

## ANNEX 2

## ANNEX-2

# GUIDELINES FOR SURVEYORS TO BE OBSERVED IN THE INSPECTION OF INTERNATIONAL SHIPPING

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#### Section 1      **General**

##### 1.1 **Guidelines to be observed in the inspection of foreign ships**

The guidelines mentioned in section 3.1 of the Memorandum refer to the relevant provisions of the following:

- i) Procedures for Port State Control (IMO Resolution A.787(19));

- ii) Principles of Safe Manning (IMO resolution A.481(XII), and Annexes as amended which are Contents of Minimum Safe Manning Document (Annex 1) and guidelines for the Application of Principles of Safe Manning (Annex 2).
- iii) The provisions of the International Maritime Dangerous Goods Code.
- iv) ILO publication "Inspection of labour conditions on board Ship: Guidelines for procedure".
- v) The procedures laid down in the Annex to the Memorandum.

### **1.2 Principles governing rectification of deficiencies or detention of a ship.**

In taking a decision concerning the rectification of a deficiency or detention of a ship, the PSCO shall take into consideration the results of the detailed inspection carried out in accordance with section 3. The PSCO shall exercise his professional judgement in determining whether to detain the ship until the deficiencies are corrected or to allow it to sail with certain deficiencies without unreasonable danger to the safety, health or the environment, having regard to the particular circumstances of the intended voyage. As regards minimum manning standards and the provisions of ILO Convention No. 147, special procedures shall be observed set out in section 3 and 4 of this Annex.

### **1.3 Application of the clause of "no more favorable treatment"**

In applying Section 2.4 of the Memorandum the following shall be observed. Ships entitled to fly the flag of a State which is not a party to a relevant instrument listed in Section 2 and thus not provided with certificates representing *prima facie* evidence of satisfactory conditions on board, shall receive a detailed inspection. In making such an inspection the PSCO should follow the same guidelines as provided for ships to which the relevant instruments are applicable.

The conditions of and on such a ship and its equipment and the certification of the crew, its number and composition shall be compatible with the aims of the provisions of a relevant instrument, otherwise the ship shall be subject to such restrictions as are necessary to obtain a comparable level of safety.

## **Section 2 The safety of the ships as related to SOLAS 74/78, LOADLINES 66, COLREG 72 and MARPOL 73/78, as amended.**

### **2.1 More detailed inspection**

In so far as there are clear grounds for a more detailed inspection relating to the provisions of the SOLAS Convention, the Protocol thereto, the Load Lines Convention, COLREG 72 and MARPOL 73/78, the PSCO when carrying out this inspection shall take into account the

considerations given in "Procedures for Port State Control " (IMO Resolution A.787(19)), the provisions of the International Maritime Dangerous Goods Code and the provisions of Section 4 with regard to living and working conditions on board ships.

### **Section 3 Minimum manning standards and certifications**

#### **3.1 Introduction**

The guiding principle for Port State inspection of the manning of a foreign ship should be to establish conformity with the Flag State's safe manning requirements. Where this is in doubt, the Flag State should be consulted. Such safe manning requirements stem from:

- i) The International Convention for the Safety of Life at Sea (SOLAS) 1974
- ii) The Merchant Shipping (Minimum Standards) Convention 1976 (ILO Convention 147) which *inter alia* refers to the ILO Convention No. 53 Articles 3 and 4;
- iii) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended;
- iv) The Contents of Minimum Safe Manning Document (IMO Resolution A.481 (XII) Annex 1, as amended);
- v) The Guidelines for the Application of Principles of Safe Manning (IMO Resolution A.481(XII), as amended).

Detention as Port State action shall only be taken on the grounds laid down in the relevant instruments.

#### **3.2 Manning Control**

3.2.1 If a ship is manned in accordance with a safe manning document or equivalent document issued by the Flag State, the PSCO should accept that the ship is safely manned unless the document has clearly been issued without regard to the principles contained in the relevant instruments and in the IMO Guidelines for the Application of Principles of Safe Manning. In this last case, the PSCO should act according to the procedures defined in paragraph 3.2.3.

3.2.2 If the actual crew number or composition does not conform to the manning document, the Port State should request the Flag State for advice whether or not the ship can sail with the actual number of crew and its composition. Such request should be made as quickly as possible.

The reply, if any, from the Flag State should be confirmed by telex/telefax. If the actual crew number and composition is not brought into accordance with the safe manning document or the

Flag State does not advise that the ship could sail, the ship may be considered for detention after the criteria set out in paragraph 3.4 of this Annex have been taken into proper account.

