



CARIBBEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

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Memorandum of Understanding on port State control in the Caribbean Region

			<ul style="list-style-type: none"> • Section 3.7.3.5 • Annex III
2	July 19, 2012	CPSCC 17	Amendments to: <ul style="list-style-type: none"> • Section 2.1 - Relevant Instruments • Annex 5, Section 3.1.4
1	July 27, 2010	CPSCC 15	Amendments to: <ul style="list-style-type: none"> • Member States



MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN THE CARIBBEAN REGION¹

The Maritime Administrations of

Anguilla²

Antigua and Barbuda

Aruba

Bahamas

Barbados

Belize³

Bermuda⁴

British Virgin Islands⁵

Cuba⁶

Curaçao⁷

Cayman Islands

Dominica

France⁸

Grenada

Guyana

Jamaica

Montserrat

¹ 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.

² Government of Anguilla adhered to the Memorandum on January 22, 2021

³ Maritime Authority of Belize adhered to the Memorandum on July 23, 2008.

⁴ Government of Bermuda adhered to the Memorandum on July 23, 2018.

⁵ Government of the British Virgin Islands adhered to the Memorandum on February 24, 2020

⁶ Maritime Authority of Cuba adhered to the Memorandum on June 28, 1999.

⁷ Government of Curacao adhered to the Memorandum on January 30, 2014.

⁸ Government of France adhered to the Memorandum on March 1, 2016.

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Netherlands, The⁹
Netherlands Antilles¹⁰
Saint Kitts and Nevis¹¹
Saint Lucia¹²
Saint Vincent and the Grenadines¹³
Sint Maarten¹⁴
Suriname¹⁵
Trinidad and Tobago
Turks and Caicos Islands

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;

⁹ Netherlands Shipping Inspectorate adhered to the Memorandum on September 26, 2011.

¹⁰ Dissolved October 10, 2010

¹¹ Maritime Authority of St. Christopher and Nevis adhered to the Memorandum on August 5, 2010.

¹² [Government of St. Lucia adhered to the Memorandum on ...](#)

¹³ Government of St. Vincent and the Grenadines adhered to the Memorandum on March 28, 2017.

¹⁴ [Government of Sint Maarten to the Memorandum on ...](#)

¹⁵ Maritime Authority of Suriname adhered to the Memorandum on June 27, 2003.

Recognizing also the need to avoid distorting competition between ports;

Mindful of the role to be played by a regional body on impacting or controlling the potentially harmful effects that climate change, and depletion of marine life and resources can have on the economies of the Caribbean region;

Recognizing the importance of the safety measures necessary to maintain safe intraregional shipping on small commercial vessels and cargo ship trading exclusively within the Caribbean trading area;

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 Administration that has accepted or adhered to the Memorandum shall 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 Administration shall 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 Administration shall 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 foreign merchant ship arrivals per annum. The Committee established pursuant to Section 6.1 shall monitor the overall inspection activity and its effectiveness throughout the region.
- 1.4** Each Administration shall 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:

- 2.1.1 the International Convention on Load Lines, 1966 (LOAD LINES 66);
- 2.1.2 the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 88);
- 2.1.3 the International Convention for the Safety of Life at Sea, 1974 (SOLAS);
- 2.1.4 the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS PROT 78);
- 2.1.5 the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS PROT 88);
- 2.1.6 International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and as further amended by the Protocol of 1997 (MARPOL);
- 2.1.7 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78);
- 2.1.8 the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 72);
- 2.1.9 the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 69);
- 2.1.10 the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147) (ILO 147);
- 2.1.11 the Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO Convention No. 147) (ILO P147);
- 2.1.12 the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC1969);
- 2.1.13 Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1992);
- 2.1.14 International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS2001);
- 2.1.15 the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;
- 2.1.16 Maritime Labour Convention, 2006;
- 2.1.17 the International Convention for The Control and Management of Ships Ballast Water and Sediments, 2004;
- 2.1.18 the Nairobi International Convention on the Removal of Wrecks, 2007;

