
21. High speed craft safety certificate and permit to operate high speed craft.
22. Dangerous goods special list or manifest, or detailed stowage plan.
23. Ship's log book with respect to the records of tests and drills, including security drills, and the log for records of inspection and maintenance of lifesaving appliances and arrangements and of fire fighting appliances and arrangements.
24. Special purpose ship safety certificate.
25. Mobile offshore drilling unit safety certificate.
26. For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage.
27. The muster list, fire control plan, and for passenger ships, a damage control plan.
28. Shipboard oil pollution emergency plan.
29. Survey report files (in case of bulk carriers and oil tankers).
30. Reports of previous port State control inspections.
31. For ro ro passenger ships, information on the A/A maximum ratio.
32. Document of authorisation for the carriage of grain.
33. Cargo securing manual.
34. Garbage management plan and garbage record book.
35. Decision support system for masters of passenger ships.
36. SAR cooperation plan for passenger ships trading on fixed routes.
37. List of operational limitations for passenger ships.
38. Bulk carrier booklet.
39. Loading and unloading plan for bulk carriers.
40. Certificate of insurance or any other financial security in respect of civil liability for oil pollution damage (International Convention on Civil Liability for Oil Pollution Damage, 1992).
41. Certificates required under Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims⁽¹⁾.
42. Certificate required under Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents⁽²⁾.
43. International Air Pollution Prevention Certificate.
44. International Sewage Pollution Prevention Certificate.

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⁽³⁾.
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.

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.

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- 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.

ANNEX VI

PROCEDURES FOR THE CONTROL OF SHIPS (referred to in Article 15(1))

Annex I, 'Port State Control Procedures', to the Paris MOU and the following instructions from the Paris MOU, in their up-to-date version:

- Instruction 33/2000/02: Operational Control on Ferries and Passenger Ships,
- Instruction 35/2002/02: Guidelines for PSCOs on Electronic Charts,
- Instruction 36/2003/08: Guidance for Inspection on Working and Living Conditions,
- Instruction 37/2004/02: Guidelines in Compliance with STCW 78/95 Convention as Amended,
- Instruction 37/2004/05: Guidelines on the Inspection of Hours of Work/Rest,
- Instruction 37/2004/10: Guidelines for Port State Control Officers on Security Aspects,
- Instruction 38/2005/02: Guidelines for PSCO's Checking a Voyage Data Recorder (VDR),
- Instruction 38/2005/05: Guidelines on MARPOL 73/78 Annex I,
- Instruction 38/2005/07: Guidelines on Control of the Condition Assessment Scheme (CAS) of Single Hull Oil Tankers,
- Instruction 39/2006/01: Guidelines for the Port State Control Officer on the ISM-Code,
- Instruction 39/2006/02: Guidelines for Port State Control Officers on Control of GMDSS,

- Instruction 39/2006/03: Optimisation of Banning and Notification Checklist,
- Instruction 39/2006/10: Guidelines for PSCOs for the Examination of Ballast Tanks and Main Power Failure Simulation (black-out test),
- Instruction 39/2006/11: Guidance for Checking the Structure of Bulk Carriers,
- Instruction 39/2006/12: Code of Good Practice for Port State Control Officers,
- Instruction 40/2007/04: Criteria for Responsibility Assessment of Recognised Organisations (R/O),
- Instruction 40/2007/09: Guidelines for Port State Control Inspections for Compliance with Annex VI of MARPOL 73/78.

ANNEX VII

EXPANDED INSPECTIONS OF SHIPS (referred to in Article 14)

An expanded inspection concerns in particular the overall condition of the following risk areas:

- Documentation.
- Structural condition.
- Weathertight condition.
- Emergency systems.
- Radio communication.
- Cargo operations.
- Fire safety.
- Alarms.
- Living and working conditions.
- Navigation equipment.
- Life saving appliances.
- Dangerous goods.
- Propulsion and auxiliary machinery.
- Pollution prevention.

