Port State Control: verifying safety standards worldwide
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Port State control has proved to be extremely effective in ensuring that ships meet the standards laid down in IMO conventions. Control can involve inspecting the ship’s physical condition as well as examining the certificates carried. Photograph courtesy Paris MOU secretariat.

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Photograph courtesy Australian Maritime Safety Authority

Front cover: Port State control officers checking a ship’s compass. In addition to checking the condition of the ship’s equipment, PSCOs are trained to make sure that paperwork – such as ISM certification – is in order and to ensure the ship is manned and operated in compliance with applicable international regulations. See feature article pages 9–19. (Photograph courtesy Secretariat of the Paris Memorandum of Understanding on Port State Control)
Amendments to International Convention on Maritime Search and Rescue in force from 1 January 2000


The original SAR Convention was adopted at a conference in Hamburg in 1979, under the auspices of IMO.

The Convention, which entered into force in 1985, was aimed at developing an international SAR plan, so that, no matter where an accident occurs, the rescue of persons in distress at sea would be co-ordinated by a SAR organization and, when necessary, by co-operation between neighbouring SAR organizations. Although the obligation of ships to go to the assistance of vessels in distress was enshrined both in international treaties (such as the International Convention for the Safety of Life at Sea, 1974 – SOLAS), there was, until the adoption of the SAR Convention, no international system covering search and rescue operations. In some areas there was a well-established organization able to provide assistance promptly and efficiently, in others there was nothing at all.

However, the 1979 SAR Convention imposed considerable obligations on Parties – such as setting up the shore installations required – and as a result the Convention was not being ratified by as many countries as some other treaties. By the end of 1997, for example, the SAR Convention had been ratified by only 56 countries, whose combined merchant fleets represented less than 50% of world tonnage. Equally important, many of the world’s coastal States had not accepted the Convention and the obligations it imposed.

It was generally agreed that one reason for the small number of acceptances and the slow pace of implementation was due to problems with the SAR Convention itself, and that these could best be overcome by amending the Convention. At a meeting in October 1995 in Hamburg, Germany, it was agreed that there were a number of substantial concerns that needed to be taken into account, including: lessons learned from SAR operations; experiences of States which had implemented the Convention; questions and concerns posed especially by developing States which were not yet Parties to the Convention; need to further harmonize the IMO and International Civil Aviation Organization (ICAO) SAR provisions; inconsistent use of the Convention terminology and phraseology.

The Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) was requested to revise the Convention. A draft text was prepared and was approved by the 68th session of the MSC in May 1997, and was then adopted by the 69th session in May 1998.

It is hoped that the revised Convention entering into force on 1 January 2000 will prove more acceptable to those countries which have so far failed to ratify the Convention. To date, the SAR Convention has been ratified by 64 countries, representing 47.05% of world shipping tonnage.

The revised SAR Convention

The revised SAR Convention clarifies the responsibilities of Governments and puts greater emphasis on the regional approach and co-ordination between maritime and aeronautical SAR operations.

The technical requirements of the SAR Convention are contained in an annex, the revised version of which includes five chapters.

• Chapter 1 – Terms and Definitions
  This chapter updates the original chapter 1 of the same name.

• Chapter 2 – Organization and Co-ordination
  Replaces the 1979 chapter 2 on organization. The chapter has been re-drafted to make the responsibilities of Governments clearer. It requires Parties, either individually or in co-operation with other States, to establish basic elements of a search and rescue service, to include:
  – Legal framework
  – Assignment of a responsible authority
  – Organization of available resources
  – Communication facilities
  – Co-ordination and operational functions
  – Processes to improve the service, including planning, domestic and international co-operative relationships and training.

  Parties should establish search and rescue regions within each sea area – with the agreement of the Parties concerned. Parties then accept responsibility for providing search and rescue services for a specified area.

  The chapter also describes how SAR services should be arranged and national capabilities be developed. Parties are required to establish rescue co-ordination centres (RCCs) and to operate them on a 24-hour basis with trained staff who have a working knowledge of English.

  Parties are also required to “ensure the closest practicable co-ordination between maritime and aeronautical services”.

• Chapter 3 – Co-operation between States
  Replaces the original chapter 3 on co-operation. It requires Parties to co-ordinate SAR organizations, and, where necessary, SAR operations with those of neighbouring States. The chapter states that, unless otherwise agreed between the States concerned, a Party should authorize, subject to applicable national laws, rules and regulations, immediate entry into or over its territorial sea or territory for rescue units of other Parties solely for the purpose of SAR.
• Chapter 4 – Operating Procedures
Incorporates the previous chapters 4 (Preparatory Measures) and 5 (Operating Procedures). The chapter says that each RCC and RSC (rescue sub-centre) should have up-to-date information on search and rescue facilities and communications in the area and should have detailed plans for conduct of SAR operations. Parties—individually or in co-operation with others—should be capable of receiving distress alerts on a 24-hour basis. The regulations include procedures to be followed during an emergency and state that SAR activities should be co-ordinated on scene for the most effective results. The chapter says that “Search and rescue operations shall continue, when practicable, until all reasonable hope of rescuing survivors has passed”.

• Chapter 5 – Ship Reporting Systems
Includes recommendations on establishing ship reporting systems for SAR purposes, noting that existing ship reporting systems could provide adequate information for SAR purposes in a given area.

IMO search and rescue areas
Following the adoption of the 1979 SAR Convention, the MSC divided the world’s oceans into 13 SAR areas, in each of which the countries concerned have delimited SAR regions for which they are responsible.

Provisional SAR plans for all of these areas were completed when plans for the Indian Ocean were finalized at a conference held in Fremantle, Western Australia in September 1998.

That conference had been preceded by similar meetings held in Caracas, Tokyo, Lagos, Lisbon, Cape Town, Istanbul, Seoul, Valencia and Ankara between 1984 and 1997.

IAMSAR Manual
Concurrently with the revision of the SAR Convention, IMO and ICAO jointly developed the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual, published in three volumes covering organization and management, mission co-ordination and mobile facilities.


The MERSAR Manual was the first step towards developing the 1979 SAR Convention and it provided guidance for those who, during emergencies at sea, might require assistance from others or who might be able to provide assistance themselves. In particular, it was designed to aid the master of any vessel who might be called upon to conduct SAR operations at sea for persons in distress. The manual was updated several times, with the latest amendments being adopted in 1992—they entered into force in 1993.

The second manual, the IMOSAR Manual, was adopted in 1978. It was designed to help Governments to implement the SAR Convention and provided guidelines rather than requirements for a common maritime SAR policy, encouraging all coastal States to develop their organizations on similar lines and enabling adjacent States to co-operate and provide mutual assistance. It was also updated in 1992, with the amendments entering into force in 1993.

This manual was aligned as closely as possible with the ICAO Search and Rescue Manual to ensure a common policy and to facilitate consultation of the two manuals for administrative or operational reasons. MERSAR was also aligned, where appropriate, with IMOSAR.

The GMDSS
The SAR Convention is complemented by the global maritime distress and safety system (GMDSS) – an integrated communications system using satellite and terrestrial radio communications to ensure that, no matter where a ship is in distress, aid can be dispatched.

The GMDSS was developed by IMO in close cooperation with the International Mobile Satellite Organization (Inmarsat), the International Telecommunication Union (ITU) and other international organizations, notably the World Meteorological Organization (WMO), the International Hydrographic Organization (IHO) and the COSPAS SARSAT® partners.

Under the GMDSS, all passenger ships and all cargo ships over 300 gross tonnage on international voyages have to carry specified satellite and radiocommunications equipment, for sending and receiving distress alerts and maritime safety information, and for general communications. The regulations governing the GMDSS are contained in the 1974 SOLAS Convention, which has been ratified by 138 countries, covering 98.36% of the world merchant shipping fleet by tonnage.

The GMDSS requirements are contained in SOLAS chapter IV, on radiocommunications, and were adopted in 1988. The requirements entered into force on 1 February 1992 but provided for a phase-in period until 1 February 1999.

The IAMSAR Manual is available from the
IMO Publishing Service.
Sales numbers
Volume I: IMO-960E/F/R/S
Volume II: IMO-961E/F/R/S
Volume III: IMO-962E/F/R/S

* COSPAS-SARSAT is an international satellite-based search and rescue system, established by Canada, France, the USA, and Russia. These four countries jointly helped develop a 406 MHz satellite emergency position-indicating radio beacon (EPIRB), an element of the GMDSS designed to operate with the COSPAS-SARSAT system. These automatic-activating EPIRBs are designed to transmit to a Rescue Coordination Centre a vessel identification and an accurate location of the vessel from anywhere in the world.
Engines installed on ships constructed on or after 1 January 2000 or engines which undergo a major conversion on or after 1 January 2000 should meet the requirements of the Technical Code on Control of Emission of Nitrogen Oxides from Marine Diesel Engines (NOx Technical Code).

The NOx Technical Code was adopted at a conference held in September 1997 under the auspices of IMO.

