

## **SAFETY AND WORKING CONDITIONS IN THE FISHERIES SECTOR AND PROTECTION OF THE MARINE ENVIRONMENT**

### **Integration of port State measures within the broader framework of port State control (update of pilot project between IOMoU and IOTC)**

**Submitted by IOMoU, IOTC, The Pew Charitable Trusts and  
the FAO/ILO/IMO Secretariats**

#### **SUMMARY**

*Executive summary:* This document provides an update of the joint collaborative programme between the Indian Ocean Tuna Commission (IOTC) and the Memorandum of Understanding on Port State Control for the Indian Ocean Region (IOMoU) to provide awareness among national inspectors operating under the Port State Measures (PSM) and Port State Control (PSC) regimes established by FAO, ILO and IMO instruments

#### **Introduction**

1 The joint collaborative programme between the Indian Ocean Tuna Commission (IOTC) and the Memorandum of Understanding on Port State Control for the Indian Ocean Region (IOMoU), was constituted with the objective of raising awareness among national inspectors operating under the Port State Measures (PSM) and port State control (PSC) regimes established by FAO, ILO and IMO instruments, for the improved coordination and enhanced implementation of these instruments.

2 To this end, with the generous support of the Authority of Australia, its working partners—IOMoU, IOTC, The Pew Charitable Trusts and the FAO/ILO/IMO Secretariats — initiated in July 2021, a pilot training project to develop and deliver a training programme for the inspectors of both IOTC and IOMoU member authorities. The present information document seeks to update participants of the fifth session of the FAO/ILO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters on the current progress of this initiative.

#### **The IOTC and IOMoU regimes**

3 The IOTC is an intergovernmental organization responsible for managing tuna and tuna-like species in the Indian Ocean. At present, the IOTC comprises a total of 30 Members and one Cooperating Non-Contracting Party (31 CPCs). Its objective is to promote cooperation and ensure, through appropriate management, the conservation and optimum utilisation of the 16 stocks covered by the organization's establishing Agreement and encouraging sustainable development of fisheries based on these stocks.

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4 Regional Fisheries Management Organisations (RFMOs), like the IOTC, play a critical role in implementing international fisheries regulations. Inspired by the FAO 2009 Agreement on Port State Measures (PSMA), the IOTC adopted its first resolution on port State measures (PSM) in 2010, binding its Members to implement analogue provisions within the context of the IOTC. In 2016, in an effort to strengthen PSM, while harnessing technological advancements, this resolution was superseded to incorporate a provision on the e-PSM application, the information system devised by IOTC for efficient PSM implementation.

5 The IOMoU aims to improve maritime safety by fostering collaboration among member states to conduct effective port inspections. It ensures that ships visiting Indian Ocean ports adhere to international maritime regulations set by organizations like the IMO and ILO, focusing on safety, security, working conditions and environmental compliance for sustainable maritime practices in the region.

6 The IOMoU relates to 12 international instruments, and each of its 20 Indian Ocean State authorities (including 19 IOTC Members) is tasked with establishing and maintaining an effective system of port State control (PSC) 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 12 instruments. To meet this objective, each Authority is expected to conduct annual inspections on at least 10% of foreign merchant ships visiting its ports.

#### **Recommendations from JWG 3 and JWG 4**

7 The third Session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG 3), convened in November 2015. Amongst the various issues discussed, it considered ways to bolster cooperation in undertaking vessel inspections. After careful consideration, JWG 3 concluded by recommending to FAO, in cooperation with IMO and ILO, to consider the organization of joint capacity development programmes together with States, IGOs and NGOs. Furthermore, JWG 3, recommended FAO, ILO and IMO to encourage, in cooperation with PSC regimes and RFBs, the coordinated implementation of the PSMA, with other types of inspections which might be carried out.

8 The fourth Session of the JWG (JWG 4), which included the ILO as a formal partner and was held in October 2019, welcomed the IOMoU's pioneering initiative to explore a collaborative programme with the IOTC, bringing together both RFMO and IMO PSC regimes. In echoing this collaborative spirit, JWG 4 advocated for analogous contact opportunities in other regions and recommended to the various regional PSC regimes, to explore opportunities for coordination and information sharing on inspections under FAO/ILO/IMO instruments. Additionally, albeit at a broader level, the JWG 4 recommended that FAO and IMO, together with ILO and relevant organizations and regimes, promote, support, and consider the development of guidance and methods to facilitate increased cooperation, coordination, and information-sharing among authorities conducting port inspections, the latter while contemplating the provision of technical assistance to developing countries.

#### **IOMoU-IOTC Collaborative Programme**

9 In light of the recommendations made by the JWG 3, the twenty-second session of the Committee of the IOMoU convened in August 2019, agreed to a joint proposal submitted by FAO, ILO and IMO to consider a cooperation programme with the IOTC. Under the initiative of IOMoU, the proposal was initially presented at the 3rd meeting of the IOTC Working Party on the Implementation of Conservation and Management Measures (WPICMM 3), in February 2020. Eventually, supported by the WPICMM, the proposal reached the IOTC Commission

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and was approved as a Letter of Intent. The Chairperson of the IOTC Commission signed the Letter of Intent on 5 February 2021.

10 Through the Letter of Intent, both IOMoU and IOTC Secretariats agreed to cooperate with each other to enhance inspector awareness for improved coordination, identify commonalities, facilitate information sharing, support capacity development, align legal frameworks for efficient inspections, promote international agreements' implementation, and prepare a comprehensive pilot training programme covering relevant IMO and FAO regulations for fishing vessel inspections.

### **The Pilot Project**

11 Recognizing the global importance of this project, Australia's Department of Foreign Affairs and Trade (DFAT), expressed its willingness to provide funds in two phases, consisting of the development of training materials and a training programme, and the delivery of three separate in-country training courses.

12 The training materials were designed to establish the fundamental groundwork for the development of the training programme. Primarily, this involved a comprehensive review of IOMoU's and IOTC's procedures and legal frameworks, to identify commonalities, potential synergies, and elements for enhanced coordination of both inspection regimes.

13 Building upon this foundation, the training course envisages to ensure that inspectors acquire a sufficient understanding of the inspection procedures established by both IOMoU and IOTC. It aims at enabling them to effectively carry out their duties, while also being knowledgeable about the work of the other port inspectors and capable, to the extent possible, of identifying "clear grounds" indicating potential IUU fishing activities or deficiencies related to the relevant IMO and ILO instruments.

14 Upon the release of funds for the initial phase, the Project's Working Partners—IOMoU, IOTC, The Pew Charitable Trust and the FAO/ILO/IMO Secretariats—selected two consultants to develop the training materials and training programme. Beginning on 1 December 2022, the fisheries expert Mr. Christian Alphonse Nzowa, produced a consolidated draft report submitted in June 2023. Under Mr. Ari Gudmundsson's work, the training programme outlined in this draft report underwent substantial enhancement and was finalized with inputs from the project's partners and IOMoU Member Authorities. The final report was and submitted to DFAT on 24 November 2023, as agreed, to complete phase one of the programme.

### **Next steps**

15 Acknowledging the pending ratification status of vital international agreements, the second phase is targeted for completion by June 2024. In preparation for the three in-country training sessions planned for the second phase, the project's working partners are devising to conduct a preliminary test of the training programme at the Three Treaties workshop in South Africa, scheduled for early 2024. Following the outcomes of this preliminary evaluation, the training programme may undergo further refinement before the commencement of the in country training sessions.

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**Action requested of the Joint Working Group**

16 The Joint Working Group is invited to take note the information provided above and in the annex.

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**ANNEX**

**Draft outline for an**  
**IOMoU/IOTC TRAINING COURSE ON**  
**PORT STATE CONTROL AND PORT STATE MEASURES**  
**INSPECTIONS**

Prepared by  
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**December 2023**

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**IOMoU/IOTC Training Course on PSC/PSM inspections  
draft outline – final draft version**

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## FOREWORD

The link between safety at sea, forced labour and IUU fishing is recognized. In this context, the 2007 ILO Work in Fishing Convention, 2007 (No. 188) (C 188), the 2009 FAO Port State Measures Agreement (PSMA 2009) and the 2012 IMO Cape Town Agreement (CTA 2012) have been considered. These international instruments, together with other international instruments, all include provisions related to port State inspections, and their consistent application would ensure that ports represent an effective front in combatting IUU fishing, whilst contributing to improved safety and health in the fisheries sector, labour conditions on board fishing vessels and environmental protection.

Understanding that there is a common area of interest in port State inspections between PSC regimes and RFMOs, and that fishing vessels fall under the purview of both, the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG 3), which was held in November 2015, recommended that FAO, in cooperation with IMO and ILO, and if appropriate, PSC regimes, and RFMOs, encourage the coordinated implementation of the PSMA, with other types of inspections which might be carried out.

The Indian Ocean MoU (IOMoU) is an inter-governmental organization on port State control (PSC) in the Indian Ocean Region, recognized by IMO. The IOMoU promotes the effective implementation of an improved and harmonized system of PSC by uniform applications of the relevant IMO/ILO instruments on vessels with the aim to eliminate the operation of substandard vessels in the region.

The Indian Ocean Tuna Commission (IOTC) is an inter-governmental organization, established under Article XIV of the FAO constitution. It is responsible for the management of tuna and tuna-like species in the Indian Ocean. Inspired by the 2009 FAO Agreement on Port State Measures (PSMA), the IOTC adopted a resolution on port State measures (PSM) to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing in the region (IOTC resolution 16/11).

The fourth session of the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG 4), which was held in Torremolinos, Spain, in October 2019, welcomed the IOMoU's initiative to explore a collaborative programme with the IOTC, pending consideration by the Members. It also recommended further exchange between the Secretariats of the IOMoU and the IOTC for mutual awareness and the consideration of training material, as appropriate.

This training course is based on IMO Model Course 3.09 and designed for Government inspectors, who are authorized by their relevant Governments, to execute as appropriate:

- .1 PSC in accordance with relevant provisions of relevant IMO and ILO instruments as well as the IOMoU Memorandum of Understanding on port State control in the Indian Ocean Region and the IMO Procedures of Port State Control, 2021 (resolution A.1155(32)); or
- .2 PSM in accordance with the FAO PSMA 2009 as well as the IOTC resolution 16/11 on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.

## USE OF TERMS

The definitions of some terms may differ from one convention to another. For the purpose of this training course:

- a. "AREP" means advance request for port entry. The IOTC AREP form is provided in appendix 7.
  - b. "authority" means the national maritime administration designated for the implementation of the Memorandum of Understanding on port State control for the Indian Ocean Region (IOMoU) or the national fisheries administration of a Contracting Party or a Cooperating Non-Contracting Party (CPC) to the Indian Ocean Tuna Commission (IOTC).
  - c. "clear grounds" means evidence that the vessel, its equipment, its crew or operations, or the living and working conditions, do not correspond substantially with the requirements of the relevant instruments or that the master/skipper or crew members are not familiar with essential shipboard procedures relating to the safety of vessels and the prevention of pollution. Clear grounds also include evidence that the vessel flag and markings are inconsistent with information contained in relevant vessel documentation and evidence for believing that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing. Examples of clear grounds are provided in appendix 3.
  - d. "CPCs" mean Contracting Parties and Cooperating Non-Contracting Parties to IOTC.
  - e. "deficiency" means a condition found not to be in compliance with the requirements of a relevant instrument.
  - f. "detention" means intervention action taken by the port State when the condition of the vessel or its crew does not correspond substantially with the relevant instruments to ensure that the vessel will not sail until it can proceed to sea without presenting a danger to the vessel or persons on board, or without presenting an unreasonable threat of harm to the marine environment, whether or not such action will affect the normal schedule of the departure of the vessel. Provided that there are clear grounds that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, port State fisheries authorities may decide to detain the vessel in port and later release it on bail with a view to secure the proper course of the legal proceedings.
  - g. "fishing" means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish.
  - h. "fishing related activities" means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea.
  - i. "gross tonnage" means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969.
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- j. “illegal, unreported and unregulated (IUU) fishing” refers to the activities set out in paragraph 4 of the IOTC resolution 18/03.
- k. “initial inspection” means a visit on board a vessel to check the validity of the relevant certificates and other documents, the overall condition of the vessel, its equipment, its crew and the living and working conditions.
- l. “master/skipper” means the person having command of a vessel.
- m. “more detailed inspection” means an inspection conducted when there are “clear grounds”, as defined under paragraph c above.
- n. “nearest appropriate and available repair yard” means a port where follow-up action can be taken, and it is in, or closest to, the port of detention or the port where the vessel is authorized to proceed taking into account the cargo/fish on board.
- o. “on board inspection” means an inspection on board a fishing vessel to check fisheries-related issues, as described in Annex II of IOTC resolution 16/11”.
- p. “Party” means a State for which a relevant instrument has entered into force.
- q. “port” includes offshore terminals and other installations for landing, transshipping, packaging, processing, refueling or resupplying.
- r. “port State control” and “port State measures” mean control of a port State, over foreign flag vessels in their ports, for verifying compliance with the requirements of international maritime and labour instruments and measures of a port State to control foreign flag vessels, in accordance to international fisheries instruments, for the purpose of detecting and controlling IUU fishing activities. These two terms are also referred to as ‘port State control/measures’.
- s. “port State inspector” means a person duly authorized by the competent authority of a Party to a relevant instrument to carry out port State inspections, and responsible exclusively to that party.
- t. “PSC/PSM inspection” means a port State inspection, carried out by a national authority under either the IOMoU or the IOTC regime, according to its specific procedures. However, in addition to his/her normal duties, the inspector is also expected to check, to the extent possible, core elements required by the relevant international instruments under the other regime, such as vessel certificates and other documentation, and the overall condition of the vessel.
- u. “recognized organization (RO)” means an organization which meets the relevant conditions set forth in the IMO Code for Recognized Organizations (RO Code) (MSC.349(92) and MEPC.237(65)) and has been assessed and authorized by the flag State Administration in accordance with provisions of the RO Code to provide the necessary statutory services and certification to vessels entitled to fly its flag.
- v. “Regional Fishery Body (RFB)” is a group of States or organizations that are parties to an international fishery arrangement and work together towards the conservation and management of fish stocks. The mandates of RFBs vary. Some RFBs have an advisory mandate, and provide advice, decisions

or coordinating mechanisms that are not binding on their members. Some RFBs have a management mandate and they are called Regional Fisheries Management Organizations (RFMOs). They adopt fisheries conservation and management measures that are binding on their members.

- w. “relevant instrument” means an international instrument that is listed in the section *Relevant key instruments* in Part A. Instruments are also being referred to as conventions.
  - x. “substandard vessel” means a vessel whose hull, machinery, equipment or operational safety is substantially below the standards required by the relevant instrument; or whose crew is not in conformity with the safe manning document; or where the living and working conditions do not meet the provisions of the relevant instruments.
  - y. “valid certificate” means a certificate that has been issued, electronically or on paper, directly by a party to a relevant instrument or on its behalf by an RO, contains accurate and effective dates, meets the provisions of the relevant instrument and to which the particulars of the vessel, its crew and its equipment correspond.
  - z. “vessel” means any vessel used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.
  - aa. “use of port” refers to landing, transshipping, packaging and processing of fish that have not been previously landed and other port services, including, inter alia, refueling and resupplying, maintenance and drydocking.
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## **INTRODUCTION**

### **Purpose of the training course**

The main objective of the proposed collaborative programme between IOMoU and IOTC is to raise awareness of port State inspections, in both PSC and PSM regimes, with the goal of, *inter alia*, to strengthen working relationships, improve interagency coordination and enhance information exchange, vital to implement effectively the relevant international instruments.

The purpose of this training course is, therefore, to assist training lecturers in organizing and introducing a new training course on port State control/measures that would supplement existing IOMoU and IOTC training courses.

It is not the intention of this training course programme to present introductions with a rigid “teaching package” which they are expected to “follow blindly”. Nor is it the intention to substitute audiovisual or programmed material for the instructor’s presence. As in all training activities, the knowledge, skills and dedication of the instructor are the key components in the transfer of knowledge and skills to those being trained through the course material.

Because educational systems and the cultural backgrounds of trainees in maritime, labour and fisheries subjects vary considerably from one country to another, the course material has been designed to identify the basic entry requirements, and to specify clearly the technical content and levels of knowledge and skills necessary to meet the technical intent of IMO/ILO/FAO conventions and related recommendations.

### **Use of the course**

To use the course the instructor should review the course plan and detailed syllabus, taking into account the information provided under the entry standards specified in the course framework. The actual level of knowledge and skills and prior technical education of the trainees should be kept in mind during this review, as they may be from the PSC regime and/or the PSM regime, as well as any areas within the detailed syllabus which may cause difficulties because of differences between the actual trainee entry level and that assumed by the course designer should be identified. To compensate for such differences, the instructor is expected to delete from the course, or reduce the emphasis on, items dealing with knowledge or skills already attained by the trainees. He/she should also identify any academic knowledge, skills or technical training which they may not have acquired.

By analyzing the detailed syllabus and the academic knowledge required to allow training in the technical area to proceed, the instructor can design an appropriate pre-entry course or, alternatively, insert the elements of academic knowledge required to support the technical training elements concentrated at appropriate points within the course.

Within the course plan the course designers have indicated their assessment of the time which should be allocated to each learning area. However, it must be appreciated that these allocations are arbitrary and assume that the trainees have fully met the entry requirements and may need to reallocate the time required to achieve each specific learning objective.

### **Lesson plans**

Having adjusted the course content to suit the trainee intake and any revision of the course objectives, the instructor should draw up lesson plans based on the detailed syllabus. The detailed syllabus contains specific references to the teaching material proposed to be used in the course. An example of a lesson plan is shown at the end of Part D in the instructor manual. Where no adjustments have been found necessary in the learning objectives of the detailed

syllabus, the lesson plans may simply consist of the detailed syllabus with keywords or other reminders added to assist the instructor in making his/her presentation of the material.

### **Presentation**

The presentation of concepts and methodologies must be repeated in various ways until the instructor is satisfied that the trainee has attained each specific learning objective. The syllabus is laid out in learning objective format and each objective specifies *what the trainee must be able to do* as the learning outcome.

### **Evaluation of assessment of trainee progress**

Guidance on the assessment of trainee progress is given in Part E of the course.

### **Implementation**

For the purpose to run smoothly and to be effective, considerable attention must be paid to the availability and use of:

- .1 properly qualified instructors;
- .2 support staff;
- .3 rooms and other spaces;
- .4 equipment;
- .5 textbooks, technical papers; and
- .6 other reference material.

## PART A – COURSE FRAMEWORK

### Scope

The scope of this training course is limited to international instruments that apply to vessels used for fishing or fishing-related activities. Vessels used for fishing related activities are mainly cargo vessels used for processing, transshipping or transportation of fish that have not been previously landed at port, as well as cargo vessels used for the provisioning of personnel, fuel, gear and other supplies at sea.

This training course contributes to enhanced cooperation, coordination and information sharing between national agencies responsible for implementing IOMoU and IOTC provisions related to port State inspections on fishing vessels and other vessels used for fishing related activities by complementing existing IOMoU and IOTC training courses for the training of port State inspectors.

While the existing courses by IOMoU and IOTC provide training for inspectors to be authorized by their Government to execute port State control and port State measures, respectively, this course focuses on areas within the relevant key FAO/ILO/IMO instruments, for improved coordination where synergies could be greatly fostered. Port State inspectors are expected to gain comprehensive knowledge of the work of each other's regimes and the capability to identify, during their routine inspections, "clear grounds" indicating potential IUU fishing activities or deficiencies, related to safety, labour issues or marine pollution, that may require the involvement of other port State authorities. They should then report such possible "clear grounds" to the relevant national authority, maritime, fisheries or labour. This course does not provide in-depth training on port State actions following inspections. Such actions should be carried out by the respective authority in accordance with its procedures.

This course provides training in connection with the following relevant key instruments and their provisions on port State control/measures:

<b>Instrument</b>	<b>Port State control/measures provisions</b>
<b>IMO</b>	
International Convention on Load Lines, 1966 (LL 1966):	article 21
International Convention for the Safety of Life at Sea, 1974 (SOLAS 1974)	regulations I/19, IX/6.2, XI-1/4 and XI-2/9
International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)	article 5 and 6, and regulations I/11, IV/14, V/9 and VI/10
International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 1978)	article X
International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969)	article 12
Cape Town Agreement 2012, on the implementation of the provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (CTA 2012)	article 4 of the Torremolinos Protocol of 1993
International Convention on Standards of Training, Certification and Watchkeeping for	article 8

Fishing Vessel Personnel, 1995 (STCW-F 1995)	
<b>ILO</b>	
Maritime Labour Convention, 2006 (MLC 2006)	article V and regulation 5.2
Work in Fishing Convention, 2007 (No. 188) (C 188)	article 43
<b>FAO</b>	
Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2009 (PSMA 2009)	article 12-19
<b>IOMoU</b>	
Memorandum of Understanding on port State control in Indian Ocean Region	section 3
<b>IOTC</b>	
IOTC resolution 16/11 On Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	paragraphs 3 – 17, annexes I - III.

Together with the Protocols and amendments to these conventions and related codes of mandatory status as and when they enter into force.

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 a “relevant instrument” for that Authority.

It sets out the responsibilities, possibilities and limitations of port States carrying out inspections and gives detailed information on what authorized inspectors are to look for and how to report potential deficiencies or alleged IUU fishing.

Port State control and port State measures share significant commonalities in their implementation, such as the verification that the vessel is carrying valid certificates and relevant documents, as well as the proper certification of vessel's officers. The procedures for port State control/measures formulated by IOMoU and IOTC, drawing upon procedures developed by international organizations, such as IMO, ILO and FAO, expose these commonalities and provide the necessary guidance for carrying out port State inspections.

The course amplifies this guidance so that authorized inspectors may carry out effective control and thereby contributing towards eliminating substandard vessels; ensuring decent conditions onboard vessels; and preventing, deterring and eliminating IUU fishing. In addition to the relevant key instruments listed above, the section *References* lists the guidance that is being used in this course.

## Objective

- .1 the overall objective of this training course is to ensure that the trainees attain a sufficient understanding of the inspection procedures established by both IOMoU and IOTC. This understanding aims to enable them to effectively carry out their duties in conformity with their respective inspection procedures, while also being knowledgeable about the work of the other port inspectors and capable, to the extent possible, of: verifying or checking, as appropriate, the certificates and other relevant documentation that the vessel is required to carry;

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- .2 finding out whether the overall condition of the vessel, its equipment, its crew or the living and working conditions meet the provisions of the relevant instruments;
  - .3 examining, to the extent possible, all relevant areas of fishing vessels and other vessels used for fishing related activities, the fish, the nets and any other gear or equipment on board;
  - .4 identifying possible "clear grounds" for believing that the condition of the vessel, its equipment, its crew or the living and working conditions do not correspond substantially with the particulars of the certificates;
  - .5 identifying possible "clear grounds" for suspecting that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing; and
  - .6 providing relevant information to the competent authorities, i.e. to the national maritime, fisheries or labour administration in order for them to carry out any port State action.

Therefore, those successfully completing the course will be able to:

- .1 identify the responsibilities of the flag State to exercise control/measures over their vessels and explain the role of a port State in supplementing such control/measures;
- .2 identify and correctly use those instruments available for port State control/measures; and
- .3 maximize national, regional and inter-regional/global cooperation by means of exchanging information with all relevant stakeholders.

### **Entry standards**

The course puts great emphasis on available procedures/guidelines for port State control/measures from IOMoU, IOTC, ILO and IMO<sup>1</sup> which, for many important decisions, rely on the professional judgement of the port State inspector authorized to exercise port State control/measures. It is therefore essential that trainees in this course have experience with vessels and are qualified as either a port State control officer under the IOMoU regime or as a fisheries port State measures inspector under the IOTC regime in accordance with the *Qualification and training requirements of port State inspectors* provided in appendix 1.

