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高船舶拘留率のブラックリスト国当局
政策担当者を招集したセミナー開催事業

事業報告書



公益財団法人 東京エムオウユウ事務局

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はじめに

本報告書は、令和3（2021）年度助成事業として認めていただいたものの新型コロナウイルス（COVID-19）感染症の世界的拡大により実施できず、翌令和4（2022年）年度に事業延長を認めていただき、2022年12月にアジア太平洋地域のブラックリスト掲載国及びそれに準ずる国4か国（カンボジア、キリバス、モンゴル及びパラオ）の旗国当局の政策担当者をベトナムのダナンに招請し、ベトナム海事当局（ベトナム海事局（VINAMARINE））の協力を得て、セミナーを開催した事業の報告書としてまとめたものである。この高船舶拘留率のブラックリスト国当局の政策担当者を招集したセミナーは、2018年度の事業に引き続き、当初2019年度に開催予定であったが、COVID-19感染症の世界的流行により、延期せざるを得ず、COVID-19感染症が一定程度制御可能となった2022年12月に漸く対面方式で開催することが可能となったものである。なお、今回のセミナーには、2018年度の事業で招請したフィジー、インドネシア、ニウエ及びパプアニューギニア以外のアジア太平洋地域のブラックリスト掲載国及びそれに準ずる国の政策担当者を招請した。

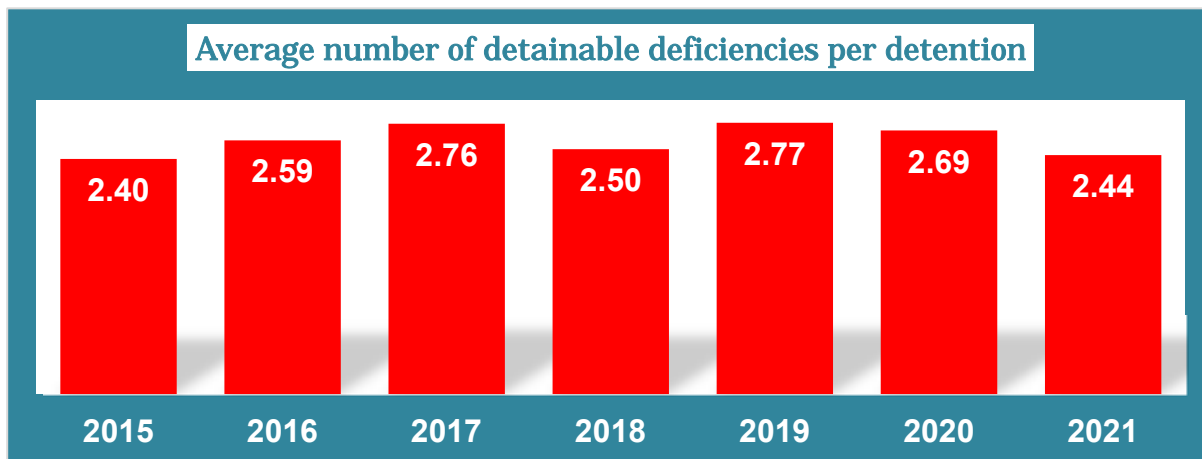
この事業の実施にあたりご支援をいただくとともにCOVID-19感染症の世界的拡大の下で事業延長等についてご理解と様々なご指導を賜った日本財団をはじめ、自国講師の派遣、セミナー参加者のビザ取得手続き支援、セミナー会場の準備など多大のご協力をいただいたベトナム海事当局並びに講師をベトナムに派遣していただいた国際海事機関（IMO）、シンガポール海事当局、タイ海事当局、一般財団法人日本海事協会及び一般財団法人日本造船技術センター、また、太平洋島嶼国のコンタクト先情報を提供していただいた太平洋地域の国際組織である APHoMSA (The Asia-Pacific Heads of Maritime Safety Agencies) 事務局ほか、関係者の皆様のご指導とご支援に対し、改めて深く敬意と感謝の意を表したい。

I 事業の目的及び目標

1. 事業の背景及び目的

公益財団法人東京エムオウユウ事務局は、1994年の設立以来、「アジア太平洋地域における寄港国による船舶検査（Port State Control：PSC）の地域協力に関する覚書（MOU）」（通称、「東京MOU」）に基づき、加盟する海事当局が協力・協調してPSCを実施するための支援事業を行い、アジア太平洋地域における船舶の安全、海洋環境の保全、船員の居住・作業環境の改善に寄与するための各種事業を実施してきている。

東京MOUに基づき、アジア太平洋地域からサブスタンダード船（条約に定められた基準への不適合が著しい船舶）を排除することを目標に加盟当局が一致協力してPSCを実施してきており、2021年にはCOVID-19感染症の影響があったものの域内全体で22,730件のPSC検査が実施されている。この結果、526隻については重大な基準不適合が発見されたため拘留処分が科されている（拘留率2.31%）。日本財団のご支援を得て継続している東京MOU加盟当局のPSC検査官の人材育成（技術協力）プログラムなどの成果により、年々検査件数は増加している一方、拘留率は近年減少傾向を辿ってきており（COVID-19感染症世界的拡大の影響を受けた2020年～2022年を除く）、PSCの一定の成果が上がっていると評価し得る一方で、拘留処分を受けた船舶1隻当たりの基準不適合件数を見ると、2015年から3年間の増加傾向がやや減少したものの、依然として大幅な改善には至っておらず、サブスタンダード船の質の悪化が懸念される状況となっている（下図参照）。



東京MOUでは、限られた資源を有効に活用するため、より危険度の高い船舶を抽出して検査を実施できるように個船ごとに過去の検査結果のデータ等を基に危険度を判定し、危険度の高い船舶に対し、より高い頻度で検査する検査方式を採用し、2014年から実施している。個船の危険度を判定するためのパラメーターの一つとして、過去3年間の旗国ごとの拘留率を基に統計処理を行い算出する「旗国パフォーマンス」がある。旗国パフォーマンスについては、旗国ごとの拘留率を基に二項分布による統計解析を行い、ブラック・グレー・ホワイトの3つの範疇に区分し、年次報告書に掲載している。

サブスタンダード船の要因の一つとして、当該船舶の旗国が条約で定められた責務を十分に果たしていないことがあるが、このような国は旗国パフォーマンスリストにおいて「ブラック」又

は「グレー」に格付けされることになる。過去6年間にブラックリストに掲載された国の一覧を表1に示す。

アジア太平洋地域からサブスタンダード船を撲滅するためには、ブラックリストに掲載された国々に対し、旗国としての意識を高めさせ、これらの国々が条約に規定された旗国としての責務（自国船舶の監督等）を適切に果たすようにすることが喫緊の課題である。

ブラックリスト掲載国及びこれに準ずる国（以下「ブラックリスト国等」という。）では、政府当局がPSCで自国船舶が拘留処分を受けていることすら認知していないといった杜撰な登録船の管理を行っているものも散見され、検査をせずに証書を発給している疑いのある当局もある。また、一部には、政府の監視が十分ではないために当該政府の名を騙り船舶登録を行っている組織もあり、このような組織では十分な検査も実施せずに条約基準への適合を証明する国際証書を偽造、交付しているケースもある。このような状況から、ブラックリスト国等がサブスタンダード船の温床となっており、海上安全、海洋環境保全等の脅威となっている。

本事業は、これらの不適切な状況を改善するため、ブラックリスト国等の旗国政策担当者を招集し、旗国としての責務に関する基本的な知識を習得させるとともに、先行優良事例の紹介、技術協力プログラムの紹介などを行い、旗国パフォーマンス向上に向けての意識付けを行うことを目的として企画、実施した。

