

**SECOND JOINT MINISTERIAL CONFERENCE OF THE  
PARIS AND TOKYO MEMORANDA OF UNDERSTANDING  
ON PORT STATE CONTROL**

**Vancouver, British Columbia**

**Canada**

**2-3 November 2004**

**JOINT MINISTERIAL DECLARATION**

The Ministers responsible for maritime safety of the Governments of:

- the Kingdom of Belgium,
- the Republic of Croatia,
- the Kingdom of Denmark,
- the Republic of Finland,
- the Republic of France,
- the Federal Republic of Germany,
- the Hellenic Republic,
- Iceland,
- Ireland,
- the Republic of Italy,
- the Kingdom of the Netherlands,
- the Kingdom of Norway,
- the Republic of Poland,
- the Republic of Portugal,
- the Kingdom of Spain,
- the Kingdom of Sweden, and
- the United Kingdom of Great Britain and Northern Ireland,

whose maritime Authorities are Members of the Paris Memorandum of Understanding on Port State Control (Paris Memorandum), the European Community represented by the Presidency of the Council and the European Commission,

the Ministers responsible for maritime safety of the Governments of:

- Australia,
- the Republic of Chile,
- the People’s Republic of China,
- the Republic of Fiji,
- Hong Kong, China,
- the Republic of Indonesia,
- Japan,
- the Republic of Korea,
- Malaysia,
- New Zealand,
- the Republic of the Philippines,
- the Republic of Singapore,
- the Kingdom of Thailand,
- Vanuatu, and
- Vietnam,

whose maritime Authorities are Members of the Memorandum of Understanding on Port State Control in the Asia-Pacific Region (Tokyo Memorandum),

the Ministers responsible for maritime safety of the Governments of:

- Canada, and
- the Russian Federation,

whose maritime Authorities are Members of the Paris Memorandum and the Tokyo Memorandum,

hereinafter referred to as “THE MINISTERS”, participated in the Second Joint Ministerial Conference of the Paris and Tokyo Memoranda of Understanding on Port State Control “STRENGTHENING THE CIRCLE OF RESPONSIBILITY”, which was held in Vancouver, British Columbia, on 2-3 November 2004, upon the invitation of the Government of Canada. The Paris and Tokyo Memoranda were represented by the Chairmen and the Secretariats.

The Ministers responsible for maritime safety of the Governments of:

- the Republic of Cyprus,
- Estonia,
- Latvia,
- Lithuania,
- Malta,
- Macao, China,
- the United States of America,

the Director-General of the International Labour Office,

the Secretary-General of the International Maritime Organization,

and representatives of:

- the Black Sea Memorandum of Understanding on Port State Control,
- the Caribbean Memorandum of Understanding on Port State Control,
- the Indian Ocean Memorandum of Understanding on Port State Control,
- the International Association of Classification Societies,
- the International Chamber of Shipping,
- the International Transport Workers Federation,

- the International Group of P&I Clubs, and
- EQUASIS

attended the Conference as observers.

The Ministers, recognizing that this, the Second Joint Ministerial Conference of the Paris and Tokyo Memoranda, will be instrumental in further increasing the pressure on sub-standard shipping by taking concerted action within both Regions, declare as follows:

**1. The MINISTERS recall that:**

- 1.1 The First Joint Ministerial Conference of the Paris and Tokyo Memoranda of Understanding on Port State Control, “Tightening the Net, Inter-regional Action to Eliminate Sub-standard Shipping”, was held in Vancouver, British Columbia, Canada, on 24-25 March 1998.
- 1.2 At this Conference, the Ministers agreed on actions that should be taken by the Paris and Tokyo Memoranda to improve maritime safety in these two Regions and to help eliminate sub-standard shipping.

**2. The MINISTERS note that:**

- 2.1 Substantial actions have been implemented by both Memoranda since the First Joint Ministerial Conference, as shown in the report annexed to this Declaration (Annex 1), and that these actions have had a positive effect in improving the standard of shipping in the two Regions.
- 2.2 The implementation of these actions has been possible through investment of additional resources by the member states of both Memoranda, also resulting in increased workloads for the Secretariats and the information centres.

- 2.3 Nevertheless, sub-standard shipping still persists in some areas and that further action is necessary to combat those shipowners and operators that continue to conduct their business in an irresponsible manner with disregard for international rules and safe practices.
- 2.4 Since the first Conference, there have been further alarming maritime accidents and incidents, which have resulted in loss of life and pollution of the oceans. These maritime accidents and incidents caused substantial economic losses, environment damage and public concern, highlighting the need for further measures to enhance safety and pollution prevention, including stringent port State control.
- 2.5 Global acts of terrorism are of continuing grave concern and security measures already agreed need to be effectively implemented.
- 2.6 Investigations of maritime accidents and incidents indicate that the majority of these are caused by the human element. The International Labour Organization (ILO) and the International Maritime Organization (IMO) are undertaking initiatives to address this element.
- 2.7 The number of incidents of piracy and armed robbery implying a threat to the lives of seafarers and to global trade should be recognized and reduced.
- 2.8 Sub-standard ships are, in the main, operated by those who seek a commercial advantage by operating their ships below internationally accepted standards.
- 2.9 Control efforts by both Memoranda demonstrate that the International Safety Management Code is not yet being adhered to by many companies and therefore not fully achieving the anticipated improvement in maritime safety and pollution prevention.