2.1.19 Code of Safety for Small Commercial Vessels (SCV Code), as amended;

2.1.20 Code of Safety for Caribbean Cargo Ships (CCSS Code), as amended.

- 2.2** With respect to the Relevant Instruments stated in 2.1 above, each Administration shall apply the instructions as outlined in the CMOU Technical Manual
- 2.3** Each Administration shall 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 Administration shall apply those amendments which are in force and which its State has accepted. An instrument so amended shall then be deemed to be the 'relevant instrument' for that Administration.
- 2.4** In applying a relevant instrument for the purposes of port state control, the Administrations shall 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.
- 2.6** In the case of ships less than 500 GT and 24 metres and above in length, tankers <500GT irrespective of length, the Administrations shall apply the CCSS Code having regard in particular to **the CMOU Technical Manual**.
- 2.7** In the case of ships 5 metres in length and above but below 24 metres in length, except tankers, the Authorities shall apply the SCV Code.

Section 3 Inspection procedures, rectification and detention

- 3.1** In implementing this Memorandum the Administrations shall carry out inspections, which shall 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 shall satisfy themselves that the crew and the overall condition of the ship, including the engine room and accommodation meet the required standards as indicated in the CMOU Technical Manual. 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 crew does not substantially meet the requirements of a relevant instrument, a more detailed inspection shall be carried out. It is necessary that Administrations, in their control procedures, include control on compliance with on board operational requirements. Inspections shall be carried out in accordance with the guidelines specified in **the CMOU Technical Manual**.

- 3.2.1** The Administrations shall regard as 'clear grounds' inter alia the following:
- 3.2.1.1 a report or notification by another Administration;
 - 3.2.1.2 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 Administration concerned deems the report or complaint to be manifestly unfounded;
 - 3.2.1.3 other indications of serious deficiencies, having regard in particular to **the CMOU Technical Manual**.
- 3.2.2** For the purpose of control on compliance with on board operational requirements, specific "clear grounds" are the following:
- 3.2.2.1 the absence of principal equipment or arrangements required by the applicable conventions;
 - 3.2.2.2 evidence from a review of the ship's certificates that a certificate or certificates are clearly invalid;
 - 3.2.2.3 evidence that documentation required by the applicable conventions as indicated in the CMOU PSC Technical Manual and relevant to those as stated in Section 2.1 is not on board, incomplete, not maintained or falsely maintained.
 - 3.2.2.4 evidence from the PSCO's general impressions and observations that serious hull or structural deterioration or deficiencies exist that may place at risk the structural, watertight or weathertight integrity of the ship;
 - 3.2.2.5 evidence from the PSCO's general observations that deficiencies exist in the safety, pollution prevention or navigational equipment;
 - 3.2.2.6 information or evidence that the master or crew are not familiar with essential shipboard operations relating to the safety of ships or the prevention of pollution;
 - 3.2.2.7 indications that key crew members may not be able to communicate with each other or with other persons on board;
 - 3.2.2.8 the emission of false distress alerts not followed by proper cancellation procedures; and
 - 3.2.2.9 receipt of a report or complaint containing information that a ship appears to be substandard.

