



## **Marine Notice No. 02 of 2011**

**This Marine Notice supersedes Marine Notice No. 13 of 2010**

**FOR THE ATTENTION OF ALL OWNERS, OPERATORS, MASTERS, AGENTS, PILOTS AND  
PORT AUTHORITIES**

### **Port State Control – Commencement of the New Inspection Regime on 1<sup>st</sup> January 2011**

As advised in Marine Notice No. 13 of 2010, from the 1<sup>st</sup> of January 2011 the New Inspection Regime (NIR) for port State control has commenced, with the simultaneous introduction of changes to the Paris Memorandum of Understanding on Port State Control (Paris MOU), of which Ireland is a member state, and the entering into force of new EU legislation in the form of Directive 2009/16/EC on Port State Control (Recast). This Marine Notice supersedes Marine Notice No. 13 of 2010.

Directive 2009/16/EC is transposed into Irish law through the European Communities (Port State Control) Regulations 2010 [S.I. No. 656 of 2010].

The Competent Authority for port State control in Ireland is the Marine Survey Office (MSO) of the Department of Transport.

The NIR will introduce a system whereby quality ships will be rewarded with longer intervals between inspections, whereas low quality ships will be inspected more frequently. High-risk ships (HRS) will be subject to expanded port state control inspections every 6 months. Additionally, ships with 3 or more detentions may be refused access to ports in the Paris MOU region for minimum periods of 3 months.

Another important aspect of the NIR is the changes to the targeting of ships to be inspected. The previous system where 25% of individual ships calling at Irish ports were inspected is being replaced with a shared commitment of inspecting all ships visiting ports and anchorages in the Paris MOU region as a whole.

A new inspection database (THETIS) designed to support the NIR has been developed and has also gone live on the 1<sup>st</sup> January 2011.

Some important aspects of the NIR are highlighted below and in the ANNEX : -

## **Reporting Obligations.**

The NIR has widened the arrival notifications required from shipping and this is reflected in the new Regulations and more details are given below.

### **1. Expanded Inspections – 72 Hour Notification Requirement:**

The 72 hour pre-arrival notification for ships eligible for an expanded inspection is required to be given by all types of ship which have a HRS profile and also by any bulk carrier, chemical tanker, gas carrier, oil tanker and passenger ship older than 12 years eligible for an expanded inspection.

The Regulations require the operator, agent or master of such ships which are bound for a port or anchorage in the State to notify its arrival to the competent authority using the SafeSeasIreland (SSI) system, or where SSI is unavailable for technical reasons by telephone, fax, email or other electronic means to the MSO -

- (a) at least 72 hours in advance,
- (b) if the voyage time is less than 72 hours, at the latest, at the time the ship leaves the previous port, or
- (c) if the port of call is not known or it is changed during the voyage, as soon as the information is available

The alternative arrangements for reporting in the event of the unavailability of SSI due to technical reasons will be promulgated in a separate Marine Notice and these alternate arrangements will also apply to any eligible ship that does not have an IMO Number and a MMSI number. Information received by Port Authorities regarding such notifications must be forwarded to the MSO.

Eligibility for expanded inspection and the consequential need to send a 72-hour report can be checked on [www.parisMoU.org](http://www.parisMoU.org) from the 1<sup>st</sup> January 2011. Operators, agents or masters of vessels that do not report a vessel's eligibility for an expanded inspection to SSI, will be subject to prosecution.

Upon receipt of a report, the MSO will notify the ship's agent as soon as possible if an expanded inspection will not take place during the port call.

### **2. Vessel Traffic Monitoring Directive (2002/59/EC) and SOLAS CH XI-2 / Regulation (EC) 725/2004 - 24 Hour Pre-Arrival Notification Requirement.:**

Directive 2009/16/EC refers to the requirements that are contained in the Vessel Traffic Monitoring Directive (2002/59/EC) and in Regulation (EC) No 725/2004 in respect of maritime security. The European Communities (Vessel Traffic Monitoring and Information System) Regulations 2010 [S.I. No. 573 of 2010] requires operators, agents or masters of affected vessels to report an ETA at least 24 hours prior to arrival in a port or anchorage in Ireland using SSI. A separate Marine Notice will give further details. Operators, agents or

masters of vessels that do not report to SSI in compliance with the VTM Regulations, as and when required, will be subject to prosecution

Vessels that have completed a 72-hour notification in SSI, including all necessary parameters needed for the 24-hour notification, do not need to report twice if the ETA remains accurate. When a vessel's ETA changes, it is important that the information is updated regarding the submitted pre-arrival in SSI. Vessels arriving into a port after the specified ETA time may trigger an unexpected factor and be subject to additional inspection. Further developments will take place in SSI in relation to pre-arrivals for ships which only call at anchorages.

