

Commonwealth of Dominica**Office of the Maritime Administrator**

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

SUBJECT: Port State Control

REFERENCE:

- (a) The International Convention on Safety of Life At Sea, as amended
- (b) The International Convention on the Prevention of Pollution from Ships, 1973 and the 1978 Protocol thereto
- (c) The International Convention on Loadlines, 1966
- (d) International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978
- (e) 1972 Collision Regulations
- (f) IMO Resolution A.787 (19) relating to Port State inspection procedures
- (g) IMO Resolutions A.741 (18) and A.768 (19) related to the International Safety Management Code

PURPOSE: This Circular is intended to inform ships' operators, management and related interests about the intricacies of Port State Control.

APPLICABILITY: The information contained herein is informational and presented for the benefit of the Owners and Operators of all vessels under the Dominica International Registry. It also applies to Mobile Offshore Drilling Units operating within the jurisdiction of a nation party to the various Port State Control Protocols described herein.

BACKGROUND:

1. Port State Control is the internationally accepted process by which a nation exercises authority over foreign ships when those ships are in waters subject to its jurisdiction. The right to do this is based both upon domestic and international law. A nation may enact laws that impose certain requirements on foreign ships trading in its waters. Likewise, nations that are party to international conventions such as those referenced above are empowered to verify that ships of other nations operating in their waters comply with the obligations set out in those conventions.

2. The stated purpose of Port State Control in its various forms is to identify and eliminate ships that do not comply with internationally accepted standards as well as domestic regulations of the nation concerned. When ships are not in substantial compliance, the relevant agency of the inspecting state may impose controls to ensure that they are brought into compliance
3. In carrying out Port State Control responsibilities, most nations apply the principle of “*No more favorable treatment*” to ships that are not party to the various related international conventions. That means such ships will be treated in the same way as a ship to which the conventions are applicable.
4. IMO recently adopted a resolution providing procedures for the uniform exercise of Port State Control. A number of groups of nations have adopted regional agreements throughout the world. The United States of America has adopted a unilateral approach to the subject that has the same aims. A matrix is attached to this Circular which will provide a very general overview of the various agreements.
5. Masters may anticipate that the first inspection of their ship by a nation will include, as a minimum, a review of all statutory certificates and documents required by international conventions, the Oil Record Book, Shipboard Oil Pollution Emergency Plan, Minimum Safe Manning Certificate, Certificates of Competency, Stability information, Ship’s Log with respect to records of tests and drills, logs for records of inspection and maintenance of lifesaving appliances, other Port State Control reports and the like. In addition, Inspectors will conduct an inspection of several areas on board to verify overall condition of the ship, including the engine room and accommodations. Tests, drills, or a muster also may be required.
6. It also should be noted that an Administration may, upon the request of another, attempt to establish evidence relating to suspected violations of the Collision Regulations and/or MARPOL 73/78.
7. Generally, if a ship is found to comply and there are no grounds for a more detailed inspection, the inspector will issue the ship a ‘clean’ inspection report. It is recommended that those reports be retained on board for two years.

RECOMMENDATIONS:

1. Shipowners and operators should take measures to reduce the likelihood that their ships will be subjected to intervention or detention, bearing in mind that increasingly efficient databases will enable the maritime authorities to exchange information. Being inspected in one State and given a clean bill of health will not necessarily prevent further inspections by another maritime authority. As information increasingly is shared between various organizations, non-compliant ships will find it increasingly difficult to continue operations.

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

- end -

	PARIS MOU	TOKYO MOU	LATIN AMER. AGREEMENT	CARIBBEAN MOU	USA
Authorities which adhere	Canada, Belgium, Croatia, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Russian Federation, Spain, Sweden, UK	Australia, Canada, China, Fiji, Hong Kong, Indonesia, Japan, Republic of Korea, Malaysia, New Zealand, Papua New Guinea, Philip-pines, Russian Federation, Singa-pore, Thailand, Vanuatu	Argentina, Brazil, Chile, Cuba, Colombia, Ecuador, Mexico, Panama, Peru, Uruguay, Venezuela	Antigua & Bermuda, Aruba, Bahamas, Barbados, Cayman Islands, Grenada, Jamaica, Trinidad & Tobago	United States of America
Authorities which have signed but are not yet full participants	Iceland	Solomon Island, Vietnam		Anguila, Dominica, Guyana, British Virgin Islands, Monserrat, Turks & Calicos Islands	
Target Inspection Date	25% annual inspection rate of individual foreign merchant ships per member state. But, inspected not more than once in 6 mos. unless "clear grounds" exist.	Regional annual inspection rate of 50% of total number of ships operating in the area. Each country to determine their own actual inspection rate.	Each country to survey a minimum of 15% of the different ships that enter their ports in 12 months	Not specified	According to a published matrix depending on probable risk posed by non-US ships calling at US ports.
Actions where deficiencies are noted	May suspend inspection to allow correction; must correct deficiencies before sailing; in limited cases may let ship proceed to another port for repairs; detention; does not 'black list' (see below)	All deficiencies must be corrected before departure; may be allowed to proceed to another port for repairs; detention; no provision for 'black listing' (see below)	Deficiencies must be corrected before sailing; may be authorized to sail to another port for repairs; detention; no 'black list'; circulates a deten-tion list to very restricted circulation	Not specified	May be allowed to sail with deficiency uncorrected; corrective action required before returning to US; may be allowed to proceed to another port for repairs; may be denied port entry; detention
Actions Reported	To next port; to Owner; to Flag State or Consul; to Class Society; to other countries signatory to MOU	To next port, Owner, Flag State or Consul; Classification Society; and other countries signatory to the MOU	To next port, Flag state or its Consul; Owners; Class Society; Other MOU signatories	Not specified	A list of ships detained is published periodically and includes ship's name, IMO no. date of detention, ship type, port, flag, class society and deficiencies
Appeals	Owner/Operator may appeal subject to the law of the state in which the ship is detained	Owner has right to appeal subject to laws of the state in which the ship is detained	Owner has right of appeal subject to laws of state in which detained.	Not specified	In writing within 30 days
Fines, Penalties, Security for Costs	Costs accrued by Authority will be charged to the owner if the ship is detained. Detention not lifted until paid and/or adequate security provided	None	None	Not specified	None
Secretariat	Paris MOU Secretariat, PO Box 2094, 2500 Ex Den Haag, The Netherlands. Telephone: +31 70 351 1508; web site: www.parismou.org	Tokyo MOU Secretariat, Toneoecho Annex Bld., Toranoman Minato-ku, 6th floor, 3-8-26, Tokyo, 105, Japan. Telephone: +81 3433 0621; web site: www.ijnet.or.jp/toumou	Secretariat del Acuerdo, Prefectura Naval, Argentina. Telephone: +541 318 7433; web site: www.sudnet.com.ar/ciala	Not specified	Commandant (G-MOC), US Coast Guard, 2100 Second Street, Washington, DC 20593-0001