



CIRCULAR N° PSC 004

**GENERAL PROCEDURAL GUIDELINES
FOR PORT STATE CONTROL OFFICERS
(Extract from IMO Resolution A.787 (19), as amended)**

**TO: SHIPOWNERS, SHIPS' OPERATORS & MANAGERS
SURVEYORS TO FLAG STATE ADMINISTRATION**

Monaco, 08 April 2005.

The aim of this Circular is to support Shipowners, ships' Operators and Managers to be prepared for a Port State Control Inspection (Paris MOU).

- 1) The Port State Control Officer ("PSCO") should use professional judgement in carrying out all duties, and consider consulting others as deemed appropriate.
- 2) When boarding a ship, the PSCO should present to the Master or to the Owner's, if requested to do so, his identity card. This card should be accepted as documentary evidence that the PSCO is duly authorised by the Administration to carry out Port State Control inspections.
- 3) If the PSCO has clear grounds for carrying out a more detailed inspection, the Master should be immediately informed of those grounds and advised that, if so desired, he may contact the Administration or, as appropriate, the recognised organisation responsible for issuing the certificate and invite their presence on board.
- 4) If an inspection is initiated or based on a report or complaint, especially if it is from a crew member, the source of the information should not be disclosed.
- 5) When exercising control, all possible efforts should be made to avoid a ship being unduly detained or delayed. **It should be remembered that the main purpose of Port State Control is to prevent a ship to proceed to sea if she is unsafe or presents a threat to the marine environment.** The PSCO should exercise professional judgement to determine whether to detain a ship until the deficiencies are corrected or to allow her to sail with certain deficiencies, bearing in mind the particular circumstance of the intended voyage.
- 6) It should be recognised that all equipment is subject to failure and spares or replacement parts may not be readily available. In such cases, undue delay should not be caused if, in the opinion of the PSCO, safe alternative arrangements have been made.
- 7) If 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:**
 - 7.1) due account has been given to the Convention requirements regarding notification to the Flag State Administration, the appointed surveyor or the recognised organisation for issuing the relevant certificate.

- 7.2) **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.**
- 7.3) appropriate remedial action, to the satisfaction of the Port State authority, is being taken by the ship.
- 7.4) being notified of the completion of the remedial action, the Port State authority has ensured that deficiencies which were clearly hazardous to safety have been rectified.
- 8) As the detention of a ship is a serious matter involving many issues, it may be in the interest of the PSCO to act with other interested parties. For example, the Officer may request the owner's representative to provide proposals for correcting the situation. The PSCO may also consider co-operating with the Flag State Administration's representative or recognised organisation responsible for issuing the relevant certificates, and consulting them regarding their acceptance of the owner's proposals and their possible additional requirements. Without limiting the PSCO's discretion in any way, the involvement of other parties could result in a safer ship, avoid subsequent arguments relating to the circumstances of the detention, and prove advantageous in case of litigation involving "undue delay".
- 9) If deficiencies cannot be remedied at the port of inspection, the PSCO may allow the ship to proceed to another port, subject to any appropriate conditions. In such circumstances, the PSCO should ensure that the competent authority of the next port of call and the Flag State are notified.
- 10) The Company or its representative has the right of appeal against a detention taken by the Port State Authority. The appeal should not cause the detention to be suspended. The PSCO should inform properly the Master of the right of appeal.

REMEMBER

- IMO Resolution A.787 (19) – PROCEDURES FOR PORT STATE CONTROLS;
- The PSCO has authority and responsibilities;
- Owners' representative(s) or Master should not fear the PSCO;
- Owners' representative(s) or Master should create a positive and co-operative environment;
- If Owners' representative(s) and/or Master and Chief Engineer is/are not convinced/sure or not in the agreement of the PSCO statement, he/they has/have the right and the duty to request explanations and objective evidences;
- **A lot of deficiencies/detentions are the result of a "non reaction" or "silent acceptance" of the owners' representative(s) and/or Master/Officers.**