3.2.3 If the ship does not carry a safe manning document or equivalent, the Port State should request the Flag State to specify the required number of crew and its composition and to issue a comment as quickly as possible. In case the actual number or composition of the crew does not conform to the specifications received from the Flag State, the procedure as contained in paragraph 3.2.3 applies. If the Flag State does not respond to the request, this will be considered as a clear ground for a more detailed inspection to ensure that the number and composition of the crew is in accordance with the principles laid down in paragraph 3.1. The ship shall only be allowed to proceed if it is safe to do so, taking into account the criteria for detention under paragraph 3.4. In any such case, the minimum standards to be applied shall be no more stringent than those applied to ships flying the flag of the Port State. The lack of a safe manning document shall be reported as a deficiency.

### **3.3 Certification Control**

3.3.1 General Certification control upon ships should be carried out in accordance with the procedures stipulated in Article X and in Regulation I/4 of the STCW Convention.

3.3.2 Certification control upon ships engaged in the carriage of liquid hazardous cargo in bulk should be more stringent. The PSCO should satisfy himself that the officers responsible for cargo handling and operation possess documentary evidence of having had the appropriate training and experience.

No exemption from the carriage of such documentary evidence should be accepted. Where a deficiency is found, the master should be informed and the deficiency rectified. With regard to appropriate training, reference is made to chapter V of the STCW Convention, to resolutions 10, 11 and 12 adopted by the International Convention on Training, Certification and Watchkeeping of Seafarers 1978, as amended, and to the relevant sections of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk and the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk.

### **3.4 Detention**

Before detaining a ship under paragraph 3.2 or 3.3. of this Annex, the following circumstances should be considered:

- i) Length and nature of the intended voyage or service
- ii) Whether or not the deficiency poses a danger to ship, persons on board or the environment
- iii) Whether or not appropriate rest periods of the crew can be observed

- iv) Size and type of ship and equipment provided
- v) Nature of cargo.

The absence of Deck or Engineer Officer required to be certificated should not be grounds for detention whether the absence is in accordance with any exceptional provisions approved by the Flag State.

#### **Section 4 Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)**

4.1 Inspections on board ships under the Merchant Shipping (Minimum Standards) Convention 1976 (ILO Convention No. 147) shall relate to:

- i) The Minimum Age Convention, 1973 (No. 138); or the Minimum Age (Sea) Convention (Revised, 1936 (No. 58)), or the Minimum Age (Sea) Convention, 1920 (No. 7);
- ii) The Medical Examination (Seafarers) Convention, 1946 (No. 73);
- iii) The Prevention of Accidents (Seafarers) Convention, 1970 (No. 73);
- iv) The Accommodation of Crews Convention (Revised), 1949 (No. 92);
- v) The Food and Catering (Ship's Crews) Convention, 1946 (No. 68) (Article 5);
- vi) The Officers' Competency Certificates Convention, 1936 (No. 53) (Articles 3 and 4).

Inspection regarding certificates of competency is dealt with in Section 3 of this Annex. In the exercise of control functions the PSCO, in the light of his general impression of the ship, will have to use his professional judgement to decide whether the ship shall receive a more detailed inspection. All complaints regarding conditions on board should be investigated thoroughly and action taken as deemed necessary by the circumstances. He shall also use his professional judgement to determine whether the conditions on board give rise to a hazard to the safety or health of the crew which necessitates the rectification of conditions, and may if necessary detain the ship until appropriate corrective action is taken.

4.2 In so far as there are clear grounds for a more detailed inspection relating to the provisions of ILO Convention No. 147, the PSCO when carrying out an inspection shall take into account the previous paragraph in this section and the considerations given in the ILO publication "Inspection of Labour Conditions on board ship guidelines for procedure".

4.3 The Conventions relevant in the framework of the provisions of paragraph 4.4. are:

- i) The Seamen's Articles of Agreement Convention, 1926 (No. 22);
- ii) The Repatriation of Seamen Convention, 1926 (No. 23);

- iii) The Shipowners' Liability (Sick And Injured Seamen) Convention, 1936 (No. 55); or the Sickness Insurance (Sea) Convention, 1936 (No. 56); or the Medical Care and Sickness Benefits Convention, 1969 (No. 130);
- iv) The Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);
- v) The Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

4.4 If the PSCO receives a complaint to the effect that the standards laid down in the Conventions listed in paragraph 4.3 are not met, the matter should be reported to the nearest maritime consular or diplomatic representation of the Flag State for further action. If deemed necessary, the appropriate Authority may prepare a report to the Flag State, if possible with evidence, with a copy to the ILO.