表1 ブラックリスト掲載国一覧（2016～2021年）

2016	2017	2018	2019	2020	2021
モンゴル	フィジー	フィジー	タンザニア	トーゴ	モンゴル
シエラレオネ	タンザニア	タンザニア	トーゴ	シエラレオネ	トーゴ
カンボジア	モンゴル	カンボジア	モンゴル	モンゴル	シエラレオネ
タンザニア	トーゴ	トーゴ	北朝鮮	ジャマイカ	
インドネシア	カンボジア	モンゴル	シエラレオネ	パラオ	
トーゴ	ニウエ	ミクロネシア連邦	パラオ	キリバス	
ニウエ	インドネシア	パラオ	ニウエ	北朝鮮	
北朝鮮	シエラレオネ	ニウエ	セントクリストフ アー・ネービス		
ミクロネシア連邦	パラオ	北朝鮮	バルバドス		
パラオ	北朝鮮	シエラレオネ	ミクロネシア連邦		
	ミクロネシア連邦	バルバドス			
		インドネシア			

- (注) 1. **太字**は、今年度事業に招聘した国、*斜字*は2018年度事業に招聘した国を示す。
 2. 各年において、パフォーマンスが悪い順に掲載している。
 3. 検査件数が30未満の国は、統計処理上の制約から対象外としている。

2. 事業の目標

事業を実施するにあたり、次の目標を設定した。

- (1) ブラックリスト国等の当局に対し、自国籍船の現状を正しく認識させ、また、旗国として

の条約上の責任を自覚させるとともに、東京MOU域内においてブラックリスト掲載国からホワイトリスト掲載国に改善した国（ベトナム及びタイ）の先行優良事例を紹介し、旗国のパフォーマンス向上への意識付けを行うこと。

- (2) セミナーには、東京MOU域内のアジア太平洋地域のブラックリスト国等の5カ国以上の当局担当者を招聘すること。（注：ただし、後述するように、当初予定していたミクロネシア連邦については、参加者の推薦があったものの、その後連絡が途絶え、招請することができなかった。）
- (3) 事業の評価に資するため、セミナー参加者に対し、セミナーに関するアンケートを行い、無回答とならないよう可能な限り解答欄への記入を促すこと。

II 事業の概要

1. 事前準備

1.1 基本方針

事業の目的及び目標を達成するため、事業の実施にあたり、基本方針を次のとおり設定し、セミナーの開催準備を進めた。

.1 事業内容として、国際条約に適合しないサブスタンダード船の撲滅を図るため、ブラックリスト国等の旗国パフォーマンス向上を目的としたセミナーをベトナムにて開催すること。

.2 事業の効果を高めるとともに、将来の各国との協調・成果の普及を意図すること。

招聘候補国は以下とする。

ブラックリスト国等（カンボジア、キリバス、ミクロネシア連邦、モンゴル及びパラオ）

なお、ミクロネシア連邦については、1.3.1に記載のとおり、最終的には招聘することができなかった。

.3 セミナーの内容は、以下とすること。

- P S Cからみた旗国の状況、旗国の果たすべき役割に関する講義
- 旗国に係る条約上の責務に関する講義
- パフォーマンスを向上した先行優良事例当局（タイ、ベトナム）による事例紹介
- 旗国パフォーマンス向上に向けた国際海事機関（IMO）の技術協力プログラムの紹介

1.2 2022年事業実施までの経緯

2018年11月に中国杭州で東京MOU第29回ポートステートコントロール委員会が開催された際に、ベトナム海事当局代表と協議し、2019年度の事業として同年度後半実施予定のセミナーの開催について同当局が全面的に協力してベトナムにて開催することに関し基本的合意を取り付けた。

さらに、本件に係る2018年度の事業を2019年2月にオーストラリアのブリスベンで実施した際に、当該セミナーに講師として参加したベトナム海事当局の講師（ベトナム海事当局のP S C部門責任者及び国際部門責任者）に対し、2019年度の事業をベトナムで実施することについて、開催場所及び日程の調整並びに入国査証等の支援を改めて要請し、快諾を得た。

その後、メールにてベトナム当局と協議した結果、2020年2月にダナンにてセミナーを開催することを決定し、開催会場を決定し、参加者選定、講師依頼、講義資料の作成、ベトナム入国査証等入国手続き等の諸準備を整えた。しかしながら2020年1月、セミナーの開催を直前に控えた時点で、COVID-19感染症が世界的に拡大し始めたため、ベトナム海事当局と協議の上やむなく中止を決定した。

本事業については、その後COVID-19感染症の世界的拡大の継続により計画はしたものの実施できない事態が続いたため、その都度日本財団と協議させていただき事業延長等を重ね、COVID-19感染症の世界的拡大による渡航制限が継続する場合にはリモート開催することを

前提に同感染症の世界的拡大の収束如何にかかわらず2022年度に実施することとなった。

1.3 事前準備

事前準備段階で特記すべき事項は、以下のとおりである。

1.3.1 参加者の招聘（2022年7月）

2022年度に入り、COVID-19感染者数が減少傾向を示してきたほか、ワクチン接種が広くいきわたるなど各国で一定の制御が可能となり、セミナーを対面形式で開催する見込みが立ったことから、ベトナム当局と協議の上、2022年12月にダナンにて対面方式にて開催することを前提に準備を進めることで合意した。この合意に基づき、2022年6月に招聘予定国5か国（カンボジア、キリバス、モンゴル、ミクロネシア連邦及びパラオ）の担当部署の責任者に対して、東京MOU事務局長より参加者推薦要請状を送付した。当該推薦要請状では、7月4日を推薦の期限としていたものの最終的に参加候補者が出揃ったのは10月下旬までずれ込んだ。当初よりある程度の遅れは見込んで計画を立てていたため、事業の遂行に特段の影響はなかった。なお、ミクロネシア連邦の当局に対しては数度にわたり参加者推薦を要請した結果、9月中旬になって漸く参加者の推薦はあったもののその後の応答が途絶えてしまったため、所要の準備に支障を来すことから、やむなく同国からの招聘は断念した。

この結果、本セミナーへの招聘者は以下の4名となった。

Cambodia（カンボジア）

Mr. NGOUN DAWIN (Deputy Chief of Ship Inspection Office, General Department of Waterway-Maritime Transport and Ports, Ministry of Public Works and Transport)

Kiribati（キリバス）

Mr. RUOIKABUTI TIOON (Director of Marine, Marine Division, Ministry of Information, Communication, Transport & Tourism Development)

Mongolia（モンゴル）

Mr. GANBAATAR ZOLBOO (Senior Officer (Flag State Inspector), Ship Registration and Monitoring Department, Mongolia Maritime Administration, Ministry of Road and Transport Development)

Palau（パラオ）

Mr. PANAGIOTIS KIRNIDIS (Chief Executive Officer, Palau International Ship Registry (PISR), Ministry of Public Infrastructure, Industries and Commerce)

1.3.2 ベトナム当局との協議

当初セミナーを開催する予定だった2019年度当時からベトナム当局の担当責任者が替わったこともあり、2022年7月にダナンを往訪し、ベトナム当局とセミナー開催に係る準備について改めて協議、確認を行った。