In addition, subject to their practical feasibility or any constraints relating to the safety of persons, the ship or the port, an expanded inspection shall include the verification of specific items of risk areas depending on the type of vessel inspected, as established in accordance with Article 14(3).

ANNEX VIII

PROVISIONS CONCERNING REFUSAL OF ACCESS TO PORTS AND ANCHORAGES WITHIN THE COMMUNITY (referred to in Article 16)

1. If the conditions described in Article 16(1) are met, the competent authority of the port in which the ship is detained for the third time shall inform the master of the ship in writing that a refusal of access order will be issued which will become applicable immediately after the ship has left the port. The refusal of access order shall become

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applicable immediately after the ship has left the port after the deficiencies leading to the detention have been remedied.

2. The competent authority shall send a copy of the refusal of access order to the flag State administration, the recognised organisation concerned, the other Member States, and the other signatories to the Paris MOU, the Commission and the Paris MOU Secretariat. The competent authority shall also update the inspection database with information on the refusal of access without delay.
3. In order to have the refusal of access order lifted, the owner or the operator must address a formal request to the competent authority of the Member State that imposed the refusal of access order. This request must be accompanied by a document from the flag State administration issued following an on-board visit by a surveyor duly authorised by the flag State administration, showing that the ship fully conforms to the applicable provisions of the Conventions. The flag State administration shall provide evidence to the competent authority that a visit on board has taken place.
4. The request for the lifting of the refusal of access order must also be accompanied, where appropriate, by a document from the classification society which has the ship in class following an on-board visit by a surveyor from the classification society, showing that the ship conforms to the class standards stipulated by that society. The classification society shall provide evidence to the competent authority that a visit on board has taken place.
5. The refusal of access order may be lifted only after the period referred to Article 16 of this Directive has elapsed and following a re-inspection of the ship at an agreed port.

If the agreed port is located in a Member State, the competent authority of that State may, at the request of the competent authority which issued the refusal of access order, authorise the ship to enter the agreed port in order to carry out the re-inspection. In such cases, no cargo operations shall take place at the port until the refusal of access order has been lifted.

6. If the detention which led to the issue of a refusal of access order included deficiencies in the ship's structure, the competent authority which issued the refusal of access order may require that certain spaces, including cargo spaces and tanks, are made available for examination during the re-inspection.
7. The re-inspection shall be carried out by the competent authority of the Member State that imposed the refusal of access order, or by the competent authority of the port of destination with the agreement of the competent authority of the Member State that imposed the refusal of access order. The competent authority may require up to 14 days' notice for the re-inspection. Evidence shall be provided to the satisfaction of this Member State that the ship fully complies with the applicable requirements of the Conventions.
8. The re-inspection shall consist of an expanded inspection that must cover at least the relevant items of Annex VII.
9. All costs of this expanded inspection will be borne by the owner or the operator.
10. If the results of the expanded inspection satisfy the Member State in accordance with Annex VII, the refusal of access order must be lifted and the company of the ship informed thereof in writing.
11. The competent authority shall also notify its decision in writing to the flag State administration, the classification society concerned, the other Member States, the other

signatories to the Paris MOU, the Commission and the Paris MOU Secretariat. The competent authority must also update the inspection database with information on the removal of the access without delay.

12. Information relating to ships that have been refused access to ports within the Community must be made available in the inspection database and published in conformity with the provisions of Article 26 and of Annex XIII.

ANNEX IX

INSPECTION REPORT (referred to in Article 17)

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

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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 X

CRITERIA FOR DETENTION OF A SHIP (referred to in Article 19(3))

INTRODUCTION

Before determining whether deficiencies found during an inspection warrant detention of the ship involved, the inspector must apply the criteria mentioned below in points 1 and 2.

[^{X1}Point 3 includes examples of deficiencies that may for themselves warrant detention of the ship involved (see Article 19(3)).]

Editorial Information

X1 Substituted by [Corrigendum to Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control \(Official Journal of the European Union L 131 of 28 May 2009\)](#).

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.

1. Main criteria

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

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.

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.

