

Technical Notice

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SUBJECT:
PSC Related
BIMCO PARIS-MOU GUIDE

PSC Related

BIMCO PARIS-MOU GUIDE

BIMCO has issued the attached guide which provides general advice and helps shipowners/managers to comply with regulations when calling at a port or anchorage within the Paris MoU region. More detailed guidelines and instructions are available at the European Maritime Safety Agency (EMSA)'s and the Paris Memorandum of Understanding of Port State Control's (Paris MoU) homepages: www.emsa.europa.eu and www.parismou.org respectively.

The guide gives information on the following topics:

1 The targeting system

- Ship risk profile (SRP)
- Company performance
- Performance lists
- Periodic and additional inspections
- Risk Profile Inspection Intervals
- Selection Scheme
- Inspection Priority

2 Inspection types

The following inspection types can be carried out:

- initial inspection
- more detailed inspection
- expanded inspection
- concentrated inspection campaign

3 Preparation for inspection

- Reporting obligations
- Documents for inspection
 - Best practices and code of good conduct

4 If things go wrong

- Banning
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[Attachment](#)

BIMCO-Paris MoU-Guide-May 2018



THE INSPECTION REGIME ON PARIS MOU

Paris MoU



on Port State Control

May 2018



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Introduction

Paris MoU was born to eliminate the operation of sub-standard ships. This guide will provide general advice and help you to comply with regulations when calling at a port or anchorage within the Paris MoU region. More detailed guidelines and instructions are available at the European Maritime Safety Agency (EMSA)'s and the Paris Memorandum of Understanding of Port State Control's (Paris MoU) homepages: www.emsa.europa.eu and www.parismou.org respectively.

The Paris Memorandum of Understanding on Port State Control (Paris MoU) is the official document that implements a harmonized system of Port State Control (PSC), including:

- selection and inspection procedures
- exchange of information
- structure of the organization and amendment procedures.

27 maritime Administrations participate in Paris MoU and they cover the waters of the European coastal states and the North Atlantic basin from North America to Europe. The current members are:

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

Every day PSC Officers (PSCO's) select several ships for inspection throughout the region facilitated by a central computer database, known as "THETIS". THETIS informs national PSC authorities about ships which are due for an inspection. Data on ships' particulars and reports of previous inspections carried out within the Paris MoU region are also available in the database.

Ships are attributed a ship risk profile (SRP). This SRP will determine the ships priority for inspection, the interval between inspections and the scope of the inspection. The SRP is based on generic and historic parameters. All ships in the information system are assigned either as a High, Standard or Low Risk Ship.

- **High Risk Ships (HRS)** meet criteria to a total value of 5 or more points according the SRP calculator.
- **Low Risk Ships (LRS)** meet all the criteria of the Low Risk Parameters and have had at least one inspection in the previous 36 months.
- **Standard Risk Ships (SRS)** are ships which are neither HRS nor LRS.

A ship's risk profile is recalculated daily considering changes in the more dynamic parameters such as inspection history of the last 36 months and company performance.

You can calculate the SRP at:

<https://www.parismou.org/inspections-risk/library-faq/ship-risk-profile>

One of the parameters to determine the SRP is the company performance. Company performance takes account of the detention and deficiency history of all ships in a company's fleet while that company was the

ISM Company for the ship. Companies can have a very low, low, medium or high performance. The calculation is made daily based on a running 36-month period. There is no lower limit for the number of inspections needed to qualify except a company with no inspections in the last 36 months will be given a “medium performance”.

For calculation of the company performance see:

<https://www.parismou.org/inspections-risk/company-performance-calculator>

Performance lists

Each year new performance lists for flags and RO's will be published in the Paris MoU Annual Report. The lists present the full spectrum of both, including those flags and RO's considered a high or very high risk. It is based on the total number of inspections and detentions over a 3-year rolling period for flags with at least 30 inspections in the period.

