



## Port State (in) Control

### INTRODUCTION

A 20,000 GT chemical tanker was preparing to depart from a European port. It was a Friday morning and the crew were preparing the vessel for sea.

Shortly before sailing a port State control (PSC) inspector arrived onboard and commenced an inspection of the vessel.

### WHAT HAPPENED?

The chief officer accompanied the PSC inspector around the vessel. As the inspection continued a number of minor deficiencies, requiring rectification, were noted.

On completion of the examination the inspector ordered the vessel to be detained until the deficiencies were rectified. Despite the minor characteristics of the shortcomings the inspector felt the cumulative nature of the defects meant there were too many faults to allow the vessel to sail.

Having detained the vessel the inspector left and the ship's personnel threw themselves into the task of remedying the defects. By Saturday morning all the work was completed and the vessel awaited a re-inspection to lift the detention.

However, after numerous telephone calls the company was informed that the inspector would not be available until the next day (Sunday) – and that the port State authorities were within their rights to dictate when an inspector would be available. Most port States specify that re-inspections will be undertaken within 3 days.

Faced with this the vessel had no option but to delay sailing by a further 24 hours. The Inspector revisited on Sunday and duly re-inspected the vessel after which the detention was lifted and the vessel was allowed to sail.

### WHAT DO THE REGULATIONS SAY?

Paris Memorandum of Understanding on port State control

Within the Paris MOU region "Access Refusal Powers" apply to vessels flying the flag of a state appearing on the 'black list' and that have been detained more than twice during the course of the preceding 24 months in a port of a state signatory of the Paris MOU and also vessels flying the flag of a state described as "very high risk" or "high risk" and which has been detained more than once during the course of the preceding 36 months in a port of a state signatory of the Paris MOU.

There is a formal system for both the review and appeal of port State detentions, contact details and grievance procedures for Paris MOU member states can be accessed at the [www.parismou.org](http://www.parismou.org) website.

Despite the formal review and appeal system in place there are no direct procedures for dealing with delays such as the one experienced within this case. It is vital to appreciate that deficiencies will lead to port State detentions and delays that in turn will have subsequent commercial implications.

Deficiencies and non-conformities should be avoided at all costs, but where they occur it is best practice to attempt to remedy them before the inspector leaves the vessel, thus removing the requirement for re-inspection.

## WHAT LESSONS CAN WE LEARN?

This is an unusual case in so much as the dispute does not emanate directly from a detention itself but stems from the delay caused by the vessel having to await a re-inspection.

The most striking lesson is one that we all must recognise, that non-conformities however minor create an extremely negative impression of the vessel – and ultimately they can have such a collective effect as to ensure the detention of the ship. It is vital that such deficiencies are not allowed to develop.

As the case progressed it became clear that one of the major hurdles to a prompt and satisfactory outcome was the lack of clear lines of communication between the port State control inspectorate (PSCI) in question and the ship owner. It became apparent that there was a fundamental lack of understanding and appreciation of the stances of the parties involved – the PSCI were either not appreciative, or were unable to react to, the commercial implications of the re-inspection delay while the ship owners were not accepting of the pressures upon the port State control inspectorate.

In the event the detention and release were followed by an acrimonious exchange when the owner attempted to appeal over the delay caused by the detention and also the inflexibility demonstrated by the port State control inspectorate.

It is envisaged that with the advent of Paris MOU port State "Access Refusal Powers" the incentives to owners to attempt to reverse detentions will see a marked increase in the numbers of owners evoking remedies such as those provided within the Paris MOU review panel and appeals procedure.

## YOUR EXPERIENCES

If you have had an experience that would be useful to share as a Signal Experience on an anonymous basis please contact the Risk Management Department and let us know.

## PREVIOUS EXPERIENCES

Previous Signal Experiences can be viewed and downloaded from the Loss Prevention pages of the North of England website.

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