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Sylvie Maier

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Port state control — does it work?

SYLVIE MAIER

Head of Secretariat, Memorandum of Understanding on Port State Control

MISS SYLVIE MAIER: Thank you very much Mr Chairman. Ladies and gentlemen, in November last year, Mr Christopher Hayman wrote in Seatrade about what he called "that gloomy-sounding phenomenon: The Memorandum of Understanding on Port State Control". Soon after that I was invited to come here today and to explain why Port State Control maybe is not such a gloomy affair after all. I am very grateful for that opportunity.

The Memorandum of Understanding, or, as we call it in brief, the MOU, has been in operation now for two and a half years. In those two and a half years, 28,000 inspections have been carried out. But the real question is, of course: does it work?

Port State Control as such is nothing new. The first International Convention for the Safety of Life at Sea, adopted in 1914, already contained a provision calling for the control of ships while in ports of contracting governments, and from then on one can find similar provisions in most international conventions dealing with safety or pollution prevention in the field of shipping.

As we have heard before this morning, ships are normally controlled from the very date of their keel-laying. The flag state exercises control, the classification societies execute regular surveys, and many underwriters also have "their" ships surveyed.

Nevertheless, the fourteen partners to the MOU discovered the hard way that more stringent control was necessary. Many accidents have occurred in the heavy traffic areas along the European coasts. Some of them could have been prevented. In any case they showed that sub-standard shipping was still very much alive. The MOU authorities then concluded that the only sure cure was prevention. The MOU authorities, by the way, are all the EEC member states except Luxembourg, for obvious reasons - they have no ports - together with Norway, Sweden, Finland, Spain and Portugal. Those are the fourteen countries.

So they joined their forces, and although the concept of Port State Control as such was old, they gave it a face-lift:

- 1) They decided to exercise control in all ports of the 14 authorities along similar international lines.
- 2) They set a target: they decided to inspect, by July 1 of this year, 25% of all individual merchant ships that enter their ports in a year.
- 3) They decided on a computerised system for information exchange.
- 4) They decided that Port State Control inspections should not unnecessarily burden the ship's master.

So the surveyors from 14 maritime authorities inspect foreign ships in their ports. How does this take place in daily practice? First they

check only if all required certificates are on board and if they are valid. By the way, the MOU surveyors exercise control on the basis of several widely accepted international conventions of the International Maritime Organisation (IMO) and the International Labour Organisation (ILO), such as Solas, Marpol, load lines and several other conventions.

If the certificates are in order and if there is no clear ground to believe that the flag does not cover the cargo, the other surveyors in the region will leave that ship, in principle, alone for 6 months. The results of the inspection will be fed into the computer for the region, which is based at St. Malo in France, and each surveyor in the region must consult this data-base to check beforehand whether a specific ship is eligible for inspection when it enters his port.

On the other hand, if his professional eyes tell the surveyor that a ship may not be up to international standards at all, he has a "clear ground" to carry out a full inspection of the ship. He may even have to delay or detain the ship to ensure that outstanding deficiencies will be remedied before the ship leaves for sea again. Last year around 6% of the ships inspected had to be detained. This is what happens in daily practice in the ports. On a more global level, the maritime authorities have two priorities in realising their goals:

1) They want a harmonised system of inspections, and that is not easy to realise in 14 countries that all have different maritime traditions - similar in some cases but very different in others. It takes a lot of time to work on that.

2) They intend, of course, to realise the inspection target of 25% which they have set.

The MOU text says that the inspection procedures should be harmonised throughout the region. The international guidelines as such, within the framework of the IMO, are the basis for the inspection procedures. Nevertheless, we find that the surveyor's task is not easy: the international rules have become very complex and can sometimes be interpreted in different ways. If the surveyor wants to have at hand the conventions that are relevant to the MOU only, for example, he has to carry 1552 pages with him. But the MOU partners will try to facilitate his task in future by designing a manual from which all surveyors in the region can work.

Another subject for harmonisation is the surveyor himself. It may sound a bit like Orwell's "1984" but it is certainly not intended. The point is that the partners have explicitly decided against the use of checklists during inspections. They fear that rigidity and inflexibility might result from that and that the surveyors professional judgement would be useless. In the absence of checklists, however, it is very important, we feel, that a certain mutual understanding, a certain consensus among the surveyors in all these 14 countries emerges. This is why we organise yearly seminars and why arrangements for the exchange of surveyors between different maritime authorities are being made. We also have ideas about developing a joint training in certain aspects of the MOU.