The list can be found on this link:

<https://www.parismou.org/detentions-banning/white-grey-and-black-list>

PSCO

A PSCO is a qualified person that carries out port State control. All PSCO's carry an identity card, issued by their maritime authorities.

Periodic and additional inspections

Periodic Inspections are carried out at intervals determined by the ship risk profile. Overriding or unexpected factors might trigger an inspection in between periodic inspections. This category of inspection is referred to as an additional inspection. Ships become due for periodic inspection in the following time windows:

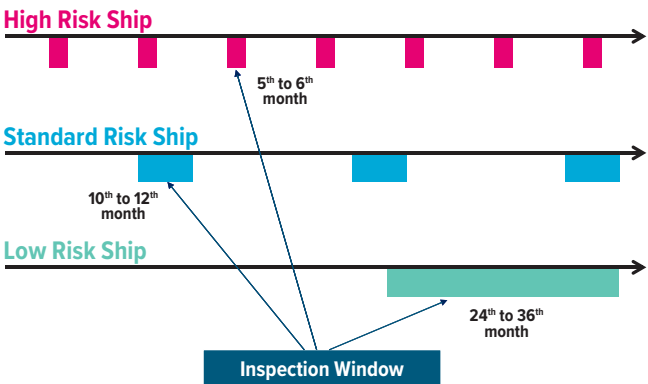
- **High Risk Ship:** between 5-6 months after the last inspection in the Paris MoU region the port state may decide to inspect the ship but after the 6th month the port state has to inspect;

- **Standard Risk Ship:** between 10-12 months after the last inspection in the Paris MoU region the port state ship may decide to inspect the ship but after the 12th month the port state has to inspect;
- **Low Risk Ship:** between 24-36 months after the last inspection in the Paris MoU region the port state ship may decide to inspect the ship but after the 36th month the port state has to inspect.

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

Additional inspections are triggered by overriding or unexpected factors depending on the severity of the occurrence. An overriding factor could be a collision or discharge of harmful substances. An unexpected factor could be e.g. complaints by crew or other interested parties, failure to comply with reporting obligations; outstanding ISM deficiencies; or reported cargo problems in particular regarding noxious or dangerous cargo.

Standard Risk Profile Inspection Intervals



Selection Scheme

The selection scheme is divided into two priorities:

- **Priority I:** ships must be inspected because either the time window has closed or there is an overriding factor.
- **Priority II:** ships may be inspected because they are within the time window or the port State considers an unexpected factor warrants an inspection.

If the time window has passed, a ship becomes Priority I. The ship will be selected for a periodic inspection.

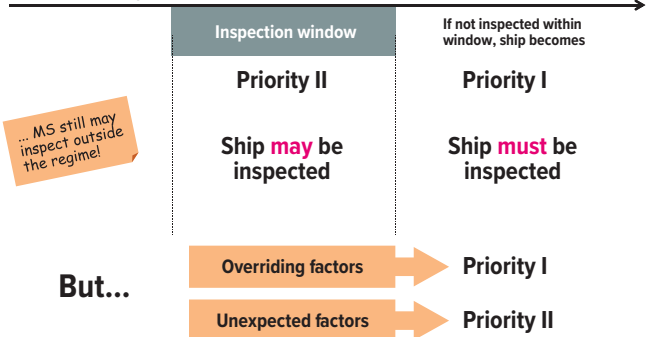
When the time window opens, a ship becomes Priority II. The ship can be selected for a periodic inspection.

If an overriding factor is recorded against a ship it becomes 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 and the ship can be selected for inspection.

Inspection Priority

Timeline for any Ship Risk Profile



Before the window opens for any risk profile and if no overriding or unexpected factors are logged, the ship has no priority status and Member States are not obliged to perform an inspection on such ship but if deemed appropriate may still choose to do so.

Both overriding and unexpected factors will, as you see in the Inspection Priority scheme, trigger a change in the priority and an additional inspection.