It is preferable, but not necessary, that the trainees have some knowledge of all relevant key instruments, their scope of application and the main areas covered by their chapters.

### **Course certificate**

Those who have satisfactorily completed the course should be issued with a certificate to that effect.

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<sup>1</sup> Memorandum of Understanding on port State control in Indian Ocean Region (IOMoU); IOTC resolution 16/11 on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing; ILO Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006, as amended; ILO Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188); and IMO Procedures for port State control, 2021 (resolution A. 1155(32)).

### **Course intake limitations**

The number of trainees should not exceed 20 and the practical training should be undertaken in smaller groups of no more than five trainees.

### **Staff requirements**

All training and instruction should be performed by qualified personnel. The senior instructor should be an experienced vessel inspector and should have experience in carrying out either port State control inspections or port State measures inspections. The senior instructor should also have a good knowledge of the relevant instruments.

Assistant instructors should be vessel inspectors or senior vessel officers. If they do not have experience in port State control/measures inspections, they should have successfully completed relevant short courses and advanced training programmes.

### **Teaching facilities and equipment**

Ordinary classroom facilities, a laptop and equipment needed to show a Power Point presentation are sufficient. Visits to vessels should be arranged, if possible, as part of the practical training.

### **Teaching aids (A)**

A1 Instructor Manual (Part D of the course)

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**References (R)**

- IMO/R1.1 International Convention on Load Lines, 1966 (LL 1966)
- IMO/R1.2 Protocol of 1988 to LL 1966
- IMO/R2.1 International Convention for the Safety of Life at Sea, 1974 (SOLAS 1974)
- IMO/R2.2 Protocol of 1988 to SOLAS 1974
- IMO/R3.1 International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL 73/78) – Annex I
- IMO/R3.2 Annex IV to MARPOL 73/78
- IMO/R3.3 Annex V to MARPOL 73/78
- IMO/R4 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 1978)
- IMO/R5 International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969)
- IMO/R6.1 Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (CTA 2012)
- IMO/R6.2 Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977
- IMO/R7 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F 1995)
- IMO/R8 Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 1972)
- IMO/R9 Convention on Facilitation of International Maritime Traffic, 1965 (FAL)
- IMO/R10 Procedures of Port State Control, 2021 (resolution A.1155(32))
- ILO/R1: ILO Maritime Labour Convention, 2006 (MLC 2006)
- ILO/R2: ILO Work in Fishing Convention, 2007 (C 188)
- ILO/R3 ILO Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006, as amended
- ILO/R4 ILO Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188)
- ILO/R5 ILO Indicators of Forced Labour (see also Appendix V of the ILO Guidelines on flag State inspection of working and living conditions on board fishing vessels) and relevant ILO guidance on the detection of forced labour in fishing
- ILO/R6 ILO Training package on inspection of labour conditions on board fishing vessels
- ILO/R7 ILO Work in Fishing Recommendation, 2007 (No. 199)
- ILO/R8 Frequently Asked Questions - Work in Fishing Convention, 2007 (No. 188)

- FAO/R1: Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA 2009)
- FAO/R2 Voluntary Guidelines on Flag State Performance
- FAO/R3 Voluntary Guidelines for Catch Documentation Schemes
- FAO/R4 Prospectus – FAO fisheries training programme in support of the implementation of international instruments
- FAO/R5 Checklists and technical guidelines to combat illegal, unreported and unregulated (IUU) fishing - Volume I: a consolidated checklist of coastal, flag and port State responsibilities to combat IUU fishing
- FAO/R6 Checklists and technical guidelines to combat illegal, unreported and unregulated (IUU) fishing - Volume II. A legal checklist of the main duties and responsibilities of coastal, flag and port States, and internationally agreed market-related measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing
- FAO/R7 Implementation of Port State Measures. Volume 1: Technical guide to port inspection of fishing vessels
- FAO/R8 Implementation of Port State Measures. Volume 2: Port inspection workshop workbook for trainers
- IOMoU/R1 Memorandum of Understanding on port State control in Indian Ocean Region
- IOTC/R1 Resolution 16/11 on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing
- IOTC/R2 Procedures for the implementation of the Indian Ocean Tuna Commission Port State measures, 2021
- IOTC/R3 Course Curriculum and Training Program – Procedures for the Implementation of the Indian Ocean Tuna Commission Port State Measures
- IOTC/R4 Guidelines on best practices for interagency cooperation at national level and regional cooperation 2021

### **Textbooks**

No textbooks are required for this course. However, it may be useful to have, in the classroom, some reference material that could be consulted by the instructors and trainees.

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**PART B – COURSE OUTLINE**

	Subject Area	Hours	
		Classroom	Vessel
<b>Day 1</b>			
<b>1</b>	<b>NEED FOR CONTROL</b>		
1.1	Introduction	0.5	
1.2	Definitions in FAO/ILO/IMO instruments	0.5	
1.3	Provisions for port State control/measures in the FAO/ILO/IMO instruments	1.0	
1.4	Vessels of non-parties	0.5	
1.5	Vessels below convention size	0.5	
1.6	Professional profile, qualifications and training of port State inspectors	0.5	
1.7	Regional and inter-regional cooperation	0.5	
<b>2</b>	<b>PORT STATE INSPECTIONS</b>		
2.1	General	0.5	
2.2	Prior to inspection	1.5	
<b>Day 2</b>			
2.3	Initial inspections / on board inspections	1.5	
2.4	General procedural guidelines for port State inspectors	1.5	
2.5	Clear grounds	2.0	
2.6	More detailed inspections	1.0	
<b>Day 3</b>			
<b>3</b>	<b>CONTRAVENTION AND PORT STATE ACTIONS FOLLOWING INSPECTION</b>		
3.1	Identification of substandard vessels, indecent living and working conditions, pollution risks and IUU fishing	0.5	
3.2	Submission of information concerning deficiencies and IUU fishing	0.5	
3.3	Port State action in response to alleged substandard vessels and IUU fishing	0.5	
3.4	Responsibilities of port State to take remedial action	0.5	
3.5	Port State actions following inspections	0.5	
<b>4</b>	<b>REPORTING REQUIREMENTS FOLLOWING A PORT INSPECTION</b>		
4.1	Port State reporting	1.0	
4.2	Flag State reporting	0.5	
4.3	Information sharing between IOMoU and IOTC	1.0	
<b>5</b>	<b>REVIEW PROCEDURES</b>		
5.1	Report of comments	0.5	

**Day 4**

<b>6</b>	<b>MAIN ELEMENTS OF THE RELEVANT INSTRUMENTS' REQUIREMENTS</b>		
6.1	Status of the international instruments	1.0	
6.2	LL 1966	0.5	
6.3	SOLAS 1974	0.5	
6.4-6.7	MARPOL 73/78 (all annexes)	1.0	
6.8&6.9	STCW 1978 & STCW-F 1995	1.0	
6.10	TONNAGE 1969	0.5	
6.11	CTA 2012	0.5	
6.12&6.13	COLREG 1972 and FAL 1965	0.5	
6.14&6.15	MLC 2006 & C 188	1.0	

**Day 5**

6.16	PSMA 2009	1.5	
6.17	IOTC resolution 16/11	1.0	
<b>7</b>	<b>DOCUMENTATION AND RECORD BOOKS</b>		
7.1	Certificates and other documents required under FAO/ILO/IMO instruments	4.0	
7.2	Record books	0.5	

**Day 6**

<b>8</b>	<b>PRACTICAL PORT STATE CONTROL TRAINING</b>		
8.1	Organization	1.0	
8.2	Aide-memoire for inspectors	1.5	
8.3	Safety	0.5	
8.4	Inspection practice	3.0	

**Day 7**

8.4	Inspection practice (cont.)		6.0
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**Day 8**

8.4	Inspection practice (cont.)		6.0
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**Day 9**

8.4	Inspection practice (cont.)		4.5
8.5	Final discussions	1.5	
	<b>SUBTOTALS</b>	<b>38.5</b>	<b>16.5</b>
	<b>TOTAL</b>	<b>55.0</b>	

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## PART C – DETAILED TEACHING SYLLABUS

### Introduction

The detailed teaching syllabus has been written in learning objective format in which the objective describes what the trainee should be able to do to demonstrate that knowledge has been transferred.

All objectives are understood to be prefixed by the words, “The expected learning outcome is that the trainee ...”.

In order to assist the instructor, references are shown against the learning objectives to indicate FAO/ILO/IMO references and publications, additional technical material and teaching aids, which the instructor may wish to use when preparing course material. The material listed in the course framework has been used to structure the detailed teaching syllabus; in particular:

- *Teaching aids (Indicated by A); and*
- *FAO/ILO/IMO references (indicated by FAO/R, ILO/R and IMO/R, respectively)*

will provide valuable information to instructors. The abbreviations used are:

- *Add.:* *addendum*
- *Ann.:* *annex*
- *App.:* *appendix*
- *Art.:* *article*
- *Ch.:* *chapter*
- *P.:* *page*
- *Pa.:* *paragraph*
- *Reg.:* *regulation*
- *Sec.:* *section*
- *Sta.:* *standards*

The following are examples of the use of references:

“IMO/R2.1 – Reg. I/19(f)” refers to paragraph (f) of Ch. I regulation 19 of the SOLAS 1974 Convention;

“A1 – Sec. 1.2” refers to training area 1.2 - “Definitions in FAO/ILO/IMO instruments” in the guidance notes of the instructor manual.

### NOTE

Throughout the course, safe working practices are to be clearly defined and emphasized with reference to current international requirements and regulations, as well as requirements of IOMoU and IOTC, as appropriate.

It is expected that the institution implementing the course will insert references to national requirements and regulations, as necessary.

	Learning Objectives	FAO/ILO/IMO reference	Teaching Aid
<b>1</b>	<b>NEED FOR CONTROL</b>		
<b>1.1</b>	<b>Introduction</b>		
	.1 explains the roles and responsibilities of flag and port States from the point of view of ensuring safety, pollution prevention; decent conditions for the crew and responsible fishing and fishing related activities		
<b>1.2</b>	<b>Definitions in FAO/ILO/IMO instruments</b>		A1 – Pa. 1.2
	.1 explains the definitions in FAO/ILO/IMO instruments		
	.2 explains how the different FAO/ILO/IMO instruments fall within the purview of the PSC/M procedures of the IOMoU and IOTC, respectively		
	.3 explains the difference in some definitions of key instruments		
<b>1.3</b>	<b>Provisions for port State control/measures in the FAO/ILO/IMO instruments</b>		
	.1 lists instruments which make allowance for port State control/measures	IMO/R1 – R8 ILO/R1 – R2 FAO/R1	
	.2 explains the words “control by qualified officers duly authorized by contracting governments”		
	.3 identifies the article and/or regulation specifying control or inspections in each instrument		
	.4 describes the provisions for port State control/measures inspections under:		
	- LL 1966	IMO/R1.1 – Art. 21	
	- SOLAS 1974	IMO/R2.1 – Reg. I/19, IX/6.2, XI-1/4 and XI- 2/9	
	- MARPOL 73/78	IMO/R3.1 – Art. 5 and 6; and Reg. I/11, IV/14, V/9 and V/10	
	- STCW 1978	IMO/R4 -Art. X	
	- TONNAGE 1969	IMO/R5 – Art. 12	
	- CTA 2012	IMO/R6.2 – Art. 4	
	- STCW-F 1995	IMO/R7 -Art. 8	
	- MLC 2006	ILO/R1 – Art. V; and Reg. 5.2	
	- C 188	ILO/R2 – Art. 43	
	- PSMA 2009	FAO/R1 – Art. 12-19	

	- IOMoU Memorandum of Understanding on port State control in Indian Ocean Region	IOMoU/R1 – Sec. 3	
	- IOTC resolution 16/11	IOTC/R1	
	.5 states that under the provisions of the PSMA 2009 port States authorities shall: <ul style="list-style-type: none"> <li>- require the information requested in Annex A of the PSMA to be provided before granting entry to a vessel to its port</li> <li>- decide whether to authorize or deny the entry of the vessel into its port</li> </ul>	FAO/R1 – Art. 8 - 9	
	.6 states that, in principle, port State control/measures inspection is an inspection of the certificates and other documents required by the instruments		
	.7 explains the main subjects of “initial inspections” carried out under relevant ILO and IMO instruments		
	.8 explains what is meant by “port State actions following inspection” and “more detailed inspections” in an instrument		
	.9 states that under the provisions of the IMO instruments port States authorities may: <ul style="list-style-type: none"> <li>- detain a vessel until deficiencies have been rectified</li> <li>- permit a vessel to sail with deficiencies subject to conditions</li> </ul>		
	.10 explains the term “avoid a vessel being unduly detained or delayed”	IMO/R2.1 – Reg. I/19(f) IMO/R3.1 – Art. 7 IMO/R4 -Art. X(4) IMO/R6.2 – Art. 4(6) IMO/R7 -Art. 8(3) ILO/R1 – Reg. 5.2.1.8 FAO/R1 – Art. 13.2(f)	
<b>1.4</b>	<b>Vessels of non-parties</b>		
	.1 states that vessels of non-parties have not been issued with an international certificate		
	.2 states that a number of instruments stipulate that such vessels shall be given no more favourable treatment	IMO/R1.2 – Art. I(3) IMO/R2.2 – Art. I(3) IMO/R3.1 – Art. 5(4) IMO/R4 -Art. X(5) IMO/R6.2 – Art. 3(4) IMO/R7 -Art. 8(4) ILO/R1 – Art. V(7) ILO/R2 – Art. 44 FAO/R1 – Art. 23	

	.3 explains that compliance with the instrument requirements may have to be verified by means of a more detailed inspection		
	.4 states that vessels of non-parties may have been issued with certificates of compliance by a government or an RO which, at the discretion of the inspector may be accepted in lieu of a more detailed inspection		
	.5 states that vessels of non-parties may have alternative means of offering equivalent safety or environmental protection		
	.6 states that port State control/measures can only be exercised with respect to instruments to which the port State has become a party		
<b>1.5</b>	<b>Vessels below convention size</b>		
	.1 states that several instruments make exceptions for vessels below a stipulated size, for example: <ul style="list-style-type: none"> <li>- LL 1966: new vessels of less than 24 metres in length</li> <li>- SOLAS 1974: vessels with a gross tonnage of less than 500 unless expressly provided otherwise</li> <li>- MARPOL 73/78: (from certain requirements)</li> <li>- TONNAGE 1969: vessels of less than 24 metres in length</li> <li>- CTA 2012: fishing vessels of less than 24 metres in length (L) or with a gross tonnage of less than 300 (if the flag Administration has availed itself of the possibility to use gross tonnage in lieu of vessel length)</li> </ul>	IMO/R1.1 – Art. 5) IMO/R2.1 – Reg. I(3) IMO/R3.1 – Reg. 4, 5, 15, 16, 17, 20, Art. 5(4) IMO/R5 - Art. 4 IMO/R6.1 – Reg. I/1(2) IMO/R6.2 – Art. 3(3) ILO/R1 – Art. II(6), Reg 5.1.3 ILO/R2 – Art. 2 to 5, 41	
	.2 states that as a rule vessels below convention size have no international certificate		
	.3 describes the procedure to follow when dealing with such vessels under port State control/measures and that it can only be exercised with respect to instrument to which the port State has become a party		



<b>1.6</b>	<b>Professional profile, qualifications and training of port State inspectors</b>		
	.1 states that port State control/measures should be carried out by inspectors who fulfil specified qualification and training	IMO/R10 – Pa. 1.8.1 ILO/R3 – Pa. 2.1 and 2.2 ILO/R4 – Pa. 2.3 ILO/R7 – Pa. 53 FAO/R1 – Art. 13(2)(a) IOMoU/R1 – Pa. 3.5.1 and Ann 4 and 5 IOTC/R1 – Pa. 11.1(a), 14, Ann, V IOTC/R2 – Pa. 4, 4.1 and 4.2	A1 – App. 4
	.2 states that when the required professional expertise cannot be provided by the inspector, the inspector may be assisted by any person with the required expertise	IMO/R10 – Pa. 1.8.2 IOMoU/R1 – Pa. 3.5.2	
	.3 states that an inspector should carry an identity card, issued by the port State, indicating that the inspector is authorized to carry out the inspection	IMO/R10 – Pa. 1.8.4 IOMoU/R1 – Pa. 3.5.4 IOTC/R1 – Art. 13(2)(a)	
<b>1.7</b>	<b>Regional and inter-regional cooperation</b>		
	.1 describes regional and inter-regional cooperation as coordination between port States, within a region and between regions, to strengthen and enforce PSM and PSC		
	.3 explains the advantages of regional and inter-regional cooperation for the effective implementation of PSC and PSM, especially to: <ul style="list-style-type: none"> <li>- combat IUU fishing</li> <li>- ensure effective coverage of vessels avoiding harassment</li> <li>- follow-up of vessels permitted to sail subject to conditions</li> <li>- follow up of pollution reports</li> <li>- discourage sub-standard vessels from operating within the region</li> </ul>		
	.4 states that control can take several forms ranging from exchanging information with each other to formal agreements between States within the region		
	.5 states that in different regions world-wide, port States operate under memoranda of understanding on port State control and in RFBs on port State measures		
	.6 explains that fast and reliable communications are imperative,		

	whatever form of regional cooperation is chosen		
	.7 explains the advantages in having a cooperation between MOUs and RFBs, such as IOMoU and IOTC on port State control and port State measures		
<b>2</b>	<b>PORT STATE INSPECTIONS</b>		
<b>2.1</b>	<b>General</b>		
	.1 states that inspections may be undertaken: <ul style="list-style-type: none"> <li>- on the initiative of a Party to a relevant instrument or a RFMO</li> <li>- at the request of, or on the basis of information regarding a vessel provided by another Party to a relevant instrument or a RFMO</li> <li>- on the basis of information regarding a vessel provided by, or a complaint submitted by, a member of the crew, a professional body, an association, a trade union or any other individual with an interest in the safety of the vessel, its crew, the living and working conditions on board, the protection of the marine environment or fishing operations</li> <li>- as a result of an accident following a pollution incident</li> </ul>	IMO/R10 – Pa. 2.1.2... ILO/R2 – Art. 43(2)-(4)	
	.2 states that all possible efforts should be made to avoid a vessel being unduly detained or delayed and that vessels may be entitled to compensation for any loss or damage suffered	IMO/R10 – Pa. 2.1.4 ILO/R2 – Art. 43(3)	
	.3 states that inspections may be undertaken: <ul style="list-style-type: none"> <li>- when a CPC has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing</li> <li>- when a CPC has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State</li> </ul>	IOTC/R1 – Pa. 7.5 IOTC/R1 – Pa. 17.2	

<b>2.2</b>	<b>Prior to inspection</b>		
	.1 explains the structure and content of the AREP		
	.2 explains briefly how to conduct a risk assessment, which are the main sources of official data and the decision-making process to authorize or deny vessel entry into port	FAO/R1 – Art. 7 - 9 and Ann. A IOTC/R1 – Pa. 5 – 7 and Ann. I IOTC/R2 – Pa. 5.1 – 5.5 IOMoU/R1 – Pa. 3.3 and Ann. 13	
	.3 describes the different national agencies involved with overlapping mandates, necessary for planning and managing a vessel's port visit and how they need to work together.		
	.4 explains how the inspector selects vessels for inspection, on matters related to IMO and ILO instruments, and how certain vessels are given priority	IOMoU/R1 – Pa. 3.3 and Ann. 13	
	.5 highlights the importance of information exchange to enhance coordination at national level.		
<b>2.3</b>	<b>Initial inspections and on board inspections</b>		
	.1 explains how the inspector prepares an initial inspection by gaining information on the vessel and its operations from various resources as well as from an impression of the vessel's standard of maintenance prior to boarding	IMO/R10 – Pa. 2.2 FAO/R1 – Art. 13 IOMoU/1 – Sec. 3 IOTC/R1 – Pa. 11 and Ann. II	
	.2 states that the inspector checks the certificates and documents required to be kept on board in accordance with the instruments relating to fishing operations, living and working conditions, safety, security and pollution prevention	IMO/R10 – Pa. 2.2 and App. 12, part A ILO/R1 - Reg. 5.2.1.2 ILO/R2 – Art. 41 and 43 ILO/R3 – Ch.3 ILO/R4 – Ch. 3 FAO/R1 – Art. 13 (c)-(d) IOMoU/R1 – Pa. 3.1 IOTC/R1 – Pa. 11.2 (c)-(e) and Ann. II	A1 - App. 2
	.3 explains the main elements related to: <ul style="list-style-type: none"> <li>- the verification of the quantities of species;</li> <li>- monitoring of the entire discharge and/or transshipment; and</li> <li>- crosschecking of the quantities by species recorded in the AREP with the quantities by species landed or transshipped and retained on board</li> </ul>	IOTC/R1 – Pa. 10.2 and Ann. II IOTC/R2 – Pa. 6.2	A1 - App. 9

	.4 states that the inspector inspects bridge equipment, verifies gear specifications against information provided in the documentation and looks for additional components that have not been listed or declared.	IOTC/R1 – Pa. 10.2 and Ann. II IOTC/R2 – Pa. 6.2	
	.5 states that the inspector checks the overall condition of the vessel and verifies, where appropriate, whether outstanding deficiencies found during the previous inspection carried out by an IOMoU or IOTC authority have been rectified	IMO/R10 – Pa. 2.2.4 IOMoU/R1 – Pa. 3.1	
	.6 states that if the inspector, from general impressions or observations on board has clear grounds for believing that the vessel, its operations, its equipment, its crew or the living and working conditions, do not substantially meet the requirements, the relevant port State authority should proceed to a more detailed inspection	IMO/R10 – Pa. 2.5.1 ILO/R2 – Art. 43(2)-(3)	
	.7 states that if the inspector has reasonable grounds to believe that the vessel was engaged in IUU fishing or fishing related activities in support of such fishing, the vessel should be denied the use of port	FAO/R1 – Art. 11 IOTC/R1 – Pa. 7 and 9 IOTC/R2 – Pa. 6.4.2	
<b>2.4</b>	<b>General procedural guidelines for port State inspectors</b>		
	.1 states that the inspector should observe the Code of good practice for port State control inspectors and should adhere to good practices and refrain from engaging in corrupt practices, favoritism, discriminatory or unethical behavior during inspections.	IMO/R10 – App. 1	
	.2 states that in the case that an inspection is initiated based on a report or complaint, especially if it is from a crew member, the inspector should not disclose the source of the information		
	.3 states that when boarding a vessel, the inspector should present to the master/skipper or to the representative of the owner the inspector identity card		

	<p>.4 with regard to deficiencies relating to safety, environment, living and working conditions (incl. fundamental principles and rights at work) and crew welfare, describes the different forms of action that the inspector may consider, such as:</p> <ul style="list-style-type: none"> <li>- notifying the master/skipper of the deficiencies</li> <li>- instructing to rectify deficiencies before a specified time</li> <li>- detaining the vessel until deficiencies have been rectified</li> </ul>		
	<p>.5 with regard to matters relating to IUU fishing and fishing related activities in support of such fishing, describes the different forms of action that the inspector may consider, such as:</p> <ul style="list-style-type: none"> <li>- notifying the master/skipper of the deficiencies</li> <li>- denying the vessel the use of port (with the option of authorizing conditional entry into port for inspection, if and when possible “clear grounds” for a detailed inspection are identified in other domains, such as safety or living and working conditions)</li> <li>- any other provisional measure that the inspector considers necessary to ensure the preservation of evidence for future use in legal proceedings</li> </ul>		
	<p>.6 states that if the inspector considers that there are reasonable grounds to take remedial action, the national authorities under both the IOMoU and IOTC regimes should be immediately notified of these grounds</p>		
	<p>.7 explains the situations where provisions on force major, distress or accidental damage may apply</p>	<p>IMO/R10 – Pa. 2.3.7 FAO/R1 – Art. 10</p>	
<b>2.5</b>	<b>Clear grounds</b>		
	<p>.1 describes the main clear grounds to conduct a more detailed inspection (issues related to ILO and IMO instruments)</p>	<p>IMO/R10 - Pa. 2.4 ILO/R4 – Ch. 4 and 5 (esp. pp. 54-57) IOMoU/R1 – Ann. 3</p>	<p>A1 – App. 3</p>
	<p>.2 describes examples of clear grounds for denying a fishing vessel or a vessel used for fishing related</p>	<p>FAO/R1 – Art. 11 IOTC/R1 – Pa.3 IOTC/R2 – Pa. 5.2 and App. VI</p>	