The Code was adopted at the same time as a new Annex VI, Prevention of Air Pollution from Ships, was added to MARPOL 73/78.

Annex VI, when it comes into force, will set limits on sulphur oxide and nitrogen oxide emissions from ship exhausts and prohibit deliberate emissions of ozone-depleting substances.

Regulation 13 of Annex VI sets limits for emission values of NOx, and the aim of the NOx Code is to establish mandatory procedures for the testing, survey and certification of marine diesel engines, in order to enable engine manufacturers, shipowners and Administrations to ensure that all applicable marine diesel engines comply with the regulation.

Although the regulation will not enter into force until Annex VI of MARPOL 73/78 enters into force, Administrations are encouraged to issue interim certificates confirming conformity with the NOx Technical Code for engines installed on ships on or after 1 January 2000, or for engines undergoing a major conversion on or after 1 January 2000. The aim is to ensure that new or modified engines will already be compliant with the NOx Code once it enters into force.

IMO issued an MEPC Circular in November 1998, Interim Guidelines for the Application of the NOx Technical Code, which recommends that “Each engine which will become, retrospectively, subject to the provisions of regulation 13 of Annex VI of MARPOL 73/78 upon its entry into force, should be certified in accordance with the requirements of the NOx Technical Code.”

Annex VI of MARPOL 73/78 will enter into force 12 months after the date on which not less than 15 States, the combined tonnage of which shall be not less than 50% of the gross tonnage of the world’s merchant shipping fleet, have become parties to the Protocol to MARPOL which contains Annex VI.

To date, two countries have become Parties to Annex VI: Norway and Sweden.

**Annex VI of MARPOL 73/78**

**REGULATION 13**

Nitrogen oxides (NOx)

(1) (a) This regulation shall apply to:

(i) each diesel engine with a power output of more than 130 kW which is installed on a ship constructed on or after 1 January 2000; and

(ii) each diesel engine with a power output of more than 130 kW which undergoes a major conversion on or after 1 January 2000.

(b) This regulation does not apply to:

(i) emergency diesel engines, engines installed in lifeboats and any device or equipment intended to be used solely in case of emergency; and

(ii) engines installed on ships solely engaged in voyages within waters subject to the sovereignty or jurisdiction of the State the flag of which the ship is entitled to fly, provided that such engines are subject to an alternative NOx control measure established by the Administration.

(c) Notwithstanding the provisions of subparagraph (a) of this paragraph, the Administration may allow exclusion from the application of this regulation to any diesel engine which is installed on a ship constructed, or on a ship which undergoes a major conversion, before the date of entry into force of the present Protocol, provided that the ship is solely engaged in voyages to ports or offshore terminals within the State the flag of which the ship is entitled to fly.

(2) (a) For the purpose of this regulation, “major conversion” means a modification of an engine where:

(i) the engine is replaced by a new engine built on or after 1 January 2000, or

(ii) any substantial modification, as defined in the NOx Technical Code, is made to the engine, or
(iii) the maximum continuous rating of the engine is increased by more than 10%.

(b) The NO\textsubscript{x} emission resulting from modifications referred to in subparagraph (a) of this paragraph shall be documented in accordance with the NO\textsubscript{x} Technical Code for approval by the Administration.

(3) (a) Subject to the provision of regulation 3 of this Annex, the operation of each diesel engine to which this regulation applies is prohibited, except when the emission of nitrogen oxides (calculated as the total weighted emission of NO\textsubscript{x}) from the engine is within the following limits:

(i) 17.0 g/kW h when \( n \) is less than 130 rpm

(ii) \( 45.0 \times n^{(-0.2)} \) g/kW h when \( n \) is 130 or more but less than 2000 rpm

(iii) 9.8 g/kW h when \( n \) is 2000 rpm or more

where \( n \) = rated engine speed (crankshaft revolutions per minute).

When using fuel composed of blends from hydrocarbons derived from petroleum refining, test procedure and measurement methods shall be in accordance with the NO\textsubscript{x} Technical Code, taking into consideration the Test Cycles and Weighting Factors outlined in appendix II to this Annex.

(b) Notwithstanding the provisions of subparagraph (a) of this paragraph, the operation of a diesel engine is permitted when:

(i) an exhaust gas cleaning system, approved by the Administration in accordance with the NO\textsubscript{x} Technical Code, is applied to the engine to reduce onboard NO\textsubscript{x} emissions at least to the limits specified in subparagraph (a), or

(ii) any other equivalent method, approved by the Administration taking into account relevant guidelines to be developed by the Organization, is applied to reduce onboard NO\textsubscript{x} emissions at least to the limit specified in subparagraph (a) of this paragraph.

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**INTERIM GUIDELINES FOR THE APPLICATION OF THE NO\textsubscript{x} TECHNICAL CODE**

1. The Conference of Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, held from 15 to 26 September 1997 in conjunction with the Marine Environment Protection Committee's fortieth session, adopted, in Conference Resolution 2, the Technical Code on Control of Emission of Nitrogen Oxides from Marine Diesel Engines (The NO\textsubscript{x} Technical Code).

2. The purpose of the NO\textsubscript{x} Technical Code is to establish mandatory procedures for the testing, survey and certification of marine diesel engines which will enable engine manufacturers, shipowners and Administrations to ensure that all applicable marine diesel engines comply with the relevant limits for emission values of NO\textsubscript{x} as specified in regulation 13 of Annex VI to MARPOL 73/78.

3. It is noted that regulation 13 of MARPOL Annex VI is intended to be applied to diesel engines installed on ships constructed on or after 1 January 2000. While the requirements of the regulation could not be enforced before the entry into force of the Protocol of 1997, it should be clearly understood that engines installed on ships constructed on or after 1 January 2000 or engines which undergo a major conversion on or after 1 January 2000 will have to meet these requirements once the Protocol enters into force.

4. To allow uniform application of the Code, and to assist Administrations in certifying engines in accordance with it, prior to the date of entry into force of Annex VI, the guidelines attached at annex to this Circular are recommended to be used.

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**INTERIM GUIDELINES FOR THE APPLICATION OF THE NO\textsubscript{x} TECHNICAL CODE**

1. Each engine which will become, retrospectively, subject to the provisions of regulation 13 of Annex VI of MARPOL 73/78 upon its entry into force, should be certified in accordance with the requirements of the NO\textsubscript{x} Technical Code.

2. Pending entry into force of Annex VI and upon satisfactory compliance with the Code requirements, a “Statement of Compliance” with the NO\textsubscript{x} Technical Code should be issued by the flag State Administration, or an organization acting on behalf of that Administration. Such a Statement of Compliance should contain as a minimum the information as required by appendix I of the NO\textsubscript{x} Technical Code.

3. The Statement of Compliance is intended as an interim measure pending issuance of the Engine International Air Pollution Prevention (EIAPP) and/or International Air Pollution Prevention (IAPP) Certificate upon entry into force of Annex VI.

4. Administrations are urged to take into consideration the Statement of Compliance when issuing certificates in accordance with Annex VI, whether or not the Statement of Compliance was issued by their Administration, or organizations acting on their behalf, or by other Governments.

(MEPC Circ. 344)
A harmonized system of survey and certification covering international shipping regulations adopted by IMO entered into force on 3 February 2000.

The system covers survey and certification requirements of SOLAS 1974, the International Convention on Load Lines, 1966, and MARPOL 73/78, as well as the IBC Code, BCH Code and IGC Code.

All of these instruments require the issuing of certificates to show that requirements have been met, and this has to be done by means of a survey which can involve the ship being out of service for several days. The harmonized system will alleviate the problems caused by survey dates and intervals between surveys which do not coincide, so that a ship should no longer have to go into a port or repair yard for a survey required by one convention shortly after doing the same thing in connection with another instrument.

Harmonized system adopted in 1988

The international requirements introducing the harmonized system of survey and certification (HSSC) for the SOLAS and Load Lines Conventions were adopted by IMO at an International Conference on the Harmonized System of Survey and Certification held in 1988 – which itself had its origins in the 1978 Conference on Tanker Safety and Pollution Prevention which recognized the difficulties caused by the survey and certification requirements of SOLAS, the Load Lines Convention and MARPOL 73/78. The 1978 Conference called upon IMO to develop a harmonized system which would enable the surveys to be carried out at the same time.

The 1988 HSSC Conference adopted Protocols to the SOLAS and Load Lines Conventions to introduce the harmonized system. Both Protocols required explicit acceptance by a specified number of States – 15 States with a combined merchant shipping fleet of not less than 50% of world merchant shipping tonnage – for the system to enter into force.

The conditions for entry into force of the 1988 SOLAS and Load Lines Protocols were met on 2 February 1999, when Bahamas deposited instruments of accession to both instruments with IMO. Malta also recently acceded to the 1988 Protocols. The 1988 Load Lines Protocol has 36 States Parties with 58.58% of world merchant shipping tonnage. The 1988 SOLAS Protocol has 36 States Parties with 58.10% of world merchant shipping tonnage.