The overriding factors are considered sufficiently serious to trigger an additional inspection at Priority I:

In the case of unexpected factors, the need to undertake an additional inspection is left to the discretion of the Authority. If such a Priority II inspection is not performed it remains a Priority II ship if and when it arrives in another MoU port unless the Authority judges that any relevant information that it has received does not warrant being passed on.

The full lists of overriding and unexpected factors can be read at this link:

<https://www.parismou.org/inspections-risk/library-faq/overriding-factors>

Inspection types

A port state control visit will normally start with examination of the documents. In addition, the PSCO conducts a general inspection of several areas on board to verify that the overall condition of the ship complies with the requirement of the various certificates. If the ship complies, the PSCO will issue a “clean” inspection report to the master of the ship. In case deficiencies have been identified, the inspection report will include the discovered deficiencies indicating any follow-up actions to be taken to rectify the deficiencies. The data of the respective ship and the inspection result will be recorded on THETIS.

The following inspection types can be carried out:

- initial inspection
- more detailed inspection
- expanded inspection
- concentrated inspection campaign.

Initial inspection

An initial inspection will consist of a visit on board the ship to:

- check the certificates and documents listed in the MoU text
- check that the overall condition and general cleaning of the ship including:
 1. navigation bridge
 2. accommodation and galley
 3. decks including forecastle
 4. cargo holds/area
 5. engine room.

and that all meets the generally accepted international rules and standards. At the same time verify, if it has not previously been done, whether any deficiencies at a previous inspection have been rectified in accordance with

the time specified in the inspection report.

More detailed inspection

During an inspection the PSCO may decide to carry out a more detailed inspection if there are clear grounds for believing that the condition of the ship, its equipment or crew do not meet the relevant regulatory requirements. The absence of valid certificates or documents is eg. considered to be a clear ground.

A more detailed inspection will include an in-depth examination of:

- areas where clear grounds were established
- areas relevant to any overriding or unexpected factors
- other areas at random from the following areas:
 1. documentation
 2. structural condition
 3. water/weathertight condition
 4. emergency systems
 5. radio communication
 6. cargo operations
 7. fire safety
 8. alarms
 9. living and working condition
 10. navigation equipment
 11. life-saving appliances
 12. dangerous goods
 13. propulsion and auxiliary machinery
 14. pollution prevention.

The more detailed inspection will take account of the human elements covered by International Labour Organisation (ILO), International Safety Management (ISM-code) and International Convention of Standards of Training Certification and Watchkeeping for Seafarers (STCW) and include operational controls as appropriate.

Expanded inspections

An expanded inspection shall include a check of the overall condition, including human element where relevant and subject to their practical feasibility or any constraints

Types of Inspection

Category	Ship Risk Profile	Inspection Type		
		Initial	More detailed	Expanded
Periodic	High Risk Ship	NO	NO	YES
	Standard Risk Ship	YES	If clear grounds are found	If the ship is of a risk ship type and more than 12 years old
	Low Risk Ship			
Additional: overriding or unexpected factor	All	NO	YES	According to the professional judgement of the Port State Control Officer

relating to the safety of persons, the ship or the port. Verification of the specific items for each ship type must be part of an expanded inspection. The PSCO will determine the appropriate depth of examination or testing of each specific item.

An overriding or unexpected factor may trigger an additional inspection.

Concentrated Inspection Campaign (CIC)

Concentrated Inspection Campaigns focus on specific areas where high levels of deficiencies have been encountered by PSCOs, or where new convention requirements have recently entered into force. They are carried out with a regular inspection. Normally a CIC is announced beforehand and takes place yearly over a period of 3 months. The specific area of the CIC is normally made public before the it takes place and the ship can therefore prepare for it.

A good and thorough preparation before entering a port is the best way to ensure and succeed an inspection. This part of the pamphlet will give guidance and protection advises for the crew to avoid unnecessary problems when calling a port or anchorage within the Paris MoU region.

