



ASSEMBLY
21st session
Agenda item 5

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RESOLUTION A.882(21)
adopted on 25 November 1999

AMENDMENTS TO THE PROCEDURES FOR PORT STATE CONTROL
(RESOLUTION A.787(19))

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO resolution A.787(19) by which it adopted Procedures for port State control,

RECALLING FURTHER that, at its nineteenth session, when adopting resolution A.787(19), it requested the Maritime Safety Committee and the Marine Environment Protection Committee to continue their work on this subject with a view to improving further the said procedures, as may be necessary,

NOTING resolution A.741(18) by which it adopted the International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code),

NOTING ALSO that the ISM Code has been made mandatory for certain ships, under the provisions of chapter IX of the International Convention for the Safety of Life at Sea, 1974, since 1 July 1998,

RECOGNIZING the need to develop guidelines for port State control related to the ISM Code and to incorporate them in the procedures,

RECOGNIZING ALSO the need to amend the reporting formats contained in the procedures on the basis of experience gained,

RECOGNIZING FURTHER the need to keep the procedures as a whole updated in the light of experience gained in their implementation,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee at its seventy-first session and by the Marine Environment Protection Committee at its forty-third session,

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1. ADOPTS amendments to the Procedures for port State control (resolution A.787(19)), as set out in the Annex to the present resolution;
2. INVITES Governments, when exercising port State control, to implement resolution A.787(19) and the amendments annexed to this resolution;
3. INVITES ALSO Governments, when exercising port State control related to the ISM Code, to note that port State control related to the ISM Code should be an inspection and not an audit and that their port State control officers should have the requisite training in, and appropriate knowledge of, the provisions of the ISM Code;
4. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the revised Procedures under review and to amend them as necessary in the light of experience gained from their implementation;
5. AUTHORIZES the Maritime Safety Committee and the Marine Environment Protection Committee to amend the reporting formats contained in appendices 5, 6 and 7 of the Procedures on the basis of experience gained.

ANNEX

**AMENDMENTS TO THE PROCEDURES FOR PORT STATE CONTROL
(RESOLUTION A.787(19))**

- 1 The existing paragraph 1.2.1 is replaced by the following:

"1.2.1 The procedures apply to ships which come under the provisions of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 74), the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS Protocol 1988), the International Convention on Load Lines, 1966 (Load Lines 66), the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (Load Line Protocol 88), the International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 78), and the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 69), hereafter referred to as the applicable conventions."

- 2 The existing paragraph 1.4 is replaced by the following and the footnotes are deleted:

"1.4 Provision for port State control

Regulation 19 of chapter I, regulation 6.2 of chapter IX and regulation 4 of chapter XI of SOLAS 74, as modified by SOLAS Protocol 88; article 21 of Load Lines 66, as modified by Load Line Protocol 88; articles 5 and 6, regulation 8A of Annex I, regulation 15 of Annex II, regulation 8 of Annex III and regulation 8 of Annex V of MARPOL 73/78; article X of STCW 78; and article 12 of Tonnage 69 provide for control procedures to be followed by a Party to a relevant convention with regard to foreign ships visiting their ports. The authorities of port States should make effective use of these provisions for the purposes of identifying deficiencies, if any, in such ship which may render them substandard (see 4.1), and ensuring that remedial measures are taken."

- 3 The existing paragraph 1.6.3 is replaced by the following:

"1.6.3 *Detention*: Intervention action taken by the port State when the condition of the ship or its crew does not correspond substantially with the applicable conventions to ensure that the ship will not sail until it can proceed to sea without presenting a danger to the ship or persons on board, or without presenting an unreasonable threat of harm to the marine environment, whether or not such action will affect the normal schedule of the departure of the ship."

- 4 The following new sentence is added at the end of existing paragraph 2.2.3:

"When examining 1969 International Tonnage Certificates, the PSCO should be guided by appendix 4A."

- 5 The following new paragraph 2.2.6 is added after existing paragraph 2.2.5:

"2.2.6 In pursuance of control procedures under chapter IX of SOLAS 74 on the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code), the PSCO should utilize the guidelines in paragraph 3.7."

- 6 The existing subparagraph 2.3.3 is replaced by the following:

"2.3.3 evidence that documentation required by the Conventions and listed in appendix 4 is not on board, incomplete, not maintained or falsely maintained;"

- 7 The existing subparagraph 2.3.8 is deleted and the existing subparagraphs 2.3.9 and 2.3.10 are renumbered as subparagraphs 2.3.8 and 2.3.9.