協議では以下の事項について調整、確認を行い、以後これらに従って準備を進めていくこととなった。

- .1 セミナー開催場所については、2019年度計画では当初ベトナム国内の複数の都市（ダナン、ホーチミン、ハノイ）が候補に上がっていたものの、会場手配等の容易さ、経費、気候の温暖さ等を考慮し、ダナンの **Grand Sea Hotel** の会議室においてセミナーを開催することに合意した経緯があり、今年度も同じ場所・会場にて開催すること。
- .2 セミナープログラム（別添1）について最終合意するとともに、ベトナム当局から2名を講師として派遣すること。
- .3 セミナー参加者は、5か国（カンボジア、キリバス、モンゴル、パラオ及びミクロネシア連邦）の海事政策（旗国監督）担当者とする。なお、ベトナム当局の費用負担でベトナム当局の検査官等の聴講を認めること。
- .4 地元関係者との円滑なコミュニケーション確保のため、セミナー開催の際にはベトナム当局から事務局業務支援要員を派遣すること。
- .5 ベトナムへの入国の際に査証が必要な参加者にはベトナム当局が査証発行手続きを支援すること。
- .6 会議資料の印刷、バナーの設置等については、ベトナム当局が行うこと。

1.3.3 講師派遣の要請（2022年5～7月）

講師については、ベトナム当局との協議の上で、ベトナム当局から講師2名を派遣してもらうほか、日本、シンガポール海事港湾庁、タイ運輸省海事局及びIMO事務局（技術協力部）に講師派遣の要請を行った。具体的には、次のとおり作業を進めた。

- .1 「海事関係条約における旗国の責任」及び「IIIコード」に関する講義を行う日本の講師については、2019年度に国土交通省海事局検査測度課長により講師として推薦を受けた（一財）日本造船技術センター研修・技術支援室能田卓二室長に改めて講師依頼を行うこととし、6月13日に（一財）日本造船技術センター会長あて講師派遣依頼文書を手交し、了解を得た。
- .2 「船級協会における船級船管理」に関する講義のため、6月8日に（一財）日本海事協会検査本部長宛講師派遣依頼文書を同本部長に手交し、事業内容の説明を行うとともに講師派遣を依頼、8月16日に講師として同協会検査本部長清水智司検査部主管を派遣する旨の連絡を受けた。
- .3 「船舶の登録」及び「ROコード」に関する講義をシンガポール当局（シンガポール海事港湾庁）に依頼することとし、5月27日にシンガポール海事港湾庁長官宛に講師派遣依頼文書を送付し、7月14日に **Mr. Chen Kit Jam (Deputy Director (Shipping), Shipping Division, Maritime and Port Authority)** を講師として派遣する旨の連絡を受けた。
- .4 先行優良事例の紹介をお願いするタイ当局（タイ運輸省海事局）の講師については、5月27日にタイ運輸省海事局長あての講師派遣依頼文書を送付し、7月8日に **Mr. Surachet Dejkajornrittha (Ship surveyor, Ship Standard Bureau, Marine Department,**

Ministry of Transport) を講師として派遣する回答を得た。

- .5 「旗国パフォーマンス向上に向けたIMOの技術協力プログラム」を行うIMO事務局の講師については、6月6日に、IMO技術協力部長あて講師派遣依頼文書を送付し、7月13日に Mr. Sitki Ustaoglu (Head, Asia and Pacific Section, Technical Cooperation Division) を講師として派遣する旨の連絡を受けた。
- .6 なお、ベトナム当局の講師については、事前に了解を得ていたが、形式上、ベトナム海事局長官代理に対し7月19日付けで講師派遣依頼文書を送付し、Mr. Phan Nguyen Hai Ha (Director, Maritime Safety and Security Department, Vietnam Maritime Administration) 及び Ms. Tran Thi Tuyet Mai Anh (Director, Viet Nam Liaison Office to IMO, Vietnam Maritime Administration) が講師を引き受けた。
- .7 決定した講義名及び講師のリストは表2のとおり。なお、各講師には、事務局が想定している講義を行ってもらえるよう、講義シラバス(別添2)を事前に送付した。

表2 講義名及び講師一覧

講義名	講師名
PSC and its results	Mr. Kubota Hideo (Tokyo MOU Secretariat)
Flag State responsibility under maritime conventions	Mr. Noda Takuji (Shipbuilding Research Centre of Japan)
Shipping registration and transfer of registration	Mr. Chen Kit Jam (Deputy Director (Shipping), Shipping Division, Maritime and Port Authority)
Applications and obligations under the IMO Instrument Implementation Code (III Code)	Mr. Noda Takuji (Shipbuilding Research Centre of Japan)
Recognized Organization Code (RO Code) and RO agreements	Mr. Chen Kit Jam (Deputy Director (Shipping), Shipping Division, Maritime and Port Authority)
Introduction of Good Practice (1)	Mr. Phan Nguyen Hai Ha (Director, Maritime Safety and Security Department, Vietnam Maritime Administration)
Introduction of Good Practice (2)	Mr. Surachet Dejkajornrittha (Ship surveyor, Ship Standard Bureau, Marine Department, Ministry of Transport)
Introduction of IMO/NORAD Projects	Ms. Tran Thi Tuyet Mai Anh (Director, International Cooperation and IMO Department, Vietnam Maritime Administration)
Fleet Management of Classification Society	Mr. Shimizu Satoshi (Manager, Survey Department, ClassNK)

講義名	講師名
Introduction of IMO Technical Cooperation Projects relating to improving flag performance and Capacity-building strategies: A practical case to share a real-life experience	Mr. Sitki Ustaoglu (Head, Asia and Pacific Section, Technical Cooperation Division)

1.3.4 参加予定者への First Announcement の送付（2022年9月）

2022年9月21日に参加予定者に対し First Announcement (別添3) を送付した。

1.3.5 参加予定者及び講師への航空券手配・トランジット宿泊手配及びベトナム入国ビザ必要書類の送付（2022年11月中旬まで順次実施）

参加予定者及び講師（ベトナム側講師及び自費参加の日本海事協会講師を除く。）の航空券手配は、東京MOU事務局より各参加予定者及び講師の了解を得た上で、旅行代理店を通じて航空券を発券したほか、必要に応じてトランジットの宿泊手配を行うとともに、海外旅行傷害保険などの関連手続きも完了した。また、ベトナムに入国する際にビザが必要となる参加予定者については、ベトナム当局がベトナム入国査証が必要な者について VISA ON ARRIVAL の手続きを進め、入国までに同査証を交付した。

1.3.6 参加予定者への Final Announcement の送付

2022年11月18日に参加予定者に対しセミナー参加に係る備忘事項、セミナープログラム及び参加者一覧を Final Announcement (別添4) として送付した。

1.3.7 講義資料等の準備及び出席者への送付

講師から事前に講義資料（PPT）及び参考配布資料を入手し、PDF化したものを出席者全員に11月28日、電子メールにて送付した。講義資料のハードコピーについてはベトナム側で印刷製本し会場にて配布した（講義資料を別添5に添付する）。