Reporting obligations

A ship has to report 24 hours (24 ETA) before arriving at a port or anchorage of the Paris MoU region or before leaving the previous port or anchorage if the voyage is expected to take less than 24 hours. Thus, this pre-arrival notification has to be reported to all ports in the Paris MoU region the ship calls. The 72 hours reporting obligation (72 ETA) is only required when the ship is due for an expanded inspection.

Ships due for an expanded inspection have to report 72 hours (72 ETA) before arriving at a port or anchorage of the Paris MoU region or before leaving the previous port or anchorage if the voyage is expected to take less than 72 hours.

Ships may want to use the SafeSeaNet (SSN) system to provide 72 hours and 24-hour early warning information on specific ship's arrival, as well as the actual time of arrival and departure and the number of persons on board are included in the message. This is progressively enabling PSCO to improve their planning.

The following information must be provided to the port authority:

1. ship identification (name, flag, call sign IMO or MMSI number)
2. port of destination

3. estimated time of arrival (ETA)
4. estimated time of departure (ETD)
5. planned duration of the call
6. for tankers:
 - a) configuration: single hull, single hull with SBT, double hull
 - b) condition of the cargo and ballast tanks: full, empty, inverted
 - c) volume and nature of cargo
7. planned operations at the port or anchorage of destination (loading, unloading, other)
8. planned statutory survey inspections and substantial maintenance and repair work to be carried out whilst in the port of destination
9. date of last expanded inspection in the Paris MoU region.

Be aware that this is not a complete list of information needed, there could be other reporting obligations for different ships.

Documents for inspection

The list of documents a PSCO has to examine, as a minimum and to the extent practicable, at an initial inspection are for the time being consisting of 86 different documents and certificates covering ie safety and cargo issues. The list will be too expansive to bring in this pamphlet. The list can be found in Annex 10 at this link:

https://www.parismou.org/system/files/Paris%20MoU%2C%20including%2040th%20amendment_0.pdf

The advice concerning this is to have all documents and certificates, if applicable to the ship, ready for the PSCO inspection in due time and presented in an orderly and structured manner.

Best practices and code of good conduct

The best way to ensure and succeed a port inspection is a good preparation, an open mind and positive attitude to the PSCO who is doing a very important job on behalf of the shipping world. When there is a CIC the subject will be published one month prior to the campaign, including the questionnaire.

The PSCO should be met at the gangway and during the inspection accompanied by an appointed and competent person. There is no substitute to “first impressions last” and the first observations the PSCO receives will inflict the rest of the inspection. So, pay special attention to the gangway area keep it clean and tidy, secure the right ISPS-procedures and keep the crew informed/instructed on their duties during the inspection. At the gangway, the PSCO will get a good indication on how the vessel is operated. The following should be considered:

- pay attention to general cleanliness and maintenance
- give information on defects up front
- update new equipment in the record books
- make sure that the ship has the required certificates, and that they are valid
- inform about ongoing maintenance
- inform about operations eg cargo handling which may have an influence on the inspection
- make sure that procedures are followed

- keep record books updated including records of drills and exercises – remember consistency counts
- it is the checks – not the ticks that count
- if something looks wrong - expect to be investigated
- on accommodation – housekeeping and hygiene counts – make a good impression
- ensure the engine room is a safe area
- prove that you use the equipment – the right way
- you must prove that you comply
- deal with any disagreement over the conduct or findings of the inspection calmly and patiently.

If things go wrong

Paris MoU will provide the master of the ship with a report of inspection, giving the results of the inspection including references to the relevant regulations, conventions or codes and details of any action to be taken.

Should any inspection confirm or reveal deficiencies warranting the detention of a ship, all costs relating to the inspections should be covered by the ship owner or the operator or by his representative in the port state. The detention will not be lifted until full payment has been made or a sufficient guarantee has been given for the reimbursement of the costs subject to national law.