In terms of MARPOL 73/78, the Convention allowed for amendments to the certification and survey requirements to be accepted by a procedure known as “tacit acceptance”, meaning that amendments enter into force on a specified date unless sufficient objections are received. As a result, MARPOL 73/78 was amended on 16 March 1990 to introduce the HSSC, with the proviso that the amendments enter into force at the same time as the entry-into-force date of the 1988 SOLAS Protocol and the 1988 Load Lines Protocol.

The harmonized system

In practice, many Administrations and classification societies already operate a form of harmonized survey and certification. Moreover, a resolution adopted by the IMO Assembly in 1991, and amended in 1993 (resolution A.718(17), as modified by resolution A.745(18)), allowed for Governments which had ratified the 1988 SOLAS and Load Lines Protocols to implement the harmonized system ahead of the entry-into-force date of the protocols.

The harmonized system provides for:

- a one-year standard interval between surveys, based on initial, annual, intermediate, periodical and renewal surveys as appropriate;
- a scheme for providing the necessary flexibility for the execution of each survey, with the provision that the renewal survey may be completed within three months before the expiry date of the existing certificate with no loss of its period of validity;
- a maximum period of validity of five years for all certificates for cargo ships;
- a maximum period of validity of 12 months for the Passenger Ship Safety Certificate;
- a system for the extension of certificates limited to three months to enable a ship to complete its voyage (or one month for ships engaged on short voyages);
- when an extension has been granted, the period of validity of the new certificate is to start from the expiry date of the existing certificate before its extension.

The main changes to the SOLAS and Load Lines Conventions are that annual inspections have been made mandatory for cargo ships and unscheduled inspections have been discontinued. Other changes refer to survey intervals and requirements.

Tacit acceptance in LL Convention

The 1988 Load Lines Protocol also introduces the tacit acceptance amendment procedure into the Load Lines Convention. At present, amendments enter into force after they have been positively accepted by two thirds of Parties to the Convention, but the procedure has proved to be so slow in practice that none of the amendments adopted to the Convention has ever entered into force.
Under tacit acceptance, amendments enter into force on a date chosen at the time of adoption, unless they are rejected by one third of Parties or by Parties the combined merchant fleets of which represent 50% of gross tonnage of all the world's merchant fleets.

The tacit acceptance procedure will enable changes to the Convention, as modified by the Protocol, to enter into force within a period determined by the MSC. This is important because the Convention is currently being revised by IMO. Further changes are also expected to be made affecting bulk carriers as a result of a report published in 1998 on the sinking of the bulk carrier *Derbyshire* in September 1980 with the loss of more than 40 lives. This was presented to the MSC in May 1998 by the United Kingdom and contains recommendations relating to the design and construction of bulk carriers.

The Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) agreed at its 42nd session (February 1999) to establish a correspondence group to prepare a draft text of new amendments to the 1966 LL Convention, as well as to look at what action may be needed as regards bulk carrier safety and a number of other issues. The Sub-Committee agreed that it has been clearly demonstrated that current Load Lines Convention standards may be inadequate with respect to wave loads and permissible strength of hatch covers for bulk carriers and other ship types.

The correspondence group will prepare a report for submission to the next SLF Sub-Committee session, scheduled for September 2000, for further consideration.

**Assembly resolution**

In November 1999, IMO's 21st Assembly adopted resolution A.883(21), Global and uniform implementation of the harmonized system of survey and certification (HSSC), which is aimed at encouraging all States to implement the HSSC, even if they are not parties to the relevant Protocols, which entered into force on 3 February 2000.

**Types of ship survey**

**Initial survey** – A complete inspection of all items relating to the particular certificate before the ship is put into service, to ensure that they are in a satisfactory condition and fit for the service for which the ship is intended.

**Periodical survey** – Inspection of the items relating to the particular certificate to ensure that they are in a satisfactory condition and fit for the service for which the ship is intended.

**Renewal survey** – As per periodical survey, but leads to the issue of a new certificate.

**Intermediate survey** – Inspection of specified items.

**Annual survey** – General inspection of the items relating to the particular certificate to ensure that they have been maintained and remain satisfactory for the service for which the ship is intended.

**Additional survey** – Inspection, either general or partial according to the circumstances, to be made after a repair resulting from casualty investigations or whenever any important repairs or renewals are made.

**List of certificates required on board ship relating to HSSC (some depend on type of ship)**

- Passenger Ship Safety Certificate, including Record of Equipment
- Cargo Ship Safety Construction Certificate
- Cargo Ship Safety Equipment Certificate, including Record of Equipment
- Cargo Ship Safety Radio Certificate, including Record of Equipment
- Cargo Ship Safety Certificate, including Record of Equipment
- International Load Lines Certificate
- International Load Lines Exemption Certificate
- International Oil Pollution Prevention Certificate
- International Pollution Prevention Certificate for the carriage of Noxious Liquid Substances in Bulk
- International Certificate of Competence for the carriage of Dangerous Chemicals in Bulk
- International Certificate of Competence for the carriage of Liquefied Gases in Bulk
- Certificate of Competence for the carriage of Dangerous Chemicals in Bulk
Port State Control –
an update on IMO’s work

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Port State Control (PSC) is the inspection of foreign ships in national ports for the purpose of verifying that the condition of the ship and its equipment comply with the requirements of international conventions and that the ship is manned and operated in compliance with applicable international laws. The primary responsibility for ensuring that a ship maintains a standard at least equivalent to that specified in international conventions rests with the flag State, and if all flag States performed their duties satisfactorily there would be no need for port State control. Unfortunately, this is not the case, as evidenced by the many marine accidents around the world – hence the need for additional control.

The authority for exercising PSC is the national law based on relevant conventions. It is therefore necessary for a port State to be Party to those conventions and to have promulgated the necessary legislation before exercising PSC. In accordance with the provisions of the applicable conventions, Parties may conduct inspections of foreign ships in their ports through Port State Control Officers (PSCOs).

Such inspections may be undertaken on the basis of:

- the initiative of the Party;
- the request of, or on the basis of, information regarding a ship provided by another Party; or
- information regarding a ship provided by a member of the crew, a professional body, an association, a trade union or any other individual with an interest in the safety of the ship, its crew and passengers, or the protection of the marine environment.

Whereas Parties may entrust surveys and inspections of ships entitled to fly their own flag either to surveyors nominated for this purpose or to recognized organizations, they should be aware that under the applicable conventions, foreign ships are subject to port State control, including boarding, inspection, remedial action, and possible detention, only by officers duly authorized by the port State. The authorization of these PSCOs may be a general grant of authority or may be specific on a case-by-case basis.

All possible efforts should be made to avoid a ship being unduly detained or delayed. If a ship is unduly detained or delayed, it should be entitled to compensation for any loss or damage suffered.

Provisions for port State control

IMO conventions place the responsibility for technically and environmentally safe ships primarily on the flag State. However, it is recognized that a port State can make a useful contribution to these aims, and many conventions, therefore, contain provisions that permit port State control. These include:

- SOLAS 74, regulation I/19, regulation IX/6 and regulation XI/4;
- Load Lines 66, article 21;
- STCW 78, article X and regulation I/4;
- Tonnage 69, article 12.

SOLAS 74

The SOLAS Convention is the basic international instrument dealing with matters of maritime safety. The main objective is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety.

Flag States are responsible for ensuring that ships under their flag comply with its requirements, and a number of certificates are prescribed in the Convention as proof that this has been done.

Control provisions also allow Contracting Governments to inspect ships of other Contracting States if there are clear grounds for believing that the ship and its equipment do not substantially comply with the requirements of the Convention. The SOLAS Convention is kept up to date through amendments which are adopted at regular intervals. It contains the following chapters:

Chapter I: General provisions
Chapter II-1: Construction
- Structure, subdivision and stability, machinery and electrical installations
Chapter II-2: Construction
- Fire protection, fire detection and fire extinction
Chapter III: Life-saving appliances and arrangements
Chapter IV: Radiocommunications
Chapter V: Safety of navigation
Chapter VI: Carriage of cargoes
Chapter VII: Carriage of dangerous goods
Chapter VIII: Nuclear ships
Chapter IX: Management for the safe operation of ships
Chapter X: Safety measures for high-speed craft
Chapter XI: Special measures to enhance maritime safety
Chapter XII: Additional safety measures for bulk carriers.

*The opinions expressed in this paper are those of the author and should not be construed as necessarily reflecting the views of IMO or its Secretariat.
Application
The Convention applies to all passenger ships irrespective of size and all cargo ships of 500 GT and over when engaged in international voyages, unless expressly provided otherwise in relevant chapters of the Convention. In general, SOLAS does not apply to: ships of war and troopships, cargo ships of less than 500 GT, ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts not engaged in trade and fishing vessels.

Control regulations
The control procedures laid down in regulation 19 of SOLAS chapter I are primarily designed to enable PSCOs to ensure that foreign ships calling at their ports possess valid certificates. In most cases, possession of valid certificates is sufficient proof that the ship concerned complies with Convention requirements. The PSCO is empowered to take further action if there are clear grounds for believing that the condition of the ship or of its equipment does not correspond substantially with the particulars of any of the certificates.