- 2.10 Some flag State administrations still ignore their prime responsibility to ensure that ships entitled to fly their flags are in compliance with international conventions.
- 2.11 Some flag State administrations fail to provide adequate monitoring and supervision of those organizations that act on their behalf and whose performance does not ensure a complete and effective survey, audit and certification activity.
- 2.12 Living and working conditions on a significant number of ships continue to be sub-standard and that this situation, in addition to being inhumane, undermines maritime safety and efforts to protect the marine environment.
- 2.13 Some ships are not manned by an adequate number of suitably trained seafarers who have a crucial role in achieving safe, secure and efficient shipping on clean oceans.
- 2.14 There is a continuing high and growing incidence of illegal, unregulated and unreported (IUU) fishing, which apart from causing deleterious effects on sustainable fisheries management, has safety risk implications.
- 2.15 There is a shortage of skilled and experienced persons in the shipping industry and that future Port State Control Officers would be difficult to recruit in order to ensure that port State control inspections maintain the same high standards.
- 2.16 The high costs of port State control inspections are, to a substantial extent, caused by sub-standard ships with a persistently poor port State control inspection record.

**3. The MINISTERS observe that:**

- 3.1 The events that took place on 11 September 2001 have dramatically changed the world and established the need for increased security in the transport industry.
- 3.2 The attacks that took place in Madrid and in Moscow in 2004 remind us how vulnerable all modes of transport are to terrorist attacks and highlight the need to implement transport security measures effectively and the need to mobilize all available resources to protect human lives, international trade and the global economy.
- 3.3 The shipping industry is no exception. It is vulnerable to acts of terrorism, highlighted by an attack on an oil tanker, demonstrating the need for measures to enhance maritime security.
- 3.4 Enhancing measures to improve maritime security has the added benefit of addressing incidents of piracy and armed robbery.
- 3.5 Appropriate and determined actions have been taken by the ILO and the IMO to address the security of ships and ports.
- 3.6 The amendments to the 1974 Safety of Life at Sea (SOLAS) Convention, which make mandatory the International Ship and Port Facility Security (ISPS) Code, have been important steps towards addressing maritime security.
- 3.7 Substantial efforts by flag States and other responsible Authorities have been taken for the implementation of the ISPS Code before 1 July 2004 to meet the deadline.



- 3.8 The adoption by the International Labour Conference of the Seafarers' Identity Documents Convention (Revised), 2003 (N<sup>o</sup>. 185), will enhance maritime security while facilitating maritime trade and the professional movement and shore leave of seafarers.
- 3.9 The continuing loss of ships, with the resulting loss of life, and the resulting pollution requires further action to improve the overall safety of shipping and the prevention of the pollution of the marine environment.
- 3.10 The number of accidents and incidents indicate that strict adherence to generally agreed ILO and IMO provisions and in particular the commitments established through the SOLAS, the Prevention of Pollution from Ships (MARPOL), and the Standards of Training, Certification and Watchkeeping for Seafarers (STCW) Conventions are essential to safety, pollution prevention and security.
- 4. The MINISTERS stress that:**
- 4.1 The continuance of malpractices in the shipping industry and their negative consequences is unacceptable and further preventive action is required.
- 4.2 Such actions should be undertaken by all parties concerned, the main parties being owners, operators, flag States, classification societies and recognized organizations. Other important parties are seafarers and their representative organizations, industry organizations, charterers, coastal States and port States. Cooperation is furthermore needed from financial institutions, insurance companies, ship builders, marine equipment

manufacturers, recognized security organizations, port authorities and pilots.

- 4.3 These parties form a “CIRCLE OF RESPONSIBILITY” in which each should effectively carry out their respective responsibilities, strengthen their joint commitment to safety, environmental protection and security and hold each other accountable in order to safeguard human lives, and enhance the reputation of the maritime industry as a whole.
- 4.4 Such actions should aim at furthering the implementation of measures to encourage and ensure that all shipping operators comply fully with the relevant international standards for safety and security, seafarers’ living and working conditions and environmental protection.
- 4.5 The conduct of Port State Control Officers is of the utmost importance and should be maintained at the highest level. Integrity, professionalism and transparency are key issues in this context.
- 4.6 More transparency would be achieved if information on all appropriate parties involved in ships under detention were made available to the port State.
- 4.7 Whilst acknowledging the prerogative of every State to exercise port State control, States should meet their full obligations as flag States before properly exercising port State control.
- 4.8 All viable options should be vigorously pursued to foster a meaningful dialogue, either individually or collectively, with the parties forming the “CIRCLE OF RESPONSIBILITY”, with a firm objective of promoting a wider culture of safety and security and decent living and working

conditions and environmental consciousness throughout the entire maritime industry.

**5. The MINISTERS express their determination:**

5.1 That both Memoranda should strengthen compliance with ILO and IMO standards by enhancing the application of port State control in both Regions and ensuring that appropriate action is taken in the following initiatives:

- .1 to intensify targeting high-risk ships in order to inspect them more frequently than ships with a lower risk profile and, if necessary, take compliance measures.
- .2 to develop new inspection policies with a targeting based on a ship risk profile including ways and means by which the companies operating sub-standard ships can be targeted and develop an incentive system for companies whose ships have a low risk profile.
- .3 to develop and implement an inspection regime based on the new ILO consolidated maritime labour Convention when it enters into force.
- .4 to establish criteria or a regime that encourages States to undergo an IMO audit and to demonstrate transparency in responding to audit findings.
- .5 to continue to vigorously enforce the port State control aspects of the amendments to SOLAS 74 relating to security, including the ISPS Code as adopted by the 2002 SOLAS Conference.