	<p>activities the use of port, which could for example be related to:</p> <ul style="list-style-type: none"> <li>- authorization to engage in fishing or fishing related activities</li> <li>- fish on board taken in contravention of applicable requirements of a coastal State or RFMO(s) other forms of alleged IUU fishing or fishing related activities in support of such fishing</li> </ul>		
<b>2.6</b>	<b>More detailed inspections</b>		
	<p>.1 explains some of the reasons why a more detailed inspection should be carried out and describe in broad terms the procedure for such inspection. Such reasons could, for example, be related to :</p> <ul style="list-style-type: none"> <li>- the vessel certificates, markings and documentation</li> <li>- the seafarer or fishing vessel personnel certificates or other required documents (e.g. fishers' work agreements, medical certificates, crew list, etc.)</li> <li>- overall condition of the vessel and its equipment</li> <li>- general impressions or observations on board regarding the crew and its living and working conditions</li> </ul>	IMO/R10 - Pa. 2.5	
<b>3</b>	<b>CONTRAVENTION AND PORT STATE ACTIONS FOLLOWING INSPECTION</b>		
<b>3.1</b>	<b>Identification of substandard vessels, indecent living and working conditions, pollution risks and IUU fishing</b>		
	<p>.1 explains that in general, a vessel is regarded as substandard if the hull, machinery, equipment, and living and working conditions are substantially below the standards required by the relevant instruments owing to, inter alia:</p> <ul style="list-style-type: none"> <li>- the absence of principal equipment</li> <li>- substantial deterioration of the vessel or its equipment</li> <li>- serious violations of labour standards</li> </ul>	IMO/R10 – Pa. 3.1 IOMoU/R1 – Sec. 3 ILO/R4 – Chap. 5 (esp. pp. 54-57)	

	.2 explains that if any evident factors pose a danger to the vessel or persons on board or present an unreasonable threat of harm to the marine environment if it were allowed to proceed to sea, it should be regarded as a substandard vessel	IMO/R10 – Pa. 3.1 IOMoU/R1 – Sec. 3	
	.3 describes under which circumstances a vessel, which has been allowed port entry after the risk assessment of the AREP but subject to an inspection at port, could be considered as a potential IUU vessel.	IOTC/R2 – Pa. 5.2	
<b>3.2</b>	<b>Submission of information concerning deficiencies and IUU fishing</b>		
	.1 explains the ways through which information regarding alleged substandard vessels or alleged IUU fishing could be submitted to the appropriate authorities.		
<b>3.3</b>	<b>Port State action in response to alleged substandard vessels and IUU fishing</b>		
	.1 explains that on receipt of information about an alleged substandard vessel, alleged pollution risk or alleged IUU fishing, the authorities should immediately investigate the matter and take the action required by the circumstances, which could give rise to detention, denying the use of port and notification to the flag State and others, including the national authorities of the IOMoU and IOTC. .2 explains also that if the port State receiving information is unable to take action because there is insufficient time or no inspectors can be made available before the vessel sails, the information should be passed to the authorities of the country of the next appropriate port of call, to the flag State and other relevant organizations as well as to the national authorities of the IOMoU and IOTC in that port, as appropriate	IOMoU/R1 – Sec. 3 IOTC/R2 – Pa. 6.4.2	
<b>3.4</b>	<b>Responsibilities of port State to take remedial action</b>		
	.1 explains that if an inspector determines that a vessel can be regarded as substandard as specified	IMO/R10 – Pa. 3.4 FAO/R1 – Art. 18 IOTC/R1 – Pa. 10 – 13 IOTC/R2 – Pa. 6.4	

	<p>in 3.1 above, the port State should immediately ensure that corrective action is taken to safeguard the safety of the vessel and/or the safety or health of the crew and eliminate any threat of harm to the marine environment before permitting the vessel to sail</p>		
<b>3.5</b>	<b>Port State actions following inspections</b>		
	<p>.1 states that there is guidance available for the detention of vessels, suspension of inspection and rectification of deficiencies related to IMO and ILO instruments</p> <p>.2 explains that if a port State inspector determines that there are clear grounds for believing that a vessel has been engaged in IUU fishing or fishing related activities in support of such fishing, the port State is required to issue specified notifications and deny the use of port to the vessel</p> <p>.3 states that there is guidance on port State actions against a vessel engaged in IUU fishing or fishing related activities supporting such fishing that may include an additional inspection, investigation, arrest, seizure and detention, bond and fine/penalty</p>	<p>IMO/R10 – Pa. 3.5 and App. 2 IOMoU/R1 – Sec. 3 IOTC/R1 – Pa. 15 IOTC/R2 – Pa. 6.4</p>	
<b>4</b>	<b>REPORTING REQUIREMENTS FOLLOWING A PORT INSPECTION</b>		
<b>4.1</b>	<b>Port State reporting</b>		
	<p>.1 explains, with regard to IMO and ILO related matters, that port State authorities should:</p> <ul style="list-style-type: none"> <li>- ensure that the master/skipper of the vessel is provided with a document showing the results of the inspection, details of any action taken by the inspector, and a list of any corrective action to be initiated by the master/skipper and/or company and that such reports should be made in accordance with the formats in appendix 5 and 6 to this document</li> </ul>	<p>IMO/R10 – Pa. 4.1 ILO/R2 – Art. 43(2)-(3) FAO/R1 – Art. 18 IOTC/R1 – Pa. 15</p>	



	<ul style="list-style-type: none"> <li>- at least notify the flag State in the case of a detention</li> <li>- notify the authorities of the port of the country of the next appropriate port of call, to the flag State, etc. if the vessel has been allowed to sail with known deficiencies</li> <li>- when Parties to a relevant instrument, also submit the reports to IMO in accordance with the provisions of such instruments</li> </ul>		
	<p>.2 explains, with regard to PSM related matters, that port State authorities should:</p> <ul style="list-style-type: none"> <li>- ensure that the master/skipper of the vessel is provided with the report containing the result of the inspection, including possible measures that could be taken and that such report is made in accordance with the format in appendix 8 to this document</li> <li>- give the master/skipper the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State</li> <li>- use the e-PSM application to transmit the results of each inspection to the flag State and, as appropriate, to: <ul style="list-style-type: none"> <li>o relevant Parties and States, including those States for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing within waters under their national jurisdiction; and the State of which the vessel's master/skipper is a national;</li> <li>o relevant RFMOs; and</li> <li>o FAO and other relevant international organizations</li> </ul> </li> </ul>	<p>FAO/R1 – Art. 15 IOTC/R1 – Pa. 13 IOTC/R2 – Pa. 6.4.1</p>	

<b>4.2</b>	<b>Flag State reporting</b>		
	.1 explains that on receiving a report on detention, the flag State and, where appropriate, the RO, should, as soon as possible, inform IMO of remedial action taken in respect of the detention, which may be submitted directly to GISIS  .2 explains that a flag State receives a port State inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall: immediately and fully investigate the matter; and upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations; and report to other CPCs, relevant port States and, as appropriate, other relevant States, RFMOs and FAO on actions it has taken in respect of vessels entitled to fly its flag.		
<b>4.3</b>	<b>Information sharing between IOMoU and IOTC</b>		
<b>5</b>	<b>REVIEW PROCEDURES</b>		
<b>5.1</b>	<b>Report of comments</b>		
	.1 explains the usefulness of making information regarding deficiencies and remedial measures generally available	IMO/R10 – Pa. 5	
	.2 explains the role of FAO, ILO and IMO as the focal points of reporting, such as disseminating the reports, in accordance with the Organizations' procedures to all Parties to the relevant instruments and the evaluation of their summaries by appropriate committees/meetings		
	.3 explains how the success of port State control and port State measures could contribute to improved safety at sea and sustainable fishing		
<b>6</b>	<b>MAIN ELEMENTS OF THE RELEVANT INSTRUMENTS' REQUIREMENTS</b>		
<b>6.1</b>	<b>Status of the international instruments</b>		

	.1 states that each instrument contains provisions regarding its entry into force		
	.2 explains that in the case of IMO instruments, this is related to the number of ratifications/acceptances and the percentage of the world tonnage or the vessel numbers they represent		
	.3 states that the dates of entry into force of instruments and amendments are important to establish the applicability of rules to new and existing vessels		
	.4 explains that although an FAO, ILO or IMO instrument is in force there may be a number of maritime nations which are not Party to that instrument		
	.5 states that port State control/measures of an instrument should only be carried out by Parties to that instrument		
	.6 states that SOLAS 1974, LL 1966, MARPOL 73/78, COLREGS 1972, STCW 1978, MLC 2006, C 188 and PSMA 2009 are IMO/ILO/FAO instruments which are in force		
	.7 states that CTA 2012 is an IMO instrument which is expected to enter into force soon		
	.8 identifies the key certificates and other documentation required by the relevant key instruments		
	.9 with regard to each instrument listed below, describes briefly the objective of the instrument and highlights issues that might indicate non-compliance		
<b>6.2</b>	<b>LL 1966</b>		
	.1 describes deck line, load line mark and lines to be used with the load line mark		
	.2 lists zones and areas to which freeboard marks apply		
	.3 with regard to the conditions of assignment of freeboard, states that requirements have been laid down regarding, for example: - information to be supplied to the master		

	<ul style="list-style-type: none"> <li>- position, construction and closure of hatchways, doorways and ventilators</li> <li>- openings in freeboard and superstructure decks</li> </ul>		
	.4 explains the principles of requirements for the protection of the crew		
<b>6.3</b>	<b>SOLAS 1974</b>		
	.1 describes briefly the main areas covered by the chapters of SOLAS 1974		
<b>6.4</b>	<b>MARPOL 73/78 (all annexes)</b>		
	.1 lists possible “clear grounds” for more detailed inspection under MARPOL 73/78		
<b>6.5</b>	<b>Annex I of MARPOL 73/78</b>		
	.1 with respect to constructional items related to machinery spaces, states that requirements have been laid down regarding: <ul style="list-style-type: none"> <li>- the segregation of oil and water ballast</li> <li>- tanks for oily water, oil residues and sludge</li> <li>- oily-water separating and filtering equipment</li> <li>- monitoring and control equipment</li> <li>- 15 ppm alarm system</li> <li>- an international shore connection for the discharge of residues to reception facilities</li> </ul>		
<b>6.6</b>	<b>Annex IV of MARPOL 73/78</b>		
	.1 states that Annex IV contains regulations for the prevention of pollution by sewage from vessels and includes requirements for surveys, certification, discharge of sewage and an example of certificate		
<b>6.7</b>	<b>Annex V of MARPOL 73/78</b>		
	.1 states that Annex V contains regulations for the prevention of pollution by garbage, including discarded fishing gear, from all vessels		
	.2 states that requirements have been laid down regarding: <ul style="list-style-type: none"> <li>- disposal of garbage, placards, garbage management plans and garbage record-keeping</li> </ul>		

	- summarizes the restrictions in the disposal of garbage		
<b>6.8</b>	<b>STCW 1978</b>		
	.1 states that masters and officers must hold an appropriate certificate		
	.2 states that there are special requirements for oil tankers and chemical tankers		
	.3 describes the certificates issued under STCW 1978		
<b>6.9</b>	<b>STCW-F 1995</b>		
	.1 states that skippers and officers must hold an appropriate certificate		
	.2 states that officers in charge of, or performing, radio duties in a vessel must hold an appropriate certificate		
	.3 describes the certificates issued under STCW-F 1995		
<b>6.10</b>	<b>TONNAGE 1969</b>		
	.1 states that an International Tonnage Certificate (1969) is generally issued to every vessel of 24 metres in length and over, and that vessel gross tonnage forms the basis for manning regulations, safety rules and registration fees .2 explains how national tonnage rules may be used in connection with the application of SOLAS 74 and MARPOL 73/78		
<b>6.11</b>	<b>CTA 2012</b>		
	.1 describes the main areas covered by the chapters of the instrument and their application to new and existing vessels		
	.2 describes the purpose of the progressive implementation of certain provisions of the instrument		
	.3 explains the system of the survey and certification in CTA 2012 and how it compares with the HSSC		
	.4 describes the certificates and other documents issued under the CTA 2012		
<b>6.12</b>	<b>COLREG 1972</b>		
	.1 states that lights, daymarks and sound signals are described by the rules		
	.2 describes additional signals required for fishing vessels		
<b>6.13</b>	<b>FAL 1965</b>		

	.1 states that FAL 1965 contains the "Standards" and "Recommended Practices" on formalities, documentary requirements and procedures which should be applied, for example, on arrival, during their stay, and on departure to the vessels, their crews and cargo		
	.2 states that information in the FAL forms, on board a vessel undergoing a PSC/PSM inspection, could be useful for cross-checking with information in the vessel certificates and other documentation		
<b>6.14</b>	<b>MLC 2006</b>		
	.1 explains how port State inspections can help in ensuring that the working and living conditions for seafarers meet the requirements of MLC 2006		
	.2 states that the port State inspection should, except in the circumstances specified in the MLC Code, be limited to a review of the Maritime Labour certificate and the Declaration of maritime labour compliance.		
<b>6.15</b>	<b>C 188</b>		
	.1 explains the structure of the instrument, highlighting the key topics		
	.2 explains briefly the requirements of the instrument regarding all fishing vessels covered by the Convention		
	.3 explains the requirements of the instrument regarding large fishing vessels and vessels operating at sea for extended periods of time, including vessels expected to carry a valid document for compliance	ILO/R2, Art. 41	
	.4 describes briefly the length / gross tonnage equivalents and how it may affect the application of the instrument and PSC		
	.5 describes briefly the purpose of the progressive implementation of certain provisions of C 188		
<b>6.16</b>	<b>PSMA 2009</b>		
	.1 explains the procedure to be followed when preparing for the on-board inspection by gathering information about the vessel, its history, and its fishing activity, for example:	FAO/R1 – Art. 8 IOTC/R1 – Pa. 6, 7 and 9 IOTC/R2 – Pa. 5.1-5.5 and 6.1	

	<ul style="list-style-type: none"> <li>- from the AREP</li> <li>- from licenses and permits</li> <li>- by consulting with the RFBs IUU vessel lists and other sources of vessel-related data</li> </ul>		
	.2 states that vessels engaged in fishing or fishing related activities must have certain information and documentation on board, such as the vessel identification documentation, a valid authorization to fish, a fishing logbook and, if appropriate, a coastal fishing license and an authorization to transship	FAO/R1 – Art. 13(c) IOTC/R2 – Pa. 5.1-5.5 and 6.1	
	.3 explains the procedures for pre-boarding and on board inspection, including for: <ul style="list-style-type: none"> <li>- examining the authorizations for fishing and fishing related activities and fishing logbooks</li> <li>- verifying that the vessel’s flag, markings and main dimensions are consistent with information contained in the vessel documentation</li> <li>- examining, to the extent possible, all relevant fishing gear onboard</li> <li>- determining, to the extent possible, whether the fish on board was harvested in accordance with the applicable Authorizations</li> <li>- examining the fish, to determine its quantity and composition</li> </ul>	FAO/R1 – Art. 13(c) IOTC/R2 – Pa. 5.1-5.5 and 6.1	
	.4 lists points of attention when reviewing relevant documentation on board, such as: <ul style="list-style-type: none"> <li>- VMS records</li> <li>- logbooks</li> <li>- catch</li> <li>- transshipment and trade documents</li> <li>- crew lists</li> <li>- stowage plans</li> <li>- drawings</li> <li>- descriptions of fish holds</li> </ul>	FAO/R1 – Art. 13(c) IOTC/R1 – Pa. 7 and 9 IOTC/R2 – Pa. 5.1-5.5 and 6.1	
	.5 explains briefly the FAO GIES information system under the PSMA 2009		
<b>6.17</b>	<b>IOTC resolution 16/11 (PSM-R)</b>		

	.1 explains the relationship between the IOTC resolution 16/11 and the PSMA 2009		
	.2 explains briefly the information system developed by IOTC (the IOTC e-PSM) to implement the PSM-R and its inter-relationship with the GIES.		
<b>7</b>	<b>DOCUMENTATION AND RECORD BOOKS</b>		
<b>7.1</b>	<b>Certificates and other documents required under FAO/ILO/IMO instruments</b>		
	<b>All certificates</b>		A1 – App. 2
	.1 describes briefly the certificates and documents listed below		
	.2 explains the significance of the vessel's particulars on the certificates		
	.3 states that the certificates should show their period of validity		
	.4 states that the validity is subject to endorsements		
	.5 explains that FAO/ILO/IMO instruments permit flag States to grant exemptions from certain requirements and that these Organizations must be notified of such exemptions in order to be able to publicize them by means of circulars		
	.6 states that the validity of the exemption certificates is also subject to listed conditions		
	<b>LL 1966</b>		
	.1 identifies the International Load Line Certificate and Record of Conditions of assignment of Load Lines	IMO/R1.2 – Art. 16.1	
	.3 identifies and explains the use of the International Load Line Exemption Certificate	IMO/R1.2 – Art. 16.2	
	<b>SOLAS 1974</b>		
	.1 lists the certificates and supplements required under SOLAS 1974 and Protocols	IMO/R2.1 – Reg. I/12	
	.2 explains the importance of having suitable nautical charts and nautical publications, adequate and up-to-date	IMO/R2.1 – Reg. V/19.2.1.4 and V/27	
	.2 explains the use of forms of attachments	IMO/R2.1 – Reg. I/12	
	.3 explains the HSSC		
	<b>MARPOL 73/78 Annex I</b>		



	.1 identifies: - the International Oil Pollution Prevention (IOPP) Certificate with supplements; and - The Oil Record Book, parts I and II	IMO/R3.1 – Reg. 7.1 IMO/R3.1 – Reg 15	
	<b>MARPOL 73/78 Annex IV</b>		
	.1 identifies the International Sewage Pollution Prevention (ISPP) Certificate	IMO/R3.2 – Reg. 5.1	
	<b>MARPOL 73/78 Annex V</b>		
	.1 identifies: - the Garbage Record Book; and - the Garbage Management Plan	IMO/R3.3 – Reg. 10 IMO/R3.3 – Reg. 10	
	<b>STCW 1978</b>		
	.1 identifies: - the Certificates for masters, officers or ratings; and - records of hours of rest and table of shipboard working arrangements	IMO/R4 – Art. VI and Reg I/2	
	<b>STCW-F 1995</b>		
	.1 identifies the certificates for skippers and officers		
	<b>TONNAGE 1969</b>		
	.1 identifies the International Tonnage Certificate	IMO/R5 – Art. 7	
	<b>CTA 2012</b>		
	.1 identifies the International Fishing Vessel Safety Certificate	IMO/R6.1 – Reg. I/11	
	.2 identifies and explains the use of the International Fishing Vessel Exemption Certificate	IMO/R6.1 – Reg. I/11	
	.3 explains the importance of having suitable nautical charts and nautical publications, adequate and up-to-date	IMO/R6.1 – Reg. X/4	
	<b>COLREG 1972</b>		
	.2 explains that the equipment, required by COLREG 1972 to be carried on board, should have certificates of approval		
	<b>FAL 1965</b>		
	.1 explains how FAL forms can be useful for cross-checking information in vessel documentation		
	<b>MLC 2006</b>		
	.1 identifies: - the maritime labour certificate and declaration of maritime labour compliance; and	ILO/R1: Art. V and Title 5 Reg. 5.1.3 and App. A5-II, Sta. A.2.3(10) and (12)	

	- records of hours of rest and table of shipboard working arrangements		
	<b>C 188</b>		
	.1 identifies the C 188 document for compliance	ILO/R.2: Art. 41, 43 and 44	
	<b>PSMA 2009</b>		
	.1 explains that no certificates or documents are issued under the PSMA 2009		
	<b>Other documents to be consulted in a port State inspection</b>		
	.1 Reports of previous port State control/measures inspections;		
<b>7.2</b>	<b>Record books required under FAO/ILO/IMO instruments</b>		
	.1 describes briefly the record books and how they can be useful during the conduct of a PSC/PSM inspection		
<b>8</b>	<b>PRACTICAL PORT STATE CONTROL TRAINING</b>		
<b>8.1</b>	<b>Organization</b>		
	.1 describes the procedures to be followed: <ul style="list-style-type: none"> <li>- when boarding a vessel</li> <li>- when clear grounds for carrying out a more detailed inspection relating to survey/certification matters exist</li> <li>- when an inspection is initiated based on a complaint or report, especially a crew member</li> <li>- when spare or replacement parts are not available</li> <li>- where a vessel has suffered accidental damage and is taken remedial action</li> <li>- where other parties (i.e. owner's representatives, flag State Administration representatives, nominated surveyors, etc.) are involved</li> <li>- where deficiencies cannot be rectified</li> <li>- where reports of detentions have to be made up</li> </ul>		
	.2 describes the function of control as: <ul style="list-style-type: none"> <li>- identifying vessels which are to be inspected</li> <li>- inspecting the vessels</li> </ul>		

	<ul style="list-style-type: none"> <li>- detaining vessels and associated notification</li> <li>- lifting detentions</li> <li>- permitting vessels to sail subject to conditions and associated notification</li> <li>- making inspection reports</li> <li>- reporting to the flag State and IMO</li> <li>- follow-up action if no comments are forthcoming from the flag State</li> <li>- keeping statistics and adjusting work efforts</li> <li>- keeping abreast of international developments</li> </ul>		
	.3 describes a possible division of work between: <ul style="list-style-type: none"> <li>- boarding inspectors, local offices and national office</li> </ul>		
	.4 describes the cooperation between IOMoU and IOTC on port State control/measures		
<b>8.2</b>	<b>Aide-memoire for inspectors</b>		
	.1 explains the benefits of having an inspection manual which includes: <ul style="list-style-type: none"> <li>- the number of conventions relating to port State control/measures and the different rules of applicability to new and existing vessels</li> <li>- possibilities for exemptions/exceptions</li> <li>- status of conventions in different countries</li> </ul>	IOTC/R2	
	.2 explains that such a manual could also facilitate finding the appropriate references when filing reports		
	.3 states that that manual could include checklists of items to be covered under port State control/measures		
<b>8.3</b>	<b>Safety</b>		
	.1 describes the necessary safety precautions when carrying out a PSC/PSM inspection		
<b>8.4</b>	<b>Inspection practice</b>		
	.1 with the aid of the relevant key instruments listed under <i>Scope</i> in Part A, demonstrates the ability to determine the requirements for a given vessel with respect to the		

	<p>control items listed under section 6 above</p> <p>.2 boards a vessel and, having established the requirements, verifies compliance, taking into account:</p> <ul style="list-style-type: none"> <li>- application to new/existing vessels</li> <li>- application to vessel size</li> <li>- possible exemptions</li> </ul> <p>.3 boards vessels and reports for each vessel on:</p> <ul style="list-style-type: none"> <li>- general condition</li> <li>- certification</li> <li>- need for more detailed inspection</li> <li>- any deficiencies found</li> <li>- any indications on IUU fishing or fishing related activities in support of such fishing</li> <li>- action to be recommended</li> <li>- notification and reports</li> </ul>		
<b>8.5</b>	<b>Final discussion</b>		
	.1 participates in a group's discussion with the other trainees and the instructors on the outcome of the training course		

## **PART D – INSTRUCTOR MANUAL**

### **Introduction**

The instructor provides guidance on the material that is to be presented during the course. The material should be arranged under the following six headings:

- 1        Need for control
- 2        Port State inspections
- 3        Contravention and port State actions following inspection
- 4        Reporting requirements
- 5        Review procedures
- 6        Main elements of the relevant instruments' requirements
- 7        Documentation and record books
- 8        Practical port State control/measures training

The books to be used as references throughout the course are those referred to as FAO, ILO, IMO, IOMoU and IOTC are references in Part A of the course.