The officer can take steps to ensure that the ship does not sail until it can do so without endangering passengers, the crew or the ship itself. If action of this type is taken, the flag State must be informed of the circumstances and the facts must also be reported to IMO.

Regulation 6 of chapter IX relates to PSC on operational requirements with regard to the International Safety Management (ISM) Code, in particular the proper functioning of the ship’s Safety Management System.

PSC on operational requirements in general is described in regulation 4 of chapter XI.

International Convention on Load Lines 1966 (LL 66)
The Convention establishes limitations on the draught to which a ship on international voyages may be loaded, in the form of freeboards which should ensure adequate stability and avoid excessive stress on the ship’s hull as a result of overloading. It also deals with external watertight and watertight integrity, and provisions are made for determining the freeboard of tankers by subdivision and damage stability calculations.

The regulations take into account the potential hazards present in different zones and at different seasons. The technical annex contains several additional safety measures concerning doors, freeing ports, hatchways and other items. The main purpose of these measures is to ensure the watertight integrity of ships’ hulls below the freeboard deck.

All assigned load lines must be marked amidships on each side of the ship, together with the deck line. Ships intended for the carriage of timber deck cargo are assigned a smaller freeboard as the deck cargo provides protection against the impact of waves.

Application
The Convention applies to all ships engaged in international voyages, except: ships of war, new ships of less than 24 m (79 feet) in length, existing ships of less than 150 tons gross, pleasure yachts not engaged in trade and fishing vessels.

Control regulations
According to article 21 of the Convention, ships holding a certificate issued under article 16 or 17 are subject, when in a port of another Contracting Government, to control by officers duly authorized by such Governments.

MARPOL 73/78
The MARPOL Convention covers all the technical aspects of pollution from ships, except the disposal of waste into the sea by dumping, and applies to ships of all types, although it does not apply to pollution arising out of the exploration and exploitation of sea-bed mineral resources. The Convention has two Protocols, dealing respectively with reports on incidents involving harmful substances and arbitration, and six Annexes which contain regulations for the prevention of various forms of pollution:

Annex I: Prevention of pollution by oil
Annex II: Control of pollution by noxious liquid substances in bulk
Annex III: Prevention of pollution by harmful substances carried by sea in packaged form
Annex IV: Prevention of pollution by sewage from ships (not yet in force)
Annex V: Prevention of pollution by garbage from ships

Annex VI: Prevention of air pollution from ships (not yet in force).

Application
The Convention applies to ships of all types, including fixed or floating platforms operating in the marine environment, except warships, naval auxiliary or other ships owned or operated by a State and used only on government non-commercial service.

Control regulation
Article 5 authorizes Parties to verify the existence of valid certificates while the ship is in a port or offshore terminal under the jurisdiction of that Party. Article 6 allows for inspections to verify whether a ship has discharged any harmful substances in violation of the Convention.

There are four regulations in different Annexes authorizing Parties to control operational requirements, e.g. regulation 8A of Annex I regarding shipboard procedures relating to the prevention of pollution by oil, regulation 15 of Annex II regarding procedures relating to the prevention of pollution by noxious liquid substances, regulation 8 of Annex III regarding procedures relating to the prevention of pollution by harmful substances and regulation 8 of Annex V regarding procedures relating to the prevention of pollution by garbage.

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78)
The Convention establishes basic requirements on training, certification and watchkeeping for seafarers on an international level. It contains extensive certification and qualification requirements, including syllabuses and sea time for senior officers in charge of watches in the deck, engine and radio departments and for ratings forming part of the watch. All such seafarers are required to have a certificate, endorsed in a uniform manner.

The Convention also specifies basic principles to be observed in keeping deck and engine watches and special requirements for personnel on oil, chemical and liquefied gas tankers.

Application
The Convention applies to seafarers serving on board seagoing ships, except for those serving on board: warships,
fishing vessels, pleasure yachts not engaged in trade and wooden ships of primitive build.

Control regulation
Article X contains the control regulation, stating the right of the PSCO to verify that all seafarers serving on board who are required by the Convention to be certificated hold the appropriate certificates.

International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 69)
The Convention establishes uniform principles and rules with respect to the determination of the tonnage of ships engaged in international voyages.

Application
The Convention applies to all ships engaged in international voyages, except: ships of war and ships of less than 24 m (79 feet) in length.

Control regulation
Article 12 contains provisions for the verification of the Tonnage Certificate. Although the Convention is not a "safety convention" as such, the tonnage is important to determine which conventions apply to a specific ship. The latest revision of resolution A.787(19), Procedures for port State control, added guidelines for PSC under the Tonnage Convention to the procedures.

Provisions in ILO instruments
If a port State exercises PSC based on ILO Convention No. 147, "Merchant Shipping (Minimum Standards) Convention, 1976", guidance on the conduct of such control inspections is given in the ILO publication Inspection of Labour Conditions on board Ships: Guidelines for Procedure.

On the basis of their professional judgement, PSCOs should determine whether clearly hazardous conditions on board warrant detaining a ship until any deficiencies are corrected, or whether to allow it to sail with certain deficiencies which are not clearly hazardous to the safety of the ship or to the safety and health of the crew. In the first case, the port State authorities should, as soon as possible, notify the flag State through its nearest maritime, consular or diplomatic representative of the action taken and, if possible, have such a representative present.

Ships of non-Parties
Port State control is based on the principle that the port State recognizes international certificates issued by or on behalf of the flag State. It must be understood that such recognition is a privilege extended only to Parties to conventions. Non-Parties may not issue these certificates although Administrations of non-Party States may issue, or authorize the issuance of, a certificate of compliance with the relevant provisions of conventions.

The ratification of conventions is a continual process and port States must keep themselves informed as to which countries have become Parties to the various conventions. This information is issued by the IMO Secretariat by means of circulars (and a status of conventions table is also available on the IMO web site www.imo.org).

A number of conventions (e.g. SOLAS Protocol 78, article II(3); MARPOL 73/78, article 5(4) and STCW 78, article X(5)) stipulate that no more favourable treatment is to be given to the ships of countries which are not Party to the relevant Convention.

If the ship or crew has some form of certification other than that required by a convention, the PSCO may take the form and content of this documentation into account in the evaluation of that ship. The conditions of and on such a ship and its equipment, the certification of the crew and the flag State’s minimum manning standard should be compatible with the aims of the provisions of the conventions; otherwise, the ship should be subject to such restrictions as are necessary to obtain a comparable level of safety and protection of the marine environment.

Ships below convention size
Most maritime conventions have progressive limits of application for each category of size of ships. These may be related to tonnage, length or other ship parameters, and also, in certain conventions, to the age of the vessel and the trading area. Such limits of application involve not only certificates, but also ships and their equipment; in other words, in some cases no certificate is required while in other cases a ship is exempted from design or equipment requirements.

This does not alter the fact that such ships should only be permitted to sail if safe and environmentally friendly. It is
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- MUSTANG SURVIVAL (INTERNATIONAL) LTD
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- ONBOARD SUPPLIES
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- SEA MARSHALL RESCUE SYSTEMS LTD
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- SHARK GROUP
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- SIPS FOOD LAB., INC.
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Organised by dmg world media on behalf of Safety at Sea International.
usual for such ships to comply with the requirements of the flag State, which may not be known to the PSCO – who must therefore use his/her discretion in judging those ships; possibly assisted in this by some form of certification issued by the flag State or on its behalf.

If a relevant instrument is not applicable to a specific ship, the PSCO’s task will be to assess whether the ship is of an acceptable standard in regard to safety, health or the environment. In making that assessment, the PSCO will take due account of such factors as the length and nature of the intended voyage or service, the size and type of the ship, the equipment provided and the nature of the cargo.

In the case of deficiencies which are considered hazardous to safety, health or the environment the PSCO will take action, which may include detention as may be necessary, to ensure that the deficiency is rectified or that the ship, if allowed to proceed to another port, does not present a clear hazard to safety, health or the environment.

To assist Governments in the regulation of ships below convention size, several regional codes for the safety of small ships have been developed over the past few years, some through technical co-operation assistance from IMO, like the Asia-Pacific Small Ship Regulations and a similar set of rules for the South Pacific Island Countries. In the Caribbean, the Caribbean Cargo Ship Safety Code was developed, with IMO taking active part in its preparation. This development is continuing, with IMO actively promoting the preparation of regional rules, taking account of specific regional ship types.

**Equivalents**

Most conventions allow for Administrations to approve equivalents to convention requirements. Administrations doing so are requested to communicate the particulars to IMO, which in turn circulates those particulars to other Parties to the convention under which the equivalence was granted.

**Amendments to Procedures for port State control (resolution A.787(19))**

Since its twelfth session in 1981, the IMO Assembly has adopted various resolutions and circulars relating to PSC. Resolution A.787(19), Procedures for port State control, adopted by the 19th Assembly in November 1995, amalgamated and harmonized the resolutions and circulars adopted by then.

