

INTERNATIONAL COMMISSION ON SHIPPING (ICONS)

STRENGTHENING THE IMPACT OF PORT STATE CONTROL

Submission to ICONS from the Paris Memorandum of Understanding on Port State Control

Summary	The submission supports the proposals of ICONS on Port State Control and presents some radical ideas to extend its impact.
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Background

1. Port State Control will remain as a last line defence for the State against the threat to safety, health and the environment from substandard shipping.
2. It is not intended as a substitute for a flag State's exercise of responsibility. However, properly implemented, port State control has the potential to become an effective mechanism for enforcement of internationally agreed marine safety and environmental standards.
3. The concern is that a poor standard of performance of port State control authorities and regional groupings could undermine its credibility. Quality is needed in port State control as in flag State enforcement. The key is investment in training of port state control officers by an effective administration.
4. The Paris MOU supports the recommendation of ICONS that administrations should refrain from implementing Port State Control measures until such time as they have introduced effective flag State procedures.
6. The maritime industry is asking for refinements of port state control to reduce the burden of inspection on well managed ships. Targeting of ships for inspection is seen as a measure to improve the quality of the current system. This is being addressed through amendments to the Port State Control Directive 95/21/EC currently being discussed, which would lead to more effective and efficient targeting of substandard ships and should deter such ships from visiting Paris MOU ports.

Further suggestions for discussion that may possibly strengthen the impact of Port State Control

6. The following suggestions are not original. They may be fairly radical, but they are potentially workable given further development that avoids diluting their impact.

S1. Flag States should be required to suspend the registration of any ship that is detained more than twice in 12 months. At the same time, port States should be given scope to serve notice to all flag States below an acceptable level of quality, that from a certain date in the future none of their ships would be allowed to load or unload cargo in their ports. There is a precedent in that the FAA does not allow airlines with poor safety standards to operate to the USA.

S2. IMO could be asked to censure flag States in flagrant disregard of their responsibilities. Penalties could extend to suspension of members if their port State control performance were consistently in the category of high risk. Too many flag States are happy to accept their rights and privileges and ignore their corresponding responsibilities in the knowledge that there are no effective sanctions other than, in some regions, targeted port State control.

S3. A further sanction could be a refusal to recognise certificates issued by flag States with consistently high risk detention rates. This ITF inspired suggestion was put to IMO FSI sub committee a few years ago. It refers to SOLAS Chapter 1, Part B, regulation 20 which states that the privileges of the present Convention may not be claimed in favour of any ship unless it holds appropriate valid certificates. It was proposed that if the flag State that issued the certificates appears on the detention "black list" then certificates issued by or under its authority should be considered invalid. To be effective, IMO should be asked to consider the introduction of this sanction as a binding measure.