4.5 Those parts of the ILO publication "Inspection of Labor Conditions on Board Ship: Guidelines for procedure" which deal with:

- i) Control procedures for national flag ships;
- ii) Vocational training;
- iii) Officer's certificates of competency;
- iv) Hours of work and manning;

should not be considered as relevant provisions for the inspection of ships but as information to PSCOs only.

## **Section 5 Guidelines for Surveyors to be Observed in the Inspection of Ships of Non-Convention Size and Ships of Traditional Build**

### **1. Ships of non-convention size**

1.1 The following is a guide for the application of Section 2.5 in respect of cargo ships of non convention sized ships.

1.2 To the extent a relevant instrument is not applicable to a ship below 500 gross tonnage, the PSCO shall be guided by the provisions of the ["Safety Regulations for Non-convention Sized Ships"]

### **2. Ships of traditional build**

2.1 The following is a guide for the application of Section 2.5 in respect of ships of traditional build:

2.2 To the extent a relevant instrument is not applicable to a ship of traditional build, the PSCO's task will be to assess whether the ship is of an acceptable standard in regard to safety, health or the environment. In making that assessment, the PSCO shall take due account of such factors as the length and nature of the intended voyage or service, the size and type of the ship, the equipment provided and the nature of the cargo.

2.3 In the exercise of his functions under paragraph 2.2, the PSCO should be guided by any certificates and other documents by the Flag State. The PSCO will, in the light of such certificates and documents and in his general impression of the ship, use his professional judgement in deciding whether and in what respects the ship shall receive a more detailed inspection, taking into account the factors mentioned in paragraph 2.2. The PSCO shall, to the extent he deems necessary, pay attention to the items listed in paragraph 2.4. The list is not considered exhaustive but is intended to give an exemplification of relevant items.

#### **2.4 Items of general importance**

2.4.1 Items related to the conditions of assignment of load lines:

- Weathertight (or watertight as the case may be) integrity of exposed decks;
- Hatches and closing appliances;
- Weathertight closures to openings in superstructures;
- Freeing arrangements;
- Side outlets;
- Ventilators and air pipes;
- Stability information.

2.4.2 Other items related to the safety of life at sea:

- Life saving appliances;
- Fire-fighting appliances
- General structural conditions (i.e. hull, deck, hatch covers etc.);
- Main machinery and electrical installations;
- Navigational equipment including radio installations.

2.4.3 Items related to the prevention of pollution from ships:

- means for the control of discharge of oil and oily mixtures, e.g. oily water separating or other equivalent means (tank(s)) for retaining oil, oily mixtures, oil residues;
- presence of oil in the engine room bilges.

2.5 In the case of deficiencies which are considered to affect safety, health or the environment, the PSCO shall take such action which may include detention as may be necessary, having regard to the factors mentioned in paragraph 2.2, to ensure that the deficiency is rectified or that the ship, if allowed to proceed to another port, does not present a clear hazard to safety, health or the environment.

# ANNEX 3

## ANNEX 3

### FACTS REGARDED AS "CLEAR GROUNDS"

The Authorities will regard as "clear grounds" *inter alia* the following:

- 1) A report or notification by another Authority;
- 2) Report or complaint by the master, a crew member, or any person or organization with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution, unless the Authority concerned deems the report or complaint to be manifestly unfounded. The identity of the person lodging the report or the complaint must not be revealed to the master or the shipowner of the ship concerned;
- 3) Other indications which may warrant a more detailed or an expanded inspection, having regard in particular to Annex 2.

For the purposes of control on compliance with on-board operational requirements, specific "clear grounds" are the following:

- 1) Evidence of operational shortcomings revealed during Port State Control Procedures in accordance with SOLAS 74, MARPOL 73/78 and STCW 1978', as amended.
- 2) Evidence of cargo and other operations not being conducted safely or in accordance with IMO guidelines;
- 3) Involvement of the ship in incidents due to failure to comply with operational requirements;
- 4) Evidence, from the witnessing of a fire and abandon ship drill, that the crew are not familiar with essential procedures;
- 5) Absence of an up-to-date muster list;
- 6) Indications that the relevant crew members are unable to communicate appropriately with each other, or with other persons on board, or that the ship is unable to communicate with the shore-based authorities either in a common language or in the language of those authorities.

