

THE NEW INSPECTOR REGIME OF THE PARIS MOU

Paris MoU



on Port State Control



www.bimco.org



BIMCO

Introduction

This guide has been prepared to protect you – the crew – from unnecessary problems when calling at a port or anchorage within the Paris MoU region. Its purpose is to help you to comply with regulations in these waters. The guide will provide general advice. 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 geographical scope of the Paris MoU region covers the European coastal States and the coastal States of the North Atlantic basin from North America to Europe. The current Member States of the Paris MoU region are, in alphabetical order: Belgium, Bulgaria, Canada, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovenia, Spain, Sweden and the United Kingdom.

What is the New Inspection Regime?

The New Inspection Regime (NIR) of the Paris MoU on Port State Control will **enter into force on 1 January 2011** for all 27 member states. The NIR will replace the existing target factor with a risk profile for each ship visiting the ports in the region. The ship risk profile classifies ships into three categories. The NIR also introduces new reporting obligations for every ship arriving and departing the ports or anchorages in the Paris MoU.

With the introduction of the NIR, the Paris MoU will change its target of inspecting 25% of individual ships calling at each Member State to a shared commitment of inspecting all ships visiting ports and anchorages in the Paris MoU region as a whole. Furthermore, the NIR ranks companies according to their performance.

The Targeting System

The Targeting System is used to determine how often a ship is selected for inspection and is based on two elements:

- Ship Risk Profile,
- Company Performance.

Ship Risk Profile

The Ship Risk Profile classifies ships into one of three categories: **Low Risk Ships**, **Standard Risk Ship** and **High Risk Ships**.

The Ship Risk Profile is based on the following criteria, using details of inspections of your ship in the Paris MoU area in the last 3 years:

- type and age of ship;
- number of deficiencies;
- number of detentions;
- performance of the flag of the ship;
- performance of the recognised organisation(s);
and
- performance of the company responsible for the ISM management;

You can calculate the Ship Risk Profile at <http://www.parismou.org/> and <http://www.emsa.europa.eu/>

The Targeting System (cont.)

Company Performance

The company mentioned hereafter in this section refers to the company responsible for the ISM management.

The company performance criterion is a new parameter in the Paris MoU inspection regime.

The Paris MoU has established a formula which takes into consideration the deficiencies and detentions in the last 36 months of the company's fleet, based on the IMO company number. The company is compared to the average of all vessels inspected in the Paris MoU in order to determine the performance level.

The company will be ranked as very low, low, medium or high. Any Refusal of Access (ban) of one of its ships will have a negative impact on the ranking of the company.

For calculation of the company performance, please refer to <http://www.parismou.org/> and <http://www.emsa.europa.eu/>.

Inspection Categories

The NIR includes two categories of inspections:

Periodic inspections are determined by the time window for the next inspection.

The time window is set according to the Ship Risk Profile as follows:

- **High Risk Ship:** between 5-6 months after the last inspection in the Paris MoU region the Port State ship 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.

Inspection Categories (cont.)

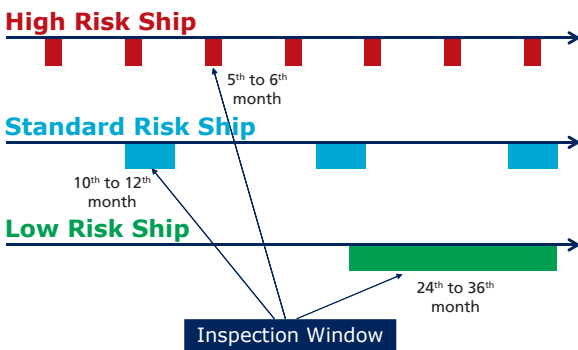
The time span for the next periodic inspection re-starts after any inspection.

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. failure to comply with reporting obligations regarding estimated time of arrival (ETA) and actual time of arrival (ATA); outstanding deficiencies; or reported cargo problems in particular regarding noxious or dangerous cargo.

Standard Risk Profile Inspection Intervals



Selection Scheme

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.