- 8 The existing paragraph 2.6.7 is replaced by the following:

"2.6.7 Where the grounds for detention are the result of accidental damage suffered on the ship's voyage to a port, no detention order should be issued, provided that:

- .1 due account has been given to the Convention requirements regarding notification to the flag State Administration, the nominated surveyor or the recognized organization responsible for issuing the relevant certificate;
- .2 prior to entering a port, the master or company has submitted to the port State authority details on the circumstances of the accident and the damage suffered and information about the required notification of the flag State Administration;
- .3 appropriate remedial action, to the satisfaction of the port State authority, is being taken by the ship; and
- .4 the port State authority has ensured, having been notified of the completion of the remedial action, that deficiencies which were clearly hazardous to safety, health or environment have been rectified."

- 9 The following new paragraph 2.6.11 is added after existing paragraph 2.6.10 and the existing paragraph 2.6.11 is renumbered as paragraph 2.6.12:

"2.6.11 The company or its representative have a right of appeal against a detention taken by the Authority of a port State. The appeal should not cause the detention to be suspended. The PSCO should properly inform the master of the right of appeal."

- 10 The existing paragraph 3.3.3 is replaced by the following:

"3.3.3 The PSCO should pay particular attention to the structural integrity and seaworthiness of bulk carriers and oil tankers and note that these ships must undergo the enhanced programme of inspection during surveys under the provision of regulation XI/2 of SOLAS 74."

- 11 The existing paragraph 3.3.4 is replaced by the following:

"3.3.4 The PSCO's assessment of the safety of the structure of those ships should be based on the Survey Report File carried on board. This file should contain reports of structural surveys, condition evaluation reports (translated into English and endorsed by or on behalf of the Administration), thickness measurement reports and a survey planning document. The PSCO should note that there may be a short delay in the update of the Survey Report File following survey. Where there is doubt that the required survey has taken place, the PSCO should seek confirmation from the recognized organization."

- 12 In paragraph 3.4.12, "appendix 6" is replaced by "appendix 8".

- 13 The following new section 3.7 is added after existing paragraph 3.6.8:

"3.7 Guidelines for port State control related to the ISM Code

3.7.1 To the extent applicable, the PSCO should examine the copy of the Document of Compliance (DOC), issued to the Company, and the Safety Management Certificate (SMC), issued to the ship. An SMC is not valid unless the Company holds a valid DOC for that ship type. The PSCO should in particular verify that the type of ship is included in the DOC and that the Company's particulars are the same on both the DOC and the SMC.

3.7.2 During the examination of on board documents and certificates, PSCOs should recognize:

- .1 that differences may exist between the classification societies' designation of "*bulk carrier*" that appear on the class certificate as defined in their individual Rules, versus the interpretation of "*bulk carrier*" contained in SOLAS/CONF.4/25, annex, resolution 6 and that the latter definition should be used to determine if the ship should have been certified by 1 July 1998;
- .2 the common practice of issuing, after successfully completing an audit, SMCs and DOCs valid for a period not exceeding 5 months, to cover the period between completion of the audit and issuance of the full term certificate by either the Administration or the recognized organization; and
- .3 that the current valid DOC with proper annual endorsements is normally only available in the Company to which it has been issued and that the copy on board may not reflect the annual endorsements that exist on the valid DOC held by the Company.

3.7.3 If a ship has been issued with Interim Certificates (DOC and/or SMC), the PSCO should check whether they have been issued in accordance with the provisions of paragraphs 3.3.2 and 3.3.4 of resolution A.788(19).

3.7.4 A more detailed inspection of the Safety Management System (SMS) should be carried out if clear grounds are established. Clear grounds may include absent or inaccurate ISM Code certification or detainable (or many non-detainable) deficiencies in other areas.

3.7.5 When carrying out a more detailed inspection, the PSCO may utilize, but not be limited to, the following questions to ascertain the extent of compliance with the ISM Code (references to the relevant paragraphs of the ISM Code are given in *italic print* in brackets).

