

Directive 2009/16/EC of the European Parliament and of the Council of  
23 April 2009 on port State control (Recast) (Text with EEA relevance)

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## ANNEX I

## ELEMENTS OF THE COMMUNITY PORT STATE INSPECTION SYSTEM

- I. Ship risk profile
  1. Generic parameters
  2. Historical parameters
- II. Inspection of ships
  1. Periodic inspections
  2. Additional inspections
    - 2A. Overriding factors
    - 2B. Unexpected factors
  3. Selection scheme
    - 3A. Priority I ships shall be inspected as follows:
    - 3B. Where the competent authority decides to inspect a Priority II...

## ANNEX II

## ANNEX III

## NOTIFICATION to in Article 9(1)

## ANNEX IV

## LIST OF CERTIFICATES AND DOCUMENTS

## ANNEX V

## EXAMPLES OF CLEAR GROUNDS'

- 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...
  4. Indications that the crew members are unable to comply with...
  5. A certificate has been fraudulently obtained or the holder of...
  6. The ship has a master, officer or rating holding a...
  7. Evidence of cargo and other operations not being conducted safely,...
  8. Failure of the master on an oil tanker to produce...
  9. Absence of an up-to-date muster list, or crew members not...
  10. The emission of false distress alerts not followed by proper...
  11. The absence of principal equipment or arrangements required by the...
  12. Excessively unsanitary conditions on board the ship.

13. Evidence from the inspector's general impression and observations that serious...
14. Information or evidence that the master or crew is not...
15. The absence of a table of shipboard working arrangements or...
- B. Examples of clear grounds for the control of ships on...
  1. The inspector may establish clear grounds for further control measures...
  2. If clear grounds as described above are established, the inspector...
  3. Clear grounds other than those above are a matter for...

## ANNEX VI

### PROCEDURES FOR THE CONTROL OF SHIPS

## ANNEX VII

### EXPANDED INSPECTIONS OF SHIPS

## ANNEX VIII

### PROVISIONS CONCERNING REFUSAL OF ACCESS TO PORTS AND ANCHORAGES WITHIN THE COMMUNITY

1. If the conditions described in Article 16(1) are met, the...
2. The competent authority shall send a copy of the refusal...
3. In order to have the refusal of access order lifted,...
4. The request for the lifting of the refusal of access...
5. The refusal of access order may be lifted only after...
6. If the detention which led to the issue of a...
7. The re-inspection shall be carried out by the competent authority...
8. The re-inspection shall consist of an expanded inspection that must...
9. All costs of this expanded inspection will be borne by...
10. If the results of the expanded inspection satisfy the Member...
11. The competent authority shall also notify its decision in writing...
12. Information relating to ships that have been refused access to...

## ANNEX IX

### INSPECTION REPORT (Article 17)

- 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...
  11. The classification society or classification societies as well as any...
  12. The recognised organisation or recognised organisations and/or any other party...
  13. Name and address of the ship's company or the operator...
  14. Name and address of the charterer responsible for the selection...
  15. Final date of writing the inspection report
  16. Indication that detailed information on an inspection or a detention...
- II. Information relating to inspection
1. Certificates issued in application of the relevant Conventions, authority or...
  2. Parts or elements of the ship that were inspected (in...
  3. Port and date of the last intermediate or annual or...
  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...
  4. Indication, where relevant, of whether the recognised organisation or any...
  5. Measures taken.

## ANNEX X

### CRITERIA FOR DETENTION OF A SHIP

- (Article 10 of Directive 2009/16/EC)
- #### INTRODUCTION
1. Main criteria
    - Timing:
    - Criterion:
  2. Application of main criteria
  3. To assist the inspector in the use of these guidelines,...
    - 3.1. General
    - 3.2. Areas under SOLAS 74
      1. Failure of the proper operation of propulsion and other essential...
      2. Insufficient cleanliness of engine room, excessive amount of oily-water mixtures...
      3. Failure of the proper operation of emergency generator, lighting, batteries...
      4. Failure of the proper operation of the main and auxiliary...
      5. Absence, insufficient capacity or serious deterioration of personal life-saving appliances,...
      6. Absence, non-compliance or substantial deterioration of fire detection system, fire...
      7. Absence, substantial deterioration or failure of proper operation of the...