- .6 to include the 1997 Protocol to MARPOL 73/78 on the prevention of air pollution from ships (Annex VI) in the relevant instruments of the Memoranda and in their inspection regimes.
- .7 to include the International Convention on the Control of Harmful Anti-Fouling Systems on Ships (AFS) in the relevant instruments of the Memoranda and in their inspection regimes.
- .8 to include the International Convention on the Management of Ballast Water and Sediments (BWM) in the relevant instruments of the Memoranda and in their inspection regimes.
- .9 to ensure that single-hulled oil tankers that should have been phased out in accordance with MARPOL 73/78 but are still in service are banned from all ports in the two Regions.
- .10 to conduct further joint Concentrated Inspection Campaigns (CIC), including the International Safety Management (ISM) Code.
- .11 to carry out an in-depth analysis of ship deficiencies.
- .12 to support the continuing efforts of relevant international organizations in the development of measures to combat IUU fishing.
- .13 to improve the methods of providing port State control data to EQUASIS and to invite EQUASIS to improve the display of this data.
- .14 to continue to publish detailed information, on a regular basis, on ships detained and to include, wherever practicable, information concerning the various commercial interests, including entities and charterers.

- .15 to develop a scheme whereby information on all appropriate parties involved in ships under detention would be made available to the port State.
  - .16 to continue to improve their regional port State control information systems and to work toward full exchange of information between each other and with other regional PSC regimes and the United States Coast Guard (USCG).
  - .17 to continue to support the provision of technical cooperation to other port State control regions and administrations wishing to improve their capabilities.
  - .18 to continue and enhance regional training programs for Port State Control Officers.
  - .19 to further enhance harmonization between the two Memoranda with the aim to use the regional resources as effectively and efficiently as possible to concentrate on sub-standard shipping.
  - .20 to investigate the feasibility of recovering costs for the inspection of sub-standard ships with a persistently poor port State control inspection record according to their port State control inspection data.
- 5.2 To urge authorities exercising port State control to apply the following principles to their inspections, as a minimum:
- .1 the relevant provisions of the ILO publication “Inspection of labour conditions on board ships: Guidelines for procedures”.
  - .2 the provisions of IMO Assembly Resolution A.787(19) “Procedures for Port State Control”, as amended.

- .3 the relevant provisions of Maritime Safety Committee (MSC) Resolution 159 (78) on guidelines for control and compliance measures to enhance maritime security.
- .4 the port State should not inspect ships for provisions of Conventions to which the port State is not a Party.
- 5.3 To urge member authorities of both Memoranda to report to the relevant PSC database, ships that have deficiencies that may prejudice their safe navigation or do not navigate safely. To use any such reports, which may include the failure to follow the IMO pilot recommendations, for inspection purposes.
- 5.4 To urge the ILO to update “Inspection of Labour Conditions on Board Ships: Guidelines for Procedures” as soon as possible.
- 5.5 To encourage participation in the preparatory work leading to the adoption of the ILO’s consolidated Maritime Labour Convention (planned for 2006).
- 5.6 To discourage the employment of seafarers in conditions that are not in accordance with international standards for living and working conditions considering, inter alia, the negative impact on crews and ultimately on safety at sea.
- 5.7 To urge member authorities of both Memoranda that have not ratified all relevant instruments to do so as soon as possible.
- 5.8 To continue to support the efforts of the ILO and IMO to enhance the standards of shipping and for those working on ships, and consider the ratification of or accession to the Conventions which aim to improve living and working conditions on board ships, maritime safety, security and protection of the marine environment.

- 5.9 To encourage participation in ILO and IMO initiatives that address the human element.
- 5.10 To encourage and support the development and/or implementation of the following IMO initiatives:
- .1 Voluntary IMO Member State Audit Scheme (striving to make it mandatory at an appropriate time in the future).
  - .2 “Code for Implementation of [mandatory] IMO instruments”.
  - .3 Self Assessment of flag State performance.
  - .4 Unique IDs for companies and registered owners.
  - .5 Maritime security, in particular the SOLAS amendments and related ISPS Code and associated control and compliance measures.
  - .6 Suppression of unlawful acts against or involving shipping, such as terrorism, piracy, armed robbery, and illegal migration by sea.
  - .7 Ship recycling.
- 5.11 To encourage both Memoranda to develop and implement a code of good practice for Port State Control Officers and taking into account the leading role of these Memoranda in other parts of the world, to actively promote the code globally.
- 5.12 To encourage both Memoranda to institute appropriate programs to attract, recruit and train qualified persons to become Port State Control Officers.
- 5.13 To invite both Memoranda to encourage labour supplying States to take action to improve the level of training, knowledge and expertise of seafarers.
- 5.14 To invite the Port State Control Committees to develop criteria for the identification of the flag States and their recognized organizations that jointly

have poor performance and to investigate options, including the possibility of changing the relevant international conventions so that certificates issued by these recognized organizations on behalf of these flag States are not recognized as valid.

- 5.15 To closely cooperate with and actively assist the relevant competent authorities responsible for the suppression of unlawful acts against or involving shipping, such as terrorism, piracy, armed robbery, and illegal migration by sea.

**6. The MINISTERS confirm and stress that:**

- 6.1 Port State control is more effective when implemented on a regional basis. However, it is still beneficial to all concerned when harmonization of the various areas of port State control administration and inspection procedures can be achieved on an inter-regional basis. To this end, both Port State Control Committees are urged to keep each other fully informed of all new port State control initiatives undertaken in their respective regions, in order to review whether reciprocal measures can be introduced.
- 6.2 They will make available sufficient resources to enable their respective Administrations to maintain a competent, effective and adequately funded national maritime infrastructure, which they recognize as a prerequisite for an effective port State control effort.
- 6.3 They will closely examine their present port State control structure and make adjustments and allocate additional resources as necessary.



6.4 The Memoranda will cooperate in the execution of the actions confirmed and remain in regular contact, through the present mechanism, to monitor projects to implement such actions within their respective regions.