- .1 Is there a Company safety and environmental protection policy and is the appropriate ship's personnel familiar with it? (2.2)
- .2 Is safety management documentation (e.g. manual) readily available on board? (11.3)
- .3 Is relevant documentation on the SMS in a working language or language understood by the ship's personnel? (6.6)
- .4 Can senior ship officers identify the Company responsible for the operation of the ship and does this correspond with the entity specified on the ISM Code certificates? (3)
- .5 Can senior ship officers identify the "designated person"? (4)
- .6 Are procedures in place for establishing and maintaining contact with shore management in an emergency? (8.3)
- .7 Are programmes for drills and exercises to prepare for emergency actions available on board? (8.2)
- .8 How have new crew members been made familiar with their duties if they have recently joined the ship and are instructions which are essential prior to sailing available? (6.3)
- .9 Can the master provide documented proof of his responsibilities and authority, which must include his overriding authority? (5)
- .10 Have non-conformities been reported to the Company and has corrective action been taken by the Company? PSCOs should not normally scrutinise the contents of any Non Conformity Note (NCN) resulting from internal audits. (9.1, 9.2)
- .11 Does the ship have a maintenance routine and are records available? (10.2)

3.7.6 Deficiencies in the Safety Management System should be recorded in the PSCO's inspection report. The port State authority should, if necessary, inform the flag State of deficiencies found in the SMS. Those deficiencies identified in the SMS, which are defined as major non-conformities in resolution A.788(19), have to be rectified before sailing. The procedures set out in chapter 4 are applicable."

- 14 The existing paragraph 4.1.3 is deleted.

- 15 The following new sections 4.6 and 4.7 are added after existing section 4.5:

"4.6 Suspension of inspection

4.6.1 In exceptional circumstances where, as a result of a more detailed inspection, the overall condition of a ship and its equipment, also taking into account the crew conditions, are found to be obviously substandard, the PSCO may suspend an inspection.

4.6.2 Prior to suspending an inspection, the PSCO should have recorded detainable deficiencies in the areas set out in appendix 1, as appropriate.

4.6.3 The suspension of the inspection may continue until the responsible parties have taken the steps necessary to ensure that the ship complies with the requirements of the relevant instruments.

4.6.4 In cases where the ship is detained and an inspection is suspended, the port State Authority should notify the responsible parties without delay. The notification should include information about the detention, and state that the inspection is suspended until that authority has been informed that the ship complies with all relevant requirements.

4.7 Procedures for rectification of deficiencies and release

4.7.1 The PSCO should endeavour to secure the rectification of all deficiencies detected.

4.7.2 In the case of deficiencies which are clearly hazardous to safety or the environment, the PSCO should, except as provided in 4.7.3, ensure that the hazard is removed before the ship is allowed to proceed to sea. For this purpose, appropriate action should be taken, which may include detention or a formal prohibition of a ship to continue an operation due to established deficiencies which, individually or together, would render the continued operation hazardous.

4.7.3 Where deficiencies which caused a detention as referred to in paragraph 4.7.2 cannot be remedied in the port of inspection, the port State authority may allow the ship concerned to proceed to the nearest appropriate repair yard available, as chosen by the master and agreed to by that authority, provided that the conditions agreed between the port State authority and the flag State are complied with. Such conditions will ensure that the ship shall not sail until it can proceed without risk to the safety of the passengers or crew, or risk to other ships, or without presenting an unreasonable threat of harm to the marine environment. Such conditions may include confirmation from the flag State that remedial action has been taken on the ship in question. In such circumstances the port State authority will notify the authority of the ship's next port of call, the parties mentioned in paragraph 5.1.4 and any other authority as appropriate. Notification to authorities should be made in the form shown in appendix 6. The authority receiving such notification should inform the notifying authority of action taken and may use the form shown in appendix 7.

4.7.4 On the condition that all possible efforts have been made to rectify all other deficiencies, except those referred to in 4.7.2 and 4.7.3, the ship may be allowed to proceed to a port where any such deficiencies can be rectified.

4.7.5 If a ship referred to in paragraph 4.7.3 proceeds to sea without complying with the conditions agreed to by the Authority of the port of inspection that port State Authority should immediately alert the next port, if known, the flag State and all other authorities it considers appropriate.

4.7.6 If a ship referred to in paragraph 4.7.3 does not call at the nominated repair port, the port State Authority of the repair port should immediately alert the flag State and detaining port State, which may take appropriate action, and notify any other authority it considers appropriate."

16 In paragraph 5.1.1, the words "master, owner or operator" are replaced by the words "master and/or company".

17 In the last sentence of paragraph 5.1.5, the words "appendix 5 or 6" are replaced by the words "appendix 5 or 8".

18 The existing footnote to paragraph 5.1.7 is replaced by the following:

" * Such addresses are available in MSC/Circ.838/MEPC.6/Circ.3, as amended, and the IMO Internet Home Page."