8. Absence, non-compliance or serious deterioration of lights, shapes or sound...
  9. Absence or failure of the proper operation of the radio...
  10. Absence or failure of the proper operation of navigation equipment,...
  11. Absence of corrected navigational charts, and/or all other relevant nautical...
  12. Absence of non-sparking exhaust ventilation for cargo pump rooms.
  13. Serious deficiency in the operational requirements, as described in Section...
  14. Number, composition or certification of crew not corresponding with the...
  15. Failure to carry out the enhanced survey programme in accordance...
- 3.3. Areas under the IBC Code
1. Transport of a substance not mentioned in the Certificate of...
  2. Missing or damaged high-pressure safety devices.
  3. Electrical installations not intrinsically safe or not corresponding to code...
  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...
  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...
  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...
  2. A recognised case of insufficient stability.
  3. The absence of sufficient and reliable information, in an approved...
  4. Absence, substantial deterioration or defective closing devices, hatch closing arrangements...
  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...
  2. Remaining capacity of slop and/or sludge tank insufficient for the...
  3. Oil Record Book not available.

4. Unauthorised discharge bypass fitted.
5. Survey report file missing or not in conformity with Regulation...
- 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...
  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...
- 3.9. Areas under the STCW 78/95 and Directive 2008/106/EC.
  1. Failure of seafarers to hold a certificate, to have an...
  2. Evidence that a certificate has been fraudulently obtained or the...
  3. Failure to comply with the applicable safe manning requirements of...
  4. Failure of navigational or engineering watch arrangements to conform to...
  5. Absence in a watch of a person qualified to operate...
  6. Failure to provide proof of professional proficiency for the duties...
  7. Inability to provide for the first watch at the commencement...
- 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...
  5. Insufficient ventilation in accommodation of a ship.
  6. Excessive garbage, blockage by equipment or cargo or otherwise unsafe...
  7. Clear evidence that watchkeeping and other duty personnel for the...
- 3.11. Areas which may not warrant a detention, but where, e.g....

## ANNEX XI

### MINIMUM CRITERIA FOR INSPECTORS

1. Inspectors must have appropriate theoretical knowledge and practical experience of...
2. Inspectors must, as a minimum, have either:
3. The inspector must have:
4. The inspectors mentioned under 2(a) must have gained a maritime...
5. The inspectors must have the ability to communicate orally and...
6. Inspectors not fulfilling the above criteria are also accepted if...
7. Where in a Member State inspections referred to in Article...

## ANNEX XII

### FUNCTIONALITIES OF THE INSPECTION DATABASE (Added to Article 4(5))

1. The inspection database shall include at least the following functionalities:...
2. The inspection database shall have the capability to adapt to...
3. A deep hyperlink shall be provided from the inspection database...

## ANNEX XIII

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

1. Information published in accordance with Article 26 must include the...
2. For ships which have been detained, information published in accordance...

## ANNEX XIV

### DATA PROVIDED IN THE CONTEXT OF MONITORING IMPLEMENTATION (Added to Article 19)

1. Every year Member States must provide the Commission with the...
  - 1.1. Number of inspectors acting on their behalf in the framework...
  - 1.2. Total number of individual ships that entered their ports at...
2. Member States must:

## ANNEX XV

### PART A

### PART B

## ANNEX XVI

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*Status: This is the original version (as it was originally adopted).*

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- (1) [OJ C 318, 23.12.2006, p. 195.](#)
- (2) [OJ C 229, 22.9.2006, p. 38.](#)
- (3) Opinion of the European Parliament of 25 April 2007 ([OJ C 74 E, 20.3.2008, p. 584](#)), Council Common Position of 6 June 2008 ([OJ C 198 E, 5.8.2008, s. 1](#)), Position of the European Parliament of 24 September 2008 (not yet published in the Official Journal), Council Decision of 26 February 2009 and Legislative Resolution of the European Parliament of 11 March 2009 (not yet published in the Official Journal).
- (4) [OJ L 157, 7.7.1995, p. 1.](#)
- (5) [OJ L 161, 22.6.2007, p. 63.](#)
- (6) [OJ L 208, 5.8.2002, p. 1.](#)
- (7) [OJ L 138, 1.6.1999, p. 1.](#)
- (8) [OJ L 184, 17.7.1999, p. 23.](#)
- (9) [OJ C 321, 31.12.2003, p. 1.](#)