In case of a detainable deficiency the PSCO is required to indicate the regulation, convention or code reference on the inspection report. The master or company may have to seek clarification from the PSC authority regarding the legal basis to any deficiency.

Banning

A banned ship will be refused access to any port in the Paris MoU area for a minimum period. The refusal of access will be a result of multiple detentions, a jump of detention or fail to call at an indicated repair yard. Access to a specific port may be permitted by the relevant authority of that port State in the event of force majeure or overriding safety considerations, or to reduce or minimize the risk of pollution.

The banning criteria for the first and second ban can be seen at the below figure:

Refusal of Access (Banning)



Furthermore, the banning cannot be lifted until after a certain time period, as follows:

1. 3 months after the first ban;
2. 12 months after the second ban;
3. 24 months after the third ban;
4. permanent ban.

To lift the 3rd ban, more stringent conditions are applied which must be fulfilled before the 24 months have lapsed.

Appeals

The consequences of a detention can be severe, and in the case where the company believes detainable deficiencies identified are not justified, the company can raise an appeal to the official National PSC authority or through the vessel's flag state administration, subject to the port state's legal system. Appeal notice details can be found on the reverse side of the notice of the detention form and may differ in the Paris MoU member states.

In case it is declined to use the official National appeal procedure but still wishes to complain about a detention decision, such a complaint should be sent to the flag state or the Recognized Organization, which issued the statutory Certificates on behalf of the flag state.

The flag State or RO may then ask the port state to reconsider its decision to detain the ship.

If the flag state or the RO disagrees with the outcome of the investigation as mentioned above, a request for a Detention Review Panel may be sent to the Paris MOU Secretariat.

The procedure and conditions applied can be found on the website:

<https://www.parismou.org/inspections-risk/appeal-procedure>

An appeal will not cause the detention or refusal of access to be suspended.

More than 18,000 inspections annually 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 basic principle is that the prime responsibility for compliance with the requirements laid down in the international maritime conventions lies with the shipowner/operator.

Following the guidelines in this pamphlet can avoid ships as well as owners for the most severe pitfalls.

It is strongly recommended in the preparations before a call of port to visit the Paris MoU homepage for the latest information and updates.

BIMCO is the world's largest international shipping association, with around 2,000 members in over 120 countries. Our global membership includes shipowners, operators, managers, brokers and agents.

Our vision is to be the chosen partner trusted to provide leadership to the global industry. Our mission is to provide expert knowledge and practical advice to safeguard and add value to our members' businesses.

BIMCO's four core service areas provide value and trusted support to our members:

1. Our products include BIMCO's world leading standard contracts and clauses for the shipping industry and our contract editor IDEA. We also run the BIMCO Shipping KPI System which can be used to benchmark ships' operational performance.
2. Regulation: BIMCO takes an active role on behalf of shipowners during discussions and decisions with global and regional regulators. We work towards a level playing field for shipping – including fair trade and open access to markets.
3. Information and advice: we deal with 10,000 member queries every year on many issues and see over three million-page views on our website each year. Our staff share their expert knowledge with members, giving practical advice to safeguard and add value to their businesses.
4. Our training activities include face-to-face courses, eLearning, webinars and tailor-made courses for companies.

For more information, contact BIMCO at:

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Paris MoU on PSC

The Paris MoU on PSC is an administrative agreement between 27 Maritime Authorities. In 1978 the “Hague Memorandum” between a number 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 VLCC “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, and
- living and working conditions on board ships.

Subsequently a new Memorandum of Understanding on Port State Control was signed in January 1982 by 14 European countries at a Ministerial Conference held in Paris, France. 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) and requirements related to working and living conditions of seafarers. The organization expanded to 27 member states over the past years.

For more information, contact the Paris MoU on PSC at:

email: secretariat@parismou.org

web: www.parismou.org

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