2. Application of main criteria

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

- 1. the ship has relevant, valid documentation;
- 2. 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:

- 3. navigate safely throughout the forthcoming voyage;
- 4. safely handle, carry and monitor the condition of the cargo throughout the forthcoming voyage;
- 5. operate the engine room safely throughout the forthcoming voyage;
- 6. maintain proper propulsion and steering throughout the forthcoming voyage;
- 7. fight fires effectively in any part of the ship if necessary during the forthcoming voyage;
- 8. abandon ship speedily and safely and effect rescue if necessary during the forthcoming voyage;
- 9. prevent pollution of the environment throughout the forthcoming voyage;
- 10. maintain adequate stability throughout the forthcoming voyage;
- 11. maintain adequate watertight integrity throughout the forthcoming voyage;

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12. communicate in distress situations if necessary during the forthcoming voyage;
13. provide safe and healthy conditions on board throughout the forthcoming voyage;
14. 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.

3. To assist the inspector in the use of these guidelines, there follows a list of deficiencies, grouped under relevant Conventions and/or codes, 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.

3.1. *General*

The lack of valid certificates and documents as required by the relevant instruments. However, ships flying the flag of States not party to a relevant Convention or not having implemented another relevant instrument, are not entitled to carry the certificates provided for by the Convention or other relevant instrument. Therefore, absence of the required certificates should not by itself constitute reason to detain these ships; however, in applying the 'no more favourable treatment' clause, substantial compliance with the provisions is required before the ship sails.

3.2. *Areas under SOLAS 74*

1. Failure of the proper operation of propulsion and other essential machinery, as well as electrical installations.
2. Insufficient cleanliness of engine room, excessive amount of oily-water mixtures in bilges, insulation of piping, including exhaust pipes in engine room contaminated by oil, improper operation of bilge pumping arrangements.
3. Failure of the proper operation of emergency generator, lighting, batteries and switches.
4. Failure of the 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 arrangements.
6. Absence, non-compliance or substantial deterioration of fire detection system, fire alarms, firefighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers, quick-closing devices to the extent that they cannot comply with their intended use.
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 provisions of SOLAS 74, 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 a type

approved electronic chart display and information system (ECDIS) operating on official data 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, as described in Section 5.5 of Annex 1 to the Paris MOU.
14. Number, composition or certification of crew not corresponding with the safe manning document.
15. Failure to carry out the enhanced survey programme in accordance with SOLAS 74, Chapter XI, Regulation 2.

3.3. *Areas under the IBC Code*

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 code requirements.
4. Sources of ignition in hazardous locations.
5. Contraventions of special requirements.
6. Exceeding of maximum allowable cargo quantity per tank.
7. Insufficient heat protection for sensitive products.

3.4. *Areas under the IGC Code*

1. Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.
2. Missing closing devices for accommodation 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 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.

3.5. *Areas under LL 66*

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 proper temporary repairs for a voyage to a port for permanent repairs have been carried out.

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2. A recognised 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 his 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 doors.
5. Overloading.
6. Absence of draft mark or draft mark impossible to read.
- 3.6. *Areas under MARPOL 73/78, 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. Unauthorised discharge bypass fitted.
 5. Survey report file missing or not in conformity with Regulation 13G(3)(b) of MARPOL 73/78.
- 3.7. *Areas under MARPOL 73/78, Annex II*
 1. Absence of the P&A Manual.
 2. Cargo is not categorised.
 3. No cargo record book available.
 4. Transport of oil-like substances without satisfying the requirements or without an appropriately amended certificate.
 5. Unauthorised discharge bypass fitted.
- 3.8. *Areas under MARPOL 73/78, 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.
- 3.9. *Areas under the STCW 78/95 and Directive 2008/106/EC.*
 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 flag State administration.
 2. Evidence that a certificate has been fraudulently obtained or the holder of a certificate is not the person to whom that certificate was originally issued.

