



## **MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN THE CARIBBEAN REGION<sup>1</sup>**

The Maritime Administrations of

**Anguilla**

**Antigua and Barbuda**

**Aruba**

**Bahamas**

**Barbados**

**Belize<sup>2</sup>**

**Cuba<sup>3</sup>**

**Curaçao<sup>4</sup>**

**Bermuda**

**British Virgin Islands**

**Cayman Islands**

**Dominica**

**Grenada**

**Guyana**

**Jamaica**

**Montserrat**

**Netherlands<sup>5</sup>**

**Netherlands Antilles (was dissolved October 10, 2010)**

**Saint Kitts and Nevis<sup>6</sup>**

**Saint Lucia**

**Saint Vincent and the Grenadines**

**Suriname<sup>7</sup>**

**Trinidad and Tobago**

**Turks and Caicos Islands**

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<sup>1</sup> For the purposes of this Memorandum, references to the 'Caribbean Region' mean insular and coastal States and Territories with coasts on the Caribbean Sea and the Gulf of Mexico as well as waters off the Atlantic Ocean adjacent to those States and Territories.

<sup>2</sup> Maritime Authority of Belize adhered to the Memorandum on July 23, 2008.

<sup>3</sup> Maritime Authority of Cuba adhered to the Memorandum on June 28, 1999.

<sup>4</sup> CMOU awaiting Letter of Adherence from the Maritime Authority of Curaçao.

<sup>5</sup> Inspectorate for Transport, Public Works and Water Management adhered to the Memorandum on September 26, 2011.

<sup>6</sup> Maritime Authority of St. Christopher and Nevis adhered to the Memorandum on August 5, 2010.

<sup>7</sup> Maritime Authority of Suriname adhered to the Memorandum on June 27, 2003.

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hereinafter referred to as 'the Administrations'

**Conscious** of the importance of the safety of life at sea and in ports and the growing urgency of protecting the marine environment and its resources;

**Recalling** the importance of the requirements set out in the relevant maritime conventions for ensuring maritime safety and marine environment protection;

**Recalling** the importance of improving living and working conditions at sea;

**Noting** the standards established by the International Maritime Organization (IMO) and the International Labour Organization (ILO) and mindful especially of IMO Resolution A.682 (17) adopted at its 17th Assembly, concerning regional co-operation in the control of ships and discharges;

**Mindful** that the principal responsibility for the effective application of standards laid down in international instruments rests upon the Administrations of the State whose flag a ship is entitled to fly;

**Recognizing** nevertheless that effective action by port States is required to prevent the operation of substandard ships;

**Recognizing also** the need to avoid distorting competition between ports;

**Convinced** of the necessity, for these purposes, of an improved and harmonized system of port state control and of strengthening cooperation and the exchange of information;

have reached the following understanding:

## **Section 1 Commitments**

- 1.1** Each Authority that has accepted or adhered to the Memorandum will give effect to the provisions of the present Memorandum and the Annexes thereto, which constitute an integral part of the Memorandum, and take all necessary steps to ratify instruments relevant for the purposes of this Memorandum as identified in Section 2.1.

- 1.2** Each Authority will establish and maintain an effective system of port state control with a view to ensuring that, without discrimination as to flag, foreign merchant ships visiting the ports of its State comply with the standards laid down in the relevant instruments defined in section 2, mindful of the provisions of Section 2.3.
- 1.3** Each Authority will endeavour to achieve, within a period of 3 years from the coming into effect of the Memorandum, an annual total of inspections corresponding to 15% of the estimated number of individual foreign merchant ships, hereinafter referred to as 'ships', which entered the ports of its State during a recent representative period of 12 months. The Committee established pursuant to Section 6.1 will monitor the overall inspection activity and its effectiveness throughout the region.
- 1.4** Each Authority will consult, cooperate and exchange information with the other Administrations in order to further the aims of the Memorandum.

## **Section 2 Relevant Instruments**

- 2.1** For the purposes of the Memorandum 'relevant instruments' are the following instruments including their respective protocols and amendments:
1. the International Convention on Load Lines, 1966 (LOAD LINES 66);
  2. the Protocol of 1988 relating to the International Convention on load lines, 1966 (LL PROT 88);
  3. the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74);
  4. the Protocol of 1978 relating to the International Convention for the Safety of life at Sea, 1974 (SOLAS PROT 78);
  5. the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS PROT 88);
  6. the International Convention for the Prevention of Pollution from Ships. 1973, as modified by the Protocols of 1978 and 1997 relating thereto (MARPOL 73/78);
  7. the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78);
  8. the Convention on the International regulations for Preventing Collisions at Sea, 1972 (COLREG72);
  9. the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 69);

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10. the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147) (ILO 147);
11. the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147) (ILO 147 PROT 96);
12. International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS 2001)
13. the Caribbean Cargo Ship Safety Code (CCSS Code),
14. the Small Commercial Vessel Code (SCV Code).”