# ANNEX 4

## ANNEX 4

### QUALIFICATION CRITERIA FOR PORT STATE CONTROL OFFICERS

1. In pursuance of the provisions of 3.5 of the Memorandum, the Port State Control Officers must be properly qualified and authorised by the Authority to carry out Port State Control inspections.
2. A properly qualified Port State Control Officer must have completed a minimum of one year's service as a Flag State surveyor dealing with surveys and certification in accordance with the relevant instruments and be in possession of:
  - 1) A certificate of competency as master, enabling that person to take command of a ship as specified in STCW, as amended, or
  - 2) A certificate of competency as chief engineer, enabling that person to take up that task on board a ship as specified in STCW, as amended, or
  - 3) Has passed an examination as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least 5 years, or
  - 4) Has an equivalent qualification as determined by the Administration.

The Port State Control Officers mentioned under 1 and 2 above must have served for a period of not less than five years at sea as officer in the deck or engine department.

✓ Alternatively, a Port State Control Officer is deemed to be properly qualified if that person:

- 1) Holds a relevant university degree or an equivalent training, and
- 2) Has been trained and qualified at a school for ship safety PSCOs, and
- 3) Has served at least 2 years as Flag State surveyor or PSCO dealing with surveys and certification in accordance with the relevant instruments.
- 4) Has the ability to communicate orally and in writing with seafarers in the language most commonly spoken at sea.
- 5) Has appropriate knowledge of the provisions of the relevant instruments and of the relevant procedures on Port State Control.

Port State Control Officers not fulfilling the above criteria are also accepted if they are employed for Port State Control by an Authority before the Memorandum comes into force for such Authority.

## ANNEX 5

## **ANNEX 5**

### **REQUIREMENTS FOR THE IDENTITY CARD FOR PORT STATE CONTROL OFFICERS**

The identity card shall contain at least the following information:

- a) Name of issuing Authority;
- b) Full name of the holder of the identity card;
- c) An up-to-date picture of the holder of the identity card;
- d) The signature of the holder of the identity card;
- e) A statement to the effect that the holder of the identity card is authorised to carry out inspections in accordance with national legislations.

If the main language used on the identity card is not English, it must include a translation into that language.

The format of the identity card is left to the discretion of the relevant Authorities.

# ANNEX 6

**ANNEX 6**  
**REPORT OF INSPECTION IN ACCORDANCE WITH**  
**IMO PORT STATE CONTROL PROCEDURES (RES.A787(19))\*\*\***

(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	date 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
- 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 purpose of informing the master and other ports State, mentioned in the heading has taken place. This inspection report cannot be construed as a seaworthiness certificate in excess of the certificates 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



**(Reverse Side of Form B)**

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Codes for action taken

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Code	
00	No action taken
10	Deficiency rectified
15	Rectify deficiency at next port
16	Rectify deficiency within 14 days
17	Master instructed to rectify deficiency before departure
30	Ship detained
35	Detention raised
36	Ship allowed to sail
40	Next port informed
45	Next port informed to re-detain
50	Flag administration/consult/flag maritime authority informed
55	Flag administration/maritime authority consulted
60	Region authority informed
70	Classification society informed
80	Temporary substitution of equipment
85	Investigation of contravention of discharge provisions (MARPOL)
95	Letter of warning issued
96	Letter of warning withdrawn
99	Other (specify in clear text)

Al-Oraibi

## ANNEX 7

ANNEX 7

**REPORT OF DEFICIENCIES  
NOT FULLY RECTIFIED OR ONLY PROVISIONALLY REPAIRED**

In accordance with the provision of 4.7.3 of IMO Port State Control Procedures (Res.A787(19))  
(Copy to maritime Authority of next port of call, flag administration, or other certifying  
authority as appropriate)

- |   |  |
|---|--|
| 1. From (country/region): .....                         | 2. Port:.....  |
| 3. To (country/region): .....                           | 4. Port:.....  |
| 5. Name of ship: .....                                  | 6. Date departed: .....  |
| 7. Estimated place and time of arrival: .....           |  |
| 8. IMO number: .....                                    | 9. Flag of ship & POR: .....                                     |
| 10. Type of ship: .....                                 | 11. Call sign .....  |
| 12. Gross tonnage:.....                                 | 13. Year of build: .....   |
| 14. Issuing authority of relevant certificate(s): ..... |  |
| 15. Nature of deficiencies to be rectified:             | 16. Suggested action<br>(including action at next port of call): |

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**17. Action taken:**

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Reporting Authority: .....