3. Failure to comply with the applicable safe manning requirements of the flag State administration.
 4. Failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the flag State administration.
 5. Absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution.
 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.
 7. 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.
- 3.10. *Areas under the ILO Conventions*
1. Insufficient food for voyage to next port.
 2. Insufficient potable water for voyage to next port.
 3. Excessively unsanitary conditions on board.
 4. No heating in accommodation of a ship operating in areas where temperatures may be excessively low.
 5. Insufficient ventilation in accommodation of a ship.
 6. Excessive garbage, blockage by equipment or cargo or otherwise unsafe conditions in passageways/accommodations.
 7. Clear evidence that watchkeeping and other duty personnel for the first watch or subsequent relieving watches are impaired by fatigue.
- 3.11. *Areas which may not warrant a detention, but where, e.g. cargo operations have to be suspended.*

Failure of the proper operation (or maintenance) of inert gas system, cargo-related gear or machinery are considered sufficient grounds for stopping cargo operation.

ANNEX XI

MINIMUM CRITERIA FOR INSPECTORS (referred to in Article 22(1) and (5))

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 as a certificated ship officer holding or having held a valid STCW II/2 or

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- 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:
- 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
 - 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 by the competent authority of a Member State for port State control at the date of adoption of this Directive.
7. Where in a Member State inspections referred to in Article 15(1) and (2) are performed by port State control inspectors; those inspectors shall have appropriate qualifications, which shall include sufficient theoretical and practical experience in maritime security. This shall normally include:
- (a) a good understanding of maritime security and how it is applied to the operations being examined;
 - (b) a good working knowledge of security technologies and techniques;
 - (c) a knowledge of inspection principles, procedures and techniques;
 - (d) a working knowledge of the operations being examined.

ANNEX XII

FUNCTIONALITIES OF THE INSPECTION DATABASE (referred to in Article 24(1))

1. The inspection database shall include at least the following functionalities:
- incorporate inspection data of Member States and all signatories to the Paris MOU,
 - provide data on the ship risk profile and on ships due for inspections,

- calculate the inspection commitments for each Member State,
 - produce the white as well as the grey and black list of flag States, referred to in Article 16(1),
 - produce data on the performance of companies,
 - identify the items in risk areas to be checked at each inspection.
2. The inspection database shall have the capability to adapt to future developments and to interface with other Community maritime safety databases, including SafeSeaNet, which shall provide data on ships' actual calls to ports of Member States and, where appropriate, to relevant national information systems.
 3. A deep hyperlink shall be provided from the inspection database to the Equasis information system. Member States shall encourage that the public and private databases relating to ship inspection accessible through Equasis are consulted by the inspectors.

ANNEX XIII

PUBLICATION OF INFORMATION RELATED TO INSPECTIONS, DETENTIONS AND REFUSALS OF ACCESS IN PORTS AND ANCHORAGES OF MEMBER STATES (referred to in Article 26)

1. Information published in accordance with Article 26 must include the following:
 - (a) name of the ship;
 - (b) IMO identification number;
 - (c) type of ship;
 - (d) tonnage (gt);
 - (e) year of construction as determined on the basis of the date indicated in the ship's safety certificates;
 - (f) name and address of the company of the ship;
 - (g) in the case of ships carrying liquid or solid cargoes in bulk, the name and address of the charterer responsible for the selection of the ship and the type of charter;
 - (h) flag State;
 - (i) classification and statutory certificates issued in accordance with the relevant Conventions, and the authority or organisation that issued each one of the certificates in question, including the date of issue and expiry;
 - (j) port and date of the last intermediate or annual survey for the certificates in point (i) above and the name of the authority or organisation which carried out the survey;
 - (k) date, country, port of detention.
2. For ships which have been detained, information published in accordance with Article 26 must also include:
 - (a) number of detentions during the previous 36 months;

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- (b) date when the detention was lifted;
- (c) duration of detention, in days;
- (d) the reasons for detention, in clear and explicit terms;
- (e) indication, where relevant, of whether the recognised organisation that carried out the survey has a responsibility in relation to the deficiencies which, alone or in combination, led to detention;
- (f) description of the measures taken in the case of a ship which has been allowed to proceed to the nearest appropriate repair yard;
- (g) if the ship has been refused access to any port or anchorage within the Community, the reasons for the measure in clear and explicit terms.