19 In the last sentence of paragraph 5.2.1, "appendix 7" is replaced by "appendix 9".

20 In the second sentence of paragraph 5.3.1, "appendix 5 or 6" is replaced by "appendix 5 or 8".

21 The existing paragraph 1.3 of appendix 1 is replaced by the following:

"1.3 If the result of any of these assessments is negative, taking into account all deficiencies found, the ship should be strongly considered for detention. A combination of deficiencies of a less serious nature may also warrant the detention of the ship. Ships which are unsafe to proceed to sea should be detained upon the first inspection irrespective of the time the ship will stay in port."

22 In "Areas under the SOLAS Convention" of paragraph 3 of appendix 1, the following new subparagraph 15 is added after existing subparagraph 14:

"15 Non-implementation of the enhanced programme of inspection under resolution A.744(18)."

23 In "Areas under the MARPOL Convention, Annex I" of paragraph 3 of appendix 1, the following new subparagraph 5 is added after existing subparagraph 4:

"5 Failure to meet the requirements of 13G(4) or alternative requirements specified in regulation 13G(7)."

24 The existing appendix 4 is replaced by the following:

“Appendix 4

List of certificates and documents

List of certificates and documents which to the extent applicable should be checked during the inspection referred to in 2.2.3 of the annex:

- 1 International Tonnage Certificate (1969);
- 2 Passenger Ship Safety Certificate;
- 3 Cargo Ship Safety Construction Certificate;
- 4 Cargo Ship Safety Equipment Certificate;
- 5 Cargo Ship Safety Radio Certificate;
- 6 Exemption Certificate;
- 7 Cargo Ship Safety Certificate;
- 8 Document of Compliance (SOLAS 74, regulation II-2/54);
- 9 Dangerous Goods Special List or Manifest, or Detailed Stowage Plan;
- 10 International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, or the Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, whichever is appropriate;
- 11 International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, or the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, whichever is appropriate;
- 12 International Oil Pollution Prevention Certificate;
- 13 International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk;
- 14 International Load Line Certificate (1966);
- 15 International Load Line Exemption Certificate;
- 16 Oil Record Book, parts I and II;
- 17 Shipboard Oil Pollution Emergency Plan;
- 18 Cargo Record Book;
- 19 Minimum Safe Manning Document;
- 20 Certificates of Competency;
- 21 Medical certificates (see ILO Convention No. 73);
- 22 Stability information;
- 23 Safety Management Certificate and copy of Document of Compliance (SOLAS chapter IX);
- 24 Certificates as to the ship's hull strength and machinery installations issued by the classification society in question (only to be required if the ship maintains its class with a classification society);
- 25 Survey Report Files (in case of bulk carriers or oil tankers in accordance with resolution A.744(18));
- 26 For ro-ro passenger ships, information on the A/A max ratio;
- 27 Document of authorization for the carriage of grain;
- 28 Special Purpose Ship Safety Certificate;
- 29 High-Speed Craft Safety Certificate and Permit to Operate High-Speed Craft;
- 30 Mobile Offshore Drilling Unit Safety Certificate;
- 31 For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage;
- 32 The muster list, fire control plan and damage control plan;

- 33 Ship's log-book with respect to the records of tests and drills and the log for records of inspection and maintenance of life-saving appliances and arrangements;
- 34 Procedures and Arrangements Manual (chemical tankers);
- 35 Cargo Securing Manual;
- 36 Certificate of Registry or other document of nationality;
- 37 Garbage Management Plan;
- 38 Garbage Record Book;
- 39 Bulk carrier booklet (SOLAS chapter VI regulation 7); and
- 40 Reports of previous port State control inspections."

25 The following new appendix 4A is added after revised appendix 4:

"Appendix 4A

Guidelines for port State control under the 1969 Tonnage Convention

1 The International Convention on Tonnage Measurement of Ships, 1969, which came into force on 18 July 1982, applies to:

- 1.1 new ships, i.e. ships the keels of which were laid on or after 18 July 1982; and
- 1.2 existing ships, i.e. ships the keels of which were laid before 18 July 1982, as from 18 July 1994,

except that for the purpose of application of SOLAS, MARPOL and STCW Conventions, the following interim schemes indicated in paragraph 2 may apply.