**2.2** With respect to the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention no. 147), each Authority will apply the instructions in Annex 1A for the application of ILO publication "Inspection of Labour Conditions on board Ship: Guide-lines for procedure".

**2.3** Each Authority will apply those relevant instruments which are in force and to which its State is a Party. In the case of amendments to a relevant instrument each Authority will apply those amendments which are in force and which its State has accepted. An instrument so amended will then be deemed to be the 'relevant instrument' for that Authority.

**2.4** In applying a relevant instrument for the purposes of port state control, the Administrations will ensure that no more favourable treatment is given to ships entitled to fly the flag of a State which is not a Party to that instrument.

**2.5** In the case of ships less than 500 gross tonnage and 24 metres and above in length, and ships of traditional build, the Administrations will apply the CCSS Code having regard in particular to Annex 1B.

**2.6** In the case of ships 15 metres in length and above but below 24 metres in length the Authorities will apply the SCV Code.

### **Section 3 Inspection procedures, rectification and detention**

**3.1** In implementing this Memorandum the Administrations will carry out inspections, which will consist of a visit on board a ship in order to check the certificates and documents in respect of those instruments relevant for the purposes of the Memorandum. Furthermore, the Administrations will satisfy themselves that the

crew and the overall condition of the ship, including the engine room and accommodation as well as hygienic conditions therein, meets generally accepted international rules and standard. In the absence of valid certificates or documents or if there are clear grounds for believing that the condition of a ship or of its equipment, or its crew does not substantially meet the requirements of a relevant instrument, a more detailed inspection will be carried out. It is necessary that Administrations, in their control procedures, include control on compliance with on board operational requirements. Inspections will be carried out in accordance with the guidelines specified in Annexes 1A and 1B.

- 3.2.1** The Administrations will regard as 'clear grounds' inter alia the following:
- .1 a report or notification by another Authority;
  - .2 a 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;
  - .3 other indications of serious deficiencies, having regard in particular to Annexes 1A and 1B.
- 3.2.2** For the purpose 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 SOLAS74, MARPOL73/78 and STCW78, 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 key crew members may not be able to communicate with each other or with other persons on board.
- 3.2.3** Nothing in these procedures should be construed as restricting the powers of the Administrations to take measures within its jurisdiction in respect of any matter to which the relevant instruments relate.

- 3.3** In selecting ships for inspection, the Administrations will pay special attention to:
- 1 passenger ships, roll-on/roll-off ships, bulk carriers, ships of traditional build and ships below 500 tons gross tonnage;
  - 2 ships which may present a special hazard, for instance oil tankers, gas carriers, chemical tankers and ships carrying harmful substances in packaged form;
  - 3 ships flying the flag of a State appearing in the three-year rolling average table of above average detentions in the annual report of the Memorandum;
  - 4 ships which have had several recent deficiencies.
- 3.4** The Administrations will seek to avoid inspecting ships which have been inspected by any of the other Administrations within the previous six months, unless they have clear grounds for inspection. The frequency of inspection does not apply to the ships referred to in section 3.3, in which case the Administrations will seek satisfaction whenever they will deem this appropriate.
- 3.5** Inspections will be carried out by properly qualified persons authorized for that purpose by the Authority concerned and acting under its responsibility. When the required professional expertise cannot be provided by the Authority, the Port State Control Officer of that Authority may be assisted by any person with the required expertise. Port State Control Officers and the persons assisting them will have no commercial interest, either in the port of inspection or in the ships inspected, nor will Port State Control Officers be employed by or undertake work on behalf of non-governmental organizations which issue statutory and classification certificates or which carry out the surveys necessary for the issue of those certificates to ships.
- 3.6** Each Authority will endeavour to secure the rectification of deficiencies detected.
- 3.7.1** In the case of deficiencies which are clearly hazardous to safety, health or the environment, the Authority will, except as provided in Section 3.8, ensure that the hazard is removed before the ship is allowed to proceed to sea and for this purpose will take appropriate action, which may include detention together with a prohibition on carrying out cargo or other operations while under detention, if such operations due to those deficiencies continue to be hazardous.