The course outline provides guidance on the time allocation for the course material, but the instructor is free to modify this if necessary. The detailed teaching syllabus must be studied carefully and, where appropriate, lesson plans or lecture notes compiled.

It will be necessary to prepare PowerPoint presentations with projectors and distribute them to the trainees as handouts.

Some of the appendices of this instructor manual provide examples of the kind of material that may be useful for supporting the presentation of the course.

Preparation is essential if the course is to be effective and successful.

Throughout the course it is important to stress that rules and regulations must be strictly observed on board a vessel, and that every precaution must be taken to maximize safety and minimize the effect on the environment.

Although the course is based on international conventions, instructors should consider leaving the formal aspects occasionally to deal with the human factor. They could, for instance, give and solicit examples drawn from their own and trainees' experiences; they could spend some time discussing how inspectors deal with masters/skippers and officers, how officers deal with inspectors, and how inspectors deal with crew complaints and trade union views.

## **GUIDANCE NOTES<sup>2</sup>**

### **1 NEED FOR CONTROL**

#### **1.1 Introduction**

**0.5 hours**

The flag State is responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give the relevant conventions full and complete effect so as to ensure that:

- .1 from the point of view of safety of life and pollution prevention, a vessel is fit for the service for which it is intended, and fishers and seafarers are qualified and fit for their duties;
- .2 from the point of view of social and labour issues, fishers and seafarers have decent conditions of work on board vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security; and
- .3 from the point of view of fishing operations, a vessel which is entitled to fly its flag is registered and authorized to be used for fishing or fishing related activities and that operations are carried out in a responsible manner.

Unfortunately, some flag States fail to fulfil their commitments contained in agreed international legal instruments, and subsequently some vessels are operating unsafely and illegally and thereby threatening the lives of those on board, the marine environment and the effective conservation, management and development of living aquatic resources.

Every vessel, when in a port of a State, other than its flag State, is subject to control by the port State to verify its compliance with the requirements of relevant international instruments.

Port State control is a system of harmonized inspection procedures designed to target substandard vessels with the main objective being their eventual elimination. Similarly, port State measures is a system to control foreign flag vessels, in accordance with international fisheries instruments, for the purpose of detecting and controlling IUU fishing activities.

The trainees should be given a general understanding of the provisions in international instruments that permit port State control and port State measures.

#### **1.2 Definitions in FAO/ILO/IMO instruments**

**0.5 hours**

A definition is a statement of the meaning of a term. In international instruments, the definitions are generally provided at the beginning of the instrument, annex or chapter.

The definitions used in the relevant FAO, ILO and IMO instruments are in most cases the same. Sometimes the definition in one instrument uses different words than another instrument for the same term but where the meaning is the same. For example, when the merchant sector uses the word “master” for the person who has the command of a ship, the fisheries sector uses the word “skipper” for the person who has the command of a fishing vessel.

There are also examples of terms used in the merchant sector that have a different meaning in the fisheries sector. For example, in the IMO Cape Town Agreement of 2012, the term

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<sup>2</sup> This part is still under development.

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“fishing vessel” or “vessel” means “any vessel used commercially for catching fish, whales, seals, walrus or other living resources of the sea”. In the ILO Work in Fishing Convention (No. 188) of 2007, the term “fishing vessel” or “vessel” means “any ship or boat, of any nature whatsoever”, irrespective of the form of ownership, used or intended to be used for the purpose of commercial fishing”. In the FAO Port State Measures Agreement of 2009, a “vessel” (which in some other FAO instruments is referred to as a “fishing vessel”) means “any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities”.

The instructor should explain the definitions used in this training course and point out their different meaning in the relevant key instruments. It should also be explained how the different FAO/ILO/IMO instruments fall within the purview of the PSC/M procedures of the IOMoU and IOTC, respectively.

### **1.3 Provisions for port State control/measures in FAO/ILO/IMO instruments 1.0 hours**

The relevant key FAO/ILO/IMO instruments provide the basis for port State control and port State measures inspections. The list of instruments with provisions on inspection procedures is provided in Part A. The instructor should explain these provisions and how the port State authorities should make effective use of them for the purposes of identifying any non-compliance and whether the vessel may have been engaged in IUU fishing or fishing related activities in support of such fishing.

### **1.4 Vessels of non-parties**

**0.5 hour**

Port State control is based on the principle that the port State recognizes international certificates issued by or on behalf of the flag State. It must be understood that such recognition is a privilege extended only to parties to instruments. Non-parties may not issue these certificates and it is necessary that trainees are made aware of this and learn how to deal with vessels of non-parties.

When applying a relevant instrument for the purpose of port State control or measures, the principle of “no more favourable treatment” is applied to vessels which fly the flag of a State which is not a party to that instrument. The instructor should therefore thoroughly explain the issue, pointing out that administrations of non-parties may issue, or authorize to be issued, a certificate of compliance with the relevant provisions of the instruments. It should also be explained that the direct source or authority for exercising port State control and measures is the national law based on relevant instruments. It is therefore necessary for a port State to be a party to those instruments and to have promulgated the necessary legislation before exercising port State control or measures.

The ratification of conventions is a continual process, and port States must keep themselves informed as to which countries have become parties to the various conventions. This information is issued by the IMO Secretariat by means of circulars. The circulars which relate to conventions providing for port State control can be consulted at the *Circulars* section under the IMODOCS website. The Index of IMO Circulars and Description by Category is provided in appendix 10. For example, the circulars which relate to SOLAS 1974 are in the SLS.12/Circ. series. A specimen circular concerning Parties to SOLAS 1974 is provided in appendix 11.

In addition to the above-mentioned circulars series, information on the ratification by States of IMO conventions can also be found on the IMO website ([www.imo.org](http://www.imo.org)) under *About IMO* and *Status of Conventions*. Information on the ratifications by States of ILO conventions can be found on the ILO website:

(<https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12001:0::NO>) and information on

the Parties to the FAO PSMA can be found on the FAO website (<https://www.fao.org/port-state-measures/background/parties-psma/en/>).

### **1.5 Vessels below convention size**

**0.5 hour**

Most IMO and ILO conventions progressive limits of application of application for each category or size of vessels. These may be related to tonnage, length or other vessel parameters, and also, in certain instruments, to the age of the vessel and operating area. Such limits of application involve not only certificates, but also vessels and their equipment. For example, in some cases, no certificate is required, while in other cases the vessel is exempt from design or equipment requirements. This does not alter the fact that such vessels should only be permitted to sail if they are safe and environmentally friendly. It is usual for such vessels to comply with requirements of the flag State, which may not be known by the port State inspector. The inspector must therefore use his/her discretion in judging these vessels. He/she may be assisted in this by some form of certification issued by or on behalf of the flag State. The inspector should explain that port State control/measures can only be carried out with respect to an instrument to which the port State is a party.

### **1.6 Professional profile, qualifications and training of port State inspectors 0.5 hour**

The trainees should be given a general understanding of the provisions of the IOMoU and IOTC regarding the professional profile, qualifications and training requirements of port State inspectors. The trainees should also be aware that in the case they do not have the required expertise to carry out a part of the inspection, they may be assisted by any person with the required expertise, as acceptable to the port State. Provisions on the qualifications and training requirements of port State inspectors are provided in appendix 1.

### **1.7 Regional control**

**0.5 hour**

The primary responsibility for ensuring vessels' standards rests with the flag States. PSC and PSM inspections are intended to be a backup to flag State implementation, a "second line of defense" against substandard vessels and IUU fishing, and experience has shown that they can be extremely effective.

The relevant key instruments, which are listed in Part A, contain provisions for Governments to inspect foreign vessels that visit their ports to ensure that they meet FAO, ILO and IMO standards contained in instruments to which the port State is a Party, taking into account the concept of no-more favourable treatment. If the vessels do not comply, they can be delayed or detained until corrective action has been carried out, or even denied the entry or use of ports and be subject to targeting and legal proceedings.

For vessels travelling to different countries in the same region, regional coordinated inspections that focus on substandard vessels and on IUU fishing activities can be more efficient and cost-effective as well as providing a level playing field to ports in the region. The harmonization of PSC inspections within the IOMoU region aims at ensuring that as many substandard vessels as possible are inspected and at preventing vessels from being subjected to multiple inspections. Similarly, the implementation of effective PSM inspections within the IOTC region aims at preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing in the convention area of the region.

Similarly to regional cooperation, inter-regional cooperation in the implementation of port State control and port State measures is essential for effectively addressing the transboundary nature of IUU fishing and shipping, closing loopholes and ensuring that substandard vessels or vessels engaged in IUU fishing find it increasingly difficult to operate by restricting their access to ports.

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Trainees should be informed about the existing regional MoUs on PSC and the existing RFBs that carry out PSM and their geographical scope. An overview of the regional MOUs and RFBs is provided in figures 1 and 2, respectively. It should be pointed out in this regard that some States are parties to more than one MoU or RFB.



Figure 1 – Overview of the regional MOUs on PSC, incl. the USCG (© R.Baumler - WMU)



Figure 2 – Overview of the RFBs (© FAO)

The trainees should also be made aware of that IMO has signed electronic data exchange agreements with the PSC regimes so that the regional information system can provide relevant inspection data to the IMO Global Integrated Ship Information System (GISIS) PSC module on

behalf of the member countries and that IMO is also a member of the Editorial Board and an observer of the Supervisory Committee of the Equasis (Electronic Quality Shipping Information System) which compiles PSC data.

Similarly, the trainees should be informed that there exist various information exchange systems established and managed by both IOTC and FAO. Within the purview of port State measures, these encompass the IOTC e-PSM application and the FAO PSMA Global Information Exchange System (GIES). In the broader context of combating IUU fishing, notable resources include the IOTC Record of Authorized Vessels, the IOTC IUU Vessel List, and the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels, and Supply Vessels (Global Record). Each of these systems provide official information that can be useful for port States when deciding whether to allow foreign-flagged vessels to use their ports.

In addition to the regional cooperation within a MOU or RFB, the instructor should also explain the expected benefits of cooperation and data exchange between the MOU and RFB within the same region.

## **2 PORT STATE INSPECTIONS**

### **2.1 General**

**0.5 hours**

The instructor should explain that port State inspections may be undertaken:

- .1 on the initiative of a party to an international instrument;
- .2 at the request of, or on the basis of information regarding a vessel provided by the flag State or another party to an international instrument;
- .3 on the basis of information regarding a vessel provided by a member of the crew, a professional body, an association, a trade union or any other individual with an interest in the safety of the vessel, its crew, the protection of the marine environment or fishing operations; or
- .4 when there is sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing.

Available publications from FAO, ILO, IMO, IOMoU and IOTC that provide procedures, guidelines, training materials, etc., related to the conduct of port State inspections, are a useful starting point. However, such publications must be supplemented by the instructor on the basis of his/her experience.

The following references (the whole list of which is provided in Part A) contain guidance on evaluating whether a vessel is non-compliant with the relevant key instruments or whether it may have been engaged in IUU fishing or fishing related activities in support of such fishing:

IMO/R10	Procedures of Port State Control, 2021 (resolution A.1155(32))
ILO/R3	ILO Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006, as amended
ILO/R4	ILO Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 (No. 188)

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ILO/R5	ILO Indicators of Forced Labour (see Appendix V of the ILO Guidelines on flag State inspection of working and living conditions on board fishing vessels) and relevant ILO guidance on the detection of forced labour in fishing
ILO/R6	ILO Training package on inspection of labour conditions on board fishing vessels
ILO/R8	Frequently Asked Questions - Work in Fishing Convention, 2007 (No. 188)
FAO/R4	Prospectus – FAO fisheries training programme in support of the implementation of international instruments
FAO/R5	Checklists and technical guidelines to combat illegal, unreported and unregulated (IUU) fishing - Volume I: a consolidated checklist of coastal, flag and port State responsibilities to combat IUU fishing
FAO/R6	Checklists and technical guidelines to combat illegal, unreported and unregulated (IUU) fishing - Volume II. A legal checklist of the main duties and responsibilities of coastal, flag and port States, and internationally agreed market-related measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing
FAO/R7	Implementation of Port State Measures. Volume 1: Technical guide to port inspection of fishing vessels
FAO/R8	Implementation of Port State Measures. Volume 2: Port inspection workshop workbook for trainers
IOMoU/R1	Memorandum of Understanding on port State control in Indian Ocean Region
IOTC/R1	Resolution 16/11 on port State measures to prevent, deter and eliminate illegal, unreported and unregulated fishing
IOTC/R2	Procedures for the implementation of the Indian Ocean Tuna Commission Port State measures, 2021
IOTC/R3	Course Curriculum and Training Program – Procedures for the Implementation of the Indian Ocean Tuna Commission Port State Measures
IOTC/R4	Guidelines on best practices for interagency cooperation at national level and regional cooperation 2021

The instructor should highlight the importance of avoiding a vessel being unduly detained or delayed and the possible consequences thereof. In this regard, the instructor should explain why port State inspection should start as early as possible, generally right away after the vessel has entered the port.

## 2.2 Prior to inspection

**1.5 hours**

The IOMoU and IOTC processes on the risk assessment of the vessel-related information, gathered in advance of the vessel's entry to port, are not part of this training course. These processes are carried out separately by the national maritime and fisheries authorities and are not part of the PSC/PSM inspection. However, the trainees should have knowledge of the processes since the gathered information may be crosschecked, during the PSC/PSM inspection, against the information contained in the vessel certificates and other related documentation.

Figure 3 shows the IOTC risk assessment process. In the IOMoU regime, vessels are selected for inspection based on a calculation of the history of inspection and generic factors (such as age, vessel type, vessel risk type etc.).

Examples of the sources of vessel-related information are the IOTC Advance Request of Entry into Port (AREP) form; the IOMoU database (Indian Ocean Computerized Information System (IOCIS)), the IOTC Record of Authorized Vessels and IOTC List of IUU Vessels, and any additional information that may be obtained by other national authorities, including the authorities of the vessel's flag State, another coastal State, an RFMO or other network or organization. The trainees should also be familiar with vessel-related information provided by other MoUs and RFBs, as well as IMO GISIS, Equasis, FAO Global Record and FAO GIES.

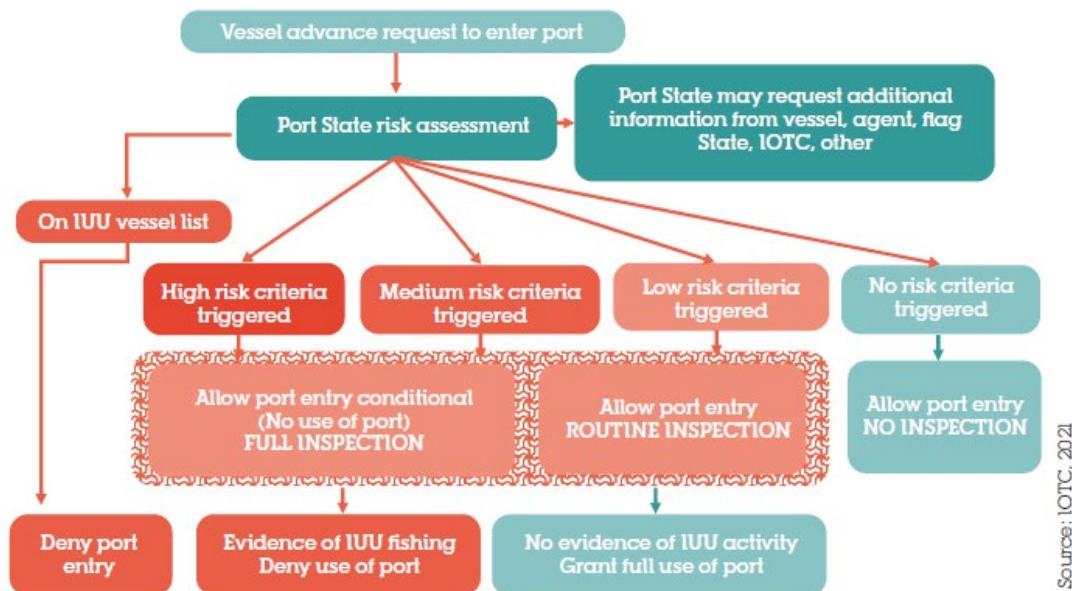


Figure 3: IOTC risk assessment process (© IOTC)

The decision regarding whether to authorize the vessel to enter the port or not depends on the outcome of the IOTC risk assessment. If entry into port is authorized, but the vessel is considered “high” or “medium” risk, a PSM inspection will be carried out by the national fisheries authority. Such an inspection is not part of this training course. However, if entry into port is authorized and the vessel is considered “low” or “no” risk, the vessel may still be subject to a PSC/PSM inspection.

Vessels to be considered for priority inspection are for example the following:

- Vessels with apparently non-valid or nonexistent authorizations to fish from flag State or coastal State fishing licenses;
- Vessels suspected of fishing in violation of coastal State laws;
- Vessels which flag State is not confirming the vessel's compliance with IOTC CMM;
- Vessels for which there are reasonable grounds to believe that they have been engaged in IUU fishing or fishing related activities in support of such fishing;
- Vessels which have been reported by pilots or port authorities of having deficiencies which may affect their safe operation;
- Vessels which have been the subject of a report or notification by another authority;

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- Vessels which have been the subject of a report by the master/skipper, a crew member, trade union, or any person or organization with a legitimate interest in the safe operation of the vessel, the onboard living and working conditions, the safety and health of the vessel personnel, or the prevention of pollution. With regard to complaints received from masters/skippers or crew members the port State control authority receiving such complaint has the obligation not to disclose the source of information;
  - Vessels which have been:
    - involved in a collision or grounding on their way to the port;
    - accused of an alleged violation of the provisions on discharge of harmful substances;
    - manoeuvred in an erratic or unsafe manner; and
    - otherwise operated in such manner as to pose danger to persons, property or the environment;
  - Vessels which have been suspended from their classification society for safety seasons in the course of the preceding 6 months; and
  - Vessels which cannot be identified in the databases consulted.

The trainees should be aware of overlapping mandates of several national agencies and the importance of cooperation, planning and managing a vessel's port visit and information exchange, in particular between the maritime, labour and fisheries agencies.

### **2.3 Initial inspections / on board inspections**

**1.5 hours**

Initial inspection means a visit on board a vessel by a port State inspector, in order to check compliance with the relevant instruments. The inspector verifies, where appropriate, whether outstanding deficiencies found during the previous inspections carried out have been rectified and satisfies him/herself of the overall condition of the vessel.

At the earliest possible opportunity, the inspector should ascertain the type of vessel, year of build and size of vessel, gross tonnage or length, as appropriate, for the purpose of determining which provisions of the instruments are applicable.

On boarding and introduction to the master/skipper or the responsible vessel's officer, the inspector should examine the vessel's relevant certificates and documents required by the relevant key instruments, as listed in appendix 2. In this regard, the instructor should explain, by examples, the following:

- .1 certificates may be in hard copy or electronic form;
- .2 it is important to cross reference the information in certificates and documentation with the information gained from various databases prior to inspection; and
- .3 when examining International Tonnage Certificates, the trainee should be aware that the vessel national gross tonnage might be included into the "REMARKS" column of the certificate, in which case this figure has to be used, in lieu of the gross tonnage figure according to TONNAGE 1969, for the purpose of SOLAS 1974, MARPOL 73/78 and STCW 1978.

The instructor should give examples of how the overall condition of a vessel, its equipment, its crew and the onboard living and working conditions is checked following the verification of the vessel certificates and other documentation, including documents related to fishing operations and fishing related activities. Such checking could, for example, include one or more of the following areas:

- .1 the navigational bridge;
- .2 the crew accommodation;
- .3 the working deck, including fishing gear;
- .4 the cargo/fish holds/areas; and
- .5 the engine-room(s).

The instructor should explain that if the certificates and other documents required by the relevant instruments are valid and the port State inspector's general impression, after visual observations on board, confirm a good standard of maintenance, the inspector should generally confine the inspection to reported or observed deficiencies, if any.

If, however, the inspector finds any inaccuracies with the vessel's certificates and other documents, or if any of the documents are not up to date, the conduct of a more detailed inspection should be considered.

Furthermore, a more detailed inspection should also be considered if the inspector from general impression has clear grounds for believing that the vessel, its equipment or its crew do not substantially meet the requirements of the relevant key instruments, taking into account the provisions of the instruments, which permit the flag State Administrations to grant exemptions, allow equivalents and approve alternative design and arrangements.

On board inspection means a visit on board a vessel by a port State inspector, in order to check compliance with PSM. The inspector verifies, to the extent possible, if the vessel's markings, vessel identification documentation onboard and information relating to the owner of the vessel is consistent, true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary.

When on board the vessel, the inspector should also verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in the AREP. Additionally, inspectors should also review all other relevant documentation and records held onboard, and vessel monitoring system (VMS) data from the flag State or relevant RFMOs. In this regard, the instructor should explain, by examples, the following:

- .1 certificates may be in hard copy or electronic form;
  - .2 the process of cross-referencing pertinent documentation aboard the vessel. This includes examining logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
  - .3 different types of VMS tampering and methods for detecting them.
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The instructor should also, explain how to identify and check different types of relevant fishing gear onboard, to verify that they are in conformity with the conditions of the authorizations and applicable regulations. Likewise, the instructor should illustrate how to determine whether the fish on board was harvested in accordance with the applicable authorizations, its quantity in nominal weight and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Inspectors should be capable of concluding whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing. Circumstances under which, would require the the port State to consider denying the vessel the use of its ports.

## **2.4 General procedural guidelines for port State inspectors** **1.5 hours**

The trainees should be made aware that the port State inspector should observe a code of good practice for port State inspectors, an example of which is shown in appendix 4. The inspector is also expected to use professional judgement in carrying out all duties and to consider consulting others as deemed appropriate.

When boarding a vessel, the port State inspector should present to the master/skipper or to the representative of the owner his/her port State inspector identity card. In the case that an inspection is initiated based on a report or complaint, especially if it is from a crew member, the source of the information should not be disclosed.

If the inspector considers that there are clear grounds for carrying out a more detailed inspection or denying the vessel the use of port, the national authorities under both the IOMoU and IOTC regimes should be immediately notified of these grounds.

## **2.5 Clear grounds** **2.0 hours**

Examples of "clear grounds" are provided in appendix 3.

When a port State inspector inspects a foreign vessel which is required by a relevant key instrument to hold a certificate, any such inspection should be limited to:

- .1 verifying that there are on board valid certificates and other relevant documentation; and
- .2 forming an impression of the overall condition of the vessel, its equipment and its crew.

Unless there are "clear grounds" for believing that:

- .1 the certificates and other documents required by the relevant instruments are not valid;
- .2 the condition of the vessel or its equipment does not correspond substantially with the particulars of the certificates; or
- .3 the vessel was engaged in IUU fishing or fishing related activities in support of such fishing,

The inspector should generally confine the inspection to reported or observed deficiencies, if any.

## **2.6 More detailed inspections**

**1.0 hours**

If the vessel does not carry valid certificates, or if the port State inspector, from general impressions or observations on board, has clear grounds for believing that the condition of the vessel or its equipment does not correspond substantially with the particulars of the certificates or that the master/skipper or crew is not familiar with essential shipboard procedures, a more detailed inspection should be carried out.

More detailed inspections are not part of this training course. However, the trainees should have some basic knowledge of how these inspections are conducted.

Depending on the nature of the identified non-compliance, the relevant national IOMoU authority should notify the national IOTC authority, if appropriate.