2 In accordance with the interim schemes adopted by IMO¹, the Administration may, at the request of the shipowner, use the gross tonnage determined in accordance with national rules prior to the coming into force of the 1969 Tonnage Convention, for the following ships:

2.1 for the purpose of SOLAS 74:

- .1 ships the keels of which were laid before 1 January 1986;
- .2 in respect of regulation IV/3 of SOLAS 74, ships the keels of which were laid on or after 1 January 1986 but before 18 July 1994; and
- .3 cargo ships of less than 1,600 tons gross tonnage (as determined under the national tonnage rules) the keels of which were laid on or after 1 January 1986 but before 18 July 1994;

2.2 for the purpose of STCW 78, ships falling under the categories of .1.1 and .1.3 above, except that for the purpose of 1995 amendments to STCW 78 the interim scheme does not apply (see regulation I/15.3 of the 1995 STCW amendments); and

¹ Resolutions A.494(XII) in respect to SOLAS 74, A.540(13) in respect to STCW 78, and A.541(13) in respect to MARPOL 73/78.

2.3 for the purpose of MARPOL 73/78 ships of less than 400 tons gross tonnage (as determined under the national tonnage rules) the keel of which were laid before 18 July 1994.

3 For ships to which the above interim schemes apply, the statement to the effect that gross tonnage has been measured in accordance with the national tonnage rules should be included in the REMARKS column of the International Tonnage Certificate (1969) and in the footnote to the figure of the gross tonnage in the relevant SOLAS, MARPOL and STCW certificates.

4 The PSCO should take the following actions as appropriate when deficiencies are found in relation to the 1969 Tonnage Convention:

4.1 if a ship does not hold a valid 1969 Tonnage Certificate, a letter of warning should be issued to the master or shipowner;

4.2 if the required remarks and footnote are not included in the relevant certificates on ships to which the interim schemes apply, this deficiency should be notified to the master;

4.3 if the main characteristics of the ship differ from those entered on the 1969 International Tonnage Certificate, so as to lead to an increase in the gross tonnage or net tonnage, the flag State should be informed without delay.

5 The control provisions of article 12 of the 1969 Tonnage Convention do not include the provision for detention of ships."

26 The existing appendix 5 is replaced by the following:

APPENDIX 5

**REPORT OF INSPECTION IN ACCORDANCE WITH IMO PORT STATE CONTROL PROCEDURES
(RESOLUTION A.787(19), AS AMENDED BY RESOLUTION A.882(21)) ***

FORM A

(reporting authority)
(address)
(telephone)
(telefax)

copy to: master
head office
PSCO

if ship is detained, copy to:
flag State
IMO
recognized organization, if applicable

1 name of reporting authority 2 name of ship
3 flag of ship 4 type of ship 5 call sign
6 IMO number 7 gross tonnage 8 deadweight (where applicable)
9 year of build 10 date of inspection 11 place of inspection
12 classification society 13 date of release from detention**
14 particulars of company**

15 relevant certificate(s)**

a) title	b) issuing authority	c) dates of issue and expiry
1
2
3
4
5
6
7
8
9
10
11
12

d) information on last intermediate or annual survey**

date	surveying authority	place
1
2
3
4
5
6
7
8
9
10
11
12

16 deficiencies	no	yes (see attached FORM B)
17 ship detained	no	yes ***
18 supporting documentation	no	yes (see annex)
issuing office		name
		(duly authorized PSCO of reporting authority)
telephone		
telefax		signature

This report must be retained on board for period of two years and must be available for consultation by Port State Control Officers at all times.

* This inspection report has been issued solely for the purposes of informing the master and other port States that an inspection by the port State, mentioned in the heading, has taken place. This inspection report cannot be construed as a seaworthiness certificate in excess of the certificate the ship is required to carry.

** To be completed in the event of a detention.

*** Masters, shipowners and/or operators are advised that detailed information on a detention may be subject to future publication.

FORM B

if ship is detained, copy to:
flag State
IMO
recognized organization, if applicable

21	nature of deficiency ¹⁾	convention ²⁾	22	action taken ³⁾

Not valid

signature

- I:\ASSEMBLY\21\RES\882.DOC

APPENDIX 6

(Copy to maritime Authority of next port of call, flag administration, or other certifying authority as appropriate)

- [illegible]

[illegible]

Date:

REPORT OF ACTION TAKEN TO THE NOTIFYING AUTHORITY

(by Facsimile and/or Mail)

- Signature**