**3.7.2** The Authority will, as soon as possible, notify in writing the flag State through its consul or, in his absence, its nearest diplomatic representative or its maritime authority of the action taken. Where the certifying authority is an organization other than a maritime administration, the former will also be notified in writing. Such written notifications to the flag State Administration or other certifying Authority will also be given when the ship is released from detention.

**3.7.3** Where the grounds for a detention are the result of accidental damage suffered on the ship's voyage to a port, no detention order will be issued, provided that:

- .1 due account has been given to the requirements contained in Regulations 1/11 (c) of SOLAS 74 regarding notification to the flag State Administration, nominated surveyor or the recognized organization responsible for issuing the relevant certificate;
- .2 prior to entering a port, the master or ship-owner has submitted to the port State control authority details on the circumstances of the accident and the damage suffered and the information about the requires notification of the flag State Administration;
- .3 appropriate remedial action, to the satisfaction of the Authority, is being taken by the ship; and
- .4 the Authority has ensured, having been notified of the completion of the remedial action, that deficiencies which were clearly hazardous to safety, health or the environment has been rectified.

**3.7.4** In the absence of ISM certificates where the inspection reveals that the copy of the Document of Compliance or the Safety Management Certificate issued in accordance with the International Safety Management Code for the Safe Operations of Ships for Pollution Prevention (ISM Code) are missing on board a vessel to which the ISM code is applicable at the date of the inspection, the Authority will ensure that the vessel is detained.

**3.8** Where deficiencies referred to in Section 3.7 cannot be remedied in the port of inspection, the Authority may allow the ship to proceed to another port, subject to any appropriate conditions determined by that Authority with a view to ensuring that the ship can so proceed without unreasonable danger to safety, health or the

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environment. In such circumstances the Authority will notify the competent Authority of the ship's next port of call, and the parties mentioned in Section 3.7 and any other authority as appropriate. Notification to Administrations will be made in accordance with **Annex 2**. The Authority receiving such notification will inform the notifying Authority of action taken.

- 3.9** The provisions of Sections 3.7 and 3.8 are without prejudice to the requirements of relevant instruments or procedures established by international organizations concerning notification and reporting procedures related to port state control.
- 3.10** The Administrations will ensure that, on the conclusion of an inspection, the master of the ship is provided with a document, in the form specified in **Annex 3**, giving the results of the inspection and details of any action taken.
- 3.11** When exercising control under the Memorandum, the Administrations will make all possible efforts to avoid unduly detaining or delaying a ship. Nothing in the Memorandum affects rights created by provisions of relevant instruments relating to compensation for undue detention or delay.

**Section 4 Provision of Information**

- 4.1** Each Administration will report on its inspections under the Memorandum and their results, in accordance with the procedures specified in **Annex 4**.
- 4.2** Arrangements will be made for the exchange of inspection information with other regional organizations working under a similar memorandum of understanding.
- 4.3** The Administrations will, upon the request of another Authority, endeavour to secure evidence relating to suspected violations of the requirements on operational matters of Rule 10 of the International Regulations for Preventing Collisions at Sea, 1972 and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto. In case of suspected violations involving the discharge of harmful substances, an Authority will, upon the request of another Authority, visit in port the ship suspected of such a violation in order to obtain information and, where appropriate, to take a sample of any alleged pollutant.

## **Section 5 Training Programs and Seminars**

The Administrations will endeavour to establish training programs and seminars.

## **Section 6 Organization**

**6.1** A Committee composed of representatives of each of the Members defined in **Annex 5** of the Memorandum, will be established. Subject to Section 6.2, an observer from the International Maritime Organization, the International Labour Organization and the Caribbean Community Secretariat will be invited to participate without vote in the work of the Committee. Subject to the provisions of Section 8.4, any other organization or authority, which the Committee may deem appropriate, may be accorded the status of observer without a vote.

**6.2** The Committee will meet once every calendar year and at such other times as it may decide. It may hold closed sessions at its meetings and may, at its discretion, exclude at such closed sessions the participation of observers.

**6.3** The Committee will:

- .1 carry out the specific tasks assigned to it under the Memorandum;
- .2 promote by all means necessary, including seminars for surveyors, the harmonization of procedures and practices relating to the inspection, rectification, detention and the application of Section 2.4;
- .3 develop and review guidelines for carrying out inspections under the Memorandum;
- .4 develop and review procedures, including those related to the exchange of information;
- .5 keep under review other matters relating to the operation and the effectiveness of the Memorandum.