## **3 CONTRAVENTION AND PORT STATE ACTIONS FOLLOWING INSPECTION**

Although contravention and port State actions following inspection are not part of this training course, trainees should be informed about the responsibilities of port States in this regard. For example, trainees should be informed that follow-up actions, such as a seizure and detention of a vessel, denying a vessel the use of its port, and arrest of a person should not be taken lightly. Such actions may sometimes have considerable financial consequences for the vessel, resulting not only in prolonged daily costs, but also in missed deadlines. The safety of those on board and the protection of the marine environment as well as the prevention of IUU fishing must be the primary considerations. The possibility of spending some time to effect repairs should also be kept in mind. Such factors are clearly a matter of professional experience and, where this is not readily available, consideration should be given to building a second decision-making level into the PSC and PSM procedures.

### **3.1 Identification of substandard vessels, indecent living and working conditions, pollution risks and IUU fishing**

**0.5 hours**

In general, a vessel is regarded as substandard if the hull, machinery, equipment, living and working conditions, operational safety and the protection of the environment is substantially below the standards required by the relevant instruments or if the crew is not in conformity with the safe manning document.

If these evident factors as a whole or individually pose a danger to the vessel or persons on board or present an unreasonable threat of harm to the marine environment if it were allowed to proceed to sea, it should be regarded as a substandard vessel.

Similarly, a vessel which has been allowed port entry after the risk assessment of the AREP but subject to an inspection at port, could be considered as a potential IUU vessel, if for instance:

- .1 fishing authorization-related information is not provided by the vessel or is false, incorrect or misleading;
  - .2 efforts to communicate with the flag State are not successful;
  - .3 VMS/AIS records are not available;
  - .4 information on the last port of call cannot be verified;
  - .5 authorization to transship from or to a donor vessel is not available; and
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.6 declarations to transship to or from a donor vessel are not available or incomplete.

### **3.2 Submission of information concerning deficiencies and IUU fishing 0.5 hours**

Information that a vessel appears to be substandard or engaged in IUU fishing, or fishing related activities in support of such fishing, could be submitted to the appropriate authorities of the port State (see section 3.3) by a member of the crew, a professional body, the flag State, a coastal State, an association, a trade union or any other individual with an interest in the safety of the vessel and its crew, the protection of the marine environment or responsible fishing operations.

The instructor should explain that such information should be submitted in writing to permit proper documentation of the case and of the alleged deficiencies and/or IUU fishing. If the information is passed verbally, the filing of a written report should be required, identifying, for the purposes of the port State's records, the individual or body providing the information. The attending port State inspector may collect this information and submit it as part of the inspector's report if the originator is unable to do so.

Information which may cause an investigation should be submitted as early as possible, giving adequate time to the authorities to act as necessary.

### **3.3 Port State action in response to alleged substandard vessels and IUU fishing 0.5 hours**

On receipt of information about an alleged substandard vessel, alleged pollution risk or alleged IUU fishing, the authorities should immediately investigate the matter and take the action required by the circumstances in accordance with the preceding sections.

Reports alleging vessels to be substandard, posing a pollution risk, or be engaged in IUU fishing or fishing related activities in support of such fishing may come from a number of sources. In many cases, the port State inspectors will be the first to discover such conditions; but reports of pollution incidents and violations of State laws will often be made by coastal States, and it is possible that a vessel personnel will submit complaints about a particular vessel, possibly through union representatives.

The trainees should be made aware that authorities which receive information about a substandard vessel, which could give rise to detention should forthwith notify any maritime, consular and/or diplomatic representatives of the flag State in the area of the vessel and request them to initiate or cooperate with investigations. Likewise, the RO which has issued the relevant certificates on behalf of the flag State should also be notified.

Furthermore, if following an inspection of a vessel reported to have allegedly conducted IUU fishing, the inspectors determine that there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the port State authorities should promptly notify the flag State and, as appropriate, relevant coastal States, RFMOs and other international organizations, and the State of which the vessel's master/skipper is a national of its findings.

These provisions will not, however, relieve the authorities of the port State, being a Party to a relevant instrument or a RFMO, of the responsibility for taking appropriate action in accordance with its powers under the relevant instrument (see section 3.4).

If the port State receiving information is unable to take action because there is insufficient time or no port State inspector can be made available before the vessel sails, the information should

be passed to the authorities of the country of the next appropriate port of call, to the flag State and also to the RO in that port and relevant RFMOs, where appropriate.

### **3.4 Responsibilities of port State to take remedial action** **0.5 hours**

The learning objectives in Part C provide examples of the different forms which port State action may take.

If a port State inspector determines that a vessel can be regarded as substandard, the port State should immediately ensure that corrective action is taken to safeguard the safety of the vessel and crew and eliminate any threat of harm to the marine environment before permitting the vessel to sail.

Similarly, port States play a crucial role in combating IUU fishing by taking remedial actions against vessels engaged in such activities. These remedial actions aim to deter and penalize IUU fishing activities, enforce compliance with international regulations, protect marine ecosystems, and promote sustainable fishing practices.

The instructor should explain the IOMoU and IOTC procedures that apply to these actions.

### **3.5 Port State actions following inspections** **0.5 hours**

It may be impracticable to define a vessel as substandard solely by reference to a list of qualifying defects. In taking a decision concerning the rectification of a deficiency or detention of a vessel, the port State inspector will have to take into consideration the results of the more detailed inspection carried out in accordance with paragraph 2.6. In this regard, the inspector is expected to exercise professional judgement in determining whether to detain the vessel until the deficiencies are rectified or to allow the vessel to sail with certain deficiencies without unreasonable danger to safety, health or the environment, having also considered the particular circumstances of the intended voyage.

Regarding IUU fishing-related matters, if a port State inspector determines that there are clear grounds for believing that a vessel has been engaged in IUU fishing or fishing related activities in support of such fishing, the port State is required to issue specified notifications and deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refuelling and resupplying, maintenance and drydocking. However, the port State should not deny such vessel the use of port services essential for the safety or health of the crew or the safety of the vessel.

In addition, to deny a vessel the use of its ports, the port State may take additional measures in conformity with international law against the vessel. These may include further investigation, arrest, seizure and detention, bond and fine/penalty. The initiation of legal or administrative proceedings against the vessel under national law and institution of penalties should be expressly requested or consented to by the flag State of the vessel.

## **4 REPORTING REQUIREMENTS FOLLOWING A PORT INSPECTION**

### **4.1 Port State reporting** **1.0 hours**

The instructor should inform about the reporting requirements of the port States. They should ensure that, at the conclusion of an inspection, the master/skipper of the vessel is provided with a document showing the results of the inspection, details of any action taken by the port State inspector, and a list of any corrective action to be initiated by the master/skipper and/or

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company. Such reports should be made in accordance with the IOMoU and IOTC procedures, respectively.

Parties to a relevant instrument, when they have exercised control giving rise to detention, should submit to IMO reports in accordance with SOLAS 1974 regulation I/19, article 11 of MARPOL, or article X(3) of STCW 1978. Such deficiency reports should be made in accordance with the procedures of the IOMoU. Copies of such deficiency reports should, in addition to being forwarded to IMO, be sent without delay by the port State to the flag State and, where appropriate, to the RO which had issued the relevant certificate. Deficiencies found, which are not related to the relevant instruments, or which involve vessels of non-Parties or below convention size, should be submitted to flag States and/or to appropriate organizations but not to IMO.

With regard to IUU fishing related matters, the port State authorities are required to transmit a copy of the inspection report to the master/skipper of the inspected vessel, the flag State and the IOTC Secretariat, as shown in figure 4. If appropriate, copies should also be transmitted to the relevant CPCs and States where evidence vessel has engaged in IUU fishing in waters under their national jurisdiction, flag State of the vessel that transshipped catch to inspected vessel and the State the vessel's master/skipper is national, see figure 5. Finally, the IOTC Secretariat must without delay also transmit the inspection reports to the relevant RFMOs and post them on the secure part of the IOTC website, see figure 6. To facilitate the implementation of IOTC resolutions related to PSM, the IOTC has developed the e-PSM application. Serving as a communication platform, this application facilitates interaction between vessel representatives, port State competent authorities, and other pertinent stakeholders.

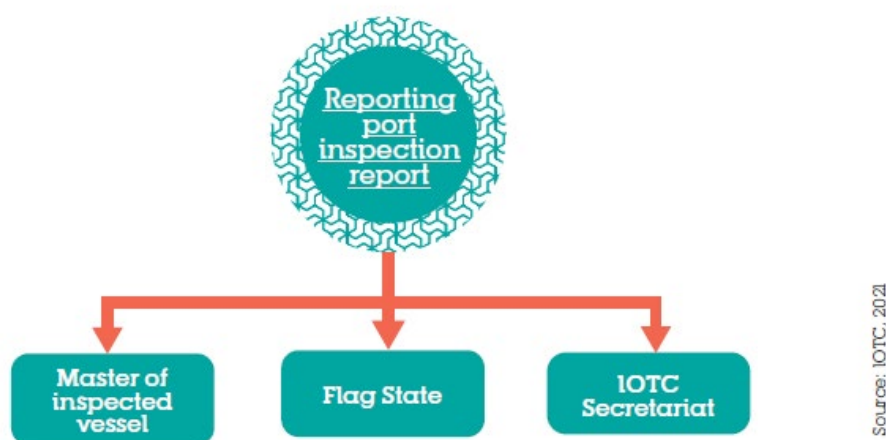


Figure 4: Reporting requirements following IOTC inspections (© IOTC)

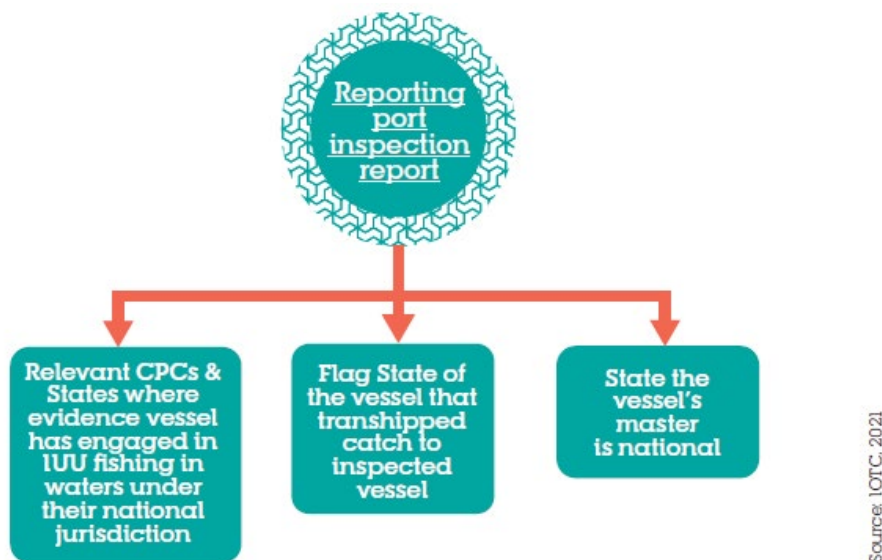


Figure 5: Reporting requirements following IOTC inspections (© IOTC)

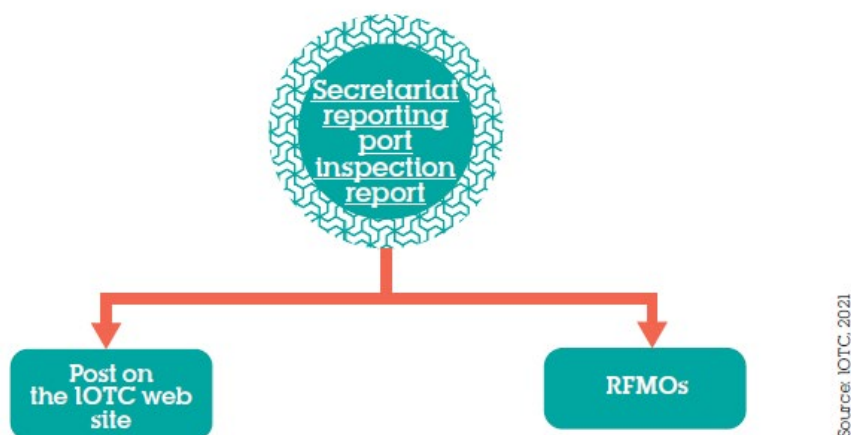


Figure 6: Reporting requirements following IOTC inspections (© IOTC)

#### 4.2 Flag State reporting

0.5 hours

The trainees should be informed about the reporting requirements of the flag State authorities as such information may be useful for port States during crosschecking vessel-related information when preparing a port State inspection of a vessel.

On receiving a report on detention, the flag State and, where appropriate, the RO through the flag State Administration, should, as soon as possible, inform IMO of remedial action taken in respect of the detention, which may be submitted electronically by the flag State to GISIS or in a format shown in appendix 17 of IMO/R10.

The instructor should inform the trainees that GISIS provides relevant telephone numbers and addresses of IMO Member States maritime authorities' headquarters, port State control offices and those who provide inspection services in the IMO Member States.

Each CPC shall, in its capacity as a flag State, report to other CPCs, relevant port States and, as appropriate, other relevant States, RFMOs and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to the

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IOTC resolution on PSM, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.

#### **4.3 Information sharing between IOMoU and IOTC**

**1.0 hours**

The instructor should highlight the vital role of information sharing for improved coordination and provide guidance on how IOMoU and IOTC could share information with each other by giving examples.

Whenever a port State inspector under the IOTC regime, identifies possible clear grounds for believing that a vessel certificate or other documentation, required by an instrument under the IOMoU regime, is not valid or the condition of the vessel does not correspond with the certificates, the national IOTC authority should without delay notify the national IOMoU authority of the specifics thereof.

Similarly, whenever a port State inspector under the IOMoU regime, identifies possible clear grounds for suspecting that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the national IOMoU authority should without delay notify the national IOTC authority of the specifics thereof.

The instructor should explain that efficient coordination relies on setting up clear communication channels and streamlined processes for information sharing. For this, the responsible authorities of IOMoU and IOTC should designate focal points and define the methods for sharing information regarding potential "clear grounds." This involves establishing who will handle communication and specifying the means through which information on identified issues will be exchanged.

The national authority with the mandate of the subject matter, to which the possible clear grounds are related, should make sure that the inspector be assisted by an inspector, or another person, with the required expertise on the matter. If that authority agrees with the inspector, it should, without delay, carry out an initial inspection on matters under its mandate.

### **5 REVIEW PROCEDURES**

#### **5.1 Report of comments**

**0.5 hours**

The instructor should explain the responsibilities of the port States to share the results of their port State inspections with others, in particular with the other member authorizations of the IOMoU and IOTC as well as other relevant PSC MoUs and RFBs. In addition, a summary of these results of the inspections should also be shared with IMO, ILO and FAO, as appropriate, in accordance with the provisions of the relevant instruments. It is expected that this information will be disseminated, in accordance with the procedures of the Organizations, to all parties to the relevant instruments. Furthermore, in the summary of deficiency reports, an indication is expected to be given of flag State action or whether a comment by the flag State concerned is outstanding.

It is envisaged that an appropriate body of FAO, ILO and IMO, as appropriate, or a body established under a relevant instrument, will periodically evaluate the summary of the reports in order to identify measures that may be necessary to ensure more consistent and effective application of FAO/ILO/IMO instruments, paying close attention to the difficulties reported by Parties to the relevant instruments, particularly in respect of developing countries in their capacity as port States.

Recommendations to address such difficulties, when recognized by the appropriate body, should, where appropriate, be incorporated into the relevant FAO/ILO/IMO instruments and

any modifications relating to the procedures and obligations should be made in the port State procedures.

## **6 MAIN ELEMENTS OF THE RELEVANT INSTRUMENTS' REQUIREMENTS**

### **6.1 Status of the international instruments 1.0 hours**

This section has been divided into a number of areas, each of which addresses an instrument under which port State control or measures are exercised. Selected issues that may indicate non-compliance have been highlighted in connection with the vessel certificates and other documentation required to be carried on board fishing vessels and other vessels used for fishing related activities. These certificates are listed in appendix 2 together with information on their application to fishing vessels and/or other vessels used for fishing related activities.

The trainee is expected to gain some basic knowledge of each instrument, i.e. its objective, main contents and items related to its entry-into-force. It is not intended that the trainee learn all the details of these instruments. After some explanation by the instructor, the trainee should be able to work with the certificates and other documentation as well as other pertinent matters related to the instruments.

The instructor should also explain, with examples, that most IMO and ILO instruments allow for Administrations to approve equivalents to requirements in instruments. Administrations doing so, should submit the particulars to IMO and ILO, as appropriate, which circulate them to other parties to the instrument under which the equivalence was granted.

### **6.2 LL 1966 0.5 hours**

The instructor should explain that the draught to which a vessel may be loaded make a significant contribution to its safety. These limits are given in the form of freeboards, which constitute, besides external weathertight and watertight integrity, the main objective of the instrument.

The regulations of LL 1966 take into account the potential hazards present in different zones and different seasons, see figure 7. The technical annex to the Convention contains several additional safety measures concerning doors, freeing ports, hatchways and other items. The main purpose of these measures is to ensure the watertight integrity of vessels' hulls below the freeboard deck.

All assigned load lines must be marked amidships on each side of the vessel, together with the deck line, see figure 8.

The Convention includes three annexes. Annex I is divided into four chapters on I – General; II – Conditions of assignment of freeboard; III – Freeboards; and IV – Special requirements for vessels assigned timber freeboards. Annex II covers zones, areas and seasonal periods. Annex III contains forms of certificates, including the International Load Line Certificate.

Selected issues that may indicate non-compliance in connection with the LL1966:

- Freeboard marks are not visible or not marked on the vessel's hull according to the certificate.
  - The vessel is overloaded, i.e. the applicable load line is below water.
-

- Railing, gangway, walkway and means for safe passage are not maintained in an effective condition.
- Hatchways, doors, ventilators and other openings, through which water can enter the hull or superstructure, together with their closing arrangements, are not maintained in an effective condition.

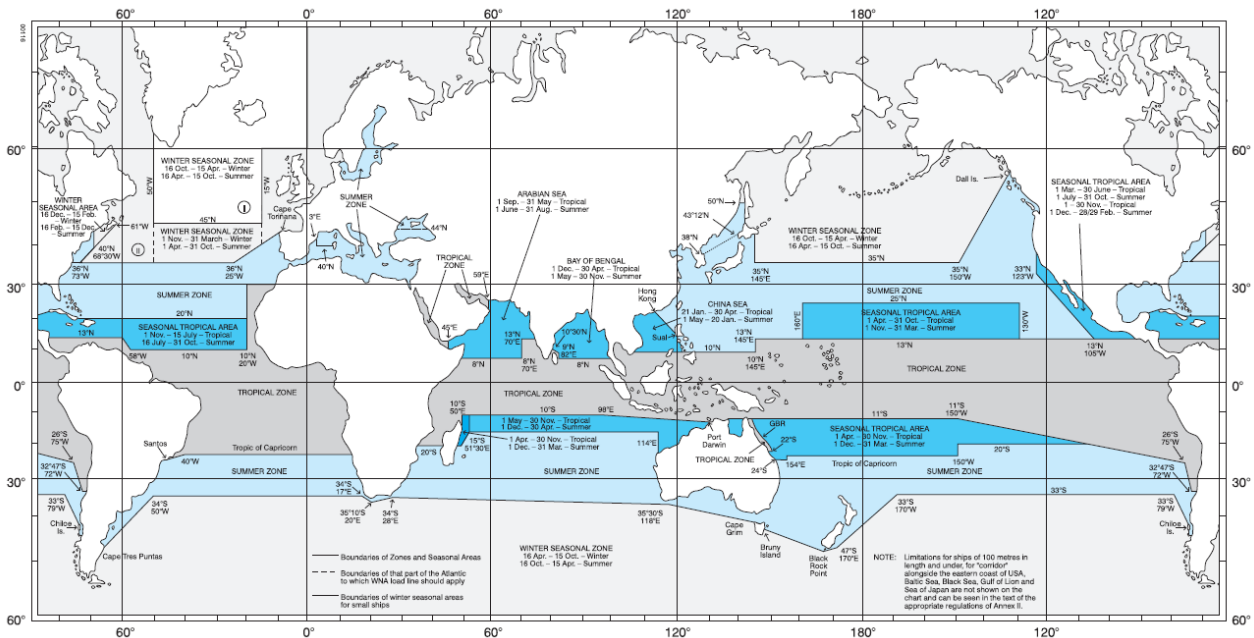


Figure 7 – LL 1966 Chart of zones and seasonal areas (© IMO)

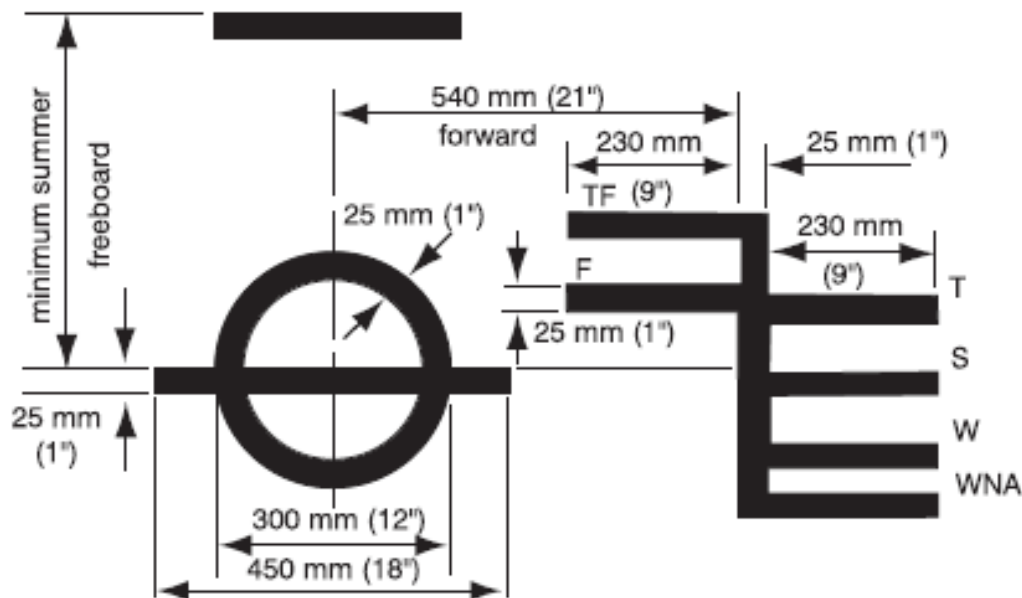


Figure 8 – Load Line Mark and lines to be used with this mark (© IMO)

### **6.3 SOLAS 1974**

**0.5 hours**

The first version of SOLAS was adopted in 1914, in response to the Titanic disaster. The current version, which has been updated several times, is from 1974 and is referred to as SOLAS 1974, as amended.

The main objective of the SOLAS Convention is to specify minimum standards for the construction, equipment and operation of vessels, compatible with their safety. The current SOLAS includes Articles setting out general obligations, amendment procedure and so on, followed by an annex divided into 14 Chapters on the following subjects: General Provisions; Construction - Subdivision and stability, machinery and electrical installations; Fire protection, fire detection and fire extinction; Life-saving appliances and arrangements; Radiocommunications; Safety of navigation; Carriage of Cargoes; Carriage of dangerous goods; Nuclear ships; Management for the Safe Operation of Ships; Safety measures for high-speed craft; Special measures to enhance maritime safety; Special measures to enhance maritime security; Additional safety measures for bulk carriers; Verification of compliance; and Safety measures for ships operating in polar waters.

The trainees should note that the three safety certificates required under SOLAS 1974 for a cargo vessel are the Cargo Ship Safety Construction Certificate; the Cargo Ship Safety Equipment Certificate; and the Cargo Ship Safety Radio Certificate. Alternatively, instead of these three certificates the vessel is allowed to carry just one, the Cargo Ship Safety Certificate.