The 21st Assembly, in November 1999, adopted resolution A.882(21), Amendments to the procedures for port State control, updating the 1995 resolution.

The amendments include a new section on PSC relating to the ISM Code, which entered into force on 1 July 1998.

**Regional co-operation on port State control**

While national PSC alone will already enhance the safety of ships and the protection of the marine environment, only a regional approach will ensure that sub-standard ships and sub-standard operators have fewer places left to hide.

Unless a regional approach is adopted, operators will just divert their ships to ports in the region where no or less stringent PSC inspections are conducted. This may seriously hamper the economic situation of the ports of those countries that do conduct proper inspections. To remedy this and to generally improve the effectiveness of inspections, many regions of the world have already entered or are beginning to enter into regional agreements on PSC.

In the first instance, such an agreement covers the exchange of information about ships, their records and the results of inspections carried out. This information is important as it enables subsequent ports of call to target only ships that have not been recently inspected. In general, ships inspected within the previous six months are not re-inspected unless there are clear grounds to do so.

Another reason for co-operating with other ports in the region is to ensure that identified sub-standard ships are effectively monitored. This applies especially to ships that have been allowed to sail with certain minor deficiencies on the condition that these are rectified in the next port of call. Such ships can only be monitored by a constant exchange of information between ports.

The most important benefit from co-operation, however, is ensuring that port State inspections are carried out in a uniform manner in all countries, and ultimately regions, and that similar standards are applied with regards to the detention of ships and the training standards of PSCOs. To achieve this, it is common practice of many existing agreements to conduct joint seminars for PSCOs in order to harmonize procedures.

**Existing regional agreements on port State control**

At present there are seven regional PSC agreements in operation:

- the Paris Memorandum of Understanding on Port State Control (Paris MOU), adopted in Paris (France) on 1 July 1982;
- the Acuerdo de Viña del Mar (Viña del Mar or Latin-America Agreement), signed in Viña del Mar (Chile) on 5 November 1992;
- the Memorandum of Understanding on Port State Control in the Asia-Pacific Region (Tokyo MOU), signed in Tokyo (Japan) on 2 December 1993;
- the Memorandum of Understanding on Port State Control in the Caribbean Region (Caribbean MOU), signed in Christchurch (Barbados) on 9 February 1996;
- the Memorandum of Understanding on Port State Control in the Mediterranean Region (Mediterranean MOU), signed in Valletta (Malta) on 11 July 1997;
- the Indian Ocean Memorandum of Understanding on Port State Control (Indian Ocean MOU), signed in Pretoria (South Africa) on 5 June 1998; and

(See comparative table and map, pages 15 to 19).

**Regional agreements under development**

Two further regional agreements are currently under development, one for the Persian Gulf region and the other for the Black Sea area.

**Persian Gulf region**

A first draft of a regional PSC agreement for the ROPME (Regional Organization for the Protection of the Marine Environment) sea area and the
complementary training programmes for its implementation was discussed in July 1999 in Manama, Bahrain, at a meeting organized by the Marine Emergency Mutual Aid Centre (MEM-AC) Bahrain, in co-operation with the GCC (Gulf Co-operation Council) and IMO.

The meeting was attended by delegates from Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, with UNEP/ROWA (Regional Office for West Africa) as observers.

A second meeting (venue and date not yet fixed) is expected to see the signature of an MOU on PSC and also to decide on the location of the secretariat and information centre.

Black Sea region

A first preparatory meeting for the establishment of a port State control system in the Black Sea region took place in Varna, Bulgaria, from 14 to 17 September 1999, attended by delegates from Bulgaria, Georgia, Romania, the Russian Federation, Turkey and the Ukraine. The meeting was jointly organized and financed by IMO and the Danish Environment Protection Agency (DEPA).

The meeting agreed a draft MOU and a related draft training programme was considered.

The Memorandum is expected to be finalized, adopted and signed in Istanbul, Turkey, in April 2000.

Technical assistance by IMO

In November 1991, IMO's 17th Assembly adopted resolution A.682(17), Regional co-operation in the control of ships and discharges, which was aimed at the eradication of sub-standard ships and proposed the establishment of PSC regimes around the world, following the pattern adopted by the European region through the Paris MOU in 1982.

The resolution invited the authorities participating in the Paris MOU and any other countries participating in PSC to assist, wherever possible, in the conclusion of regional agreements elsewhere in the world and to study matters of inter-regional co-operation with a view to compatibility of information systems and exchange of PSC information.

Since then, IMO has been very actively engaged in assisting Member States in their efforts to eradicate sub-standard shipping and has co-operated in the preparation and conclusion of the various regional PSC agreements over the past few years. It is now hoped that this process can be taken further by encouraging these regional systems to effectively implement the terms of the agreements, co-operate among themselves and, in particular, to formalize the transfer of information.

The need for support from within and outside the regions is evident, especially for the newly established PSC agreements, in which the majority of members are developing countries. From within the regions, the active participation of all members is crucial in the implementation of the agreements. From outside the regions, support is required on the one hand from other well established and functioning regional agreements by way of providing expertise and general guidance and on the other hand, from donors to provide financing for the conduct of training courses for inspectors.

IMO has developed a global project to assist regional PSC agreements in the harmonization of their operations, the development of their human resources capabilities and in the co-operation and exchange of information amongst each other. As experience is gained through implementation and interaction between agreements on a range of common problems, over time enhanced global co-operation will take place.

The following activities are planned:
- a three-day workshop at IMO Headquarters for the secretaries and directors of information centres of existing PSC agreements (up to a maximum of 18 participants), aimed at sharing common problems and experiences and assisting in harmonizing and co-ordinating PSC practices and identifying technical assistance and priorities (mid-2000);
- promotion of targeted advisory missions to members of newly established regional agreements, preferably by experts seconded from members of other PSC agreements;
- a further seminar/workshop for secretaries, deputy secretaries, information centre directors and deputy directors (technicians) of newly established regional agreements (up to a maximum of 36 participants) to provide another opportunity to share common experiences, update information and discuss the progress regarding harmonization and co-ordination of PSC practices;
- IMO participation in regional PSC committee meetings.

PSC – the future

The establishment of world-wide regional PSC is only a beginning.

The prospect of global PSC, with exchange of information and harmonization of procedures and training, has even more exciting implications. As more and more statistics and data are gathered and exchanged by the different PSC secretariats, this will result in a huge increase in knowledge about sub-standard shipping.

This knowledge is not only useful in itself, it will also provide the maritime community with the opportunity to better analyse the causes of incidents and casualties and to ascertain, more accurately than ever before, how they can be prevented from occurring again.

Armed with the information made available as a result of regional co-operation in PSC, we can work towards a change of attitude within the shipping industry, where a long tradition of secrecy has too often resulted in problems being hidden and ignored rather than revealed and solved.

The development of PSC gives us a chance to challenge that culture and replace secrecy with transparency and openness.

IMO recognizes that the task ahead will be arduous, and although efforts to improve flag State performance remain a top priority, effective regional agreements, including harmonized inspection and detention procedures, internationally approved qualifications of surveyors/inspectors and transparency through increased information within regions and inter-regionally, will eventually impact upon both flag and port State responsibilities.

The process already set in motion to increase regional controls and to strive for improved and effective implementation by flag States themselves is the only way forward.
## PORT STATE CONTROL AGREEMENTS: COMPARATIVE TABLE