**6.4** A Secretariat will be established and operate in accordance with the following principles:

- .1 the Secretariat is a non-profit making body and may be located in any Member State.
- .2 the Secretariat will act independently from any maritime Authority or organization;
- .3 the Secretariat will be governed by and be accountable only to the Committee;

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- .4 the Secretariat will hold an interest-bearing bank account in U.S dollars into which all dues and contributions are made;
- .5 the Secretariat will operate from the established bank account in accordance with the budget determined by the Committee.
- .6 the Secretariat will also hold another interest-bearing account in an amount to be determined by the Committee which shall be a term-deposit account.

**6.5** The Secretariat, acting under the guidance of the Committee and within the limits of the resources made available to it, will:

- .1 organise meetings, prepare and circulate papers and provide such assistance as may be required to enable the Committee to carry out its functions;
- .2 facilitate the exchange of information, carry out the procedures outlined in **Annex 4** and prepare reports as may be necessary for the purposes of the Memorandum;
- .3 carry out such other work as may be necessary to ensure the effective operation of the Memorandum.
- .4 represent the Memorandum of Understanding on Port State Control in the Caribbean Region (CMOU) when and as directed by the Committee.

**Section 7 Financial Mechanism**

**7.1** The costs of running the Secretariat including the Caribbean Maritime Information Centre (CMIC) referred to in Annex 4 of the Memorandum will be financed by:

- the financial contribution of each Member of the Memorandum; and
- gifts and subscriptions, if any, by donor countries or organisations.

**7.2** Each Member undertakes to settle its financial contribution to the costs for running the Secretariat including the Caribbean Maritime Information Centre, in conformity with the decisions and procedures adopted by the Committee.

**Section 8 Amendments**

**8.1** A Member defined in **Annex 5** of the Memorandum, may propose amendments to the Memorandum

**8.2** In the case of proposed amendments to the Memorandum the following procedure will apply:

- .1 the proposed amendment will be submitted through the Secretariat for consideration by the Committee;
- .2 amendments will be adopted by a two-thirds majority of the representatives of the Administrations present and voting in the Committee, each Administration exercising one vote. If so adopted an amendment will be communicated by the Secretariat to the Administrations for formal acceptance;
- .3 an amendment will be deemed to have been accepted at the end of a period of six months after adoption by the representatives of the Administrations in the Committee providing that no objections are received within the set period.
- .4 an amendment will take effect 60 days after it has been accepted or at the end of any different period determined unanimously by the representatives of the Administrations in the Committee

**8.3** In the case of proposed amendments to the Annexes of the Memorandum, the following procedure will apply:

- .1 the proposed amendment will be submitted through the Secretariat for consideration by the Administrations;
- .2 the amendment will be deemed to have been accepted at the end of a period of six (6) months from the date on which it has been communicated by the Secretariat unless an Administration requests in writing that the amendment should be considered by the Committee. In the latter case the procedure specified in Section 8.2 will apply;
- .3 the amendment will take effect sixty (60) days after it has been accepted or at the end of any different period determined unanimously by the Administrations.

**8.4** Submissions made by or through the Secretariat under this Section, may in appropriate circumstances such as the absence or unavailability of the relevant official of the Secretariat, be made through the Committee.

## **Section 9 Administrative Provisions**

**9.1** The Memorandum is without prejudice to rights and obligations under any international Agreement, or under any domestic legislation.

- 9.2** An Administration of the Caribbean Region meeting the criteria established in **Annex 5** to the Memorandum may, with the unanimous consent of the Administrations present and voting at the Committee meeting, become a Member of the Memorandum in accordance with the procedure prescribed in **Annex 5**. For such an Administration, the Memorandum will take effect upon such date as may be mutually determined.
- 9.3** An Administration of the Caribbean Region meeting the criteria established in **Annex 5** to the Memorandum may, with the unanimous consent of the Administrations present and voting at the Committee meeting, become an Associate Member of the Memorandum in accordance with the procedure prescribed in **Annex 5**.
- 9.4** When the Memorandum takes effect, it will supersede existing bilateral or multilateral agreements on port State control between Administrations in the Caribbean Region.
- 9.5** Any Administration or an organization wishing to participate as an observer as defined in Annex 5 to the Memorandum will submit in writing an application to the Committee at least three (3) months in advance of the annual meeting and will be accepted as an observer subject to the unanimous consent of the representatives of the Administrations present and voting at the Committee meeting.
- 9.6** Any Administration may withdraw from the Memorandum by providing the Committee with 60 days notice in writing.
- 9.7** The Memorandum is signed at Christ Church, Barbados, on the ninth day of February 1996 and will remain open for signature until the eighth day of August 1996.
- 9.8** The Memorandum will be available for acceptance from the ninth day of August 1996 and will take effect for each Administration which has signed the Memorandum, on the date it acceptance is duly notified to the Secretariat.
- 9.9** The English text is the official version of the Memorandum.