The trainees should also note that the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate and the Cargo Ship Safety Certificate must be supplemented by a Record of Equipment.

A specimen of the form of Safety Equipment Certificate for Cargo Ships together with the Record of Equipment (form E) is provided in appendix 12.

Selected issues that may indicate non-compliance in connection with SOLAS 1974

- Hull damage impairing seaworthiness.
- Hull, bulkheads, decks – corrosion, operational damage and cracking.
- Marking of IMO number is not visible, or the number is different from the one entered on the certificate(s).
- Nautical charts are not up to date.
- Insufficient maintenance of key equipment, such as life-saving appliances.

### **6.4 MARPOL 73/78 (all annexes)**

**1.0 hours**

The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by vessels from operational or accidental causes.

The Convention includes regulations aimed at preventing and minimizing pollution from vessels - both accidental pollution and that from routine operations - and currently includes six technical Annexes. Special geographic areas with strict controls on operational discharges are included in most Annexes.

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This training course provides guidance on four MARPOL annexes, i.e. those that are most relevant to fishing vessels and other vessels used for fishing related activities.

### **6.5 MARPOL 73/78 – Annex I**

Annex I covers prevention of pollution by oil from operational measures as well as from accidental discharges.

Selected issues that may indicate non-compliance in connection with Annex I:

- Oil discharge monitoring and control system and the standard discharge connection not maintained in an effective condition.
- The vessel is suspected of discharge violation.

### **6.6 MARPOL 73/78 – Annex IV**

Annex IV contains requirements to control pollution of the sea by sewage. The discharge of sewage into the sea is prohibited, except when the vessel has in operation an approved sewage treatment plant or when the vessel is discharging comminuted and disinfected sewage using an approved system at a distance of more than three nautical miles from the nearest land. Sewage which is not comminuted or disinfected has to be discharged at a distance of more than 12 nautical miles from the nearest land or directly to a reception facility in a port.

Selected issues that may indicate non-compliance in connection with Annex IV:

- Sewage treatment plant, sewage holding tank or sewage discharge connection are not fitted on board or not maintained in an effective condition

### **6.7 MARPOL 73/78 – Annex V**

Annex V deals with different types of garbage and specifies the distances from land and the manner in which they may be disposed of. The most important feature of the Annex is the complete ban imposed on the disposal into the sea of all forms of plastics, including fishing gear.

Selected issues that may indicate non-compliance in connection with Annex V:

- Indications that the garbage shipboard handling is not working.
- Garbage management plan and placards are missing.
- Indications that the garbage record book is not correctly filled in.

### **6.8 STCW 1978**

**0.5 hours**

STCW 1978 prescribes minimum standards relating to training, certification and watchkeeping for seafarers which countries are obliged to meet or exceed. Its technical annex is divided into regulations and the STCW Code. The Code is divided into two parts, Part A, which is mandatory and Part B, which is recommended.

Selected issues that may indicate non-compliance in connection with STCW 1978:

- Certificates for master, officers and other crew are not in conformity with the safe manning document

## **6.9 STCW-F 1995**

**0.5 hours**

The Convention applies to crews of seagoing fishing vessels, generally 24 metres in length and over. Its technical annex is divided into regulations and the STCW-F Code, which is divided into two parts, Part A, which is mandatory and Part B, which is recommended.

Selected issues that may indicate non-compliance in connection with STCW-F 1995:

- Certificates for skippers and officers, engineer officers and radio operators are not in conformity with the requirements of STCW-F 1995

## **6.10 TONNAGE 1969**

**0.5 hours**

TONNAGE 1969 provides for gross and net tonnages, both of which are calculated independently.

The rules apply to all vessels built on or after 18 July 1982 - the date of entry into force - while vessels built before that date were allowed to retain their existing tonnage for 12 years after entry into force, or until 18 July 1994.

Gross tonnage forms the basis for manning regulations, safety rules and registration fees. Both gross and net tonnages are used to calculate port dues.

In accordance with the interim schemes adopted by IMO, the flag Administration may, at the request of the vessel owner, use the gross tonnage determined in accordance with national rules prior to the coming into force of TONNAGE 1969. For vessels to which these interim schemes apply, a statement to the effect that the gross tonnage has been measured in accordance with the national tonnage rules should be included in the "REMARKS" column of the International Tonnage Certificate and in the footnote to the figure of the gross tonnage in the relevant SOLAS 1974 and MARPOL 73/78 certificates.

The trainees should be aware of that any of the following conditions may result in follow-up actions by the port State:

- the vessel does not hold a valid International Tonnage Certificate;
- the required remarks and footnote are not entered on the relevant certificates for vessels to which the interim schemes apply; and
- the main characteristics of the vessel differ from those entered on the International Tonnage Certificate, which may lead to an increase in the gross tonnage or net tonnage.

## **6.11 CTA 2012**

**0.5 hours**

The Cape Town Agreement, CTA 2012, which is an international convention on the safety of fishing vessels, updates and amends a number of provisions of the 1993 Torremolinos Protocol.

The annex to CTA 2012 is divided into four articles and an annex, consisting of 10 chapters on the following subjects: General provisions; Construction; Stability; Machinery; Fire safety; Crew protection; Life-saving appliances; Emergency procedures; Radiocommunications; and Navigational equipment. Some of the articles of the 1993 Torremolinos Protocol also apply through the CTA 2012, including the provisions of Article 4 on port State control.

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Unless expressly provided otherwise, the provisions of CTA 2012 apply to new vessels of 24 m in length and over, i.e. vessels that were built after the entry into force of the Agreement. The flag Administration may decide to use gross tonnage in place of the length as the basis for measurement for all chapters. A gross tonnage of 300 is equivalent to a length of 24 m; and a gross tonnage of 950 is equivalent to a length of 45 m.

Some provisions apply also to existing vessels as follows:

- provisions on emergency procedures and navigational equipment apply to vessels of 24 m in length and over (or 300 gross tonnage and above); and
- provisions on radiocommunications apply to vessels of 45 m in length and over (or 950 gross tonnage and above).

With regard to the implementation of provisions, which apply to existing vessels, flag Administrations may, in accordance with a plan, progressively implement the provisions of chapter IX (radiocommunications) over a period of no more than 10 years; and the provisions of chapters VII (radiocommunications that is part of the Life-saving appliances), VIII (emergency procedures) and X (navigational equipment) over a period of no more than five years.

Furthermore, the CTA 2012 allows for flag Administrations to exempt any vessel entitled to fly its flag from any of the requirements of the annex if it considers that the application is unreasonable and impracticable in view of the type of vessel, the weather conditions and the absence of general navigational hazards, provided that certain conditions are complied with.

Selected issues of non-compliance in connection with CTA 2012:

- Railing, gangway, and other means for safe passage are not maintained in an effective condition (for new vessels only).
- Hatchways, doors, ventilators, air pipes, machinery space openings and other openings, through which water can enter the hull or superstructure, together with their closing arrangements are not maintained in an effective condition (for new vessels only).
- Hull damage impairing seaworthiness (for new vessels only).
- Nautical charts not up to date (for new and existing vessels)

## **6.12 COLREG 1972**

**0.25 hours**

The COLREG 1972, which includes 41 rules, is divided into six sections: Part A - General; Part B - Steering and Sailing; Part C - Lights and Shapes; Part D - Sound and Light signals; Part E - Exemptions; and Part F - Verification of compliance with the provisions of the Convention. There are also four annexes containing technical requirements concerning lights and shapes and their positioning; sound signalling appliances; additional signals for fishing vessels when operating in close proximity, and international distress signals.

Selected issues that may indicate non-compliance in connection with COLREG 1972:

- Type approval certificates missing for COLREG equipment.
- Lights, shapes, sound-signals are not maintained in an effective condition.

### **6.13 FAL 1965**

**0.25 hours**

The Convention's main objectives are to prevent unnecessary delays in maritime traffic, to aid co-operation between governments, and to secure the highest practicable degree of uniformity in formalities and other procedures. In particular, the Convention reduces the number of declarations which can be required by public authorities.

The FAL Convention consists of 16 articles and one annex. The articles contain, inter alia, general provisions, the scope of the convention, and the notification and entry into force requirements.

The annex of the FAL Convention contains the "Standards" and "Recommended Practices" on formalities, documentary requirements and procedures which should be applied on arrival, during their stay, and on departure to the vessels, their crews, passengers, baggage and cargo. It also includes implementation procedures and appendices that provide additional information to the Convention. The structure of the annex is divided into the following subjects: Definitions and general provisions; Arrival, stay and departure of the ship; Arrival and departure of persons; Stowaways; Arrival, stay and departure of cargo and other articles; Public health and quarantine, including sanitary measures for animals and plants; Miscellaneous provisions. In addition, there are appendices on IMO FAL Forms; and Form of stowaway details referred to in Recommended Practice 4.6.

The FAL forms could be useful, during a PSC/PSM inspection, for cross-checking with information in the vessel certificates and other documentation.

### **6.14 MLC 2006**

**0.5 hours**

The ILO Maritime Labour Convention (MLC 2006) sets out in one place seafarers' rights to decent conditions of work on almost every aspect of their working and living conditions including, among others, minimum age, employment agreements, hours of work or rest, payment of wages, paid annual leave, repatriation at the end of contract, onboard medical care, the use of licensed private recruitment and placement services, accommodation, food and catering, health and safety protection and accident prevention and seafarers' complaint handling.

The MLC 2006 applies to a wide range of vessels operating on international and national or domestic voyages.

Selected issues that may indicate non-compliance in connection with MLC 2006:

- Marine Labour Certificates and Declarations of Maritime Labour Compliance not in conformity with the requirements of MLC 2006.
- Medical certificates not according to the Convention.
- Crew accommodation of a standard that does not comply with the requirements of MLC 2006.

### **6.15 C 188**

**0.5 hours**

The Work in Fishing Convention, 2007 (No. 188) addresses the following subject areas, among others: the responsibilities of fishing vessel owners and skippers for the safety of the fishers on board and the safety of the vessels; minimum age for work on board fishing vessels and for assignment to certain types of activities; medical examination and certification required for work on fishing vessels, with the possibility of exceptions for smaller vessels or those at sea

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for short periods; manning and hours of rest; crew lists; fishers' work agreements; repatriation; recruitment and placement of fishers, and use of private employment agencies; payment of fishers; on board accommodation and food; medical care at sea; occupational safety and health; social security; and protection in the case of work-related sickness, injury or death (through a system for fishing vessel owners' liability or compulsory insurance, workers' compensation or other schemes).

Selected issues that may indicate non-compliance in connection with C 188 are similar to the ones listed for MLC 2006 above.

## **6.16 PSMA 2009**

**1.5 hours**

The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA 2009) seeks to prevent, deter and eliminate illegal, unreported and unregulated fishing through the adoption and implementation of effective port State measures as a means of ensuring the long-term conservation and sustainable use of living marine resources.

The intention is that the Agreement will be applied widely and effectively by Parties, in their capacities as port States, for vessels not entitled to fly their flags. It will apply to these vessels when seeking entry to Parties' ports or while they are in port. Certain artisanal fishing and container vessels will be exempt.

The PSMA 2009 is divided into the following parts: General provisions; Entry into port; Use of ports; Inspections and follow-up actions; Role of flag States; Requirements of developing States; Dispute settlement; Non-parties; Monitoring, review and assessment; and Final provisions. PSMA 2009 contains the following annexes: Annex A – Information to be provided in advance by vessels requesting port entry; Annex B - Port State inspection procedures; Annex C - Report of the results of the inspection; Annex D - Information systems on port State measures; and Annex E - Guidelines for the training of inspectors.

Selected issues that may indicate non-compliance in connection with PSMA 2009:

- the vessel identification documentation onboard and information relating to the owner of the vessel is not true, incomplete or incorrect;
- the vessel's flag and markings (e.g. name, external registration number, IMO ship identification number, international radio call sign and other markings, main dimensions) are not consistent with information contained in the documentation;
- the authorizations for fishing and fishing related activities have expired, are not true, incomplete, incorrect or inconsistent with the information provided in the AREP;
- other documentation and records, some of which may be in electronic format, not available onboard or incomplete, such as:
  - VMS data from the flag State or relevant RFMOs;
  - logbooks and crew lists;
  - transshipment authorizations and declarations, and trade documents;
  - stowage plans, drawings and descriptions of fish holds; and
  - documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

- the relevant fishing gear onboard is not in conformity with applicable regulations or the conditions of the authorizations, including the markings of the gear.

### **6.17 IOTC resolution 16/11**

**1.0 hours**

The IOTC resolution 16/11 is a powerful and cost-effective compliance tool of port State measures to combat IUU fishing activities in the Indian Ocean region. The resolution, which initially entered into force on 1 March 2011, is inspired by the 2009 FAO Agreement on Port State Measures but placed in the context of the IOTC mandate. The port State competent authority (fisheries administration) of the coastal CPCs of the IOTC, where foreign vessels offload tuna and tuna like species or call into port to use port services, are responsible for the implementation of the resolution.

The resolution is divided into the following parts: General provisions; Entry into port; Use of ports; Inspections and follow-up actions; Role of flag States; Requirements of developing States; and Duties of the IOTC Secretariat.

Selected issues that may indicate non-compliance in connection with IOTC resolution 16/11 are similar to those of PSMA 2009 above.

## **7 DOCUMENTATION, RECORD BOOKS AND MANUALS**

### **7.1 Certificates and other documents required under FAO/ILO/IMO instruments**

**4.0 hours**

The port State control/measures means first and foremost certificate control. Trainees must therefore learn which certificates and other documentation they need to see, and what information these convey. They must know not only how to check the validity of certificates but also the parts of the vessel each one covers. Vessel's particulars are significant in different ways. Age, tonnage and length affect requirements, exemptions for requirements and periods of grace. Requirements apply not only to construction and equipment of vessels, but also to living and working conditions on board as well as fishing operations and fishing related activities. The trainees must be made aware that some certificates are supplemented by a record of equipment.

A list of key certificates and documents required to be carried on board fishing vessels and other vessels used for fishing related activities is provided in appendix 2.

### **7.2 Record books**

**0.5 hours**

Other important documentation for verification purposes are the record books, for example the oil and garbage record books, or the fishing logbook.

The layout of the oil record book and the coded entries which can enable an inspector to quickly form an impression of the way in which a vessel deals with its oily wastes. The use of the practically eliminates language problems, so that an inspector can read the record books irrespective of the nationality of the vessel. All vessels of 400 gross tonnage and above are required to keep an oil record book part I (machinery spaces); oil tankers of 150 gross tonnage and above must have an oil record book Part II (cargo and ballast spaces) in addition to part I.

Vessels' masters/skippers should obtain from the operators of reception facilities, including barges, tank trucks etc. a receipt or certificate detailing the quantity of tank washings, dirty ballast, residues or oily mixtures transferred showing the time and date of transfer. This document along with the oil record book may aid the master in clarifying that his/her vessel was not involved in an alleged pollution incident.

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## **8 PRACTICAL PORT STATE CONTROL TRAINING**

### **8.1 Organization 1.0 hours**

Trainees should be made aware that in most cases a port State inspector does not work alone, but is part of an organization. The organization can only work effectively if there is a clear division of duties and adequate communication. The syllabus analyses the work to be performed and the instructor should explain the items, while at the same time indicating the way in which such duties may be organized.

Trainees should be made aware of the contents of the IOMoU and IOTC procedures on PSC and PSM, respectively.

### **8.2 Aide-memoire for inspectors 1.5 hours**

No matter how experienced the port State inspector, he/she needs some basic information which must be kept up-to-date. As section 2 shows, port State control and measures involve a great number of regulations which are subject to continual amendments. There is also the problem of new and existing vessels, the definition of which differ with each instrument and each amendment to an instrument. A useful way to keep the port State inspector informed is by means of an aide-memoire.

### **8.3 Safety 0.5 hours**

Part of the training of port State inspectors' training should include a module on personal safety and health during inspections, in particular when the inspector is required to witness tests and enter into enclosed spaces on board a vessel.

### **8.4 Inspection practice 3.0 hours + 16.5 hours**

This last training area should be directed towards practical work under the guidance of an instructor and should include the investigation of alleged or hypothetical IUU fishing. Visits to vessels are essential to this part of the course.

The practical training may be divided into two main areas, one concerned with safety and the other with fisheries-related matters. For this purpose, the trainees may be split into two groups to deal with each of these areas in turn. Sufficient time should be allowed to discuss the findings on board and the measures proposed. The groups should also prepare the reports to be sent to that national maritime, labour and fisheries administrations, as appropriate, as well as to the flag State. Notifications to consular or diplomatic representatives in the port State should also be prepared. Furthermore, the groups should also insert the relevant information into the databases of the IOMoU and IOTC.

### **8.5 Final discussions 1.5 hours**

All trainees, together with the instructors, should meet to discuss the experience gained throughout the course and how it could be improved in the future.

## EXAMPLE OF A LESSON PLAN

COURSE: IOMoU/IOTC Training Course on Port State Control and Port State Measures Inspections

LESSON NUMBER: ...

DURATION: 0.5 hours

TRAINING AREA: Relevant instruments

MAIN ELEMENT SPECIFIC LEARNING OBJECTIVE	TEACHING METHOD	FAO/ILO/IM O REF.	TEXTBOOKS ETC. <sup>3</sup>	PPP AID	INSTRUCTOR GUIDELINES	TIME MINS.
<b>6</b>	<b>MAIN ELEMENTS OF THE RELEVANT INSTRUMENTS' REQUIREMENTS</b>					
<b>6.11</b>	<b>CTA 2012</b>					
			1. CTA 2012, 2018 edition; 2. CTA Implementatio n Guidance <sup>4</sup>		Handout of cert. (App. of Instructor Manual)	3
.1 describes the main areas covered by the chapters of the instrument and their application to new and existing vessels		IMO/R6.1 – Reg. I/1(1) & I/3; IX/3; X/2	1. P. iii; 2. Sec. 3			5
.2 describes the purpose of the progressive implementation of certain provisions of the instrument		IMO/R6.1 – Reg. I/1(4) & (5); VII/1, 13 & 14; VIII/1; IX/1; & X/1	2. Sec. 3			5
.3 explains the system of the survey and certification in CTA 2012 and how it compares with the HSSC		IMO/R6.1 – I/6-17	2. Sec. 3.2 & App. 2			5
.4 describes the certificates and other documents issued under the CTA 2012		IMO/R6.1 – App. 1, 2 & 3				12

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<sup>3</sup> Although textbooks are not required for this course, it may be useful to have, in the classroom, some reference material that could be consulted by the instructors and trainees.

<sup>4</sup> Under development by IMO with a target completion year 2024 (see document III 9/WP.7, which provides the latest version).

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## Appendix 1

### Qualification and training requirements of port State inspectors

#### A. IOMoU QUALIFICATION CRITERIA FOR PORT STATE CONTROL OFFICERS<sup>5</sup>

1 In pursuance of the provisions of 3.5 of the Memorandum. The port State control Officers must be properly qualified and authorized by the Authority to carry out port State control inspections.

2 A properly qualified port State control Officer must have completed a minimum of one year's service as a flag State surveyor dealing with surveys and certification in accordance with the relevant instruments and be in possession of:

- .1 a certificate of competency as master, enabling that person to take command of a ship as specified in STCW, as amended, or
- .2 a certificate of competency as chief engineer, enabling that person to take up that task on board a ship as specified in STCW, as amended, or
- .3 has passed an examination as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least 5 years, or
- .4 has an equivalent qualification as determined by the Administration.

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

3 Alternatively, a port State control Officer is deemed to be properly qualified if that person:

- .1 holds a relevant university degree or an equivalent training, and
- .2 has been trained and qualified at a school for ship safety inspectors, and
- .3 has served at least two years as a Flag State Surveyor dealing with surveys and certification in accordance with the relevant instruments.

4 A properly qualified Port State control officer must be able to communicate orally and in writing with seafarers in the English language.

5 A properly qualified Port State Control officer must have appropriate knowledge of the provisions of the relevant instruments and of the relevant procedures on port State control.

6 Port State control officers not fulfilling the above criteria are also accepted if they are employed for Port State Control by the Authority prior to the Memorandum coming into force for that Authority.

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<sup>5</sup> Annex 4 to the Memorandum of Understanding on port State control in Indian Ocean Region, Revision 14.

## **B. IOTC GUIDELINES FOR THE TRAINING OF INSPECTORS<sup>6</sup>**

Elements of a training programme for port State inspectors should include at least the following areas:

- .1 Ethics;
- .2 Health, safety and security issues;
- .3 Applicable national laws and regulations, areas of competence and Conservation and Management Resolutions of the IOTC, and applicable international law;
- .4 Collection, evaluation and preservation of evidence;
- .5 General inspection procedures such as report writing and interview techniques;
- .6 Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag State), required for the validation of information given by the master of the vessel;
- .7 Vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes;
- .8 Verification and validation of information related to landings, transshipments, processing and fish remaining onboard, including utilizing conversion factors for the various species and products;
- .9 Identification of fish species, and the measurement of length and other biological parameters;
- .10 Identification of vessels and gear, and techniques for the inspection and measurement of gear;
- .11 Equipment and operation of VMS and other electronic tracking systems;  
and
- .12 Actions to be taken following an inspection.

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<sup>6</sup> Annex V to resolution 16/11 of the Indian Ocean Tuna Commission.

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**Appendix 2<sup>7</sup>**

**KEY CERTIFICATES AND DOCUMENTS REQUIRED TO BE CARRIED ON BOARD  
FISHING VESSELS AND OTHER VESSELS USED FOR FISHING RELATED ACTIVITIES**

**Note: Certificates may be in electronic format, but all hard copy certificates must be originals**

	Certificate/Document	Application	
		Fishing vessels	Other vessels used for fishing related activities

**PART A**

**List of certificates and documents which to the extent applicable should be checked as a minimum during the initial inspection referred to in paragraph 2.2:**

1	International Tonnage Certificate (TONNAGE 1969 article 7);	X	X
2	Reports of previous port State control/measures inspections;	X	X
3	Cargo Ship Safety Construction Certificate (SOLAS 1974 regulation I/12);		X
4	Cargo Ship Safety Equipment Certificate (SOLAS 1974 regulation I/12);		X
5	Cargo Ship Safety Radio Certificate (SOLAS 1974 regulation I/12);		X
6	Cargo Ship Safety Certificate (SOLAS 1974 regulation I/12);		X
7	Exemption Certificate (SOLAS 1974 regulation I/12);		X
8	Minimum safe manning document (SOLAS 1974 regulation V/14.2);		X
9	International Load Line Certificate (1966) (LL 1966/LL PROT 1988 article 16.1);		X
10	International Load Line Exemption Certificate (LL 1966/LL PROT 1988 article 16.2);		X
11	International Oil Pollution Prevention Certificate (MARPOL Annex I regulation 7.1);		X
12	International Sewage Pollution Prevention Certificate (MARPOL Annex IV regulation 5.1 and MEPC.1/Circ.408);	X	X
19	Certificates for masters, officers or ratings (STCW 1978 article VI and regulation I/2, and STCW Code section A-I/2);		X
20	Certificates for skippers, officers or ratings (STCW-F 1995 article 6 and regulation I/3, and STCW-F Code section A-I/3);	X	
21	Oil Record Book, parts I and II (MARPOL Annex I regulations 17 and 36);	X	X
22	Garbage Record Book (MARPOL Annex V regulation 10);	X	X
23	Garbage Management Plan (MARPOL Annex V regulation 10 and resolution MEPC.220(63));	X	X

<sup>7</sup> This appendix is based on appendix 12 of IMO Procedures for Port State Control, 2021 (A 32/res.1155)). It contains a list of key certificates and documents that are required fishing vessels and other vessels used for fisheries related activities and considered to be appropriate for the IOMoU/IOTC cooperation.