- 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 control measures apply in accordance with its national legislation.
- 3.3** In selecting ships for inspection, the Administrations shall utilize the procedures as outlined in the approved CMOU Targeting Matrix as found in Section C.5 of the CMOU Technical Manual.
- 3.4** The Administrations shall seek to inspect ships which have not 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 passenger ships, roll-on/roll-off ships, tankers, bulk carriers, ships of traditional build and ships below 500 GT, in which case the Administrations shall inspect whenever they shall deem this appropriate and can be less than the six-month stipulated period.
- 3.5** Inspections shall be carried out by properly qualified persons authorized for that purpose by the Administration concerned and acting under its responsibility. When the required professional expertise cannot be provided by the Administration, the Port State Control Officer of that Administration may be assisted by any person with the required expertise. Port State Control Officers and the persons assisting them shall have no commercial interest, either in the port of inspection or in the ships inspected, nor shall 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. Administrations shall not appoint or authorize recognised organisations to perform port State control inspections.
- 3.6** Each Administration shall endeavour to secure the rectification of deficiencies detected at the port of inspection or be guided by the arrangements made by the flag-state of the vessel.
- 3.7.1** In the case of deficiencies which are clearly hazardous to safety, health or the environment, the Administration shall, 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 shall 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 Administration shall, as soon as possible, notify in writing the flag State through its consul or, in his absence, its nearest diplomatic representative and its maritime Administration of the action taken. Where the certifying Administration is an organization other than a maritime administration, the former shall also be notified in writing. Such written notifications to the flag State Administration or other certifying Administration shall also be given when the ship is released from detention. In the instances where the relevant ship certificates are issued by a recognized organization of the ship's flag-state, both the RO and Flag State shall be notified of action taken
- 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 shall be issued, provided that:
- 3.7.3.1 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;
 - 3.7.3.2 prior to entering a port, the master or ship-owner has submitted to the port State control Administration details on the circumstances of the accident and the damage suffered and the information about the requires notification of the flag State Administration;
 - 3.7.3.3 appropriate remedial action, to the satisfaction of the Administration, is being taken by the ship;
 - 3.7.3.4 the Administration 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; and
 - 3.7.3.5 the Administration is encouraged to communicate issues of concern of vessels to the respective Flag-State Administrations.
- 3.7.4** When the Safe Operations of Ships (ISM Code) certificates are missing on board a vessel to which the ISM code is applicable at the date of the inspection, the Administration shall 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 Administration may allow the ship to proceed to another port, subject to any appropriate conditions determined by that Administration with a view to ensuring that the ship can so proceed without unreasonable danger to safety, health or the environment. In such circumstances the Administration shall

notify the competent Administration of the ship's next port of call, and the parties mentioned in Section 3.7 and any other Administration as appropriate. Notification to Administrations shall be made in accordance with the relevant reporting forms in the **CMOU Technical Manual**. The Administration receiving such notification shall inform the notifying Administration 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 shall ensure that, on the conclusion of an inspection, the master of the ship is provided with a document, in the form specified in relevant reporting forms in the **CMOU Technical Manual**, giving the results of the inspection and details of any action taken.
- 3.11** When exercising control under the Memorandum, the Administrations shall make all possible efforts to avoid unduly delaying a ship. Nothing in the Memorandum affects rights created by provisions of relevant instruments relating to compensation for delay.

Section 4 Provision of Information

- 4.1** Each Administration shall report on its inspections under the Memorandum and their results, in accordance with the procedures specified in **Annex 1**.
- 4.2** Arrangements shall be made for the exchange of inspection information with other regional organizations working under a similar memorandum of understanding.
- 4.3** The Administrations shall, upon the request of another Administration, endeavour to secure evidence relating to suspected violations of the requirements any operational matters.

Section 5 Training Programs and Seminars

The Administrations shall endeavour to train PSCOs, maintain PSCO competence, and conform to the CMOU competence procedures through training programmes, seminars and other programmes that may be deemed necessary.

Section 6 Organisation

- 6.1** A Committee composed of representatives of each of the Members defined in **Annex 2** of the Memorandum, shall be established. Subject to Section 6.2, an observer from the International Maritime Organization, the International Labour Organization and the Caribbean Community Secretariat shall be invited to participate without vote in the work of the Committee. Subject to the provisions of Annex 2 - Sections 4 and 5, any other organization or Administration, which the Committee may deem appropriate, may be accorded the status of observer without a vote.
- 6.2** The Committee shall 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 shall:
- 6.3.1 carry out the specific tasks assigned to it under the Memorandum;
 - 6.3.2 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;
 - 6.3.3 develop and review guidelines for carrying out inspections under the Memorandum;
 - 6.3.4 develop and review the Code of Safety for Caribbean Cargo Ships (CCSS Code);
 - 6.3.5 develop and review procedures, including those related to the exchange of information;
 - 6.3.6 keep under review other matters relating to the operation and the effectiveness of the Memorandum.
- 6.4** A Secretariat shall be established and operate in accordance with the following principles:
- 6.4.1 the Secretariat is a non-profit making body and may be located in any Member State.
 - 6.4.2 the Secretariat shall act independently from any maritime Administration or organization;
 - 6.4.3 the Secretariat shall operate as per the Host State Agreement;

- 6.4.4 the Secretariat shall be governed by and be accountable only to the Committee;
- 6.4.5 the Secretariat shall hold an interest-bearing bank account in U.S dollars into which all dues and contributions are made;
- 6.4.5 the Secretariat shall operate from the established bank account in accordance with the budget determined by the Committee.
- 6.4.7 the Secretariat shall 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, shall:

- 6.5.1 organise meetings, prepare and circulate papers and provide such assistance as may be required to enable the Committee to carry out its functions;
- 6.5.2 facilitate the exchange of information, carry out the procedures outlined in **Annex 2** and prepare reports as may be necessary for the purposes of the Memorandum;
- 6.5.3 carry out such other work as may be necessary to ensure the effective operation of the Memorandum.
- 6.5.4 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 2** of the Memorandum shall 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 2** of the Memorandum, may propose amendments to the Memorandum

- 8.2** In the case of proposed amendments to the Memorandum the following procedure shall apply:
- 8.2.1 the proposed amendment shall be submitted through the Secretariat for consideration by the Committee;
 - 8.2.2 amendments shall 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 shall be communicated by the Secretariat to the Administrations for formal acceptance;
 - 8.2.3 an amendment shall 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.
 - 8.2.4 an amendment shall 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 shall apply:
- 8.3.1 the proposed amendment shall be submitted through the Secretariat for consideration by the Administrations;
 - 8.3.2 the amendment shall 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 shall apply;
 - 8.3.3 the amendment shall 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 2** 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 6**. For such an Administration, the Memorandum shall take effect upon such date as may be mutually determined.
- 9.3** An Administration of the Caribbean Region meeting the criteria established in **Annex 2** 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 2**.
- 9.4** When the Memorandum takes effect, it shall 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 2** to the Memorandum shall submit in writing an application to the Committee at least three (3) months in advance of the annual meeting and shall 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.
- 9.8** The Memorandum will take effect for each Administration on the date its acceptance is duly notified to the Secretariat.
- 9.9** The Memorandum will be reviewed upon determination by the Committee.
- 9.10** The English text is the official version of the Memorandum.

List of Annexes

Annex 1 Information System on Inspections

Annex 2 Membership of the Memorandum

ANNEX 1

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 the 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 the CMOU Technical Manual. 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 4.3.1 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 shall 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, shall be provided by the Secretariat under the guidance of the Committee. This shall be based on data provided by the CMIC

- 8 The information system indicated in the foregoing paragraphs shall be implemented as long as the Memorandum takes effect.
Studies to monitor and, where necessary, to improve the quality of the system shall 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 Administration shall send a copy of the report, as referred to the CMOU Technical Manual to the flag Administration concerned.

ANNEX 2

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 shall:

- 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;

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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 5** 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;
- 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; and
- B2.5 provided its financial obligations referred to in Section 7 of the Memorandum have been met, be eligible to host the Caribbean Port State Control Committee Meeting, the CMOU PSC Seminar or any intercessional meetings of the Technical Standing Working Group and/or the Finance and Administrative Standing Working Group

3 Associate Member

- 3.1 The Associate Member shall:
 - .1 maintain that status for a maximum of four years. During this period, the administration shall 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;
 - .3 make financial contributions towards the cost of running the Secretariat and the Caribbean Maritime Information Centre referred to in **Annex 5** of the Memorandum at half amount of the financial contribution established by the Committee;
 - .4 connect to the Caribbean Maritime Information Centre referred to in **Annex 5** for consulting 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 shall appoint a team of experts consisting of representatives of Member Administrations. The team shall 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 shall actively participate in the activities of the Memorandum including:
- 4.2.1 attending the Committee meetings with no voting right;

- 4.2.2 receiving meeting documents;
- 4.2.3 participating in technical co-operation programmes of the Memorandum on its own expense as applicable;
- 4.2.4 submitting documents to the Committee and its subsidiary bodies; and
- 4.2.5 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 Observer Organisations shall include inter-governmental organisations and other regional PSC agreements.
- 5.3 The Observer Organisation shall actively participate in the activities of the Memorandum including:
 - 5.3.1 attending the Committee meetings with no voting rights;
 - 5.3.2 receiving meeting documents;
 - 5.3.3 participating in technical co-operation programmes of the Memorandum as determined by the Committee;
 - 5.3.4 submitting documents to the Committee and its subsidiary bodies.”
- 5.4 In addition, it is recommended that any other organization can request to attend as a part of a Member State’s delegation with no rights.