Office: .....

Name: .....  
Duly authorized PSC officer of (reporting authority)

Facsimile: .....

Signature: .....

Date: .....

ANNEX 7 (Continued)

**REPORT OF ACTION TAKEN  
TO THE NOTIFYING AUTHORITY**

In accordance with the provision of 4.7.3 of IMO Port State Control Procedures (Res.A787(19))  
(by Facsimile and/or Mail)

1. To: (Name).....  
(Position).....  
(Authority).....  
Telephone:.....      Telefax: .....

2. From: (Name).....  
(Position).....  
(Authority).....  
Telephone:.....      Telefax: .....

3. Name of ship: .....

4. Call sign: .....      5. IMO number: .....

6. Port of Inspection: .....

7. Date of Inspection: .....

8. Action taken:

(a) Deficiencies

(b) Action taken

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9. Next port: .....

(Date) .....

10. Supporting documentation      No

Yes      (See attached)

Signature .....

# ANNEX 8

## ANNEX 8

### EXCHANGE OF MESSAGES BY REGIONAL AUTHORITIES IN ACCORDANCE WITH SECTIONS FROM 3.17 TO 3.19 OF THE MEMORANDUM

1. In case of deficiencies not fully rectified or provisionally repaired, a message shall be sent to the competent Authority of the region State where the next port of call of the ship is situated.
2. The exchange of messages as in paragraph 1 above shall take effect through the use of communication facilities incorporated in the information system as described in Annex 9 and/or by facsimile on the form contained in the Appendix to this Annex.
3. Each message as in paragraph 1 above shall contain the following information:
  - Date:
  - From (country):
  - Port:
  - To (country):
  - Port:
  - A statement reading deficiencies:
  - Name of ship:
  - IMO identification number (if available).
  - Official number:
  - Type of ship:
  - Flag of ship:
  - Call sign:
  - Gross tonnage:
  - Year of build:
  - Issuing Authority(ies) of relevant certificate(s):
  - Date of departure:
  - Estimated place and time of arrival:
  - Nature of deficiencies:
  - Action taken:
  - Suggested action at next port of call:
  - Name and facsimile number of sender:

## ANNEX 9

## ANNEX 9

### INFORMATION SYSTEM ON INSPECTIONS

- 1) To assist Authorities in their selection of foreign flag ships to be inspected in their ports, it is necessary to have at the disposal of Authorities up to date information of inspection of an individual foreign flag ship in one of the other regional ports within the preceding six months.
- 2) For that purpose, the Authorities undertake to provide an Information Centre, preferably by means of computerized data transmission, with information on ships inspected in the national ports, basing themselves on the information set out in Annex 6 to the Memorandum. The insertion of information into the inspection files should preferably be realized by means of direct, computerized input on a daily basis.
- 3) For the purpose of exchanging rapid information, the information system shall embrace a communication facility which allows for a direct, computerised exchange of messages between individual Authorities, including the notifications as referred to in Section 3.8 of the Memorandum and the exchange of information on operational violations as referred to in Section 5 of the Memorandum.
- 4) The information as in paragraphs 2 and 3 above shall be handled in a standardized form and in accordance with standardization as set out in the guide for users of the information system provided by the Information Centre.
- 5) The Information Centre will organise the processing of information as in paragraph 2 above so as to ensure that inspection data are easily accessible both for purposes of consultation and updating in accordance with procedures as set out in the guide for users of the information system provided by the Information Centre.
- 6) The telex or facsimile facilities shall continue to be an alternative system of exchanging information to which a standardized form applies as set out in the Appendix to this Annex.
- 7) Information for administrative purposes, such as statistical information, will be provided by the Secretariat under the guidance of the Committee. This will be based on data provided by the Information Centre.
- 8) The information system indicated in the foregoing paragraphs will be implemented as long as the Memorandum takes effect. Studies to monitor and, where necessary, to improve the quality of the system will be carried out on a continuous basis.

- 9) Whenever deficiencies are found which lead to the detention of a ship, the Port State Authority will send a copy of the report, as referred to in Annex 3 to the Memorandum, to the flag Administration concerned.