2. セミナーの開催

2.1 セミナーのプログラム

別添1に従ってセミナーを開催した。

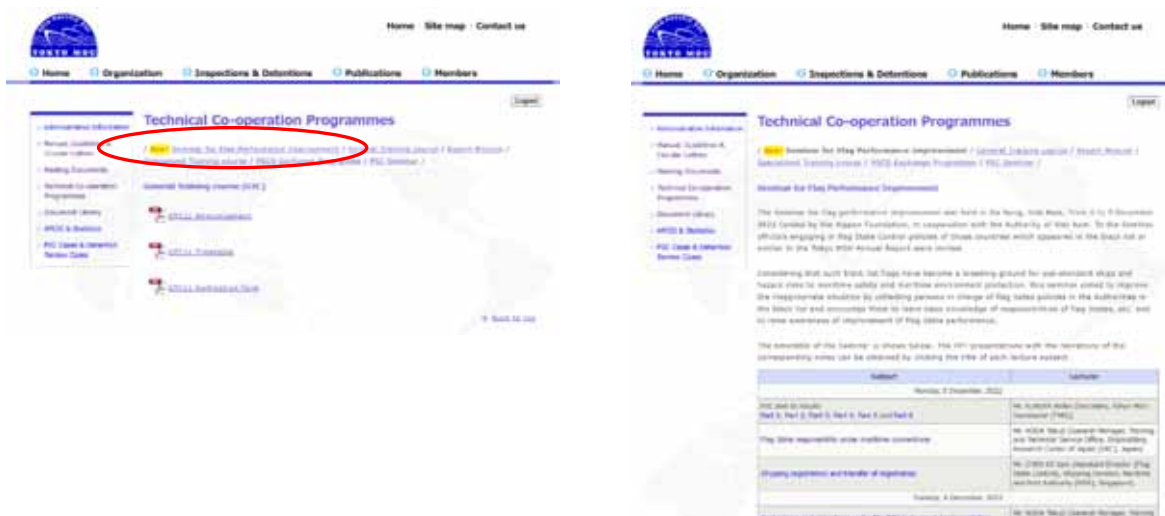
2.2 レセプション

セミナー初日の講義終了後に歓迎レセプションをホテル内のプール脇のバーで開催した。また、4日目の講義終了後にフェアウェル・レセプションをホテル近傍の Cong Vien Ca Voi Restaurant にて開催した。両レセプションでは、講師、参加者が和気藹々とした雰囲気の下で親睦を深めることができた。

3. 講義資料のアップロード

今回のセミナー参加者に留まらず講義資料を広く共有するため、講義資料（PPT）にスライドごとのナレーションを録音した音声ファイルを貼り付け、音声付きPPTファイルとし、

東京MOU内部サイトにアップロードした。これにより、東京MOUの加盟当局、準加盟当局及びオブザーバーが同講義資料にアクセスし視聴できるようにした。



4. セミナーの評価と今後の課題

4.1 セミナー参加者による評価

事前に参加者に評価シート（別添6）を配布し、セミナー全般について忌憚のない意見を求めた。この結果、以下のとおり準備から実施に至るまで、参加者からは高い評価を得た（参加者が提出した評価シート：別添7）。また、各講義において予定時間を超過して活発な質疑応答、意見交換が行われ、本事業の所期の目的は十分果たされたものと評価できる。

4.1.1 セミナーの準備について

参加招請状の受領時期、プログラム等に関する情報の受領時期、諸書類の提出に係る指示の判り易さ、必要なロジ情報の入手に関する質問に対し、全ての参加者が肯定的な回答を行っている。

4.1.2 セミナーの期間、会場について

セミナーの期間については、全ての参加者が適当と回答、また、会場及びその設備等については、半数の参加者が「最高 (excellent)」と回答した一方で他の参加者は「良好 (good)」と回答した。

4.1.3 講義資料の明瞭さ、判り易さ、質等について

全ての参加者が「最高 (excellent)」又は「良好 (good)」と回答した。

4.1.4 講義の構成、明瞭さ、判り易さ等について

全ての参加者が「最高 (excellent)」又は「良好 (good)」と回答した。

4.1.5 各講義について

各講義について、定量的な評価を求めたところ、回答結果は以下のとおりで、全ての講義の評価点で「最高 (excellent)」又は「良好 (good)」の回答となり、総じて高い評

価を得ることができた。

講義名		評価平均点
PSC and its results	講義内容	4.0
	発表方法	4.0
	知識伝達力	4.0
Flag State responsibility under maritime conventions	講義内容	3.5
	発表方法	3.8
	知識伝達力	3.8
Shipping registration and transfer of registration	講義内容	3.8
	発表方法	4.0
	知識伝達力	4.0
Applications and obligations under the III Code	講義内容	4.0
	発表方法	3.8
	知識伝達力	3.8
RO Code and RO agreements	講義内容	3.8
	発表方法	4.0
	知識伝達力	4.0
Introduction of Good Practice I	講義内容	4.0
	発表方法	4.0
	知識伝達力	3.8
Introduction of Good Practice II	講義内容	4.0
	発表方法	4.0
	知識伝達力	3.8
Introduction of IMO/NORAD Project	講義内容	3.8
	発表方法	4.0
	知識伝達力	3.8
Fleet Management of Classification Society	講義内容	3.8
	発表方法	3.8
	知識伝達力	3.8
Introduction of IMO Technical Cooperation Projects relating to improving flag performance and capacity building strategies	講義内容	3.8
	発表方法	3.8
	知識伝達力	4.0

(注) 4 – Excellent、3 – Good、2 – Satisfactory、1 - Poor

4.1.6 セミナーで得た知識の有用性等について

全ての参加者が本セミナーで得た知識を自国に戻ってから業務に活かすことができる旨、また自国の同僚に得た知識を伝える旨回答している。

4.1.7 自由記述

評価シートに記載された自由記述のうち、主なものを以下に掲げた。

- 本セミナーを開催していただいた日本財団及び東京MOU事務局に感謝する。
- 今回のセミナーで得た知識を基に旗国政策の見直し、登録船腹に関する統計の充実、東京MOUとの協力関係の強化を図っていきたい。
- まず手始めに **RO agreement** の見直しから着手したい。
- 配布された資料を自国の状況に合わせてカスタマイズした上で、主要スタッフに伝達し注意喚起したい。

今後の課題

本事業では2018年度日本財団助成事業として実施した事業に引き続き、アジア太平洋地域のブラックリスト国等に対して、各国政府の政策担当者に、現状を正しく理解させ、旗国の責務、旗国パフォーマンス向上の先行優良事例等の知識を習得させるとともに、関連する各種技術協力プログラムを紹介することを目的とした。

2018年度の事業でも確認されたことではあるが、招聘した国々の中には行政組織の未整備、予算不足、人員不足、必要なインフラの不足などを抱える小島嶼国も含まれている。今後、各国が旗国パフォーマンスの向上に向けて具体的に対策を進めていくためには、個々の国の実情に応じ、限られた予算・人員の下で、優先順位を付けながら必要な施策を進めていくことが肝要となる。

参加者を一堂に会して横断的に行う本事業のようなセミナーは、基本的知識を習得させるには極めて有効であるが、習得した知識をもとに政策を具現化していくためには、それぞれの国の実情に応じたきめ細やかな更なる支援・協力が必要となる。

今回開催されたセミナーによりアジア太平洋地域のブラックリスト国等の政策担当者に旗国パフォーマンスの向上に向けての意識付けを行うという所期の目的は十分果たされたものと考えられるが、これらのブラックリスト国等が旗国パフォーマンスを向上させていくためには、次の段階として、個々の国に専門家を派遣して、現状を把握した上で、予算・人員の拡充も含めた取るべき施策の優先順位付け、ロードマップの作成、施策実現に向けてIMO等が実施している各種技術協力プログラムの活用に向けてのアドバイスなど各国の実情に応じたきめ細やかな支援・協力が必要であると思料する。

最後に、今回セミナーを当初予定どおりに開催することができたことに関して、財政的支援をいただいた日本財団はもとより、各方面の皆様のご理解、ご援助、また、これまでの関係者の皆様のご指導とご支援に対し、改めて深く敬意と感謝の意を表したい。

(添付資料一覧)

- 別添 1 セミナープログラム
- 別添 2 講義シラバス
- 別添 3 **First Announcement**
- 別添 4 **Final Announcement**
- 別添 5 講義資料
- 別添 6 参加者評価シート (様式)
- 別添 7 参加者から提出された評価シート