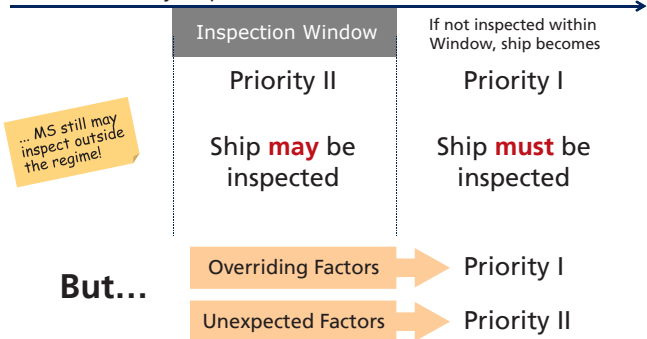
If an **overriding factor** is recorded against a ship it becomes Priority I irrespective of the time window and the ship will be selected for inspection.

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.

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.

Inspection Priority

Timeline for any Ship Risk Profile



Inspection Types

The Paris MoU will not change the inspection types but in the future the expanded inspection will be relevant for all ship types.

In case of a **periodic inspection** each **High Risk Ship** together with each bulk carrier, chemical tanker, gas carrier, oil tanker or passenger ship older than 12 years will have to undergo an expanded inspection.

A **Standard Risk Ship** and **Low Risk Ship** which is not one of the above mentioned ship types will undergo an **initial inspection** and if clear grounds are established a more detailed inspection will ensue.

Any additional inspection shall be, at least, a more detailed inspection. If the ship has a **High Risk Ship** profile or is of one of the above mentioned ship types, the Member State may decide to perform an expanded inspection instead.

The inspection can result in a detention. Regarding appeal and review see below.

The different types of inspections can be shown in schematic form as follows:

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

Appeal and Review Procedures

The consequences of a detention can be severe, and in the case where the company is of the opinion that deficiencies identified are not justified, the company can raise an appeal to the national PSC authority or through the vessel's Flag State Administration.

If the Company finds that findings etc. are unjustified they have the right to appeal via the vessel's Flag State Administration.

Refusal of Access (Banning)

Listing of flag states on a white, grey or black list will continue under the NIR. However, the significance of the lists has increased. The Paris MoU has extended the banning for multiple detentions for certain ship types to **all** ship types and extends the flag element from black list flags to also include the grey-listed ones.

The banning criteria for the first and second ban will be amended as follows:

- If the ship flies a black-listed flag it will be banned after the third detention in the last 36 months.
- If the ship flies a grey-listed flag it will be banned after the third detention in the last 24 months.

Any subsequent detention after the 2nd banning will lead to a ban, regardless of the listing of the flag.

Any ship that jumps detention or fails to sail to an agreed repair yard will subsequently be banned.

Refusal of Access (Banning)



Refusal of Access (cont.)

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 have to be fulfilled before the 24 months have lapsed.

Note that even though the NIR will replace the existing PSC regime on 1 January 2011 - The results of all inspections from mid 2009 will count towards the application of the new requirements.

Reporting Obligations

With the NIR, the Paris MoU has widened the arrival notifications and new reporting obligations are introduced. There is a string of reporting notifications; 72 hour pre-arrival message (ETA72), the 24 hour pre-arrival message (ETA24) and completely new, the actual time of arrival (ATA) and actual time of departure (ATD). These are briefly described as follows:

ETA72

All **High Risk Ships** together with each bulk carrier, chemical tanker, gas carrier, oil tanker and passenger ship older than 12 years eligible for an expanded inspection must give the ETA72.

The operator, agent or Master of a ship which is subject to an expanded inspection shall notify its arrival 72 hours before the ETA in the port or anchorage or before leaving the previous port or anchorage if the voyage is expected to take less than 72 hours.

Different arrangements will be in place in the various Member States. Whilst the majority of the Member States have this information reported through dedicated web applications, some Member States have this information reported to the designated authorities of the Port State.

Reporting Obligations (cont.)

The Member States will provide information about the proper channelling of the notifications in due course.

Information of ships eligible for expanded inspection will be made available online.

As a minimum the following information has to be notified:

1. Ship identification (name, call sign, IMO or MMSI number and flag);
2. Planned duration of the call (ETA/ETD);
3. For tankers:
 - a. Hull configuration: single hull, single hull with segregated ballast tanks, double hull;
 - b. Condition of the cargo and ballast tanks: full, empty, inerted; and
 - c. Volume and type of cargo.
4. Planned operations at the port or anchorage of destination (loading, unloading, other);
5. Planned statutory survey inspections and substantial maintenance and repair work to be carried out whilst in the port of destination; and
6. Date of the last expanded inspection in the Paris MoU region.