<table>
<thead>
<tr>
<th></th>
<th>Paris MOU</th>
<th>Acuerdo de Viña del Mar</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Members</strong></td>
<td>18 Belgium, Canada, Croatia, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Russian Federation, Spain, Sweden, UK</td>
<td>12 Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Panama, Peru, Uruguay, Venezuela</td>
</tr>
<tr>
<td><strong>Observers</strong></td>
<td>Japan, USA, IMO, ILO, Tokyo MOU, Iceland</td>
<td>IMO, CEPAL</td>
</tr>
<tr>
<td><strong>Target inspection rate</strong></td>
<td>25% annual inspection rate per country</td>
<td>15% annual inspection rate per country within 3 years</td>
</tr>
<tr>
<td><strong>Special attention</strong></td>
<td>- ships which have been reported by pilots or port authorities as being deficient - ships carrying dangerous or polluting goods which have failed to report relevant information - ships which have been subject of a report or notification by another authority - ships which have been subject of a report by the master, a crew member, etc. - ships which have been suspended from class during the preceding 6 months</td>
<td>- passenger ships, ro-ro ships, bulk carriers - ships which may present a special hazard - ships which have had several recent deficiencies</td>
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<tr>
<td><strong>Amendments</strong></td>
<td>will take effect 60 days after acceptance</td>
<td>will take effect 60 days after acceptance</td>
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<tr>
<td><strong>Information Centre</strong></td>
<td>Centre Administratif des Affaires Maritimes (CAAM), Saint-Malo, France</td>
<td>Centro de Información del Acuerdo Latinoamericano (CIALA), Prefectura Naval Argentina, Buenos Aires</td>
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<tr>
<td><strong>Committee</strong></td>
<td>a representative of each of the authorities and the EC Commission</td>
<td>a representative of each of the authorities</td>
</tr>
<tr>
<td><strong>Secretariat</strong></td>
<td>The Hague, The Netherlands Mr. R.W.J. Schiferli Secretary of the Paris MOU Nieuwe Uitleg 1 2514 BP The Hague, The Netherlands Tel: +31 70 351 1509 Fax: +31 70 351 1599</td>
<td>Buenos Aires, Argentina Mr. Juan Jose Beltritti Prefecto Mayor Viña del Mar Agreement Secretariat Prefectura Naval Argentina Buenos Aires, Argentina Tel: +54 1 318 7455 Fax: +54 1 318 7547</td>
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<tr>
<td><strong>Signed</strong></td>
<td>1 July 1982</td>
<td>5 November 1992</td>
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<td>Members</td>
<td>Tokyo MOU</td>
<td>Caribbean MOU</td>
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<tr>
<td>Observers</td>
<td>Brunei, USA, IMO, ILO, ESCAP, Paris MOU, Indian Ocean MOU</td>
<td>IMO, ILO, CARICOM, IACS, Anguilla, Montserrat, Turks &amp; Caicos, Canada, USA, Netherlands, Paris MOU, Vínia del Mar MOU, Tokyo MOU</td>
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<td>Special attention</td>
<td>- passenger ships, ro-ro ships, bulk carriers - ships which may present a special hazard - ships visiting a port for the first time or after an absence of 12 months or more - ships flying the flag of a State appearing in the 3-year rolling average table of above-average detentions - ships which have been permitted to leave the port of a State with deficiencies to be rectified - ships which have been reported by pilots or port authorities as being deficient - ships carrying dangerous or polluting goods which have failed to report relevant information</td>
<td>- ships visiting a port for the first time or after an absence of 12 months or more - ships which have been permitted to leave the port of a State with deficiencies to be rectified - ships which have been reported by pilots or port authorities as being deficient - ships whose certificates are not in order - ships carrying dangerous or polluting goods which have failed to report relevant information - ships which have been suspended from class in the preceding 6 months</td>
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<td>Information Centre Curacao, Netherlands Antilles</td>
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<td>a representative of each of the authorities</td>
</tr>
<tr>
<td>Secretariat</td>
<td>Tokyo, Japan Mr. Y. Sasamura Secretary, Tokyo MOU Secretariat Tomoecho Annex Building 6F 3-8-26, Toranomon Minato-ku, Tokyo Japan 105 Tel: +81 3 3433 0621 Fax: +81 3 3433 0624</td>
<td>St. Michael, Barbados Mrs. Valerie Browne Secretary of the Caribbean MOU International Transport Division Herbert House Fontabelle St. Michael, Barbados Tel: +246 430 7507 Fax: +246 436 4828</td>
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<tr>
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<td>2 December 1993</td>
<td>9 February 1996</td>
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<th>Members</th>
<th>Mediterranean MOU</th>
<th>Indian Ocean MOU</th>
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<td>Members</td>
<td>10 Algeria*, Cyprus, Egypt, Israel*, Jordan, Malta, Lebanon, Morocco*, Tunisia, Turkey and the Palestinian Authority*</td>
<td>15 Djibouti, Eritrea, Ethiopia, India, Iran, Kenya, Maldives, Mauritius, Mozambique, Seychelles, South Africa, Sri Lanka, Sudan, Tanzania, Yemen</td>
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<td>IMO, ILO, PMAESA</td>
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<td>Information Centre Goa, India</td>
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<td>a representative of each of the authorities</td>
</tr>
<tr>
<td>Secretariat</td>
<td>Alexandria, Egypt Adm. Hani Hosni Secretary, Mediterranean PSC Secretariat 27 Admiral Hamza Pasha Street Roushdy Alexandria, Egypt Tel: +203 544 6538/5446537/5427949 Fax: +203 546 6360</td>
<td>Goa, India Mr. B. Ganguli Secretary I.O.M.O.U. Secretariat Head Land, Sada Near Antarctic Study Centre Vasco-da-Gama Goa 403 804, India Tel: +91 834 519383 Fax: +91 834 519383</td>
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<th><strong>Abuja MOU</strong></th>
<th><strong>Black Sea MOU</strong>*</th>
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<tr>
<td><strong>Members</strong></td>
<td>16 Benin, Cape Verde, Congo, Côte d'Ivoire, Gabon, Gambia, Ghana, Guinea, Liberia, Mauritania, Namibia, Nigeria, Senegal, Sierra Leone, South Africa, Togo</td>
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</tr>
<tr>
<td><strong>Secretariat</strong></td>
<td>Lagos, Nigeria&lt;br&gt;Mrs. B.O. Williams&lt;br&gt;Director, Maritime Services Department&lt;br&gt;Federal Ministry of Transport&lt;br&gt;Federal Secretariats Complex&lt;br&gt;Abuja, Nigeria&lt;br&gt;Tel: +234 9 523 0879&lt;br&gt;Fax: +234 9 523 3705</td>
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Sub-Committee approves guidance on minimum physical abilities for seafarers

The Sub-Committee approved new guidance on minimum entry level and in-service physical ability standards for seafarers, to be included in proposed amendments to the Standards of Training, Certification and Watchkeeping (STCW) Code.

The proposed amendments to section B-1/9 of the Code, Guidance regarding medical standards – Issue and registration of certificates, includes a new proposed table giving guidance on assessment of minimum entry level and in-service physical abilities for seafarers.

The proposed table describes (a) ordinary shipboard tasks, functions, events and conditions, (b) a corresponding physical ability which is considered necessary for the safety of a seafarer who is living and working on board a ship at sea, and (c) a guideline for measuring the corresponding physical ability. Administrations should take these physical abilities into account when establishing medical fitness standards.

For example, a medical examiner should ensure that a candidate has no disturbance in sense of balance since the shipboard function/task of “Routine movement on slippery, uneven and unstable surfaces; risk of injury” requires the physical ability to maintain balance.

The proposed amendments to the STCW Code, to be considered by the MSC in May 2000, state that the ILO/WHO publication “Guidelines for Conducting Pre-Sea and Periodic Medical Fitness Examinations for Seafarers” (ILO/WHO/D.2/1997) should also be taken into account when establishing seafarer medical examination procedures.

Transition to the 1995 STCW Convention

The Sub-Committee reviewed progress in implementing the 1995 amendments to the STCW Convention, which require Parties to the Convention to communicate to IMO information on compliance with the Convention provisions. The information is being reviewed by panels of competent persons, who will report on their findings to the IMO Secretary-General, who will in turn report to the MSC on the Parties which fully comply.

By the 1 August 1998 deadline, 82 out of the 133 STCW Parties had communicated information on compliance with the requirements of the revised Convention. Since that date, another 12 Parties have done so. The 82 Parties which met the deadline represent well over 90% of the world’s ships and seafarers.

At the time of the Sub-Committee meeting, 32 panels had completed their work and reported to the Secretary-General; 45 had completed their initial evaluation and had sought clarifications from the Parties; and five panels were still engaged in their initial evaluations.

Research study reveals unlawful practices linked to seafarer certificates

An IMO-funded study to establish the nature and extent of unlawful practices associated with certificates of competency has so far gathered evidence suggesting the problem may be more widespread than initially thought. The study is being carried out at the Seafarers International Research Centre, Cardiff, United Kingdom (see separate article, page 22).

Revised draft guidance for fishing vessel personnel approved


The revised Document for Guidance will be submitted to the MSC in May 2000 for adoption and publication in conjunction with ILO and FAO.

The Document for Guidance will also be submitted to the ILO Governing Body for approval at its meeting in March 2000. Formal approval of the document by the FAO Governing Body is not required as it is a revision of an existing guidance document.

Resolutions and circulars approved

The Sub-Committee approved the following draft resolutions and circulars for submission to the MSC:

- Proposed amendments to part B of the STCW Code, including clarification of provisions in the Code. The proposed amendments include a table listing certificates or documentary evidence required under the STCW Convention and a table of differences between STCW certification requirements and STCW 95 certification requirements.

  The proposed amendments to the STCW Code are intended to be adopted by the MSC and circulated by means of an STCW Circular.

- Draft Assembly resolution to revoke those resolutions superseded by the 1995 amendments to the STCW Convention.
Draft MSC circular to revoke those circulars superseded by the 1995 amendments to the STCW Convention.

Draft MSC circular on guidance on arrangements between Parties to allow for recognition of certificates under STCW regulation 1/10 – which covers recognition of certificates issued by another Party. The draft circular includes elements to be included in a written undertaking between the Parties concerned regarding recognition of certificates.