別添 1

セミナープログラム

Timetable
The Seminar for flag performance improvement

Date: 5-9 December 2022

Venue: Da Nang, Viet Nam

Time	Topic	Lecturer
Sunday, 4 December, 2022		
Arrival at Da Nang		
Monday, 5 December, 2022		
0900-0930	<u>Registration</u>	
0930-0945	<u>Opening Ceremony</u> ● Opening remark ● Group Photo	Host Authority (Vietnam Maritime Administration) Tokyo MOU Secretariat
0945-1030	<u>PSC and its results</u>	Mr. KUBOTA Hideo (Secretary, Tokyo MOU Secretariat)
1030-1100	Coffee Break	
1100-1200	<u>PSC and its results</u>	Mr. KUBOTA Hideo
1200-1330	Lunch	
1330-1500	<u>Flag State responsibility under maritime conventions</u>	Mr. NODA Takuji (General Manager, Training and Technical Service Office, Shipbuilding Research Center of Japan (SRC), Japan)
1500-1530	Tea Break	
1530-1700	<u>Shipping registration and transfer of registration</u>	Mr. CHEN Kit Jam (Assistant Director (Flag State Control), Shipping Division, Maritime and Port Authority (MPA), Singapore)
1800-	Welcome Reception (Pool side bar)	
Tuesday, 6 December, 2022		
900-1030	<u>Applications and obligations under the IMO Instrument Implementation Code (III Code)</u>	Mr. NODA Takuji
1030-1100	Coffee Break	
1100-1200	<u>Applications and obligations under the IMO Instrument Implementation Code (III Code)</u>	Mr. NODA Takuji
1200-1330	Lunch	
1330-1500	<u>Recognized Organization Code (RO Code) and</u>	Mr. CHEN Kit Jam

Time	Topic	Lecturer
	<u>RO agreements</u>	
1500-1530	Tea Break	
1530-1700	<u>Recognized Organization Code (RO Code) and RO agreements</u>	Mr. CHEN Kit Jam
Wednesday, 7 December, 2022		
900-1030	<u>Introduction of Good Practice (1)</u>	Mr. PHAN NGUYEN HAI HA (Director, Maritime safety and Security Department, Vietnam Maritime Administration)
1030-1100	Coffee Break	
1100-1200	<u>Introduction of Good Practice (1)</u>	Mr. PHAN NGUYEN HAI HA
1200-1330	Lunch (Paracel Hotel)	
1330-1500	<u>Introduction of Good Practice (2)</u>	Mr. Surachet Dejkajornrittha (Ship Surveyor, Ship Standard Bureau, Marine Department, Ministry of Transport, Thailand)
1500-1530	Tea Break	
1530-1700	<u>Introduction of Good Practice (2)</u>	Mr. Surachet Dejkajornrittha
Thursday, 8 December, 2022		
900-1030	<u>Introduction of IMO/NORAD Projects</u>	Ms. Tran Thi Tuyet Mai Anh (Director, International Cooperation and IMO Department, Vietnam Maritime Administration)
1030-1100	Coffee Break	
1100-1200	<u>Introduction of IMO/NORAD Projects</u>	Ms. Tran Thi Tuyet Mai Anh
1200-1330	Lunch	
1330-1500	<u>Fleet management of Classification Society</u>	Mr. SHIMIZU Satoshi (Manager, Survey Department, ClassNK)
1500-1530	Tea Break	
1530-1700	<u>Fleet management of Classification Society</u>	Mr. SHIMIZU Satoshi Manager, Survey Department, ClassNK
1800-	Farewell Reception (Cong Vien Ca Voi Restaurant)	

Time	Topic	Lecturer
Friday, 9 December, 2022		
900-1030	<u>Introduction of IMO Technical Cooperation Projects relating to improving flag performance and Capacity-building strategies: A practical case to share a real-life experience</u>	Mr. Bekir Sitki Ustaoglu (Head, Asia and Pacific Section, Technical Cooperation Division, IMO)
1030-1100	Coffee Break	
1100-1200	<u>Introduction of IMO Technical Cooperation Projects relating to improving flag performance and Capacity-building strategies: A practical case to share a real-life experience</u>	Mr. Bekir Sitki Ustaoglu (Head, Asia and Pacific Section, Technical Cooperation Division, IMO)
1200-1215	<u>Closing Ceremony</u>	Host Authority (Vietnam Maritime Administration (VINAMARINE)) Tokyo MOU Secretariat (TMS)
1215-	Lunch	

別添 2

講義シラバス

**Syllabus for the lecturers of
The Seminar for flag performance improvement
Da Nang, Viet Nam
5-9 December 2022**

Date/Time	Title	Topics to be covered	Lecturer
Monday 5 Dec.			
0945-1200	PSC and its results	<ul style="list-style-type: none"> ● Outlines of the Tokyo MOU ● Outlines of PSC ● PSC inspections ● PSC data and analysis ● Fraudulent registration ● What does a flag States should do? 	<p>Mr. KUBOTA Hideo Secretary, Tokyo MOU Secretariat</p>
1330-1500	Flag State responsibilities under maritime conventions	<ul style="list-style-type: none"> ● Introduction to the United nations Convention on the Law of the Sea (UNCLOS) ● General obligations and rights of the flag States, coastal State and port State under UNCLOS ● UNCLOS (with particular emphasis on articles 91 (Nationality of ships), 92 (Status of ships), 94 (Duties of the flag State), 217 (Enforcement by flag States), 98 (Enforcement of the duty to render assistance by the flag State), 99 (Action to prevent the transport of slaves by the flag State), 108 (Suppression of drug traffic on ships by the flag State) 	<p>Mr. Noda Takuji General Manager, Training and Technical Service Office, Shipbuilding Research Center of Japan (SRC), Japan</p>

Date/Time	Title	Topics to be covered	Lecturer
		<ul style="list-style-type: none"> ● The port State link between UNCLOS and IMO/ILO Convention ● The relationship between Governments and Commercial Registries ● UNCLOS and ship safety-Case Study 1 and 2 	
1530-1700	Shipping registration and transfer of registration	<ul style="list-style-type: none"> ● Introduction ● Requirement for ship registration under United Nations Convention on the Law of the Sea (UNCLOS) ● Examine the concepts of national and open registers ● Registration processes using Singapore's processes as an example ● Transferring registration between flag States – Application for registration for change of ownership or operator (demise charter) 	<p>Mr. Kit Jam Chen Assistant Director (Flag State Control), Shipping Division, Maritime and Port Authority (MPA), Singapore</p>
Tuesday 6 Dec.			
0900-1200	Applications and obligations under the IMO Instrument Implementation Code (III Code)	<ul style="list-style-type: none"> ● Introduction to the IMO Instrument Implementation Code (III Code) ● Resolutions for the amendments to the Conventions to make the III Code mandatory ● Structure of the III Code ● Rights and obligations under various International instruments Obligation of the flag State under the III 	<p>Mr. Noda Takuji</p>
		➤ Part 1 Common Area	

Date/Time	Title	Topics to be covered	Lecturer
1330-1700	Recognized Organization Code (RO Code) and RO agreements	<ul style="list-style-type: none"> ➤ Part 2 flag States (e.g. Japanese system) ➤ Part 3 coastal States ➤ Part 4 port States ● Discussion (Case Study 1~6) ● Introduction to the RO Code and links to provisions in the maritime Conventions ● Communication of information to IMO ● Part 2 of the RO Code-recognition and authorization requirements <ul style="list-style-type: none"> ➤ Responsibilities of flag State to provide information, monitor and evaluate ➤ What resources the RO should have ➤ How services may be devolved and performance managed ➤ Quality systems ➤ Nature of Authorizations ● Part 3 – Oversight of Recognized Organizations <ul style="list-style-type: none"> ➤ Oversight programme ➤ Auditing ● Model RO Agreement 	Mr. Kit Jam Chen

Wednesday 7 Dec.