28	Nautical charts and nautical publications (SOLAS 1974 regulations V/19.2.1.4 and V/27);	X	X
29	Nautical charts and nautical publications (CTA 2012 regulation X/4);	X	

**Part B**

**List of other certificates and documents which to the extent applicable are required to be on board (as appropriate):**

4	Document for compliance with the provisions of C 188 concerning living and working conditions.	X	
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**For reference:**

1	Certificate of Registry or other document of nationality (UNCLOS article 91);	X	X
2	Certificates as to the ship's hull strength and machinery installations issued by the classification society in question (only to be required if the ship maintains its class with a classification society);	X	X
3	Cargo Gear Record Book (ILO Convention No.32 article 9.2(4) and ILO Convention No.152 article 25);		X
4	Certificates loading and unloading equipment (ILO Convention No.134 article 4.3(e) and ILO Convention No.32 article 9(4));		X
5	Medical certificates (ILO Convention No.73 or MLC 2006 Standard A1.2);		X
7	Maritime Labour Certificate (MLC 2006 regulation 5.1.3);		X
8	Declaration of Maritime Labour compliance on board (parts I and II) (MLC 2006 regulation 5.1.3);		X

## Appendix 3

### EXAMPLES OF CLEAR GROUNDS

#### A. IOMoU<sup>8</sup>

*Memorandum of Understanding on port State control in Indian Ocean Region*

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#### ANNEX 3

#### FACTS REGARDED AS “CLEAR GROUNDS”

The Authorities will regard as “clear grounds” for a more detailed inspection, inter alia the following:

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

For the purposes of control on compliance with on-board operational requirements, specific “clear grounds” may include the following:

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

*Revision 14, including amendments in italics adopted during the twenty-fifth Committee meeting in 2022*

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<sup>8</sup> Memorandum of Understanding on port State control in Indian Ocean Region - Revision 14, including amendments in italics adopted during the twenty-fifth Committee meeting in 2022.

## **B. IMO conventions<sup>9</sup>**

When a port State inspector inspects a foreign vessel which is required to hold a convention certificate and which is in a port or an offshore terminal under the jurisdiction of the port State, any such inspection should be limited to verifying that there are on board valid certificates and other relevant documentation and the inspector forming an impression of the overall condition of the vessel, its equipment and its crew, unless there are "clear grounds" for believing that the condition of the vessel or its equipment does not correspond substantially with the particulars of the certificates.

"Clear grounds" to conduct a more detailed inspection include but are not limited to:

- .1 the absence of principal equipment or arrangements required by the relevant conventions, taking into account paragraph 1.2.6
- .2 evidence from a review of the vessel's certificates that a certificate or certificates are invalid;
- .3 evidence that certificates and documents required by the relevant conventions and listed in appendix 2, part A are not on board, incomplete, not maintained or are falsely maintained;
- .4 evidence from the inspector'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 vessel;
- .5 evidence from the inspector's general impressions or observations that serious deficiencies exist in the safety, pollution prevention or navigational equipment;
- .6 information or evidence that the master or crew is not familiar with essential shipboard operations relating to the safety of vessels or the prevention of pollution, or that such operations have not been carried out;
- .7 indications that key crew members may not be able to communicate with each other or with other persons on board;
- .8 the emission of false distress alerts not followed by proper cancellation procedures; and
- .9 receipt of a report or complaint containing information that a vessel appears to be substandard.

## **C. MLC 2006<sup>10</sup>**

1. Where an authorized inspector, having come on board to carry out an inspection and requested, where applicable, the maritime labour certificate and the declaration of maritime labour compliance, finds that:

- (a) the required documents are not produced or maintained or are falsely maintained or that the documents produced do not contain the information required by this Convention or are otherwise invalid; or

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<sup>9</sup> Section 2.4 in the IMO Procedures for Port State Control, 2021 (A 32/res.1155)).

<sup>10</sup> Maritime Labour Convention, 2006 - Standard A5.2.1 – Inspections in port.

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- (b) there are clear grounds for believing that the working and living conditions on the vessel do not conform to the requirements of this Convention; or
  - (c) there are reasonable grounds to believe that the vessel has changed flag for the purpose of avoiding compliance with this Convention; or
  - (d) there is a complaint alleging that specific working and living conditions on the vessel do not conform to the requirements of this Convention.

More detailed inspection may be carried out to ascertain the working and living conditions on board the vessel. Such inspection shall in any case be carried out where the working and living conditions believed or alleged to be defective could constitute a clear hazard to the safety, health or security of seafarers or where the authorized officer has grounds to believe that any deficiencies constitute a serious breach of the requirements of this Convention (including seafarers' rights).

#### **D. PSMA 2009<sup>11</sup>**

Some of the above-mentioned clear grounds may also apply for port State Measures under the PSMA. In this regard, the following additional examples should also be considered:

- .1 evidence that the vessel flag and markings (e.g. name, external registration number, IMO ship identification number, international radio call sign and other markings, main dimensions) are inconsistent with information contained in the relevant documents;
- .2 evidence that the authorizations for fishing and fishing related activities required by the PSMA are not on board, incomplete or inconsistent with information provided in accordance with Annex A of the PSMA. This may also apply to other relevant documents and records held onboard, including VMS data from the flag State or relevant RFMOs, fishing logbooks, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- .3 evidence that relevant fishing gear onboard, as well as related devices, are not in conformity with the conditions of the authorizations, such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers, and the markings;
- .4 evidence that the quantities and species on board, or landed, were not harvested in accordance with the applicable authorizations;
- .5 clear evidence for believing that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing;

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<sup>11</sup> Based on Annex B of PSMA 2009 – Port State inspection procedures

## Appendix 4

### **CODE OF GOOD PRACTICE FOR THE PORT STATE CONTROL OFFICERS CONDUCTING INSPECTIONS WITHIN THE FRAMEWORK OF THE INDIAN OCEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL**

#### **1 Introduction**

This document provides guidelines regarding the standards of integrity, professionalism and transparency that the Memorandum of Understanding on Port State Control in the Indian Ocean Region (IOMoU) expects of all Port State Control Officers (PSCOs) who are involved in or associated with port State control inspections.

#### **2 Objective**

The IOMoU was put in place in order to create a harmonized system of ship inspection aimed at eliminating the operation of sub-standard foreign flag merchant ships visiting the Indian Ocean region. Annually, over 6500 inspections are conducted on board foreign ships in the IOMoU ports, ensuring that these ships meet international safety, security and environmental standards, and that crewmembers have adequate living and working conditions.

The object of this Code is to assist PSCOs in conducting their inspections to the highest professional level. Port State Control Officers are central to achieving the aims of the IOMoU. They are the daily contact of the IOMoU with the shipping world. They are expected to act within the law, within the rules of their government and in a fair, open, impartial and consistent manner.

#### **3 Fundamental Principles of the Code**

The Code of Good Practice encompasses three fundamental principles against which all actions of PSCOs are judged: integrity, professionalism and transparency. These are defined as follows:

- i) Integrity is the state of moral soundness, honesty and freedom from corrupting influences or motives.
- ii) Professionalism is applying accepted professional standards of conduct and technical knowledge. For PSCOs standards of behaviour are established by the competent authority and the general consent of the port State members.
- iii) Transparency implies openness and accountability.

The Annex 1 lists the actions and behaviour expected of PSCOs in applying these principles. Adhering to professional standards provides greater credibility to PSCOs and places more significance on their findings.

Nothing in the Code shall absolve the PSCO from complying with the specific requirements of the IOMoU and applicable national laws.

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## **Attachment**

### **CODE OF GOOD PRACTICE FOR PORT STATE CONTROL OFFICERS**

#### **Actions and behavior of PSCOs**

PSCOs should:

1. Use their professional judgment in carrying out their duties.

#### **Respect**

2. Remember that a ship is a home as well as a workplace for the ship's personnel and not unduly disturb their rest or privacy.
3. Comply with any ship housekeeping rules such as removing dirty shoes or work clothes.
4. Not be prejudiced by the race, gender, religion or nationality of the crew when making decisions and treat all personnel on board with respect.
5. Respect the authority of the Master or his deputy.
6. Be polite but professional and firm as required.
7. Never become threatening, abrasive or dictatorial or use language that may cause offence.
8. Expect to be treated with courtesy and respect.

#### **Conduct of Inspection**

9. Comply with all health and safety requirements of the ship and their administration e.g. wearing personal protective clothing, and not take any action or cause any action to be taken which could compromise the safety of the PSCO or the ship's crew.
10. Comply with all security requirements of the ship and wait to be escorted around the ship by a responsible person.
11. Present their identity cards to the Master or the representative of the owner at the start of the inspection.
12. Explain the reason for the inspection – however where the inspection is triggered by a report or complaint they must not reveal the identity of the person making the complaint.
13. Apply the procedures of PSC and the convention requirements in a consistent and professional way and interpret them pragmatically when necessary.
14. Not try to mislead the crew, for example by asking them to do things that are contrary to the conventions.

15. Request the crew to demonstrate the functioning of equipment and operational activities, such as drills and not make tests themselves.
16. Seek advice when they are unsure of a requirement or of their findings rather than making an uninformed decision, for example by consulting colleagues, publications, the flag Administration, the recognized organization.
17. Where it is safe to do so accommodate the operational needs of the port and the ship.
18. Explain clearly to the master the findings of the inspection and the corrective action required and ensure that the report of inspection is clearly understood.
19. Issue to the master a legible and comprehensible report of inspection before leaving the ship.

### **Disagreements**

20. Deal with any disagreement over the conduct or findings of the inspection calmly and patiently.
21. Advise the master of the complaints procedure in place if the disagreement cannot be resolved within a reasonable time.
22. Advise the Master of the IOMoU appeal procedure as well as the national right of appeal in the case of detention.

### **Impartiality**

23. Be independent and not have any commercial interest in their ports and the ships they inspect or companies providing services in their ports. For example, the PSCOs should not be employed from time to time by companies which operate ships in their ports or the PSCOs should not have an interest in the repair companies in their ports.
24. Be free to make decisions based on the findings of their inspections and not on any commercial considerations of the port.
25. Always follow the rules of their administrations regarding the acceptance of gifts and favours e.g. meals on board.
26. Firmly refuse any attempts of bribery and report any blatant cases to the maritime Authority.
27. Not misuse their authority for benefit, financial or otherwise.

### **Updating knowledge**

28. Update their technical knowledge regularly.
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**Appendix 5**  
**IOMoU inspection form A**

*Memorandum of Understanding on port State control in Indian Ocean Region*

**ANNEX 6**  
**REPORT OF INSPECTION IN ACCORDANCE WITH**  
**INDIAN OCEAN MEMORANDUM OF UNDERSTANDING ON**  
**PORT STATE CONTROL\***

**FORM A**

Name of the Authority Address Telephone Facsimile Email	Copy to: Master Head Office PSCO If ship is detained, copy to: Flag State IMO Recognized Organization, if applicable
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1 Reporting authority ..... 2 Name of ship.....  
 3 Flag of ship..... 4 Type of ship..... 5a Call sign..... 5b MMSI Number.....  
 6 IMO Number..... 7 Gross tonnage..... 8 Deadweight (where applicable).....  
 9 Date Keel Laid..... 10 Date of inspection..... 11 Place of inspection.....  
 12 Classification Society..... 13 Date of release from detention\*\*.....  
 14a IMO company number..... 14b Particulars of Company.....

15 Name and signature of the Master to certify that the information under 14b is correct  
 Name..... Signature.....

16 Details of Ship Certificates

a. Title	b. Issuing authority	c. Dates of issue and validity
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

d. Information on last intermediate or annual survey

Date	Surveying Authority	Place
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

17 Deficiencies Yes/No

18 Ship Detained Yes/No\*\*\*

19 Supporting documentation Yes/No

Issuing office..... Name .....  
 (duly authorized PSCO of reporting authority)

Telephone .....  
 Facsimile .....

Signature .....

**This report must be retained on board for period of two years and must be available for consultation by Port State Control Officers at all times**

\* This inspection report has been issued solely for the purposes of informing the master and the 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.  
 \*\* To be completed in the event of a detention.  
 \*\*\* Masters, shipowners and/or operators are advised that detailed information on a detention may be subject to future publication.

*Revision 14, including amendments in italics adopted during the twenty-fifth Committee meeting in 2022*



*Memorandum of Understanding on port State control in Indian Ocean Region*

**(Reverse side of Form B)**

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Codes for action taken  
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Code

Deficiency action codes

- 10 deficiency rectified
- 15 rectify deficiency at next port
- 16 rectify deficiency within 14 days
- 17 rectify deficiency before departure
- 18 rectify deficiency within 3 months.
- 21 corrective action taken on the ISM system by the company is required within 3 months
- 30 detainable deficiency
- 46 rectify detainable deficiency at agreed repair port
- 48 as in the agreed flag State condition
- 49 as in the agreed Rectification Action Plan
- 99 other (specify in clear text)

PSC inspection action codes (Tick as applicable)

- 26 competent security authority informed
- 27 ship expelled on security grounds.
- 40 next port informed
- 50 flag State/consul informed
- 55 flag State consulted
- 70 recognised organisation informed
- 85 investigation of contravention of discharge provisions (MARPOL)
- 151 ILO Informed
- 152 seafarers organization informed
- 155 shipowner organization informed

*Revision 14, including amendments in italics adopted during the twenty-fifth Committee meeting in 2022*

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### Appendix 7


## IOTC ADVANCE REQUEST OF ENTRY INTO PORT (AREP)

*(Insert Competent Authority)*

ADVANCE REQUEST FOR ENTRY IN PORT									
1 Intended port of call		<input type="checkbox"/> <i>(Enter port name)</i> <input type="checkbox"/> <i>(Enter port name)</i> <input type="checkbox"/> Other							
2 Port State		<i>(Enter port State name)</i>							
3 Estimated date and time of arrival		____/____/____ ____ H ____ mn							
4 Purpose(s)		<input type="checkbox"/> Landing <input type="checkbox"/> Transshipping <input type="checkbox"/> Packaging <input type="checkbox"/> Processing of fish <input type="checkbox"/> Refueling <input type="checkbox"/> Resupplying <input type="checkbox"/> Maintenance <input type="checkbox"/> Drydocking <input type="checkbox"/> Force majeure							
5 Port and date of last port call		____/____/____							
6 Name of the vessel				7 Flag State					
8 Type of vessel				9 IRCS					
10 Vessel contact information									
11 Vessel owner(s)									
12 Certificate of registry ID				13 IMO ID					
14 External ID				15 IOTC ID					
16 VMS		<input type="checkbox"/> No <input type="checkbox"/> Yes: National <input type="checkbox"/> Yes RFMO(s)		Type:					
17 Vessel dimensions		Length		Beam		Draft			
18 Vessel master name and nationality									
19 Relevant fishing authorization(s)									
Identifier	Issued by	Validity	Fishing area(s)	Species	Gear				
20 Relevant transshipment authorization(s)									
Identifier		Issued by			Validity				
21 Transshipment information concerning donor vessels									
Date	Location	Name	Flag State	ID number	Species	Product form	Catch area	Quantity	
22 Total catch onboard							23 Catch to be offloaded		
Species		Product form	Catch area	Quantity		Quantity			

Request must be transmitted to (Insert name of competent authority) at: (insert@email)

**Appendix 8**  
**IOTC Port inspection form**

		<b>PORT INSPECTION REPORT FORM</b>				<b>1. Inspection report no</b>	<b>2. Port State</b>
<b>3. Inspecting authority</b>							
<b>4. Name and ID of principal inspector</b>					<b>5. Port of inspection</b>		
<b>6. Commencement of inspection</b>				<b>7. Completion of inspection</b>			
Y	M	D	HH	Y	M	D	HH
<b>8. Advance notification received</b>		<b>9. Purpose(s)</b>		<input type="checkbox"/> Landing <input type="checkbox"/> Transshipping <input type="checkbox"/> Packaging <input type="checkbox"/> Processing <input type="checkbox"/> Refueling <input type="checkbox"/> Resupplying <input type="checkbox"/> Maintenance <input type="checkbox"/> Drydocking <input type="checkbox"/> Others			
Y <input type="checkbox"/> N <input type="checkbox"/>							
<b>10. Last port call</b>	Port name		State		Date		
					Y	M	D
<b>11. Vessel name</b>			<b>12. Flag State</b>		<b>13. Type of vessel</b>		
<b>14. IRCS</b>	<b>15. Certificate of Registry ID</b>	<b>16. IMO ship ID</b>	<b>17. External ID</b>	<b>18. Port of Registry</b>			
<b>19. Name, address &amp; contact of the vessel owner(s)</b>		<b>20. Name, address &amp; contact of the beneficial owner(s) (if different from vessel owner)</b>			<b>21. Name, address &amp; contact of the operator(s) (if different from vessel owner)</b>		
<b>22. Vessel master name and nationality</b>		<b>23. Fishing master name and nationality</b>		<b>24. Vessel agent</b>			
<b>25. VMS</b>	N <input type="checkbox"/> Y National <input type="checkbox"/> Y RFMOs <input type="checkbox"/>		Type:	<input type="checkbox"/> Argos <input type="checkbox"/> Inmarsat <input type="checkbox"/> Iridium <input type="checkbox"/> Others :			
<b>26. Status in IOTC, including any IUU vessel listing</b>							
<b>Vessel identifier</b>		<b>RFMO</b>	<b>Flag State status</b>		<b>Vessel on authorized list</b>		<b>Vessel on IUU list</b>
					Y <input type="checkbox"/> N <input type="checkbox"/>		Y <input type="checkbox"/> N <input type="checkbox"/>
<b>27. Relevant fishing authorization(s)</b>							
<b>Vessel identifier</b>	<b>Issued by</b>	<b>Validity</b>	<b>Fishing area(s)</b>	<b>Species</b>	<b>Gear</b>		
<b>28. Relevant transshipment authorization(s)</b>							
<b>Vessel identifier</b>		<b>Issued by</b>			<b>Validity</b>		
<b>29. Transshipment information concerning donor vessels</b>							
<b>Vessel name</b>	<b>Flag State</b>	<b>ID no</b>	<b>Species</b>	<b>Product form</b>	<b>Catch area(s)</b>	<b>Quantity</b>	
<b>30. Evaluation of offloaded catch (quantity)</b>							
<b>Species</b>	<b>Product form</b>	<b>Catch area(s)</b>	<b>Quantity declared</b>	<b>Quantity offloaded</b>	<b>Difference between quantity declared and quantity determined</b>		
<b>31. Catch retained onboard (quantity)</b>							
<b>Species</b>	<b>Product form</b>	<b>Catch area(s)</b>	<b>Quantity declared</b>	<b>Quantity retained</b>	<b>Difference between quantity declared and quantity determined</b>		

32. Examination of logbook(s) and other documentation		Y <input type="checkbox"/> N <input type="checkbox"/>		Comments	
33. Compliance with applicable catch documentation scheme(s)		Y <input type="checkbox"/> N <input type="checkbox"/>	Comments		
34. Compliance with applicable trade information scheme(s)		Y <input type="checkbox"/> N <input type="checkbox"/>	Comments		
35. Type of gear used		36. Gear examined in accordance with paragraph e) of Annex 2		Y <input type="checkbox"/> N <input type="checkbox"/>	Comments
37. Findings by inspector(s)					
38. Apparent infringement(s) noted including reference to relevant legal instrument(s)					
39. Comments by the master					
40. Action taken					
DATE AND SIGNATURE OF THE FISHERIES INSPECTOR(S)				DATE AND SIGNATURE OF THE CAPTAIN	

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## Appendix 10

### Index of IMO Circulars and Description by Category

IMO	Contents	Comments
AFS 1	Accession, etc. by States	
AFS 3	National legislation of the States	
BC.1	Contact names and addresses of the offices of designated national competent authorities responsible for the safe carriage of grain and solid bulk cargoes	
BLG.1	Circulars relating to Sub-Committee on Bulk Liquids and Gases	Old Sub-Committee
BUNKERS.1	International Convention On Civil Liability For Bunker Oil Pollution Damage, 2001	
BWM.1	BWM Convention, 2004	
BWM.2	Technical Aspects of Ballast Water Management	
BWM.3	New BWM.3 series of circulars for communications received relating to the BWM Convention	
CCC.1	Circulars arising from CCC Sub-Committee	
CLC.1	Circulars relating to International Convention on Civil Liability for Oil Pollution Damage, 1969 — status and related communications	
CLC.2	Circulars relating to Protocol of 1976 to the International Convention on Civil Liability for Oil Pollution Damage, 1969 — status and related communications	
CLC.3	Circulars relating to International Convention on Civil Liability for Oil Pollution Damage, 1969 — status and related communications	
CLC.4	Original 69 CLC - status and related communication	
CLC.5	Circulars relating to Protocol of 1976 to the International Convention on Civil Liability for Oil Pollution Damage, 1969 — denunciation	
CLC.6	Circulars relating to Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 — status and related communications	
COLREG.1	Circulars relating to Convention on the International Regulations for Preventing Collisions at Sea, 1972 as amended — accession documents	
COLREG.2	Circulars relating to Convention on the International Regulations for Preventing Collisions at Sea, 1972 — new and amended Traffic Separation Schemes	
COLREG.3	Circulars relating to Convention on the International Regulations for Preventing Collisions at Sea, 1972 - exemptions	
COMSAR.1	Communication on Search and Rescue	Old Sub-Committee
CSC.1	CSC Convention Safe Containers	
CSC.2	Acceptance of Amendments to the Convention 1993	
CSI.1	Circulars relating to International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 — status and related communications	
DE - none	No information	Old Sub-Committee
DSC.1	Circulars relating to Dangerous Goods, Solid Cargoes and Containers	Old Sub-Committee
FAL.1	Circulars relating to Convention on Facilitation of International Maritime Traffic, 1965, as amended — status and related communications	
FAL.2	Circulars relating to Convention on Facilitation of International Maritime Traffic, 1965 — standardized forms, shipping documentation, Notification of "Differences", Harmonized Interpretations	
FAL.3	Circulars relating to 1977 amendments to the Convention on Facilitation of International Maritime Traffic, 1965 — Acceptances and Notifications of "Differences", replaced by amendments to the Convention on Facilitation on International Maritime Traffic	
FAL.4	Facilitation 1965 Convention	
FAL.5	Contact Names and Addresses	
FAL.6	Circulars relating to Ship/port interface	
FAL.7	Circulars relating to UI's	

IMO	Contents	Comments
FP.1	Fire Protection (including List of recognized test laboratories, Halon banking and reception facilities etc)	Old Sub-Committee
FSI.1	List of non-governmental organizations authorized to carry out surveys and issue certificates on behalf of Administrations	now in GISIS
FSI.2	Port State Control List of Detentions	now in GISIS
FSI.3	Casualty Statistics and Investigations - Very Serious and Serious Casualties	now in GISIS
FSI.4	Casualties of Fishing Vessels and Fishermen	
GMDSS.1	Circulars relating to Global Maritime Distress and Safety Systems — shorebased facilities (GMDSS Master Plan)	
HGDM	IMO/IHO Harmonization Group on Data Modelling	
HNS.1	HNS Convention - Accession	
IFC.1	Circulars relating to International Convention on the Establishment of an International Fund for Compensation for Oil Pollution, 1971 — status and related communications	
IFC.2	Circulars relating to Protocol of 1976 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution, 1971 — status and related communications	
IFC.3	Circulars relating to Protocol of 1984 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution, 1971 — status and related communications	
IFC.4	Circulars relating to Protocol of 1992 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution, 1971 — status and related communications	
IFC.5	Circulars relating to International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 — denunciations	
IFC.6	Circulars relating to Protocol of [1976] to the International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 - denunciations	
IFC.7	Circulars relating to International Convention on the Establishment of an International Fund for Compensation for Oil Pollution, 1971 — status and related communications	
IMO.4	Circulars relating to amendments to IMO Convention	
IMO.5	Circulars relating to 1991 amendments to the IMO Convention — status and related communications	
IMO.6	Circulars relating to 1993 amendments to the IMO Convention — status and related communications	
INMARSAT.1	Circulars relating to Convention and Operating Agreement on the International Maritime Satellite Organization (Inmarsat), 1976 — status and related communications	
INMARSAT.2	Communication	
INMARSAT.3	Circulars relating to 1989 amendments to the Convention and Operating Agreement on the International Maritime Satellite Organization (Inmarsat), 1976 — acceptance and approval	
INMARSAT.4	Circulars relating to Amendments adopted on 9 December 1994 to the Convention and Operating Agreement on the International Maritime Satellite Organization (Inmarsat), 1976 – status and related communications	
INMARSAT.5	Amendments adopted on 24 April 1998 to the Convention and Operating Agreement on the International Mobile Satellite Organization (Inmarsat)	
INMARSAT.6	Circulars relating to Convention and Operating Agreement on the International Maritime Satellite Organization (Inmarsat), 1976 — status and related communications	