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**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:

- .1      Procedures for Port State Control (IMO Resolution A.1052 (27)) and subsequent amendments;
- .2      Principles of Safe Manning (IMO Resolution A.890 (21)) and Annexes which are Contents of Minimum Safe Manning Document (Annex 1) and Guidelines for the Application of Principles of Safe Manning (Annex 2);
- .3      The provisions of the International Maritime Dangerous Goods Code;
- .4      ILO publication "Inspection of Labour Conditions on board Ship: Guide-lines for procedure";
- .5      The procedures laid down in this 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 surveyor shall take into consideration the results of the detailed inspection carried out in accordance with section 3.

The surveyor shall exercise his professional judgment 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 sections 3 and 4 of this Annex.

#### 1.3      **Application of the clause of 'no more favourable treatment'**

In applying Section 2.4 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 surveyor 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.**

#### 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 and Load Lines Conventions including their Protocols and Amendments, the Convention on Collision Regulations and MARPOL 73/78 the surveyor when carrying out this inspection shall take into account the considerations given in the 'Procedures for Port State Control' (IMO Res. A.787(19) and A.882 (21)), 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 certification

#### 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:

- .1 the International Convention for the Safety of Life at Sea (SOLAS) 1974.
- .2 the Merchant Shipping (Minimum Standards) Convention 1976 (ILO Convention 147) which inter alia refers to the ILO Convention No. 53 Article 3 and 4.
- .3 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978, as amended.
- .4 the Contents of Minimum Safe Manning Document (IMO Resolution A.890 (21), Annex 1).
- .5 the Guidelines for the Application of Principles of Safe Manning (IMO Resolution A.890 (21), Annex 2).

Detention as port State action shall only be taken on the grounds laid down in the relevant instruments and used in conjunction with advice from the flag State. Where such response is not readily forthcoming, and the extent of the manning deficiency is such as to render the ship clearly unsafe for the intended voyage or service, detention may be the only resort.

#### 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 surveyor 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 surveyor 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. 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 document 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 3.2.2 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 surveyor 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 Conference on Training and Certification of Seafarers 1978 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:

- .1 length and nature of the intended voyage or service.
- .2 whether or not the deficiency poses a danger to ship, persons on board or the environment.
- .3 whether or not appropriate rest periods of the crew can be observed.
- .4 size and type of ship and equipment provided.
- .5 nature of cargo.

The absence of a Deck or Engineer Officer required to be certificated should not be grounds for detention where 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:

- .1 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);
- .2 the Medical Examination (Seafarers) Convention, 1946 (No. 73);
- .3 the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134) (Articles 4 and 7);
- .4 the Accommodation of Crews Convention (Revised), 1949 (No. 92);
- .5 the Food and Catering (Ships' Crews) Convention, 1946 (No. 68) (Article 5);
- .6 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 surveyor, in the light of his general impression of the ship, will have to use his professional judgment 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 judgment 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 surveyor 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: Guide-lines for procedure".
- 4.3** The conventions relevant in the framework of the provisions of paragraph 4.4 are:
- .1 the Seamen's Articles of Agreement Convention, 1926 (no. 22);
  - .2 the Repatriation of Seamen Convention, 1926 (no. 23);
  - .3 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);
  - .4 the Freedom of Association and Protection of the Right to Organise Convention, 1948 (no. 87);
  - .5 the Right to Organise and Collective Bargaining Convention, 1949 (no. 98).
- 4.4** If the surveyor 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 Administration 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 Labour Conditions on board Ship: Guide-lines for procedure" which deal with:
- .1 control procedures for national flag ships;
  - .2 vocational training;
  - .4 officers' certificates of competency;
  - .5 hours of work and manning;
- should not be considered as relevant provisions for the inspection of ships but as information to surveyors only.

**GUIDELINES FOR SURVEYORS  
TO BE OBSERVED IN THE INSPECTION OF CARIBBEAN CARGO SHIPS  
LESS THAN 500 GROSS TONNAGE AND  
SHIPS OF TRADITIONAL BUILD**

**Section 1 Caribbean cargo ships below 500 gross tonnage.**

**1.1** The following is a guide for the application of Section 2.5 in respect of Caribbean cargo ships less than 500 gross tonnage.