Date/Time	Title	Topics to be covered	Lecturer
0900-1200	Introduction of Good Practice (1)	<ul style="list-style-type: none"> ● Solutions lading Vietnam's vessel fleet get out of Black List <ul style="list-style-type: none"> ➤ Organizational structure ➤ Vietnam Maritime Administration ➤ Viet Nam Register ➤ Viet Nam Maritime Industry <ul style="list-style-type: none"> ◦ Viet Nam Seaport System ◦ Viet Nam Merchant Fleet ◦ Seafarer Training Facilities ➤ Overview port State Control in Viet Nam <ul style="list-style-type: none"> ◦ Current situation of PSC in Vietnam ◦ Regulation for port State control in Vietnam ◦ Quantities and Quality of PSCOs/FSIOs ◦ Port State Inspection Statistics ➤ Solution that lead Viet Nam's Fleet get out of Black List of Tokyo MOU <ul style="list-style-type: none"> ◦ Measurers for inspection vessel ◦ Policy measurers <ul style="list-style-type: none"> (1.Finalization/completion of maritime Regulations, 2. Enhance the cooperation among the Maritime Administrations, RO, Ship owners, 3.Having policies to support ship owners, 4.Improve competences of officials and seafarers) 	<p>Mr. PHAN NGUYEN HAI HA Director, Maritime Safety and Security Department, Vietnam Maritime Administration (VINAMARINE), Viet Nam</p>
1330-1700	Introduction of Good Practice (2)	<ul style="list-style-type: none"> ● Experiences of and measures taken by Thailand to 	<p>Mr. Surachet Dejkajornrittha</p>

Date/Time	Title	Topics to be covered	Lecturer
		<p>improve its flag performance</p> <ul style="list-style-type: none"> ➤ Organization (Ship Standard Bureau) ➤ Review of policies for the implementation and enforcement of MARPOL ➤ Review of policies for the implementation and enforcement of COLREG 1972, TONNAGE 1969 and Load Lines 1966 ➤ Implementation of Survey, Policies for flag State Inspections and Surveys ➤ Introduction to RO and implementation ➤ Implementation of ISM Code in Thailand ➤ Measurement for Thailand blacklisted vessels ➤ Corrective measures of Thai Flagged Ships under Black List 	<p>Ship Surveyor, Ship Standard Bureau, Marine Department, Ministry of Transport, Thailand</p>
Thursday 8 Dec.			
0900-1200	Introduction of IMO/NORAD Project	<ul style="list-style-type: none"> ● Introduction of IMO/NORAD Project ● Marine Environment Protection of the South East Asian Seas (MEPSEAS) <ul style="list-style-type: none"> ○ Outline of the Foundation Project ○ Marine Environment background of the South East Asian Region ○ Risks associated with a high rate of shipping activity ○ Overwhelming demand from SEA countries for 	<p>Ms. Tran Thi Tuyet Mai Anh Director, Viet Nam Liaison Office to IMO, Vietnam Maritime Administration (VINAMARINE), Viet Nam</p>

Date/Time	Title	Topics to be covered	Lecturer
		<ul style="list-style-type: none"> ○ programmatic support for a follow up project ○ High priority marine environmental conventions ○ MEPSEAS Project ○ Sustainable Development Goals ○ Results and validation methods ○ Highlights of milestone activities and accomplishments ○ Innovative approaches to deliver technical assistance ● Project gains, Accomplishments and plans <ul style="list-style-type: none"> ○ Philippines – National Strategic Action Plan Framework ○ Indonesia – Highlights of the National Work Programme, Implementation of AFS and BWM Conventions ○ Malaysia – Highlights of the National Work Programme, ○ Thailand – Highlights of the National Work Programme, ○ Vietnam – Highlights of the National Work Programme, Accomplishments, Gains, Plans, The action program on reducing carbon emissions of the maritime sector 	
1330-1700	Fleet management of	● Part1 Fleet Management of Classification Society	Mr. SHIMIZU Satoshi

Date/Time	Title	Topics to be covered	Lecturer
	Classification Society	<ul style="list-style-type: none"> ● Eliminate Substandard Vessels <ul style="list-style-type: none"> ➤ Outlines of Classification Society ➤ ClassNK Mission ➤ Surveys ➤ Owner's obligation ➤ Main Features of NK-Ships ● Part2 Fleet Management based on external feedback (PSC) <ul style="list-style-type: none"> ➤ Relationship with PSC ➤ Detention Reports and Statistics ➤ Activities of the Society for PSC ➤ Example of effective use of PSC database ➤ PSC as external feedback ➤ How to improve PSC performance ➤ Establishment and Requirements of the ISC Code ➤ Fleet Quality Monitoring ➤ How to decide ships to target ➤ Action against ships to target ➤ Recent initiative on PSC 	Ship Surveyor, Survey Department, Survey Operations Division, Nippon Kaiji Kyokai (Class NK)
Friday 9 Dec.			

Date/Time	Title	Topics to be covered	Lecturer
0900-1200	Introduction of IMO Technical Cooperation Projects relating to Improving Flag Performance and Capacity-Building Strategies: A practical case to share a real-life experience	<ul style="list-style-type: none"> ● Outlines of the IMO ● Introduction to IMO Technical Cooperation activities <ul style="list-style-type: none"> ○ ITCP Funding ○ Global Programme and Regional Program ○ Major Projects ○ Geographical Regions ○ Other Regional Mechanism ○ Achieving the Goals ● Responsibility of the Maritime Administration ● National Policy Framework ● Maritime Sector Policy Framework ● Sectoral Policies ● Legal framework ● Institutional Framework ● Key Pillars for Effective Implementation ● Role of Shipping 	<p>Mr. Bekir Sitki Ustaoglu Head, Asia and Pacific Section, Technical Cooperation Division, IMO</p>

別添 3

First Announcement



TOKYO MOU SECRETARIAT

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Date: XX XXXXX, 2022
Our reference: TMS 22/XX

Re: Seminar for Flag Performance Improvement

Dear Mr. XXXXX,

I would like to express my sincere appreciation for your kind acceptance to be a lecturer for “Seminar for Flag Performance Improvement” organized by the Tokyo MOU Secretariat to be held from 5 to 9 December 2022 in Da Nang, Viet Nam, collaborated by Vietnam Maritime Administration (VINAMARINE) and supported by the Nippon Foundation.

Timetable of the Seminar and General information for lecturers are attached herewith (**Attachments 1 & 2**).

Subject of the lecture given by you will be included in the Attachment 1.

Accordingly, I would like to ask you of the following:

- .1 To submit the presentation material of your lecture to the Tokyo MOU Secretariat **by NOVEMBER 15th, 2022**. Please note that the copyright of presentation material will belong to the Nippon Foundation, the sponsor of the seminar (The lecture material to be submitted should be PPT (standard size slide) with notes for verbal explanation of each slide to facilitate to develop DLP module on the lecture which is the request of the sponsor);
- .2 To fill in “**Registration Form for Lecturer**” (**Attachment 3**) and send it back to both VINAMARINE and Tokyo MOU Secretariat **by October 15th, 2022**.

The contact points of VINAMARINE and the Tokyo MOU Secretariat are as follows:

VINAMARINE: LUU HAI HUNG (Mr.) hunglh@vinamarine.gov.vn

Tokyo MOU Secretariat: Asako Masuko (Ms.) secretariat@tokyo-mou.org

If you have any further questions, please do not hesitate to contact us.