ANNEX XIV

DATA PROVIDED IN THE CONTEXT OF MONITORING IMPLEMENTATION (referred to in Article 29)

1. Every year Member States must provide the Commission with the following data for the preceding year by 1 April at the latest.

1.1. Number of inspectors acting on their behalf in the framework of port State control

This information must be communicated to the Commission using the following model table⁽⁴⁾⁽⁵⁾.

Port/area	Number of full-time inspectors(A)	Number of part-time inspectors(B)	Conversion of (B) to full-time(C)	Total(A+C)
Port X/or Area X ...				
Port Y/or Area Y ...				
TOTAL				

1.2. Total number of individual ships that entered their ports at national level. The figure shall be the number of ships covered by this Directive that entered their ports at national level counted only once.

.....

2. Member States must:

- (a) provide the Commission every six months with a list of calls at port of individual ships, other than regular passenger and freight ferry services, that entered their ports or which have notified to a port authority or body their arrival in an anchorage, containing for each movement of the ship its IMO identification number, its date of arrival and the port. The list shall be provided in the form of a spreadsheet programme enabling an automatic retrieval and processing of the abovementioned information. The list shall be provided within 4 months from the end of the period to which data pertained;

and

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- (b) provide the Commission with separate lists of regular passenger ferry services and regular freight ferry services referred to in point (a), not later than six months following the implementation of this Directive, and thereafter each time changes take place in such services. The list shall contain for each ship its IMO identification number, its name and the route covered by the ship. The list shall be provided in the form of a spreadsheet programme enabling an automatic retrieval and processing of the abovementioned information.

ANNEX XV

PART A

REPEALED DIRECTIVE WITH ITS SUCCESSIVE AMENDMENTS

(referred to in Article 37)

Council Directive 95/21/EC (OJ L 157, 7.7.1995, p. 1)	
Council Directive 98/25/EC (OJ L 133, 7.5.1998, p. 19)	
Commission Directive 98/42/EC (OJ L 184, 27.6.1998, p. 40)	
Commission Directive 1999/97/EC (OJ L 331, 23.12.1999, p. 67)	
Directive 2001/106/EC of the European Parliament and of the Council (OJ L 19, 22.1.2002, p. 17)	
Directive 2002/84/EC of the European Parliament and of the Council (OJ L 324, 29.11.2002, p. 53)	Only Article 4

PART B

LIST OF TIME LIMITS FOR TRANSPOSITION INTO NATIONAL LAW

(referred to in Article 37)

Directive	Time limit for transposition
Directive 95/21/EC	30 June 1996
Directive 98/25/EC	30 June 1998
Directive 98/42/EC	30 September 1998
Directive 1999/97/EC	13 December 2000
Directive 2001/106/EC	22 July 2003
Directive 2002/84/EC	23 November 2003

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ANNEX XVI

CORRELATION TABLE

(referred to in Article 37)

Directive 95/21/EC	This Directive
Article 1, introductory wording	Article 1, introductory wording
Article 1, first indent	Article 1(a)
Article 1, second indent	Article 1(b)
–	Article 1(c)
Article 2, introductory wording	Article 2, introductory wording
Article 2(1), introductory wording	Article 2(1), introductory wording
Article 2(1), first indent	Article 2(1)(a)
Article 2(1), second indent	Article 2(1)(b)
Article 2(1), third indent	Article 2(1)(c)
Article 2(1), fourth indent	Article 2(1)(d)
Article 2(1), fifth indent	Article 2(1)(e)
Article 2(1), sixth indent	Article 2(1)(f)
Article 2(1), seventh indent	Article 2(1)(g)
Article 2(1), eighth indent	Article 2(1)(h)
Article 2(2)	Article 2(2)
–	Article 2(3)
–	Article 2(4)
Article 2(3)	Article 2(5)
Article 2(4)	–
–	Article 2(6)
–	Article 2(7)
Article 2(5)	Article 2(8)
–	Article 2(9)
–	Article 2(10)
Article 2(6)	Article 2(11)
Article 2(7)	Article 2(12)
Article 2(8)	Article 2(13)
–	Article 2(14)
Article 2(9)	Article 2(15)
–	Article 2(16)