**7. The MINISTERS:**

- 7.1 Acknowledge that, in view of the continuing process of updating the relevant international maritime instruments, the task of Port State Control Officers has become increasingly complex.
- 7.2 Recognize that the public acceptance and credibility of port State control depends greatly on the professional attitude and skills of Port State Control Officers.
- 7.3 Express their deep appreciation for the considerable efforts made by the Port State Control Officers in their daily work in implementing both the Paris and Tokyo Memorandum.
- 7.4 Emphasize that port State control plays an important role in eliminating sub-standard shipping but that all parties involved in shipping must cooperate and work together to “STRENGTHEN THE CIRCLE OF RESPONSIBILITY” and eliminate sub-standard shipping.

**8. The MINISTERS:**

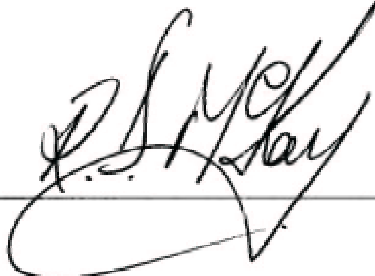
Warmly thank their Canadian colleague for taking the initiative for this Second Joint Ministerial Conference and request him to convey their gratitude to the Government of Canada for the hospitality bestowed on them and for making available the arrangements necessary for the success of the Conference.

**IN WITNESS WHEREOF THEY HAVE SIGNED THIS DECLARATION.  
DONE AT VANCOUVER, BRITISH COLUMBIA, THIS THIRD DAY OF  
NOVEMBER, TWO THOUSAND AND FOUR.**

**Mr. Bob McKay**

on behalf of the Minister for Transport and  
Regional Services

**Australia**




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**Mr. Marc Danneels**

on behalf of the Federal Minister of  
Mobility

**Kingdom of Belgium**



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**Mr. Louis Ranger**

on behalf of the Minister of Transport

**Canada**



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**Vice Admiral Rodolfo Codina**

Director General of the Maritime Territory  
and Merchant Marine

**Republic of Chile**



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**Mr. Zuyuan Xu**

on behalf of the Minister of  
Communications

**People's Republic of China**

**Mr. Branko Bačić**

on behalf of the Minister of the Sea,  
Tourism, Transport and Development

**Republic of Croatia**



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**Mr. Jorgen Hammer Hansen**

on behalf of the Minister for Economic and  
Business Affairs

**Kingdom of Denmark**

**Mr. Inoke Wini Rototodro**

on behalf of the Minister for Transport and  
Civil Aviation

**Republic of Fiji**



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**Ms. Aila Salminen**

on behalf of the Minister of Transport and  
Communications

**Republic of Finland**

**Mr. Michel Aymeric**

on behalf of the Minister of Infrastructure,  
Transport, Regional Development, Tourism  
and the Sea

**Republic of France**



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**Mr. Hans-Jürgen Froböse**

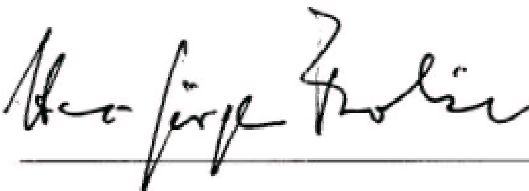
on behalf of the Federal Minister of  
Transport, Building and Housing

**Federal Republic of Germany**

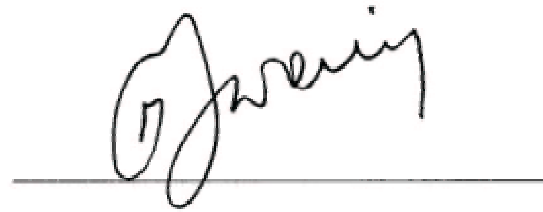
**Professor Ioannis (John) Tzoannos**

on behalf of the Minister of Mercantile  
Marine

**Hellenic Republic**



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**Mr. Roger F. Tupper**

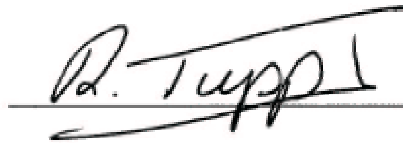
on behalf of the Secretary for Economic  
Development and Labour

**Hong Kong, China**

**Hon. Sturla Böðvarsson**

Minister of Communications, Transport  
and Tourism

**Iceland**



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**Ms. Binarti F. Sumirat**


on behalf of the Minister of  
Communications

**Republic of Indonesia**

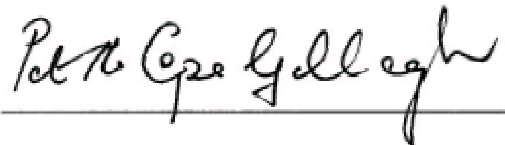
**Mr. Pat the Cope Gallagher T.D.**

Marine Minister at the Department of  
Communications, Marine and Natural  
Resources

**Ireland**



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**Admiral (ICG) Sergio De Stefano**

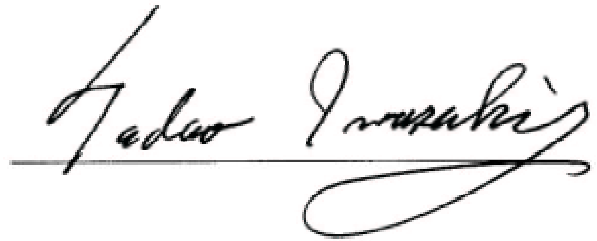
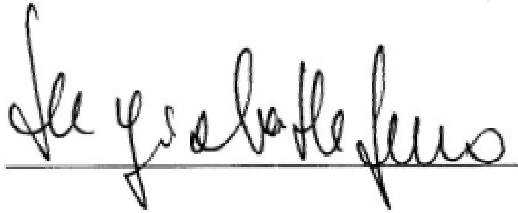
on behalf of the Minister of Infrastructure  
and Transport