**Section 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 surveyor'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 surveyor 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 surveyor should be guided by any certificates and other documents issued by the flag State. The surveyor will, in the light of such certificates and documents and in his general impression of the ship, use his professional judgment 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. When carrying out a more detailed inspection the surveyor 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:

- .1 weathertight (or watertight as the case may be) integrity of exposed decks;
- .2 hatches and closing appliances;
- .3 weathertight closures to openings in superstructures;
- .4 freeing arrangements;
- .5 side outlets;
- .6 ventilators and air pipes;
- .7 stability information.

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

- .1 life saving appliances;
- .2 fire fighting appliances;
- .3 general structural conditions (i.e. hull, deck, hatch covers, etc.);
- .4 main machinery and electrical installations;
- .5 navigational equipment including radio installations.

**2.4.3** Items related to the prevention of pollution from ships:

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

### 2.5

In the case of deficiencies which are considered hazardous to safety, health or the environment the surveyor 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.

**EXCHANGE OF MESSAGES BY REGION STATES IN ACCORDANCE WITH SECTION 3.8 OF THE  
MEMORANDUM**

- 1 In the case of deficiencies not fully rectified or only 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 the communication facilities incorporated in the information system as described in Annex 4 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:
  - .1 date;
  - .2 from (country);
  - .3 port;
  - .4 to (country);
  - .5 port;
  - .6 a statement reading: deficiencies to be rectified;
  - .7 name of ship;
  - .8 IMO identification number (if available);
  - .9 type of ship;
  - .10 flag of ship;
  - .11 call sign;
  - .12 gross tonnage;
  - .13 year of build;
  - .14 issuing Administration of relevant certificate(s);
  - .15 date of departure;
  - .16 estimated place and time of arrival;
  - .17 nature of deficiencies;
  - .18 action taken;
  - .19 suggested action;
  - .20 suggested action at next port of call;
  - .21 name and facsimile number of sender.





# PORT STATE CONTROL

## REPORT OF INSPECTION

In accordance with **IMO Port State Control Procedures** as amended and the  
**Memorandum of Understanding on Port State Control in the Caribbean region**  
ISSUING COUNTRY: **[COUNTRY]**

[Country and contact details]

original to: - master  
copy to: - head office  
- PSCO  
if ship is detained, copy to:  
- flag State  
- RO, if

applicable

SHIP PARTICULARS						
1.	Name of ship	:				
2.	Flag of ship	:	7. Call sign	:		
3.	Type of ship	:	8. IMO number	:		
4.	Port of registry	:	9. Gross tonnage	:		
5.	Place of inspection	:	10. Length (ITC '69)	:		
6.	Date of inspection	:	11. Date of keel-laying	:		
12. Classification society (ies) responsible for issuance of class certificates			:			
13a. ISM Company			:	13b. Company Number (IMO)	:	
14. Owner (Certificate of Registry)			:			
Certificate Nr. Title	Issuing authority	Date issued	Date of expiry	Annual / intermediate verification		
				Surveying org.	Date	Country
1	International Tonnage Certificate					
2	International Ship Security Certificate					
3	Cargo Ship Safety Construction Certificate					
4	Cargo Ship Safety Equipment Certificate					
5	Cargo Ship Safety Radio Certificate					
6	International Oil Pollution Prevention Certificate					
7	International Air Pollution Prevention Certificate					
8	International Sewage Pollution Prevention Certificate					
9	International Loadline Certificate					
10	Document of compliance (ISM)					
11	Safety Management Certificate					
12	Minimum Safe Manning Document					
13	Anti Fouling System Certificate					
14	Certificate of Inspection Small Commercial vessels					
15	Caribbean Cargo Ship Safety Certificate					
16	Passenger Ship Safety Certificate					
17	Other 1					
18	Other 2					
19	Other 3					

**Noted on behalf of ship's / yard's / company's management**  
**Name: Master / Officer / Representative**

**Surveyor(s)**

**Signature**

**Signature**

This Port State is based upon the international convention on safety and protection of the environment as adopted by the International Maritime Organization. If the inspection report does not contain any remarks under the heading nature of deficiency, the above Maritime Authorities will seek to avoid inspecting the ship again for a period of six months after the date this rapport was issued, unless there are clear grounds for another inspection.

This inspection report has been issued solely for the purpose of informing the master and other port states that an inspection by the Port State, mentioned in the heading, has taken place. This inspection report cannot be construed, as a seaworthiness certificate in excess of the certificate the ship is required to carry.