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Article 2(10)	Article 2(17)
–	Article 2(18)
–	Article 2(19)
–	Article 2(20)
–	Article 2(21)
–	Article 2(22)
Article 3(1), first subparagraph	Article 3(1), first subparagraph
–	Article 3(1), second subparagraph
–	Article 3(1), third subparagraph
Article 3(1), second subparagraph	Article 3(1), fourth subparagraph
–	Article 3(1), fifth subparagraph
–	Article 3(1), sixth subparagraph
Article 3(2) to (4)	Article 3(2) to (4)
–	Article 4(1)
Article 4	Article 4(2)
Article 5	–
–	Article 5
–	Article 6
–	Article 7
–	Article 8
–	Article 9
–	Article 10
–	Article 11
–	Article 12
Article 6(1), introductory wording	–
–	Article 13(1), introductory wording
Article 6(1)(a)	Article 13(1)(a)
–	Article 13(1)(b)
Article 6(1)(b)	Article 13(1)(c)
Article 6(2)	–
–	Article 13(2)
Article 6(3)	Article 13(3)
Article 6(4)	–
Article 7	–

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Article 7a	–
Article 7b	–
–	Article 14
–	Article 15
–	Article 16
Article 8	Article 17
–	Article 18
Article 9(1) and (2)	Article 19(1) and (2)
Article 9(3), first sentence	Article 19(3)
Article 9(3), sentences 2 to 4	Article 19(4)
Article 9(4) to (7)	Article 19(5) to (8)
–	Article 19(9) and (10)
Article 9a	–
Article 10(1) to (3)	Article 20(1) to (3)
–	Article 20(4)
Article 11(1)	Article 21(1)
–	Article 21(2)
Article 11(2)	Article 21(3), first subparagraph
Article 11(3), first subparagraph	–
Article 11(3), second subparagraph	Article 21(3), second subparagraph
Article 11(4) to (6)	Article 21(4) to (6)
Article 12(1) to (3)	Article 22(1) to (3)
Article 12(4)	Article 22(4)
–	Article 22(5) to (7)
Article 13(1) to (2)	Article 23(1) and (2)
–	Article 23(3) to (5)
Article 14	–
Article 15	–
–	Article 24
–	Article 25
–	Article 26
–	Article 27
Article 16(1) and (2)	Article 28(1) and (2)
Article 16(2a)	Article 28(3)

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Article 16(3)	Article 28(4)
Article 17	Article 29
–	Article 30
Article 18	Article 31
Article 19	Article 32
–	Article 33
Article 19a	Article 34
–	Article 35
Article 20	Article 36
–	Article 37
Article 21	Article 38
Article 22	Article 39
Annex I	–
–	Annex I
–	Annex II
–	Annex III
Annex II	Annex IV
Annex III	Annex V
Annex IV	Annex VI
Annex V	Annex VII
Annex VI	Annex X
Annex VII	Annex XI
–	Annex XII
Annex VIII	Annex XIII
Annex IX	Annex IX
Annex X	Annex XIV
Annex XI	Annex VIII
Annex XII	–
–	Annex XV
–	Annex XVI

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- (1) See page 128 of this Official Journal.
- (2) See page 24 of this Official Journal.
- (3) [OJ L 323, 3.12.2008, p. 33.](#)
- (4) Where the inspections carried out in the context of port State control represent only part of the inspectors' work, the total number of inspectors must be converted to a number equivalent to full-time inspectors. Where the same inspector works in more than one port or geographical area the applicable part-time equivalent must be counted in each port.
- (5) This information must be provided at national level and for each port of the Member State concerned. For the purposes of this Annex, a port is taken to mean an individual port or the geographical area covered by an inspector or team of inspectors, comprising several individual ports where appropriate.