**Republic of Italy**

**Mr. Tadao Iwasaki**

on behalf of the Minister of the Land,  
Infrastructure and Transport

**Japan**



**Hon. Seung-Woo Chang**


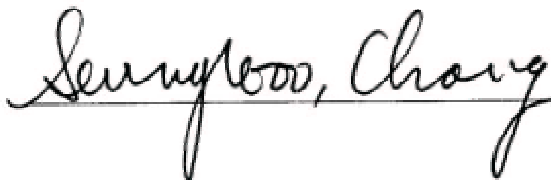
Minister of Maritime Affairs and Fisheries

**Republic of Korea**

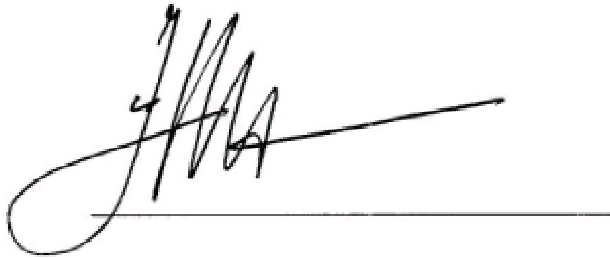
**Mr. Datuk Douglas Uggah Embas**

on behalf of the Minister of Transport

**Malaysia**

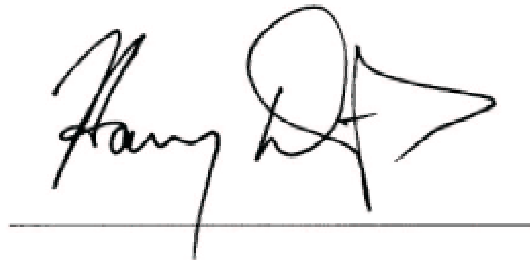


**H.E. Como van Hellenberg Hubar**  
on behalf of the Minister of Transport,  
Public Works and Water Management  
**Kingdom of the Netherlands,**  
President of the Council of  
**the European Union**



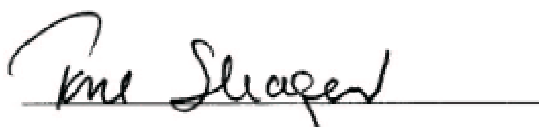
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**Hon. Harry Duynhoven**  
Minister for Transport Safety  
**New Zealand**



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**Mrs. Tone Skogen**  
on behalf of the Minister of Trade and  
Industry  
**Kingdom of Norway**



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**Hon. Agustin R. Bengzon**  
Undersecretary of Transportation and  
Communications  
**Republic of Philippines**



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**Mr. Witold Górski**  
on behalf of the Minister of Infrastructure

**Republic of Poland**



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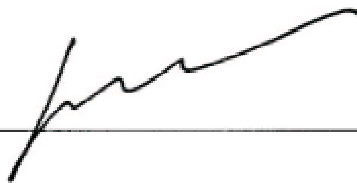
**Mr. Nuno Thomaz**  
on behalf of the Minister of State, National  
Defence and Sea Affairs

**Republic of Portugal**



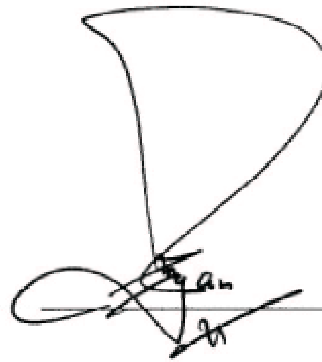
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**Mr. Vyacheslav Ruksha**  
on behalf of the Minister of Transport  
**Russian Federation**



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**BG (NS) Yam Ah Mee**  
on behalf of the Minister for Transport  
**Republic of Singapore**



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**Mr. Fernando Palao**

on behalf of the Minister of Transport

**Kingdom of Spain**

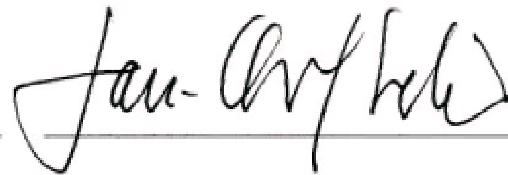


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**Mr. Jan-Olof Selen**

on behalf of the Minister for Infrastructure  
and Regional Policy

**Kingdom of Sweden**



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**Mr. Nikorn Chamnong**

Deputy Minister of Transport

**Kingdom of Thailand**

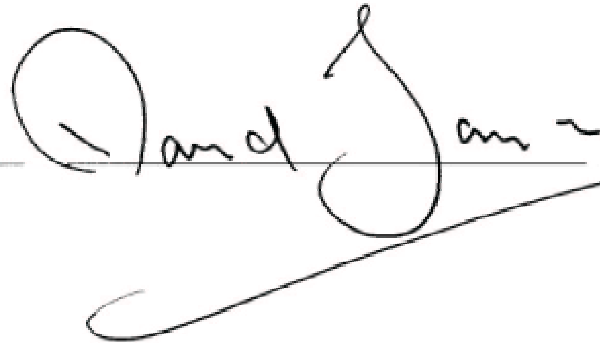


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**Hon. David Jamieson M.P.**

Minister of Shipping

**United Kingdom of Great Britain and  
Northern Ireland**



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**Hon. Willie T. Rarua Jimmy**