Draft MSC circular providing recommendations on the certification of officers in charge of an engineering watch and engineering watchkeeping provisions on fishing vessels powered by main propulsion machinery of 750 kW or more, to apply on entry into force of the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995, and pending the adoption of relevant amendments. The circular is intended to establish minimum standards of competency for officers in charge of an engineering watch on fishing vessels powered by main propulsion machinery of 750 kW.

Model courses validated

The Sub-Committee validated the following IMO model courses:

- Crowd Management, Passenger Safety and Safety Training for Personnel Providing Direct Services to Passengers in Passenger Spaces;
- Crisis Management and Human Behaviour Training, including Passenger Safety, Cargo Safety and Hull Integrity Training;
- Proficiency in Fast Rescue Boats;
- Personal Safety and Social Responsibility;
- Maritime English;
- Assessment, Examination and Certification of Seafarers.

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**Study reveals unlawful practices linked to seafarer certificates**

An IMO-funded study to establish the nature and extent of unlawful practices associated with certificates of competency has revealed, from data gathered so far, that the problem of fraudulent certification may be more extensive than initially thought.

Funds to support the research, being carried out at the Seafarers International Research Centre, Cardiff, United Kingdom, have been provided by the Governments of Cyprus, Norway and the United Kingdom; the European Union and the International Confederation of Free Trade Unions (ICFTU).

To date (by January 2000), the research team has made contacts allowing them to produce a price list for the STCW certificates of Master, Chief Mate and Officer of the Watch. To gain more data, other inquiry methods are being considered, including researchers posing as seafarers in need of a specific type of certificate. As a trial, a researcher without any relevant experience or training, on payment of a “fee”, received, in one day, an authentic seaman’s registration book and STCW Ratings certification.

Typical unlawful practices identified so far include:

- seafarers holding certificates issued or endorsed by or on behalf of a maritime Administration but not valid for the function(s) performed on board due to: expired certificates, valid certificates but not covering function(s) performed on board and limitations on certificates not observed (trading area, tonnage, engine power or medical);

- seafarers holding certificates issued or endorsed by or on behalf of a maritime Administration but obtained on the basis of deceitful information through “launched” certificates issued on the basis of a forged certificate or other forged evidence (this mode applies mainly to endorsements of recognition issued by a third party); certificates issued by an Administration but lacking underpinning competence and knowledge; certificates issued on the basis of lax examination and certification practices and certificates issued by corrupt officials within an Administration; and

- seafarers holding counterfeit certificates altered by the holder (seafarer) or provided by the shipowner or manning agency; certificates forged “in-house” or obtained on the black market or through organizations dedicated to certificate forging. These certificates are either stolen from a maritime Administration or holder, or the whole certificate is produced by the organization.

There is evidence to suggest that the problem is more widespread than previously thought. Another factor that has emerged is the extent to which employers, directly or indirectly, promote unlawful practices associated with certificates of competence. Very few companies have the resources or the willingness to verify the authenticity of certificates held by the seafarers they employ. Some employers are directly implicated by issuing their employees with forged certificates. From the research to date, this is mainly the case with ancillary certificates. It appears that unlawful practices are more widespread and perhaps more difficult to detect in the case of ancillary certificates. GMDSS certificates in particular seem to be readily available.
The study is scheduled to be finished in December 2000. The study is intended to:

- determine and categorize the major unlawful practices associated with certificates of competency (e.g. forged, issued on the basis of deception such as on the basis of fraudulent information and documentary evidence, stolen);
- provide best estimates of the number of forged certificates of competency and endorsements in the various categories held by: master, deck officer, chief engineer, engineering officer, deck rating and engine rating and make an estimate of the trend in each category and a forecast of future trends;
- identify the main sources of unlawful practices (e.g. individuals, manning agents, owners, organized crime);
- identify the main geographical areas where the practices occur (e.g. labour-supply countries, open-register countries, traditional maritime nations, developed countries);
- identify the social, economic and regulatory pressures which affect the nature and extent of unlawful practices; and
- identify the frequency and extent to which certificates of competency are checked by employers, issuing States and port States.

The study follows concern expressed by a number of IMO Member States about a proliferation of fraudulent certificates of competency, or authentic certificates reportedly issued on the basis of forged foreign certificates, which have been found during port State control inspections and applications for recognition of certificates.

The research team has conducted a number of focus-group studies and interviews with seafarers of various nationalities, education providers and maritime agencies. Other interviews are planned with seafarers, shipowners, crewing agencies, maritime authorities and international representative associations.

**IMO resolution and circular**

The IMO Assembly in November 1999 adopted resolution A.892(21) on unlawful practices associated with certificates of competency and endorsements.

The Assembly expressed deep concern about the reported incidents of these unlawful practices identified during port State control and endorsed action taken by IMO to undertake research into the issue.

The resolution urges Member Governments to take all possible steps to investigate cases and to prosecute, or to assist in the investigation and prosecution of, those found to be involved in the processing or obtaining of fraudulent certificates or endorsements, including the holders of such certificates or endorsements.

The resolution also urges Governments who endorse certificates issued by another Party to first confirm the authenticity of the original certificate from the issuing authority and to include details of the underlying certificate on the new document.

IMO issued MSC Circular 900 on fraudulent certificates of competency on 2 February 1999. The Circular invites Member States and Parties to STCW to report to IMO and to the relevant Administration any cases or suspected cases of fraudulent certificates, to intensify efforts to eliminate the problem, and to act under the terms of the Convention, including prosecution of those involved, if seafarers on board are found to be holding fraudulent certificates.

**Further information:**

Seafarers International Research Centre (SIRC) Cardiff University 65–68 Park Place PO Box 907 Cardiff, CF10 3AS Wales, UK Tel: +44 (0)29 2087 6915 Fax: +44 (0)29 2087 4619 http://www.cf.ac.uk/uwec/masts/

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Flag State performance self-assessment – criteria and performance standards agreed

The Sub-Committee agreed on a list of criteria and a series of performance indicators by which flag State performance could be measured when complying with the recommendations contained in IMO Assembly resolutions A.847(20), Guidelines to assist flag States in the implementation of IMO instruments, and A.881(21), Self-assessment of flag State performance.

Resolution A.881(21) includes a flag State performance self-assessment form, which is intended to be used by flag States on a voluntary basis to obtain a clear picture of how well their maritime Administrations are functioning and to make their own assessment of their performance as flag States.

Resolution A.881(21) invites Member Governments to submit a copy of their self-assessment report in order to enable the establishment of a database which would assist IMO in its efforts to achieve consistent and effective implementation of IMO instruments.

IMO Secretary-General William A. O’Neil informed the Sub-Committee that so far only seven completed and one partly completed self-assessment forms had been returned. Member States which had not done so were urged to complete their forms and send them in.

The Sub-Committee agreed the following criteria to be used when States choose to self-assess their performance:

- Legal framework and means of promulgating maritime legislation which shall satisfy the international maritime obligations of the State.
- Ability to demonstrate giving full and complete effect to instruments in force to which the flag State is a Party.
- Enforcement of maritime legislation.
- Responsibility for any recognized organization (RO) acting on behalf of the Administration, including authorization and monitoring of, and any corrective action against, the RO.
- Ability to investigate the causes of personal injuries, non-compliance, casualties, pollution incidents and ability to take appropriate remedial action.
- Ability to ensure that a ship having joined its register does not operate unless it complies with applicable requirements.
- Ability to demonstrate that a policy is in place to promote at all times a safety and environmentally-minded working culture.

The Sub-Committee additionally agreed a series of performance indicators to be analysed against each of the above criteria:

- Accidents, casualties and incidents reportable to the Organization in terms of the requirements of the applicable conventions.
- Accidents involving personal injuries leading to absence from duty of three days or more on board ships flying the flag of the State concerned.
- Lives lost on its ships resulting from the operation of ships flying its flag.
- Ships lost.
- Pollution incidents according to MARPOL 73/78 and other applicable instruments’ reporting standards, as appropriate, including a measure of the seriousness of the incidents.
- Information provided by other States under port State control procedures in accordance with the applicable Conventions.
- Information provided by statutory surveys, audits and inspections carried out by, on behalf of, and at the request of the flag State.
- Compliance with communication of information requirements of mandatory instruments, including the serious and very serious incidents reportable to the Organization.
- Actions taken against ships, flying the flag of the State, which have been identified as not being in compliance with the requirements of mandatory instruments, including the effects of such actions.

The Sub-Committee agreed a draft MSC/MEPC circular, to include the criteria and performance indicators, for submission to the MSC and MEPC for approval.

Review and analysis of casualty reports

The Sub-Committee’s Working Group on casualty analysis reviewed a report from the Correspondence Group on Casualty Analysis on accident reports submitted to IMO.

The Correspondence Group analysed 41 incidents and forwarded lessons learned to the Sub-Committee for referral to the relevant IMO Sub-Committees.

In particular, a number of incidents involving loss of life and/or injury arose from hot work on board ships, and the Sub-Committee on Fire Protection was invited to consider whether further guidance on hot work would be necessary. Failure to follow procedures or ignorance of safe working practices played a part in several incidents.