Reporting Obligations (cont.)

ETA24

All ships must, as previously, provide a pre-arrival notification at least 24 hours in advance or at the latest when the ship leaves the previous port if the voyage is less than 24 hours (ETA24). The operator, agent or Master of the ship shall notify the pre-arrival information as follows:

Similar to the ETA72, different arrangements will be in place in the various Member States. Whilst the majority of the Member States have this information reported through dedicated web applications, some Member States require the information to be reported to the designated authorities of the Port State.

The Master of the ship always holds the responsibility for complying with any mandatory reporting requirements.

Reporting Obligations (cont.)

Actual Time of Arrival and Departure (ATA and ATD)

A new reporting requirement is the notification of the actual time of arrival (ATA) and the actual time of departure (ATD) of all ships calling at all ports and anchorages in the Paris MoU region.

Note that the implementation of ATA/ATD is a Member State's responsibility. Member States requiring the industry to notify ATA/ATD will provide information about the means and procedures to do that in due course.

The arrival related notifications from any ship calling at a port or anchorage within the Paris MoU region will be transferred by the relevant Authority to a database called THETIS.

Reporting Obligations (cont.)

THETIS and SAFESEANET

THETIS is the NIR information database supporting the NIR of the Paris MoU. THETIS will receive information about ship calls through SafeSeaNet (SSN), which is the European Community maritime information exchange system and from the Canadian and the Russian Federation systems. The EU and EFTA Member States are required to have in place the necessary arrangements to facilitate the reporting obligation through their own national systems which in turn are connected to SSN.

Frequently Asked Questions (FAQ)

What if the information is not reported?

Failure to report the mandatory information outlined in this pamphlet may cause a ship to be targeted for inspection. Failure to comply with the relevant notification requirements will be considered as an unexpected factor rendering the ship subject to inspection, regardless of the period since the last periodic inspection.

Also, penalties may be imposed for non-reporting by the national authorities as a result of breaches of national provisions adopted pursuant to the entry into force of the NIR on Port State Control.

What can I do to prepare?

You should consult the appropriate authorities of your ports of call in order to become familiar with the national legislation, the local procedures and the means available to report the information required.

If necessary, you should implement the required procedural changes to ensure that the information is transmitted to the relevant Authority in due time.

Frequently Asked Questions (FAQ) (cont.)

Do all vessels have to announce their arrival 24 hours in advance for PSC purposes throughout the year or only if the time frame (according to the present risk category) is open for an inspection?

The 24-hour requirement is a general requirement. Each ship has to report its arrival at least 24 hours in advance at any time.

Does a vessel have to report ETA72/24 to all ports when calling more than one port consecutively in the Paris MoU or is the report to be made only to the first port in the Paris MoU region?

A vessel has to report 24 hours (ETA24) 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 which the vessel is calling.

The 72 hours reporting obligation (ETA72) is for **High Risk Ships** and Risk Ship Type (oil tanker, bulk carrier, passenger ship, gas carrier and chemical tanker), which are more than 12 years old).

European Maritime Safety Agency (EMSA)

"The European Maritime Safety Agency (EMSA) appreciates the efforts of associations such as BIMCO in educating ship owners and operators on the requirements of the New Inspection Regime. Efforts such as this pamphlet promote a cooperative relationship among the responsible parties in achieving the goal of eliminating sub-standard ships from the Paris MoU region."

Paris MoU

The Paris MoU on Port State Control is a system of harmonized inspection procedures designed to target sub-standards ships with the main objective being their eventual elimination.

BIMCO – Reflecting Your Interests

BIMCO is an independent international shipping association comprised of ship owners, managers, brokers, agents and many other stakeholders with vested interests in the shipping industry. The association acts on behalf of its global membership to promote higher standards and greater harmony in regulatory matters. It is a catalyst for the development and promotion of a fair and equitable international shipping policy.

BIMCO
Bagsvaerdvej 161
2880 Bagsvaerd
Denmark
frontoffice@bimco.org
www.bimco.org



BIMCO