IMO	Contents	Comments
LC.1	Circulars relating to (1978, 1980, 1993) amendments to the Annexes to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972 — acceptances and non-acceptances	
LC.2	Circulars relating to Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London Convention), 1972 — status and related communications	
LC.3	Circulars relating to 1978 amendments to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972 concerning the Settlement of disputes — status and related communications	
LC.4	1996 Protocol to LC 1972 Convention	
LC-LP.1	London Protocol 1996 - Notification under Article 8.2	
LEG.1	Circulars relating to Legal Committee relating to information disseminated by the Committee	
LL 10	Accession to LL 88	
LL 11	Circulars relating to Amendments adopted on 23 November 1995 to the International Convention on Load Lines, 1966 — status and related communications	
LL 3	Circulars relating to International Convention on Load Lines, 1966 — application of draft amendments - Equivalents, Exemptions, Recognition of non-convention certificates - unified interpretations	
LL 4	Not posted	
LL 5	Circulars relating to International Convention on Load Lines, 1966 — communication of text and laws, decrees, orders, regulations and other instruments under Article 26(1)(b)	
LL 6	Not posted	
LL 7	Not posted	
LL 8	Not posted	
LL 9	Circulars relating to 1983 amendments to the International Convention on Load Lines, 1966 — acceptances and related communications	
LL.1	Circulars relating to International Convention on Load Lines, 1966 — status and related communications	
LL.2	Circulars relating to International Convention on Load Lines, 1966 — communications received from Governments under Article 26	
LLMC.1	Circulars relating to Convention on Limitation of Liability for Maritime Claims, 1976 — status and related communications	
LLMC.2	Circulars relating to Convention on Limitation of Liability for Maritime Claims, 1976 — status and related communications	
LLMC.3	Circulars relating to Convention on Limitation of Liability for Maritime Claims, 1976 — status and related communications	
LNM.1	Civil Liability in the Field of Maritime Carriage of Nuclear Material	
LP - none		
MEPC.1	Circulars relating to general information disseminated by the Maritime Environment Protection Committee on pollution matters	
MEPC.2	Circulars relating to Provisional categorization of liquid substances	
MEPC.3	Circulars relating to Facilities in ports for the reception of oily wastes from ships	Discontinued - now in GISIS
MEPC.4	No information	Discontinued - now in GISIS
MEPC.5	Countries' communication on pollution prevention equipment	Discontinued - now in GISIS
MEPC.6	No information	Discontinued - now in GISIS
MEPC.7	Not posted	

IMO	Contents	Comments
MSC.1 Circ	Circulars relating to general information disseminated by the Maritime Safety Committee on safety matters	
MSC.2 Circ	Circulars relating to Maritime Safety Committee — Implementation of Codes and Recommendations adopted by the Assembly	
MSC.3 Circ	Illegal Immigrants	
MSC.4 Circ	Piracy Matters	
MSC.5 Circ	Piracy Matters - Maritime Assistance Service	
MSC.6 Circ	AIS-Discrepancy reports	
MSC-FAL		
MSC-MEPC.1	Organization and Methods of Work	
MSC-MEPC.2	General Matters	
MSC-MEPC.3	Casualty - Related Matters	
MSC-MEPC.4	Port State Control - Related Matters	
MSC-MEPC.5	Survey and Certification - Related Matters	
MSC-MEPC.6	National Contact Points for Safety and Pollution Prevention and Response	
MSC-MEPC.7	Human Element Issues	
OPRC.1	Circulars relating to International Convention on Oil Pollution Preparedness and Response, 1990 — status and related communications	
OPRC.3	Circulars relating to International Convention on Oil Pollution Preparedness and Response, 1990 — status and related communications	
PAL1	Circulars relating to Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 — status and related communications	
PAL2	Circulars relating to Protocol of 1976 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 — status and related communications	
PAL3	Circulars relating to Protocol of 1990 to amend the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 — status and related communications	
PMP.1	Circulars relating to Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, as amended — status and related communications	
PMP.2	Circulars relating to International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto — (MARPOL 73/78) Communications received under Article 11 (1)(b) — Authorized Survey and Inspection Agencies	
PMP.3	Circulars relating to International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto — (MARPOL 73/78) — Communications under Article 11 (1)(c) — Specimen IOPP Certificate and Supplements - IBC Code certificates — BCH Code certificates — NLS-ANNEX II certificates	
PMP.4	Circulars relating to International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto — (MARPOL 73/78) — Communications received under Article 11 (1)(a) — Laws and Regulations deposited	
PMP.5	Circulars relating to International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto — (MARPOL 73/78) — Optional Annex V — acceptances	
PMP.6	Circulars relating to International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto — (MARPOL 73/78) — Optional Annex III — acceptances	
PMP.7	Circulars relating to Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, as amended — status and related communications	

IMO	Contents	Comments
PSI.1	Circulars relating to Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973 — status and related communications	
PSLS.1	Circulars relating to Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 as amended— status and related communications	
PSLS.2	Circulars relating to International Convention for the Safety of Life at Sea, 1974 as modified by the Protocol of 1978 — technical matters	
PSLS.3	Circulars relating to International Convention for the Safety of Life at Sea, 1974, as modified by the Protocol of 1978 — Authorized Survey and Inspection Services (Communications received under Article III of the Protocol and Regulation 6(c) of Chapter I) — Agencies authorized to issue certificates (Communications under regulation 12(a)(vii) of Chapter I)	
PSLS.4	Not posted	
PSLS.5	Not posted	
PSLS.6	Circulars relating to Protocol of 1988 relating to the International Convention on the Safety of Life at Sea, 1974, as amended — status and related communications	
PSLS.7	Circulars relating to Protocol of 1988 relating to the International Convention on the Safety of Life at Sea, 1974, as amended — status and related communications	
SALVAGE.1	Circulars relating to International Convention on Salvage, 1989 — status and related communications	
SAR.1	Circulars relating to International Convention on Maritime Search and Rescue, 1979 — status and related communications	
SAR.2	Circulars relating to International Convention on Maritime Search and Rescue, 1979 — Area Search and Rescue Plans	
SAR.3	Circulars relating to International Convention on Maritime Search and Rescue, 1979 — Information on National Search and Rescue Facilities	
SAR.4	Not posted	
SAR.5	Not posted	
SAR.6	Circulars relating to International Convention on Maritime Search and Rescue, 1979 — Area Search and Rescue Plans	
SAR.7	Circulars relating to International Convention on Maritime Search and Rescue, 1979 — List of IMO documents and publications which should be held by a Maritime Rescue Co-ordination Centre (MRCC)	
SAR.8	SAR Services Availability	
SFV.2	Circulars relating to Torremolinos Protocol of 1993 relating to Torremolinos International Convention for the Safety of Fishing Vessels, 1977 — status and related communications	
SLF - none		Old Sub-Committee
SLS	Circulars relating to International Convention for the Safety of Life at Sea, 1948 — Equivalent Arrangements - Denunciations	
SLS.1	Not posted	
SLS.10	Not posted	
SLS.11	Not posted	
SLS.12	Circulars relating to International Convention for the Safety of Life at Sea, 1974, as amended — status and related communications	
SLS.13	Circulars relating to International Convention for the Safety of Life at Sea, 1960 — denunciations	
SLS.14	Circulars relating to International Convention for the Safety of Life at Sea, 1974, as amended — Record of Cargo Ship Safety Equipment, Equivalent (Chapter I – Regulation 5)	

IMO	Contents	Comments
SLS.15	Circulars relating to International Convention for the Safety of Life at Sea, 1974, as amended — Authorized Survey and Inspection Services (Communications received under Article III (a) of the Convention)	
SLS.16	Not posted	
SLS.17	Not posted	
SLS.18	Circulars relating to International Convention for the Safety of Life at Sea, 1974, as amended — Laws and Regulations deposited (Communications received under Article III(b) of the Convention)	
SLS.2	Circulars relating to International Convention for the Safety of Life at Sea, 1948 — Equivalent Arrangements - Denunciations	
SLS.3	Not posted	
SLS.4	Not posted	
SLS.5	Not posted	
SLS.6	Not posted	
SLS.7	Not posted	
SLS.8	Not posted	
SLS.9	Not posted	
SLS.agr	Circulars relating to International Convention for the Safety of Life at Sea, 1974, as amended — Agreement concerning specific stability requirements for ro-ro passenger ships undertaking regular scheduled international voyages between or to or from designated ports in North West Europe and the Baltic Sea	
SN.1	Various matter relating to the safety of navigation out of NCSR Sub-Committee	
SSE.1	Circulars - List of recognised Laboratories	
STCW.1	Circulars relating to International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 — status and related communications	
STCW.2	Circulars relating to International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 — Equivalent arrangements (Article IX)	
STCW.3	Circulars relating to International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 — Laws and Regulations deposited and Specimen Certificates (Article IV(1)(a) and (c))	
STCW.4	Circulars relating to International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 — Communications received under Article IV(1)(c) - Specimen Certificates	
STCW.5	Circulars relating to 1991 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 — Information received under Regulation I/5 of the 1991 amendments	
STCW.6	Circulars relating to International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 — Seafarers' Training, Certification and Watchkeeping (STCW) Code	
STCW.7	Circulars relating to International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 — Application of provisions of the 1978 STCW Convention to Mobile Offshore Units (MODUs)	
STCW.8	National Authorities	
STCW.95	NTL. ADMS for Regulating the STCW Convention	
STCW-F.1	NTL. Fishing Vesselsadms for Regulating the STCW Convention	
STW	Not posted	



IMO	Contents	Comments
SUA.1	Circulars relating to Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 — status and related communications	
SUA.2	Circulars relating to Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf — status and related communications	
SUA.3	Protocol of 2005 to the Convention for the Suppression of unlawful acts against the safety of maritime navigation	
SUA.4	Protocol of 2005 to the protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continntal shelf	
TC.1	Circulars relating to Technical Co-Operation Committee on training and assistance	
TM.1	Circulars relating to International Convention on Tonnage Measurement of Ships, 1969 — Communications received under article 15(b), text of laws, decrees, orders, etc — Laws and Regulations deposited	
TM.2	Circulars relating to International Convention on Tonnage Measurement of Ships, 1969 — status and related communications	
TM.3	Circulars relating to International Convention on Tonnage Measurement of Ships, 1969 — Communications received under article 15 (c) — Agencies authorized to issue certificates	
TM.4	Not posted	
TM.5	Circulars relating to International Convention on Tonnage Measure of Ships, 1969 - Unified Interpretations	
TM.6	Circulars relating to International Convention on Tonnage Measurement of Ships, 1969 — Communications received under article 15(b), text of laws, decrees, orders, etc — Laws and Regulations deposited	
TM.7	Circulars relating to International Convention on Tonnage Measurement of Ships, 1969 - Amendments	

## Appendix 11

### IMO Circular SLS.12/Circ. 157



**E**

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SLS.12/Circ.157  
18 October 2022

#### INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974

##### Accession by the Democratic Republic of Timor-Leste

The Secretary-General of the International Maritime Organization has the honour to refer to the International Convention for the Safety of Life at Sea, 1974, and to state that, in accordance with article IX of the Convention, accession by the Democratic Republic of Timor-Leste was effected by the deposit of an instrument on 12 October 2022.

The Convention will enter into force for Timor-Leste on 12 January 2023, in accordance with article X(b).

There are, at present, 168 Contracting States to the Convention, representing approximately 98.91%\* of the gross tonnage of the world's merchant shipping.

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\* Tonnage calculated as of 18 October 2022 based on world tonnage figures provided by S&P Global current as of 31 December 2021.

**Appendix 12**  
**Form of Safety Equipment Certificate for Cargo Ships**

**CARGO SHIP SAFETY EQUIPMENT CERTIFICATE**

This Certificate shall be supplemented by a Record of Equipment  
(Form E)

*(Official seal)*

*(State)*

Issued under the provisions of the  
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974,  
as modified by the Protocol of 1988 relating thereto

under the authority of the Government of

---

*(name of the State)*

by

*(person or organization authorized)*

***Particulars of ship***<sup>1</sup>

Name of ship .....

Distinctive number or letters .....

Port of registry .....

Gross tonnage .....

---

<sup>1</sup> Alternatively, the particulars of the ship may be placed horizontally in boxes.

Deadweight of ship (metric tons)<sup>2</sup> .....

Length of ship (regulation III/3.12) .....

IMO Number<sup>3</sup> .....

*Type of ship*<sup>4</sup>

Oil tanker

Chemical tanker

Gas carrier

Cargo ship other than any of the above

Date on which keel was laid or ship was at a similar stage of construction or, where applicable, date on which work for a conversion or an alteration or modification of a major character was commenced .....

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with the requirements of regulation I/8 of the Convention.
- 2 That the survey showed that:
  - 2.1 the ship complied with the requirements of the Convention as regards fire safety systems and appliances and fire control plans;
  - 2.2 the life-saving appliances and the equipment of the lifeboats, liferafts and rescue boats were provided in accordance with the requirements of the Convention;
  - 2.3 the ship was provided with a line-throwing appliance and radio installations used in life-saving appliances in accordance with the requirements of the Convention;
  - 2.4 the ship complied with the requirements of the Convention as regards shipborne navigational equipment, means of embarkation for pilots and nautical publications;

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<sup>2</sup> For oil tankers, chemical tankers and gas carriers only.

<sup>3</sup> In accordance with IMO ship identification number scheme adopted by the Organization by resolution A.600(15).

<sup>4</sup> Delete as appropriate.

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- 2.5 the ship was provided with lights, shapes and means of making sound signals and distress signals in accordance with the requirements of the Convention and the International Regulations for Preventing Collisions at Sea in force;
- 2.6 in all other respects the ship complied with the relevant requirements of the Convention.
- 3 That an Exemption Certificate has/has not<sup>4</sup> been issued.

This certificate is valid until .....<sup>5</sup> subject to the annual and periodical surveys in accordance with regulation I/8 of the Convention.

Issued at .....  
*(Place of issue of certificate)*

.....  
*(Date of issue)*

.....  
*(Signature of authorized official issuing the certificate)*

*(Seal or stamp of the issuing authority, as appropriate)*

<sup>4</sup> Delete as appropriate.

<sup>5</sup> Insert the date of expiry as specified by the Administration in accordance with regulation I/14(a) of the Convention. The day and the month of this date correspond to the anniversary date as defined in regulation I/2(n) of the Convention, unless amended in accordance with regulation I/14(h).



*Annual/periodical survey in accordance with regulation I/14(h)(iii)*

THIS IS TO CERTIFY that, at an annual/periodical<sup>4</sup> survey in accordance with regulation I/14(h)(iii) of the Convention, this ship was found to comply with the relevant requirements of the Convention.

Signed: .....  
(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

*Endorsement to extend the certificate if valid for less than 5 years where regulation I/14(c) applies*

The ship complies with the relevant requirements of the Convention, and this certificate shall, in accordance with regulation I/14(c) of the Convention, be accepted as valid until .....

Signed: .....  
(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

*Endorsement where the renewal survey has been completed and regulation I/14(d) applies*

The ship complies with the relevant requirements of the Convention, and this certificate shall, in accordance with regulation I/14(d) of the Convention, be accepted as valid until .....

Signed: .....  
(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

<sup>4</sup> Delete as appropriate.

*Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where regulation I/14(e) or I/14(f) applies*

The certificate shall, in accordance with regulation I/14(e)/I/14(f)<sup>4</sup> of the Convention, be accepted as valid until .....

Signed: .....  
(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

*Endorsement for advancement of anniversary date where regulation I/14(h) applies*

In accordance with regulation I/14(h) of the Convention, the new anniversary date is .....

Signed: .....  
(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

In accordance with regulation I/14(h) of the Convention, the new anniversary date is .....

Signed: .....  
(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

---

<sup>4</sup> Delete as appropriate.



**RECORD OF EQUIPMENT FOR THE CARGO SHIP SAFETY  
EQUIPMENT CERTIFICATE  
(FORM E)**

This Record shall be permanently attached to the  
Cargo Ship Safety Equipment Certificate

RECORD OF EQUIPMENT FOR COMPLIANCE WITH  
THE INTERNATIONAL CONVENTION FOR THE SAFETY  
OF LIFE AT SEA, 1974, AS MODIFIED BY THE PROTOCOL  
OF 1988 RELATING THERETO

**1 Particulars of ship**

Name of ship .....

Distinctive number or letters .....

**2 Details of life-saving appliances**

1	Total number of persons for which life-saving appliances are provided	.....	
		Port side	Starboard side
2	Total number of lifeboats	.....	.....
2.1	Total number of persons accommodated by them	.....	.....
2.2	Number of totally enclosed lifeboats (regulation III/31 and LSA Code, section 4.6)	.....	.....
2.3	Number of lifeboats with a self-contained air support system (regulation III/31 and LSA Code, section 4.8)	.....	.....
2.4	Number of fire-protected lifeboats (regulation III/31 and LSA Code, section 4.9)	.....	.....
2.5	Other lifeboats	.....	.....
2.5.1	Number	.....	.....
2.5.2	Type	.....	.....

2 *Details of life-saving appliances (continued)*

2.6	Number of freefall lifeboats	.....
2.6.1	Totally enclosed (regulation III/31 and LSA Code, section 4.7)	.....
2.6.2	Self-contained (regulation III/31 and LSA Code, section 4.8)	.....
2.6.3	Fire-protected (regulation III/31 and LSA Code, section 4.9)	.....
3	Number of motor lifeboats (included in the total lifeboats shown above)	.....
3.1	Number of lifeboats fitted with searchlights	.....
4	Number of rescue boats	.....
4.1	Number of boats which are included in the total lifeboats shown above	.....
5	Liferafts	.....
5.1	Those for which approved launching appliances are required	.....
5.1.1	Number of liferafts	.....
5.1.2	Number of persons accommodated by them	.....
5.2	Those for which approved launching appliances are not required	.....
5.2.1	Number of liferafts	.....
5.2.2	Number of persons accommodated by them	.....
5.3	Number of liferafts required by regulation III/31.1.4	.....
6	Number of lifebuoys	.....
7	Number of lifejackets	.....
8	Immersion suits	.....
8.1	Total number	.....
8.2	Number of suits complying with the requirements for lifejackets	.....
9	Number of thermal protective aids <sup>1</sup>	.....
10	Radio installations used in life-saving appliances	.....
10.1	Number of radar transponders	.....
10.2	Number of two-way VHF radiotelephone apparatus	.....

<sup>1</sup> Excluding those required by the LSA Code, paragraphs 4.1.5.1.24; 4.4.8.31 and 5.1.2.2.13.

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- 3 *Ships constructed before 1 February 1992 which do not fully comply with the applicable requirements of chapter III of the Convention as amended in 1988<sup>2</sup>*

	Actual provision
Radiotelegraph installation for lifeboat	.....
Portable radio apparatus for survival craft	.....
Survival craft EPIRB (121.5 MHz and 243.0 MHz)	.....
Two-way radiotelephone apparatus	.....

THIS IS TO CERTIFY that this Record is correct in all respects

Issued at .....  
(Place of issue of the Record)

.....  
(Date of issue)

.....  
(Signature of duly authorized official  
issuing the Record)

(Seal or stamp of the issuing authority, as appropriate)

<sup>2</sup> This section need not be reproduced on the record attached to certificates issued after 1 February 1995.

## **PART E – EVALUATION**

### **Introduction**

The effectiveness of any evaluation depends upon the accuracy of the description of what is to be measured.

The learning objectives used in the detailed syllabus will provide a sound base for the construction of suitable tests for evaluating trainee progress.

### **Method of evaluation**

The methods chosen to carry out an evaluation will depend upon what the trainee is expected to achieve in terms of knowing, comprehending and applying the course content.

The methods used can range from a simple question-and-answer discussion with the trainees (either individually or as a group), to prepared tests requiring the selection of correct or best responses from given alternatives, the correct matching of given items, the supply of short answers or the supply of more extensive written responses to prepared questions.

Where the course content is aimed at the acquisition of practical skills, the test would involve a practical demonstration by the trainee making use of appropriate equipment, tools, etc.

The response demanded may therefore consist of:

- .1 the recall of facts or information, by viva-voce or objective tests;
- .2 the practical demonstration of an attained skill;
- .3 the oral or written description of procedures or activities;
- .4 the identification and use of data from sketches, drawings, maps, charts, etc;
- .5 carrying out calculations to solve numerical problems; and
- .6 the oral or written essay or report.

### **Validity**

The evaluation must be based on clearly defined objectives, and it must truly represent what is to be measured. There must be a reasonable balance between the subject topics involved and also in the testing of trainees' KNOWLEDGE, COMPREHENSION and APPLICATION of concepts.

The time allocated for the trainee to provide a response is very important. Each question or task must be properly tested and validated before it is used to ensure that the test will provide a fair and valid evaluation.

### **Reliability**

To be reliable, an evaluation procedure should produce reasonably consistent results no matter which set of papers or version of the test involved is used.

---

## **Subjective testing**

Traditional methods of evaluation require the trainee to demonstrate what has been learned by stating or writing formal answers to questions.

Such evaluation is subjective in that it invariably depends upon the judgement of the evaluator. Different evaluators can produce quite different scores when marking the same paper or evaluating oral answers.

## **Objective testing**

A variety of objective tests have been developed over the years. Their common feature is that the evaluation does not require a judgement by the evaluator. The response is either right or wrong.

One type of objective test involves an answer, generally a single word, to complete the missing portion of a sentence. Another involves supplying a short answer to two or three words to a question. Such tests are known as “completion tests” and short answer tests”.

Another form of objective testing consists of “selective response tests” in which the correct, or best, response must be selected from given alternatives. Such tests may consist of “matching tests, in which items contained in two separate lists must be matched; or they may be of the true/false type or of the multiple-choice type.

The most flexible form of objective test is the multiple-choice test, which presents the trainee with a problem and a list of alternative solutions, from which he/she must select the most appropriate.

## **Distracters**

The incorrect alternatives in multiple choice questions are called “distracters” because their purpose is to distract the uninformed trainee from the correct response. The distracter must be realistic and should be based on misconceptions commonly held, or on mistakes commonly made.

The options “none of the above” or “all of the above” are used in some tests. These can be helpful but should be used sparingly.

Distracters should distract the uninformed, but they should not take the form of “trick” questions that could mislead the knowledgeable trainee (for example, do not insert “not” into a correct response to make it a distracter).

## **Guess factor**

The “guess factor” with four alternative responses in a multiple-choice test would be 25%. The pass mark chosen for all selective response questions should take this into account.

## **Scoring**

In simple scoring of objective tests one mark may be allocated to each correct response and zero for a wrong or nil response.

A more sophisticated scoring technique entails awarding one mark for a correct response, zero for a nil response and minus one for an incorrect response. Where a multiple choice test involves four alternatives, this means that a totally uninformed guess involves a 25% change of gaining one mark and 75% change of losing one mark.

Scores can be weighted to reflect the relative importance of questions, or of sections of a evaluation.

### **Further guidance**

Further information may be found in the following booklets:

- “Guidance on the implementation of IMO model courses”; and
  - IMO model course “Training Course for Instructors”.
-