## Appendix to Annex 9

### TELEX OR FACSIMILE FORM FOR SHIPS INSPECTED

#### Report of Inspection

- 1) Name of issuing country
  - 2) Name of ship
  - 3) Flag of ship
  - 4) Type of ship
  - 5) Call sign
  - 6) IMO number/Official Number
  - 7) Gross tonnage
  - 8) Year of build
  - 9) Date of inspection (format:dd-mm-yy)
  - 10)Place of inspection
  - 11)Relevant certificates\*
    - a) Title of certificate
    - b) Issuing authority
    - c) Date of issue and expiry (format: dd-mm-yy/dd-mm-yy)
    - d) Last intermediate survey (format:dd-mm-yy/authority/place)
  - 12) Deficiencies (yes/no)
  - 13) Ship delayed/detained (yes/no)
  - 14) Nature of deficiencies \*\* (format: def: def: def )
  - 15) Actions taken#
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\* to be reported for each relevant certificate

\*\*including reference to the relevant Conventions if shown on the document left on board.

# may alternatively be added to the particulars under 14 (nature of deficiencies) if the action taken has a direct relation to the corresponding deficiency. Deficiency and action(s) taken must be separated by a slant (/) (format: 14. Def/at/at;def/at/at/at;) (See 15 and 16 of Annex 7).

# ANNEX 10

## ANNEX 10

### CRITERIA FOR ADHERENCE TO THE MEMORANDUM IN ACCORDANCE WITH ADMINISTRATIVE PRIORITIES OF THE MEMORANDUM

#### Qualitative criteria

A Maritime Authority of a State may adhere as a full member, provided that all of the following qualitative criteria have been met:

- 1) Such Maritime Authority shall explicitly subscribe to the commitments under the Memorandum with a view to contributing to the common endeavour to eliminate the operation of sub-standard ships;
- 2) Such Maritime Authority shall take all necessary measures to encourage the ratification of all relevant instruments in force.
- 3) Such Maritime Authorities shall have sufficient capacity, logistically and substantially, to appropriately enforce compliance with international maritime standards regarding maritime safety, pollution prevention and living and working conditions on board with regard to ships entitled to fly its flag, which shall include the employment of properly qualified PSCOs acting under the responsibility of its Administration, to be demonstrated to the satisfaction of the Committee referred to in section 7.1. of the Memorandum.
- 4) Such Maritime Authority shall have sufficient capacity, logistically and substantially, to comply in full with all provisions and activities specified in the Memorandum in order to enhance its commitment, which shall include the employment of properly qualified Port State Control Officers acting under the responsibility of its Administration, to be demonstrated to the satisfaction of the Committee referred to in Section 7.1. of the Memorandum.
- 5) Such Maritime Authority shall, as of its effective date of membership, establish an on-line connection to the information system referred to in Annex 8.
- 6) Such Maritime Authority shall sign a financial agreement for paying its share in the operating cost of the Memorandum and shall, as of its effective date, pay its financial contribution to the budget as approved by the Committee referred to in Section 7.1. of the Memorandum.

Assessment of compliance with the above conditions shall only be valid for each individual case and shall not create a precedent for any future cases, neither for the Authorities present under the Memorandum nor for the potential new signatory.

Notwithstanding the above requirements, the Committee may, in its discretion, accept additional Member States not able to fully meet the criteria, providing the criteria are met within a reasonable time frame.

**ANNEX 11**

## ANNEX 11

### FUNCTIONS OF THE SECRETARIAT OF THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

The Secretariat would:

- Assist the Committee in organising the meetings of the Committee;
- Prepare papers for the meetings of the Committee as instructed by the Committee or on proposal of individual meetings;
- Circulate papers among the Members of the Committee, IMO, ILO or any other institution or body as deemed necessary by the Committee;
- Prepare draft summary records of the meetings of the Committee and any other paper that results from the meetings for approval by the Committee;
- Present information on developments on Port State Control in international bodies, such as IMO and ILO on request and on behalf of the Committee;
- Supply information on the Memorandum of Understanding to other interested Authorities, bodies and organisations on request and on behalf of the Committee;
- Deal administratively with requests of Authorities to accede according to the formal procedure for accession as requested by the Committee;
- Provide each year before ..... a budget proposal for the work of the Secretariat;
- Each year before.....render an account on the previous year, including suggestions for payment or additional payment;
- Inform the Committee on any other financial aspects of the RSA Memorandum of Understanding;
- Undertake such other relevant functions as the Committee may deem necessary from time to time.