# PORT STATE CONTROL REPORT OF INSPECTION

[Country and contact details]

FORM A  
Page 2

ISSUING COUNTRY: [COUNTRY]

Ship related actions taken	
<input type="checkbox"/> all deficiencies rectified	<input type="checkbox"/> rectify detainable deficiencies at next port (next port to re-detain)
<input type="checkbox"/> ship banned	<input type="checkbox"/> rectify detainable deficiencies at agreed repair port (repair port to re-detain)
ship expelled on security grounds	flag state/consul informed
ship detained	inspection suspended
ship allowed to sail after detention	recognised organisation informed
ship allowed to sail after re-detention	investigation of contravention of discharge provision (MARPOL)
next port informed	overriding priority inspection

Inspection particulars			
14.	Date of first boarding:	14a.	Date of final boarding:
15.	If vessel detained: date of issue of detention notice:		
16.	Type of inspection	initial inspection	more detailed inspection
17.	Areas inspected	accommodation / galley ballast tank(s) car deck	cargo hold(s) / tank(s) decks / forecastle engine room / st. room
18.	Operational Controls (if any)	abandon ship comm.equipment damage control	emergency fire pump emergency generator emergency steering
19.	Deficiencies	<input type="checkbox"/> yes	<input type="checkbox"/> no
20.	Supporting documentation	<input type="checkbox"/> yes (see annex)	<input type="checkbox"/> no

Noted on behalf of ship's / yard's / company's management  
Name: Master / Officer / Representative

Surveyor(s)

This Port State is based upon the international convention on safety and protection of the environment as adopted by the International Maritime Organization. If the inspection report does not contain any remarks under the heading nature of deficiency, the above Maritime Authorities will seek to avoid inspecting the ship again for a period of six months after the date this rapport was issued, unless there are clear grounds for another inspection.  
This inspection report has been issued solely for the purpose of informing the master and other port states that an inspection by the Port State, mentioned in the heading, has taken place. This inspection report cannot be construed, as a seaworthiness certificate in excess of the certificate the ship is required to carry.



\_\_\_\_\_  
**Signature**  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- |                          |                          |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |

- |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Signature

*FORM B*

**REPORT OF INSPECTION IN ACCORDANCE WITH  
THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL  
IN THE CARIBBEAN REGION<sup>1</sup>**

(issuing authority)  
(address)  
(telephone)  
(telefax)  
(telegram)  
(telex)

Copy head office  
(surveyors copy)  
(master's copy)  
(IMO copy)



- 00 no action taken
- 10 deficiency rectified
- 12 all deficiencies rectified
- 15 rectify deficiency at next port
- 16 rectify deficiency within 14 days
- 17 master instructed to rectify deficiency before departure
- 20 ship delayed to rectify deficiencies
- 25 ship allowed to sail after delay
- 30 detainable deficiency
- 35 detention raised (+ specify date)
- 36 ship allowed to sail after re-detention
- 40 next port informed
- 45 next port informed to re-detain
- 50 flag state/consul informed
- 55 flag state consulted
- 60 region state informed
- 70 classification society informed
- 80 temporary substitution of equipment
- 85 investigation of contravention of discharge provisions (MARPOL)
- 99 other (specify in clear text)

### INFORMATION SYSTEM ON INSPECTIONS

- 1 To assist Administrations in their selection of foreign flag ships to be inspected in their ports it is necessary to have at the disposal of Administrations up to date information on inspections of an individual foreign flag ship in one of the other regional ports within the preceding six months.
- 2 For that purpose the Administrations undertake to provide a Caribbean Maritime Information Centre (CMIC), 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 3 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, computerized exchange of messages between individual Administrations, 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 standardized procedures as set out in the guide for users of the information system provided by the CMIC.
- 5 The CMIC will organize 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 CMIC.
- 6 The 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 purpose, 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 CMIC
- 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 delay or 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 4

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### 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                          |   |
| 7  | gross tonnage                       |   |
| 8  | year of build                       |   |
| 9  | date of inspection                  | (format: dd-mm-yy)  |
| 10 | place of inspection                 |   |
| 11 | relevant certificates <sup>4</sup>  |   |
|    | 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)  |
| 15 | nature of deficiencies <sup>5</sup> | (format: def; def; def ;)                                   |
| 16 | actions taken <sup>6</sup>          |   |

<sup>4</sup> To be repeated for each relevant certificate.

<sup>5</sup> Including reference to the relevant Conventions if shown on the document left on board.