Minister of Infrastructure and Public  
Utilities

**Vanuatu**

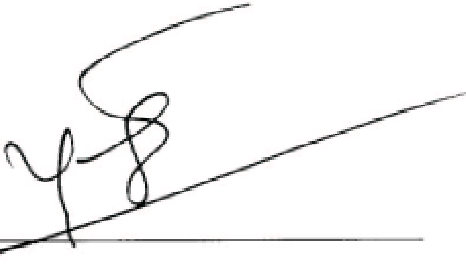


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**Mr. Nguyen Cong Duc**

on behalf of the Minister of Transport

**Vietnam**

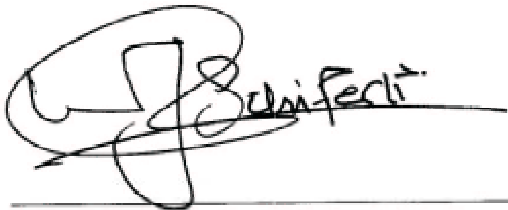


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**Mr. Richard W.J. Schiferli**

General Secretary

**Paris Memorandum of Understanding  
on Port State Control**



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**Mr. Yoshio Sasamura**

Secretary

**Tokyo Memorandum of Understanding  
on Port State Control**



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**THE FOLLOWING OBSERVERS WHOSE SIGNATURES FOLLOW, HAVE PARTICIPATED IN THIS CONFERENCE:**

**Mr. Andreas Chrysostomou**

on behalf of the Minister of  
Communications and Works

**Republic of Cyprus**



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**Mr. Andrus Maide**

on behalf of the Minister of Economic  
Affairs and Communications

**Republic of Estonia**



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**Capt. Aigars Krastins**

on behalf of the Minister of Transport

**Republic of Latvia**



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**Mr. Evaldas Zacharevicius**

on behalf of the Minister of Transport and  
Communications

**Republic of Lithuania**



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**Mr. Ao Man Long**

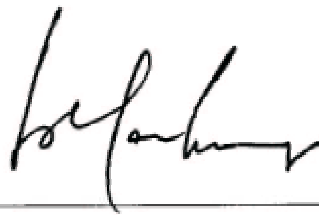
Secretary for Transport and Public Works

**Macao SAR, China**

**Hon. Censu Galea**

Minister for Competitiveness and  
Communications

**Malta**



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**Rear Admiral Thomas Gilmour**

on behalf of the Secretary of Homeland  
Security

**United States of America**

**Mr. Philippe Burghelle-Vernet**

on behalf of the Vice-President and  
Commissioner for Transport and Energy

**European Commission**



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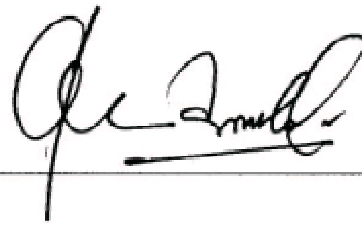
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**Mr. Norman Jennings**  
on behalf of the Director General  
**International Labour Office**



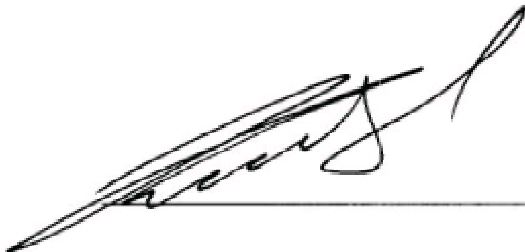
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**Mr. Efthimios E. Mitropoulos**  
Secretary-General  
**International Maritime Organization**



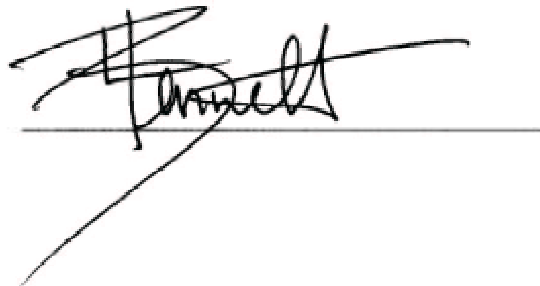
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**Mr. Vitali Kliuev**  
on behalf of the Secretariat  
**Black Sea Memorandum of  
Understanding on Port State Control**



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**Mr. Leighton F. Bennett**  
Secretary  
**Caribbean Memorandum of  
Understanding on Port State Control**



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**Mr. Bimalesh Ganguli**

Secretary

**Indian Ocean Memorandum of  
Understanding on Port State Control**

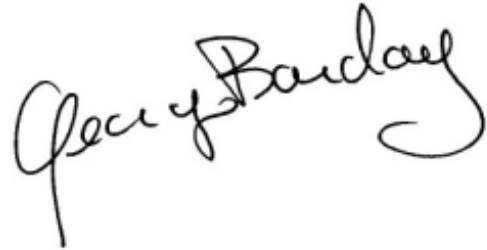


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**Mr. George Barclay**

Executive Director

**EQUASIS**



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**Mr. Steven McIntyre**

on behalf of

**International Association of  
Classification Societies**

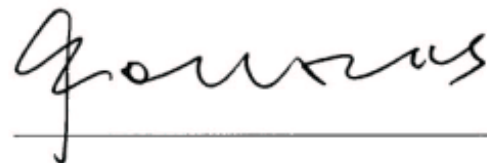


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**Mr. Chris Horrocks**

Secretary General

**International Chamber of Shipping**



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**Mr. Nigel Carden**

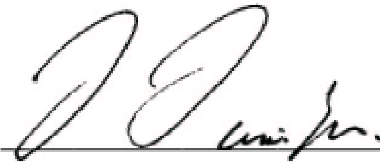
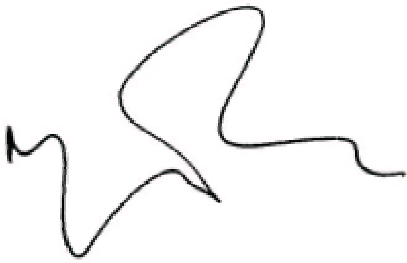
on behalf of

**the International Group of P&I Clubs**

**Mr. John Bainbridge**

on behalf of

**the International Transport Workers'  
Federation**



**Annex 1**

**1998 VANCOUVER MINISTERIAL CONFERENCE**

**ACTIONS REQUIRED BY THE PARIS AND TOKYO MOU COMMITTEES AND MEMBERS EMANATING FROM THE MINISTERIAL DECLARATION ON PORT STATE CONTROL**

**IIb** *Strengthen the commitment of the entire maritime scene to quality and safety in all aspects of shipping and play an active role in a common goal to eliminate sub-standard shipping.*

**Ongoing actions:**

- Participation of MOU members at relevant forums affecting all Maritime Areas.
- Development of a Quality Shipping Program.