Yours sincerely,

Kubota Hideo
Secretary
Tokyo MOU Secretariat

Enclosures: 1. Timetable – The seminar for flag performance improvement
2. Information to Participants/Lecturers
3. Registration Form for Seminar

CC: Mr. Luu Hai Hung, VINAMARINE

TimetableThe Seminar for flag performance improvement

Date: 5-9 December, 2022

Venue: Da Nang, Viet Nam

Sunday, 4 December, 2022		
Arrival at Da Nang		
Monday, 5 December, 2022		
Time	Topic	Lecturer
0900-0930	<u>Registration</u>	
0930-0945	<u>Opening Ceremony</u> ● Opening remark ● Group Photo	Host Authority (Vietnam Maritime Administration (VINAMARINE)) Tokyo MOU Secretariat (TMS)
0945-1030	<u>PSC and its results</u>	Mr. KUBOTA Hideo (Secretary, Tokyo MOU Secretariat (TMS))
1030-1100	Coffee Break	
1100-1200	<u>PSC and its results</u>	Mr. KUBOTA Hideo (Secretary, Tokyo MOU Secretariat (TMS))
1200-1330	Lunch	
1330-1500	<u>Flag State responsibility under maritime conventions</u>	Capt. NODA Takuji (General Manager, Training and Technical Service Office, Shipbuilding Research Center of Japan (SRC), Japan)
1500-1530	Tea Break	
1530-1700	<u>Shipping registration and transfer of registration</u>	Mr. CHEN Kit Jam (Assistant Director (Flag State Control), Shipping Division, Maritime and Port Authority (MPA), Singapore)
1800-	Welcome Reception (To be announced)	
Tuesday, 6 December, 2022		
900-1030	<u>Applications and obligations under the IMO Instrument Implementation Code (III Code)</u>	Capt. NODA Takuji (General Manager, Training and Technical Service Office,

		Shipbuilding Research Center of Japan (SRC), Japan)
1030-1100	Coffee Break	
1100-1200	<u>Applications and obligations under the IMO Instrument Implementation Code (III Code)</u>	Capt. NODA Takuji (General Manager, Training and Technical Service Office, Shipbuilding Research Center of Japan (SRC), Japan)
1200-1330	Lunch	
1330-1500	<u>Recognized Organization Code (RO Code) and RO agreements</u>	Mr. CHEN Kit Jam (Assistant Director (Flag State Control), Shipping Division, Maritime and Port Authority (MPA), Singapore)
1500-1530	Tea Break	
1530-1700	<u>Recognized Organization Code (RO Code) and RO agreements</u>	Mr. CHEN Kit Jam (Assistant Director (Flag State Control), Shipping Division, Maritime and Port Authority (MPA), Singapore)
Wednesday, 7 December, 2022		
900-1030	<u>Introduction of Good Practice (1)</u>	Mr. PHAN NGUYEN HAI HA (Director, Maritime safety and Security Department, Vietnam Maritime Administration)
1030-1100	Coffee Break	
1100-1200	<u>Introduction of Good Practice (1)</u>	Mr. PHAN NGUYEN HAI HA (Director, Maritime safety and Security Department, Vietnam Maritime Administration)
1200-1330	Lunch	
1330-1500	<u>Introduction of Good Practice (2)</u>	Mr. Surachet Dejkajornrittha (Ship Surveyor, Ship Standard Bureau, Marine Department, Ministry of Transport, Thailand)
1500-1530	Tea Break	
1530-1700	<u>Introduction of Good Practice (2)</u>	Mr. Surachet Dejkajornrittha (Ship Surveyor, Ship Standard Bureau, Marine Department, Ministry of Transport, Thailand)
Thursday, 8 December, 2022		

900-1030	<u>Introduction of IMO/NORAD Projects</u>	Ms. Tran Thi Tuyet Mai Anh (Head of Viet Nam Liaison Office to IMO)
1030-1100	Coffee Break	
1100-1200	<u>Introduction of IMO/NORAD Projects</u>	Ms. Tran Thi Tuyet Mai Anh (Head of Viet Nam Liaison Office to IMO)
1200-1330	Lunch	
1330-1500	<u>Fleet management of Classification Society</u>	Mr. SHIMIZU Satoshi Manager, Survey Department, ClassNK
1500-1530	Tea Break	
1530-1700	<u>Fleet management of Classification Society</u>	Mr. SHIMIZU Satoshi Manager, Survey Department, ClassNK
1800-	Farewell Reception (To be announced)	
Friday, 9 December, 2022		
900-1030	<u>Introduction of IMO Technical Cooperation Projects relating to improving flag performance and Capacity-building strategies: A practical case to share a real-life experience</u>	Mr. Bekir Sitki Ustaoglu (Head, Asia and Pacific Section, Technical Cooperation Division, IMO)
1030-1100	Coffee Break	
1100-1200	<u>Introduction of IMO Technical Cooperation Projects relating to improving flag performance and Capacity-building strategies: A practical case to share a real-life experience</u>	Mr. Bekir Sitki Ustaoglu (Head, Asia and Pacific Section, Technical Cooperation Division, IMO)
1200-1215	<u>Closing Ceremony</u>	Host Authority (Vietnam Maritime Administration (VINAMARINE)) Tokyo MOU Secretariat (TMS)
1215-	Lunch	



Information to Lecturers / Participants

1. General

We welcome all delegates to Da Nang, Viet Nam for the Seminar for Flag Performance Improvement organized by the Tokyo MOU Secretariat, collaborated by Viet Nam Maritime Administration (VINAMARINE) and supported by the Nippon Foundation.

The meeting will be held at **Grand Sea Hotel** in Da Nang and accommodation for lecturers / participants are arranged at the same hotel.

2. Grand Sea Hotel (Venue of the Seminar and Accommodation)

Address: 08 Ha Bong Street, Phuoc My Ward, Son Tra District, Da Nang City, Viet Nam

Phone: +84-236-3636 888

Website: <http://www.grandseahotel.com/>

Email Address: rsvn@grandseahotel.com

Check-In from: 14:00

Check-Out Until: 12:00(Noon)



The hotel provides a vast array of services, including 24-hour room service, free Wi-Fi in all rooms, 24-hour security, daily housekeeping and facilities such as fitness center, indoor pool.

3. Dress Code

Please be informed that dress code should be “Smart Casual” (no tie; T-shirts, jeans and sandals are **not** allowed) throughout the seminar.

4. Travel Arrangement

Air Tickets

Booking of the flight to/from Da Nang for each lecturer / participant will be made by the Tokyo MOU Secretariat.

Hotel Reservation

The Tokyo MOU Secretariat will book a hotel room by name of each lecturer / participant on his/her behalf.

Transportation between Airport and Hotel.

The Tokyo MOU Secretariat will arrange transport service between the airport and the hotel.

However, if you have difficulties to see chauffeur at the airport by unforeseen circumstances such as delayed flight, you are requested to contact the Grand Sea Hotel (+84-236 3636 888) directly. Distance between the airport and the hotel is about 5.5 kilometers, and will take about 15 minutes by taxi. Details of your transport arrangements will be informed in due course.



5. Information on Viet Nam

Total Land Area: 329,241 sq.km (61 provinces)

Population: Approx. 99,220 thousands (2022)

National Capital: Hanoi

Time Difference from UTC: UTC+7

Currency: The unit of Vietnamese currency is Dong(VND).

Bank note:500,000-Dong, 200,000-Dong, 100,000-Dong, 50,000-Dong, 20,000-Dong, 10,000-Dong, 5,000-Dong, 2,000-Dong, 1,000-Dong.