### **3. Actual Time of Arrival / Actual Time of Departure - Notification Requirements**

The NIR also introduces new notification requirements whereby operators, agents and masters of ships must provide the MSO with the actual time of arrival (ATA) and the actual time of departure (ATD) of ships calling at all ports and anchorages in Ireland. SSI will collect this notification automatically from vessels that are equipped with an approved Automatic Information System (AIS). Operators, agents or masters of non-AIS equipped vessels (and Port Authorities that have information on the movements of such non AIS vessels into and out of their port limits) are required to provide the MSO with the ATA and ATD information. Further details on reporting methods for non-AIS equipped vessels are contained in a separate Marine Notice. Operators, agents or masters of ships that do not notify the ATA or ATD will be subject to prosecution.

Further relevant enhancements in SSI are expected and will be promulgated in due course.

#### **o Reports from Port Authorities and Pilots.**

The new Regulations introduce an important change to the reporting obligations for Port Authorities and Pilots by clarifying that the decision as to what is or is not a deficiency onboard a vessel is a matter solely for decision by the MSO. Port Authorities and Pilots must report any apparent anomalies relating to safety or pollution prevention that they become aware of onboard a vessel to the MSO. The MSO will then decide what, if any action to take.

- In particular, Pilots engaged in berthing or unberthing ships shall immediately inform the MSO whenever they learn of apparent anomalies which may prejudice the safe navigation of the ship or which may pose a threat to the marine environment;

and,

- Port Authorities shall immediately inform the MSO whenever they learn of apparent anomalies on ships in their ports which may prejudice the safety of the ship or which pose an unreasonable threat to the marine environment.

Further EU legislation is expected to come into force during 2011 and which will concern the format and method of reporting by Ports and Pilots. SSI will in due course be modified to facilitate the on-line reporting of such reports from pilots and port authorities and pending this, pilots and port authorities are required to make such reports to the MSO in writing by e-mail or fax. A Marine Notice will promulgate future developments in this area.

Under the Regulations, the failure by a pilot or a port authority to report apparent anomalies to the MSO is an offence.

Further details of the NIR are contained in the ANNEX to this notice, and are also available at the website of the Paris MOU ([www.parisMoU.org](http://www.parisMoU.org)).

Alternatively for further information, please contact:

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13/01/2011

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# ANNEX

## Details of the New Inspection Regime

### 1. Ship Risk Profile

The Ship Risk Profile (SRP), replacing the previous “target factor”, will be used by the Marine Survey Office (MSO) to select ships for inspection. The SRP classifies ships into Low Risk Ship (LRS) and High Risk Ship (HRS). If a ship is neither Low Risk nor High Risk, it is classified as a Standard Risk Ship (SRS).

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

- type of ship;
- age of ship;
- performance of the flag state of the ship, including whether the Voluntary IMO Member State Audit Scheme (VIMSAS) has been undertaken;
- performance of the recognized organisation(s) carrying out statutory survey and certification work;
- performance of the company responsible for the operation of the vessel in accordance with the International Safety Management Code;
- number of deficiencies;
- number of detentions.

Low risk ships will be rewarded with longer inspection intervals between port state control inspections; up to 36 months, compared to 6 months in the current system.

In order to qualify to be a “low risk ship” several criteria need to be met. With regard to the ship’s flag the following will be required:

- The flag state appears in the “White List” published in the annual report of the Paris MoU and
- The flag state has informed the Paris MoU Secretariat that a final audit report including, where relevant, a corrective action plan has been drawn up in accordance with the Framework and Procedures for the Voluntary IMO Member State Audit Scheme” (VIMSAS).

The Paris MoU secretariat will maintain on [www.parisMoU.org](http://www.parisMoU.org) an up-to-date list of flag States that meet the criteria for a low risk ship. All ship types, regardless of age, can qualify to be a low risk ship. Other criteria required are:

- High performance recognized organisation (RO), as listed in the Paris MoU annual report;
- RO recognised by one or more Paris MoU member States;
- High performance company;

- 5 or less deficiencies found during each inspection carried out in previous 36 months; and
- no detention within previous 36 months.