The Sub-Committee agreed on the need to present to seafarers a summary of the lessons learned from the analysis of selected casualties and their causes, and agreed to consider at its next session the best means of disseminating this information to seafarers. In the case of information to be disseminated to seafarers, the names of vessels would not be identified.
Illegal, unreported and unregulated fishing – joint IMO/FAO working group recommended

The Sub-Committee recommended that the MSC and MEPC consider setting up a joint ad hoc working group with the United Nations Food and Agriculture Organization (FAO) to address the issue of illegal, unreported and unregulated (IUU) fishing.

An inter-agency IMO/FAO meeting on the issue of IUU fishing took place at IMO in early December 1999 to discuss possible means of cooperation. While fisheries management and conservation aspects of IUU fishing came under the auspices of FAO, safety and pollution-prevention matters concerning fishing vessels involved in such activities came under IMO’s area of competence.

The 1993 Torremolinos Protocol to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, has not yet entered into force, but there are a number of regulations in force which are applicable to fishing vessels; for example, chapter V, relating to safety of navigation, of SOLAS, Annexes I (in terms of discharge of oily wastes) and V (Garbage) of MARPOL 73/78 and the Collision Regulations.

Correspondence group on port State control established

The Sub-Committee established a correspondence group on certain aspects of port State control, following discussion on deficiency reports, port State control detentions and reports on infringement of MARPOL 73/78 (mandatory under the Convention).

Issues to be considered by the correspondence group include possible measures to improve the reporting of detentions by port States to flag States and mechanisms for constructive and timely dialogue between flag States and port States on port State control interventions.

Draft circular on unscheduled inspections of ro-ro passenger ships agreed

The Sub-Committee agreed a draft MSC circular on guidelines for unscheduled inspections of ro-ro passenger ships by flag States – intended for surveyors conducting unscheduled inspections of ro-ro passenger ships on behalf of the ship’s flag State. Such inspections are in addition to surveys and audits required by the relevant international conventions. The unscheduled inspection should focus on aspects of an operational nature, including crew capabilities, which should be demonstrated by carrying out one or more emergency/safety/operational procedures.

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Little ’Mo helps children in three countries

Children in three developing countries are benefiting from sales of a book prepared by the staff of IMO. They have published a children’s book entitled Little ’Mo, the Brave Little Boat, the first edition of which has now been sold out. All profits from the book are being used to sponsor three children from fishing communities in the Dominican Republic, Indonesia and Sri Lanka.

Little ’Mo was written by Mrs. Annie Keen, of IMO’s French Translation Section, and is illustrated by Mr. Paul Le Sage of the Printing Unit. It is designed to illustrate the work of IMO and at the same time show the dangers faced by the world’s seafarers. It is published in English, French and Spanish.

A second edition has been printed and is now on sale. All enquiries should be addressed to Annie Keen, Staff Union, IMO, 4 Albert Embankment, London, SE1 7SR (telephone + 44 (0)20 7587 3204; e-mail akean@imo.org). The book costs £4. For mail orders the cost is £5 per copy within the United Kingdom; £5.50 within Europe; and £6.50 elsewhere in the world. Major credit cards, including Visa, American Express, Diners and Mastercard are accepted.
WMU is “small and beautiful”, says external evaluation

The World Maritime University is described as “very small and quite beautiful in many respects” in an evaluation of the University carried out by a team of eminent international academic experts, appointed by the Association of European Universities, known by its French acronym of CRE.

“We are delighted to receive the report,” said WMU’s Rector, Dr. Karl Laubstein, “and we are also very pleased about its very favourable content. The team’s suggestions for the future are constructive and positive, and we will base our next Strategic Plan – for the years 2002 to 2006 – on our discussions of these proposals.”

CRE has over 500 members in 39 European countries, and was founded in 1959 to promote inter-university dialogue and co-operation throughout Europe. WMU joined the leading universities in Europe by becoming a member of CRE in 1997. CRE also offers a range of services to its members, mainly focusing on advice, information and representation, and also, since 1993, an external review and evaluation service, which has so far been used by some 50 universities across Europe.

The WMU Strategic Plan for the period 1997-2001 calls for an external evaluation of the University; as WMU is not part of any national system, it was seen as very important to obtain an external, neutral evaluation which could benchmark the University and its activities.

The report notes that “WMU has done remarkably well in recent years.” It adds, “WMU seems to us to have achieved a good balance of and integration between sound postgraduate education and advanced practical training. …The quality of the student experience seems highly satisfactory”.

WMU made the initial application for a review by CRE in June 1998. The process had three phases; firstly, the University prepared a Self-Evaluation Report, which was submitted to CRE in January 1999. The second phase was two visits to the University by the CRE Review Team for intensive discussions over several days with staff, students and other stakeholders; the visits took place in February and June 1999. The Auditors then went on to prepare their final report, which was submitted to the University in November 1999.

“The Auditors are senior academics from across Europe,” explained Dr. Laubstein. “We were very pleased that our Review Team – Professor John Kelly, former Registrar of University College, Dublin; Professor Finn Jürgen Janson, Rector of the Copenhagen Business School; Professor Ustun Erguder, Rector of Bogazici University in Istanbul; and Professor John Davies, Dean at Anglia Polytechnic University in the UK – represented such a range of international expertise and eminence.”

The CRE Auditors’ Report and its recommendations will now be considered very carefully by the University community and by WMU’s Board of Governors. To assist in this process, the University has published a volume containing the Auditors’ Report and the University’s Self-Evaluation Report. “This volume has been produced so that our planning process can be entirely transparent, and involve as many stakeholders in the University as possible,” said Dr. Laubstein.

Establishment of the International Maritime University Forum

The first full meeting of the International Maritime University Forum is set to be held in the summer of 2000.

The establishment of the Forum was discussed at a preliminary meeting hosted by WMU in August 1999, attended by officials from the Nippon Foundation (the official sponsor), Kobe University of Mercantile Marine, Istanbul Technical University and WMU.

The Forum is intended to provide a platform for discussion and information exchange, and to promote advanced maritime education, leading to higher global standards in the maritime field.

Four other universities have now also joined the Forum (the Arab Academy for Science & Technology and Maritime Transport; the Australian Maritime College; the University of Wales at Cardiff and Maine Maritime Academy). Other institutes will also be invited to attend the summer meeting.

IMLA to hold 11th Conference on Maritime Education and Training

The International Maritime Lecturers’ Association – IMLA – has announced details of its Eleventh Conference on Maritime Education and Training, which will be held at WMU from 21 to 25 August 2000.

The theme of IMLA 11 will be Solving MET Issues: charting the course into the 21st century, and the conference will be organized in cooperation with international organizations concerned with MET and leading MET institutions world-wide.

For further information about IMLA 11, please contact Irene Rosberg at WMU (Irene.Rosberg@wmu.se).
Equasis agreement signed

On 28 January 2000, the maritime Administrations of France, United Kingdom, Spain, Singapore and the European Commission signed a Memorandum of Understanding (MOU) on the setting up of the Equasis information system. The US Coast Guard and the maritime Administration of Japan have expressed their intention to join the signatories, but have not yet finalized internal procedures for doing so. The MOU was signed in the IMO Headquarters in London in the presence of IMO’s Secretary-General William O’ Neil.

Equasis will be a unique database collecting safety-related information on the world’s merchant fleet from both public and private sources and making it easily accessible on the Internet. The launch of the database is planned for May 2000.

Structure

The proposed mechanism to ensure the successful operation of Equasis is through an internationally non-binding MOU agreed between a small number of quality-minded maritime Administrations. The key elements of that organizational structure are:

The parties to the Equasis MOU shall be members of the Supervisory Committee. In addition, IMO, being the main international regulator, should participate in the Committee. The role of the Committee is to supervise the management of Equasis and decide on policy matters related to the operation and future development of the system. After the initial trial period of maximum three years, the MOU will be amended to allow a broader range of Administrations to participate in the Equasis system.

The daily management of Equasis will be carried out by a body having the capacity to conclude agreements on behalf of Equasis with, for example, data providers, users, consultants and providers of IT service, staff, etc. The Management Unit should be in charge of the daily operations of Equasis, including financial and marketing aspects. It will also act as secretariat of the Committee. The French maritime Administration has offered to create a legal structure for the Management Unit.

A Technical Unit will be in charge of the realization of the project at a technical level. This function will be performed by the Centre Administratif des Affaires Maritimes (CAAM) in Saint Malo, which is the body currently managing the Sirenaç database for the Paris MOU on Port State Control.

All organizations providing data to Equasis, such as maritime Administrations, classification societies, insurers’ organizations, shipowners’ organizations, commercial data providers, etc., shall be represented in a consultative body, called the Editorial Board. The task of the Editorial Board is to advise the Management Unit on all aspects related to the best possible presentation of the available data, including aspects of quality control and updating. Secondly, the Editorial Board should advise the Committee on policy matters related to the future development, expansion and improvement of the Equasis information system.

The Internet address of Equasis will be: http://www.equasis.org

For more information, please contact:

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