**Actions completed:**

- Participation in the International Maritime Organization (IMO) Workshops for Port State Control MOU (Agreement) Secretaries and Directors of Information Centres in 2000, 2002 and 2004.

**IIc** *Actions should aim at furthering the implementation of measures to ensure that all shipping operators comply fully with the relevant international standards for safety, seafarers' living and working conditions, and environmental protection.*

**Ongoing actions:**

- Initiatives relevant to many working group activities:
  - Quality Shipping Campaign
  - Working and Living Conditions
  - International Safety Management (ISM) Code.
- Participation in EQUASIS.

**Actions completed:**

- Target factor identification improved.
- 2<sup>nd</sup> Concentrated Inspection Campaign (CIC) on ISM in July 2002.
- CIC on International Standards of Training, Certification and Watchkeeping for Seafarers (STCW).
- Improved websites for the publication of annual reports and inspection data.



**IId** *States should meet their full obligations as flag States in order to be able to properly exercise port State control.*

**Ongoing actions:**

- Three-year rolling average of Flags sharing a higher-than-average detention rate maintained.
- Members encouraged to submit Self-Assessment Form to IMO.
- Flag States with poor compliance records targeted for inspection.

**Actions completed:**

- Members advised that they should fulfill their obligations as flag States.

**IIf** *All viable options should be vigorously pursued to foster a meaningful dialogue with associations of ship owners/operators, marine underwriters, shippers, charterers, classification societies and trade unions, with the firm objective of promoting a wider safety culture throughout the entire maritime industry.*

**Ongoing actions:**

- Continuing dialogue with representative associations established.
- Development of a human element using International Labour Organization (ILO) Convention criteria.
- Monthly List of Detentions posted on websites and data submitted to EQUASIS on an ongoing basis.

**Actions completed:**

- Meetings with the International Association of Classification Societies (IACS), the International Chamber of Shipping (ICS), the International Transport Workers' Federation (ITF), the Inter-cargo Oil Companies International Marine Forum (OCIMF), the Chemical Distribution Institute (CDI), and many shipping interests.
- Test phase of recording charters completed.

**IIf** *Port State control should take the human element into account especially in the enforcement of the ISM Code, STCW and ILO 147.*

**Ongoing actions:**

- Human element considered during PSC inspections.

**Actions completed:**

- CIC held on ILO 147.
- Training seminar on STCW.
- Guidelines on the application of ISM and STCW developed.
- Two CICs on ISM held in 1998 and 2002.
- Guidelines on STCW inspections developed.

**IIIa** *Monitor progress in respect to the ratification by its members of:*

- *ILO 147 and protocol of 1996*
- *SOLAS protocol of 1988*
- *LL protocol of 1988*

**Ongoing actions:**

- Oversight maintained.

**Actions completed:**

- Analysis of progress at each Committee meeting.

***Rigorously exercise port State control in respect of the new safety provisions for bulk carriers emanating from the 1997 SOLAS Conference.***

**Ongoing actions:**

- Recent IMO amendments applied during inspections of bulk carriers.

**Actions completed:**

- CICs held on bulk carriers.
- Guidelines established for bulk carrier inspections.

***Enhance port State control focusing on structural integrity of ships.***

**Ongoing actions:**

- Structural integrity considered during PSC inspections.

**Actions completed:**

- CICs held on bulk carriers and oil tankers.
- Guidelines established for bulk carrier inspections.

***Support IMO initiatives to develop mandatory procedures for flag States to report follow-up actions on port State control detentions.***

**Ongoing Actions:**

- Participation at the IMO Flag State Implementation (FSI) Sub-committee.
- Support given to the development of Code for the implementation of mandatory IMO instruments at IMO meetings.
- Support to the Voluntary IMO Member State Audit Scheme

**Actions completed:**

- Participation in the IMO Workshops for the Port State Control MOU (Agreement) Secretaries and Directors of Information Centres in 2000, 2002 and 2004.

***Support the functional approach of IMO progress on the revision of Resolution A.481 (XII) “Principles of Safe Manning”.***

**Ongoing actions:**

- Participation at IMO’s Sub-committee on Standards on Training and Watchkeeping (STW).

**Actions completed:**

- Resolution A.481 (XII) included in Manual for Surveyor.

**IIIb *Take concerted action within the IMO in developing comprehensive binding quality criteria for flag State administrations and ship registers and to provide well-defined technical cooperation to flag State administrations having difficulties in implementing IMO and ILO requirements.***

**Ongoing actions:**

- Support for actions at IMO emanating from the Maritime Safety Committee (MSC), the Maritime Environmental Protection Committee (MEPC), the FSI Sub-committee, and the Technical Cooperation Committee (TCC).

**Actions completed:**

- Participation in the development of the Voluntary IMO Member States Audit Scheme.

**IIIc *Apply reasonable measures to induce flag State administrations, with a record of not exercising adequate control of their ships, to improve their performance.***

**Ongoing actions:**

- Publication of the Black, Grey and White List.
- Publication of list of flag States having higher-than-average deficiencies/detentions.
- Publication of detailed Monthly List of Detentions.