Low risk ships, in principle, may be inspected after 24 months and will be inspected at the next port of call in the Paris MoU port when 36 months has elapsed since the last inspection.

## 2. Company performance

The company performance criteria, utilised for the calculation of the Ship Risk Profile is a new parameter in the Paris MoU. The MoU has established a formula which takes into consideration the deficiencies and detentions of a company's fleet (based on the IMO company number) in the last 36 months and compares it to the average of all vessels inspected in the Paris MoU to determine the performance level. The companies will be ranked into very low, low, medium and high categories. Any Refusal of Access (Ban) applied to a company vessel will have a negative impact on the ranking of the company.

## 3. Inspection Categories

Recognising the rights of Port States to inspect foreign flagged ships in their ports at any time, the Paris MoU is introducing the following regime. **The NIR includes two categories of inspection, a periodic inspection and an additional inspection.** The time window determines periodic inspections. Additional inspections are triggered by overriding or unexpected factors depending on the severity of the occurrence.

## 4. Time Window

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

- HRS: between 5-6 months after the last inspection in the Paris MoU region;
- SRS: between 10-12 months after the last inspection in the Paris MoU region;
- LRS: between 24-36 months after the last inspection in the Paris MoU region.

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

## 5. Selection Scheme

When the time window opens, a ship becomes Priority II and the ship can be selected for a periodic inspection. Once the time window has expired, a ship becomes Priority I and it will normally be subject to a periodic inspection in the next port of call in the Paris MoU region.

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

If an unexpected factor is logged against a ship it becomes Priority II irrespective of the time window and the ship may be selected for inspection.

Prior to the opening of the inspection window for a ship of any risk profile and as long as there are no overriding or unexpected factor logged in the port state control information system, then the ship has no priority status and the MSO is not obliged to perform an inspection on such a ship but may still choose to do so, if deemed appropriate.

## **6. Inspection types (Initial, more detailed and expanded inspection)**

The inspection types will not change in the NIR, but the eligibility for expanded inspections is extended to all ship types.

In case of a periodic inspection any ship with a HRS profile and any bulk carrier, chemical tanker, gas carrier, oil tanker or passenger ship older than 12 years, will have to undergo an expanded inspection.

Each ship with a SRS or LRS profile which is not one of the above mentioned ship types, will undergo an initial inspection, or if clear grounds are established a more detailed inspection.

Any additional inspection carried out will be at least a more detailed inspection and if the ship has a HRS profile or is of one of the above mentioned ship types, then the MSO may decide to perform an expanded inspection instead.

If a vessel is subject to expanded inspection then it is the responsibility of the operator and master to ensure that enough time is made available to enable the MSO to carry out the inspection.

## **7. Refusal of access to ports in the Paris MoU area (Banning)**

The NIR will extend the banning of ships following multiple detentions (or Prevention of Operation Orders issued under Directive 99/35/EC) to all ship types and extend the flag criteria to ships with grey listed flag.

The refusal of access criteria for the first and second occurrence will be amended as follows:

If the ship flies a black listed flag it will be banned after more than 2 detentions in the last 36 months;

If the ship flies a grey listed flag it will be banned after more than 2 detentions in the last 24 months.

Any subsequent detention after the 2nd refusal of access will result in the issue of a further refusal of access, regardless of the flag. Furthermore a time period until this refusal of access can be lifted will be introduced which is as follows:

1. 3 months after the first refusal of access;
2. 12 months after the second refusal of access;
3. 24 months after the third refusal of access;
4. Permanent refusal of access after any further ban imposed.

To lift the 3rd refusal of access, more stringent conditions are applied, which have to be fulfilled before the 24-month period has elapsed.

## **8. Implementation of new information system (inspection database)**

On 1 January the Paris MoU will also launch a new information system “THETIS”, named after a Greek goddess of the sea.

To facilitate planning of inspections, the new system will be linked to the port call information systems of the Paris MoU member states, which in Ireland is the SafeSeasIreland system and which is linked to THETIS via the EU’s SafeSeaNet. These information systems will provide information on ships in, or expected at, all ports of the Paris MoU.

THETIS will indicate which ships have priority for inspection and will allow the results of inspections to be recorded. Via THETIS these reports will be made available to all port State control authorities in the Paris MOU.

THETIS will also interface with a number of other maritime safety-related databases including those of the recognized organizations, national information systems and other port State control regimes so as to exchange data and provide a full picture for the inspector. Inspection results will also be available through the Paris MoU website.

The European Maritime Safety Agency is responsible for the development, hosting and management of the system.