<sup>6</sup> May alternatively be added to the particulars under 15 (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: def/at/at; def/at/at/at;

ss 16. see 15\_

## MEMBERSHIP OF THE MEMORANDUM

### 1 Definitions

The following categories of participants to the activities of the Memorandum are:

- 1.1 Members - any Administration responsible for port State control within the Caribbean Region of the Memorandum, meeting the qualitative criteria set out in Section 2 below, and adhering to the Memorandum in accordance with paragraphs 9.2 or 9.8 of the Memorandum is considered to be a Member Administration;
- 1.2 Associate Members - any Administration, responsible for port State control within the Caribbean Region, undergoing the procedures set out in Section 3 below, indicating its clear intention to become a Member Administration of the Memorandum, and adhering to the Memorandum in accordance with paragraph 9.3 or 9.8 of the Memorandum is considered to be a Co-operating Member Administration; and
- 1.3 Observers - any Administration responsible for port State control within the Caribbean Region wishing to participate in the Memorandum as described in Section 4 below and being accepted in accordance with Section 9.4 of the Memorandum is considered to be an Observer.
- 1.4 Observer Organisations - any Organisation having a bearing on port State control activities wishing to attend the annual meetings and any other event of the Committee as described in Section 5 below and being accepted in accordance with Section 9.4 of the Memorandum is considered to be an Observer.

### 2A Qualitative Criteria for a Member

A Member of the Memorandum as referred to in Section 1.1 above will:

- A2.1 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;
- A2.2 have ratified all relevant instruments specified in Section 2.1 of the Memorandum in force;

## Annex 5

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- A2.3 provide 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 includes 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 paragraph 6.1 of the Memorandum (hereafter referred to as “the Committee”);
- A2.4 as of its effective date of membership, establish a connection with the Caribbean Maritime Information Centre referred to in **Annex 4** of the Memorandum;
- A2.5 pay its annual contribution as approved by the Committee;

### **2B Rights of Members**

- B2.1 take part, with voting rights, in the activities of the Committee;
- B2.2 provided its financial obligations referred to in Section 7 of the Memorandum have been met, be eligible to stand for elected office;
- B2.3 provided its financial obligations referred to in Section 7 of the Memorandum have been met, be eligible for supporting participation in the technical co-operation programmes of the Memorandum; and
- B2.4 provided its financial obligations referred to in Section 7 of the Memorandum have been met, be eligible to host either the Secretariat, the Caribbean Maritime Information Centre or any other body of the Memorandum.

### **3 Associate Member**

- 3.1 The Associate Member will:
  - .1 maintain that status for a maximum of four years. During this period, the administration will strive to apply the provision of the Memorandum;
  - .2 report to the Committee on its port State control activities and participate in the Committee meetings with no voting rights;

## Annex 5

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- .3 make financial contributions towards the cost of running the Secretariat and the Caribbean Maritime Information Centre referred to in **Annex 4** of the Memorandum at half amount of the financial contribution established by the Committee;
  - .4 connect with full-access to the Caribbean Maritime Information Centre referred to in **Annex 4**, for consulting, inputting and targeting port State control inspections;
  - .5 be accepted for supporting participation in technical co-operation programmes of the Memorandum as determined by the Committee;
  - .6 by the end of the period determined in paragraph 3.1.1 apply for full membership. At this time the Associate Member must be in full compliance with the qualitative criteria of the Memorandum.
- 3.2 Associate Members unable to attain full membership at the end of the period determined in paragraph 3.1.1. above shall withdraw its participation in the Memorandum.
  - 3.3 To assess compliance of the applicant with the qualitative criteria the Committee will appoint a team of experts consisting of representatives of Member Administrations. The team will perform fact finding mission to the Administration in question and submit a report to the Committee.
  - 3.4 The four year period may be extended by the Committee where extenuating circumstances so warrant.
- #### **4 Observer**
- 4.1 An Administration can apply to become an Observer to the MOU for a period of two years. Application for this category should outline their intentions as well as provide the status and description of the port State control activities of the applicant administration.
  - 4.2 The Observer will actively participate in the activities of the Memorandum including:
    - .1 attending the Committee meetings with no voting right;
    - .2 receiving meeting documents;

- .3 participating in technical co-operation programmes of the Memorandum on its own expense as applicable;
- .4 submitting documents to the Committee and its subsidiary bodies; and
- .5 participating in working groups of the Memorandum.

## **5 Observer Organisation**

- 5.1 An Organisation can apply to become an Observer to the Memorandum.
- 5.2 The Observer Organisation will actively participate in the activities of the Memorandum including:
  - .1 attending the Committee meetings with no voting right;
  - .2 receiving meeting documents;
  - .3 participating in technical co-operation programmes of the Memorandum as determined by the Committee;
  - .4 submitting documents to the Committee and its subsidiary bodies.