Moving on to the second goal, the 25% target should be met by the July 1 this year, and for some partners this will be easier than for others. Some partners already had a large number of surveyors employed, and also the fact that the national fleets in some countries declined enabled surveyors to dedicate a substantial portion of their time to Port State Control. For other partners, the undertaking to increase the number of inspections means an enlargement of their surveyors team, and that in times of budgetary constraints. Also, some partners discover that often ships entering their ports have already been inspected elsewhere in the region, and that implies, as I said before, that in principle they should leave the master alone for a period of six months. For them, it will be more difficult to honour their obligations.

Anyway, we are nearing this target for each partner, and that implies for the whole region that three out of every four ships sailing the European waters will be inspected regularly. Some vessels have a relatively larger chance of being inspected. Oil tankers, gas and chemical carriers belong to that group, but more especially ships which have shown many deficiencies on the occasion of an earlier inspection. So much for the surveyors who actually execute the work of the MOU. To return to our initial question, does Port State Control work?

Obviously, if I thought the answer to this was "No", I would never have brought up the question. But on the basis of the following you may judge for yourself.

The rate of inspections is still rising by about 15% every year. We are not far from the target I mentioned which would imply that three out of four ships visiting the region are inspected. Sometimes the inspections may be superficial - that has been mentioned before, and very rightly so. But the reason for that is that the international rules provide for a check of the certificates in the first place - we do have to stick to the international rules. On the other hand, if a complaint has been received or if the surveyor feels that the ship is in really bad shape, he may turn the ship absolutely upside down.

I have the feeling that all this starts to work preventively. It is still difficult to prove it with hard figures, because the inspection efforts in the region are still going up. We do find more deficiencies now, but that might also be because there are more inspections being carried out. We do think that it works preventively, because we get reactions from other regions, remarks from shipowners, little hints from people who know. If this is true, it would mean that sub-standard ships will be less inclined to visit the European region.

But if such a sub-standard ship is not scrapped, it may continue to sail the waters in other regions. If we take a look at the other regions, we see that the USA introduced stringent Port State Control long before the MOU came into being. The Soviet Union started exercising Port State Control in 1982, and Japan conducts Port State Control inspections as of last year - and very much along the same lines as ours.

Thus the meshes of the net become smaller all the time. The 14 European countries welcome these developments very much. Our initial reasons for joining hands in Europe were the heavy traffic zones along our coasts, combined with the desire to avoid distortion of competition in the region

between ports and shipowners. But Port State Control is certainly not exclusive to Europe. The MOU partners are in touch with some of the countries I mentioned, and information is being exchanged.

Port State Control has received large moral support from the industry's side. They have shown great interest in what the 14 countries are doing, and I have been asked on many occasions to give further explanations. The industry is also highly interested in the statistical material we assemble. That is very understandable, of course. But so far, the MOU partners have been rather careful with the publication of statistics. Let me say first that I hope this will change, but the reasons for that were the following: we had a new computerised system which had to be started up, and, as most of us will know, this always comes with certain problems. The partners wanted to be absolutely sure of the highest quality of their figures before they were published. On the other hand there is still some hesitation of another nature: they do not specifically want to nail down certain flag states which may figure in the lists as having ships with more deficiencies than others. They think there can be many reasons for this: one, for example, being that relatively more ships from their fleets enter the MOU region. We are currently trying to put these statistics against the proper background which will do more justice to the figures.

Not only industry has shown interest in our statistics. We have also received requests from flag states concerning the inspection results of ships flying their flag.

Of course, the Port State Control machinery does not yet operate smoothly - there is still a lot to be done in the field of harmonisation. The secretariat has always tried to have an open mind for information or complaints from the side of those who are the subjects of Port State Control. It is only logical that we have to know about an incident to enable us to do something about it. Therefore, it is encouraging to note that we have received very few reactions indicating that the treatment had been experienced as unfair.

Although Port State Control entered the operational phase long ago, it is still on the mind of the Ministers who are responsible for it. I just heard that Mr Mitchell mentioned Port State Control as well, two days ago in his introduction. It is gratifying to see that we do not need another disaster to keep this momentum alive. This is exactly why the Minister of Transport and Public Works of the Netherlands has invited her colleagues from the other MOU countries, together with the EEC, IMO and ILO, for a ministerial conference in the Spring of 1986.

All this, hopefully, may indicate that Port State Control is very much alive. However, we shall really be able to see that Port State Control works when the inspections start showing that hardly any deficiencies are found any more. Our ultimate goal is to eliminate sub-standard shipping. And then the time may come when Port State Control will be superfluous. Who knows?

Thank you, ladies and gentlemen. (Applause)

CHAIRMAN: Thank you very much, Miss Maier, for a very clear and very interesting account of what is obviously a valuable work.