**Actions completed:**

- Enhanced targeting systems implemented.

**III d** *Members to apply the following principles to port State control inspections:*

- Conditions laid down in IMO Resolution A. 787(19) as amended by Res. A 882(21).
- Provisions of ILO publication “Inspection of Labour conditions on board ships – guidelines for procedures”.
- Not inspect ships for provisions of conventions to which it is not a party and not impose standards on foreign ships that are in excess of standards applied to ships flying the flag of that port State.

**Ongoing actions:**

- Principles applied during PSC inspections.

**Actions completed:**

- Principles incorporated in the PSC Inspection Guidelines.

**III e** *Urge classification societies and recognized organizations to improve the harmonization and transparency of their rules and procedures to make ‘Class hopping’ less attractive.*

**Ongoing actions:**

- Statistics maintained on Class performance.
- Information on Class suspension and transfer maintained.

**Actions completed:**

- Meetings held with the International Association of Classification Societies (IACS) and several classification societies.
- Implemented assessment of responsible organizations.

**III f** *(1) Ensure that objective criteria are in place for members and for their Port State Control Officers and these criteria are being implemented.*

**Ongoing actions:**

- Continuous assessment of MOU members’ performance of port State and flag State control.
- Continuous assessment of applicant members.

**Actions completed:**

- Criteria developed for MOU Port State Control Officers (PSCOs).
- PSC Instructions developed.
- Criteria developed for membership in MOUs and for cooperating observer status.

***(2) Exercise rigorous control, including Concentrated Inspection Campaigns, to verify compliance with the ISM Code. No exemptions will be accepted and ships without proper certification face detention and potential refusal of access.***

**Ongoing actions:**

- ISM provisions implemented during PSC inspections.

**Actions completed:**

- Two CICs on ISM held in 1998 and 2002; results analysed and published.
- Guidelines developed for application of ISM during PSC inspections.

***(3) Ensure that all personnel involved in port State control are properly qualified and receive adequate training.***

**Ongoing actions:**

- Advanced courses, seminars and other training opportunities continuously developed.
- PSCO Exchange Programme held at frequent intervals.

**Actions completed:**

- PSCO qualification criteria developed.

***(4) Enhance port State control of the operational requirements in the relevant conventions.***

**Ongoing actions:**

- Operational requirements contained in conventions applied during PSC inspections.

**Actions completed:**

- CIC on Operational Control of Passenger Ships – May to July 2003.
- Procedures developed for the control of high-speed craft (HSC).
- Harmonized Scenario for Operational Control developed.

***(5) Publish regularly details of detained ships and consider improving such information.***

**Ongoing actions:**

- Lists of ships detained by MOU members published through many avenues, including MOU websites.

**Actions completed:**

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***(6) Ensure coordination by members between maritime authorities and other ministries or agencies concerned with seafarers' living and working condition and protection of the environment.***

**Ongoing actions:**

- Coordination by members and other authorities maintained on an ongoing basis.

**Actions completed:**

- Meetings with industry associations held in conjunction with committee meetings.

***(7) Ensure members maintain communication links between their port State control authorities and other authorities who could be expected to become aware at an early stage of the arrival of sub-standard ships.***

**Ongoing actions:**

- MOU members maintain relevant communication links with pertinent authorities.

**Actions completed:**

- Members encouraged to establish and maintain communication links.

***(8) Upgrade information systems (SIRENAC and APCIS) and to work toward exchange of regional port State control information. Take a lead role in the development of a global system for storing port State control data and exchange of information.***

**Ongoing actions:**

- Participation in global working groups on Information Exchange.
- Inspection data submitted to EQUASIS.

**Actions completed:**

- MOU inspection databases enhanced.
- Link established between APCIS and SIRENAC for PSCOs.

***(9) Take action within IMO and ILO to develop port State control procedures and consider port State control procedures respecting:***

- ILO 147 protocol of 1996***
- Tonnage Convention of 1969***
- ISM Code***
- Bulk carrier provision of 1997***
- Structural integrity of ships***

**Ongoing actions:**

- Participation by members at relevant IMO committees.

**Actions completed:**

- Participated in the IMO workshops on PSC held in 2000 and 2002.

***(10) Enhance the provisions of adequate shore reception facilities and exchange of information as to the discharge of wastes from ships to such facilities.***

**Ongoing actions:**

- Members advise on status during committee meetings.

**Actions completed:**

- Members invited to forward information on reception facilities to IMO.

***(11) Investigate possibility of establishing regional oversight programs to assess performance of flag States and where necessary provide advice and technical assistance.***

**Ongoing actions:**

- Promotion of IMO Self-Assessment Questionnaire as basis for technical cooperation.

**Actions completed:**

- Training given to many States that had requested technical assistance.

***(12) Support the provisions of technical cooperation to administrations willing to improve their national capabilities as flag States.***

**Ongoing actions:**

- Participation by members at IMO TCC.

**Actions completed:**

- Training given to many States that had requested technical assistance.

***(13) Consider the prospects of continuing support of effective port State control mechanisms in other parts of the world and keep each region (Paris and Tokyo MOUs) informed on progress.***

**Ongoing actions:**

- Participation by members at other PSC MOU meetings.

**Actions completed:**

- Reports of other PSC MOUs submitted and considered at committee meetings.

***IVa Keep each Port State Control Committee informed of new port State control initiatives and review whether reciprocal measures can be introduced.***

**Ongoing actions:**

- Participation at Committees by each Secretariat and advising respective members of progress, including data exchange.

**Actions completed:**

- Secretariats of each MOU invited to each other's Committee meetings.