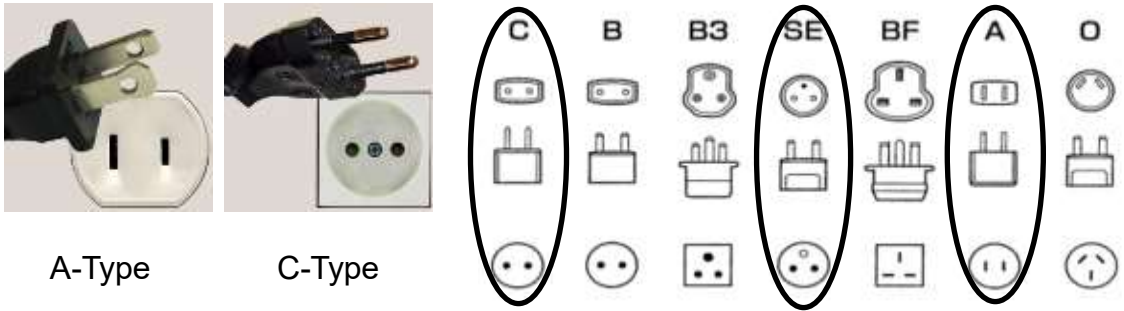
Coins are almost not in circulation.

The exchange rate of US Dollar to Vietnamese dong hovers around
US\$ 1 = VND 23,441.

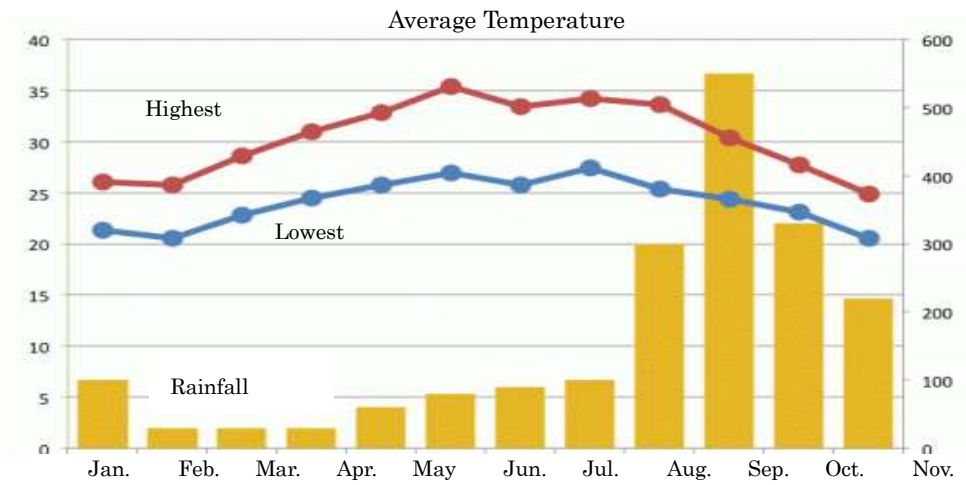
Tipping: No custom of tipping, but standard amount (10% to 15%) will be preferable at hotels and restaurants.

Electric Voltage: AC220/110V Frequency: 50Hz

Plug Type: A, C, SE (SE type might not be so common.)



Weather: February, March, April, May, June, July and August are dry season. September, October, November, December and January are rainy season. The annual average temperature is 28°C to 29°C.



For participants



TOKYO MOU SECRETARIAT

Ascend Shimbashi 8F
6-19-19, Shimbashi, Minato-ku
Tokyo 105-0004
Japan

Tel: +81-3-3433-0621
Fax: +81-3-3433-0624
E-mail: secretariat@tokyo-mou.org
Web site: www.tokyo-mou.org

Date: XX XXXXX, 2022
Our reference: TMS 22/XX

Seminar for Flag Performance Improvement (1st Announcement)

Dear Mr. Sir,

The Tokyo MOU Secretariat has the great honour of announcing that “**Seminar for Flag Performance Improvement**” will be held from 5 to 9 December 2022 in Da Nang, Viet Nam, collaborated by Vietnam Maritime Administration (VINAMARINE) and supported by the Nippon Foundation.

The objectives of the seminar are to provide opportunity for senior officials taking part of flag Administration policy decisions to acquire knowledge and experience for improving and enhancing flag performances and to make further understanding on flag state obligations and responsibilities.

This seminar will be productive to enhance maritime safety, marine environment protection and living and working conditions of seafarers in the Asia-Pacific Region. The program of the seminar is attached (**Attachment 1**).

As already informed to you, the travel expenses including accommodation for one participant from each Authority invited will be borne by the Tokyo MOU Secretariat.

As in the general information attached (**Attachment 2**), the venue of the seminar will be **GRAND SEA HOTEL**, and accommodation are arranged at the same hotel. The Tokyo MOU Secretariat will book a hotel room by name of each participant on your behalf. Breakfast and lunch will be served at the hotel during the seminar.

For entry to Viet Nam, you need to obtain entry visa to Viet Nam since your nationality is required to do so. To ensure smooth procedure for obtaining entry visa, you are requested to fill in “**Personal Information Form for issuing Invitation Form for issuing Invitation Letter for Visa**” (included in **Attachment 3**) and send it back to **both** VINAMARINE and the Tokyo MOU Secretariat **by October 10th, 2022.**

You are also requested to fill in “**Registration Form for Seminar**” (**Attachment 4**), which includes necessary information for remittance of Daily Subsistence Allowance (DSA) and sending other information. Please send it back to **both** VINAMARINE and

the Tokyo MOU Secretariat **by October 15th, 2022.**

You are also requested to submit **Agreement(s) of your Authority with Recognized Organization(s) to entrust it/them** for the seminar schedule in the afternoon of the 2nd day (6 December,2022), to **both** VINAMARINE and the Tokyo MOU Secretariat **by 10th October, 2022.**

The information provided will be kept as **Confidential.**

The contact points of VINAMARINE and Tokyo MOU Secretariat are as follows:

VINAMARINE: LUU HAI HUNG (Mr.) hunglh@vinamarine.gov.vn

Tokyo MOU Secretariat: Asako Masuko (Ms.) secretariat@tokyo-mou.org

If you have any questions, please do not hesitate to contact us.

Yours sincerely,



Kubota Hideo

Secretary

Tokyo MOU Secretariat

Enclosures: 1. Timetable – The seminar for flag performance improvement

2. Information to Participants/Lecturers

3. Information for entry visa to Viet Nam

4. Registration Form for Seminar

CC: Mr. Luu Hai Hung, VINAMARINE

Timetable

The Seminar for flag performance improvement

Date: 5-9 December, 2022

Venue: Da Nang, Viet Nam

(same as for the lecturers)



Information to Lecturers / Participants

(same as for the lecturers)

INFORMATION FOR ENTRY VISA TO VIET NAM

Most visitors to Vietnam need a visa to enter the country. Visas are exempted for the citizens of the countries, which have signed a bilateral or unilateral visa exemption agreement with Vietnam; tourist visa may be valid for 15 to 30 days.

Visa exemption:

Vietnamese people that hold foreign passports and foreigners who are their husbands, wives and children are exempt from visa requirements to enter Vietnam and are allowed to stay for not more than 90 days. In order to be granted visa exemption certificates at Vietnamese representative offices abroad, overseas Vietnamese need conditions:

- Foreign-issued permanent residence certificate (PRC) with the validity of at least six months since the date of entrance.
- Visa exemption paper (VEP) is granted by Vietnamese appropriate authorities.

Those who expect to stay more than 90 days must apply for visa according to current stipulations before their entrance.

Bilateral visa exemption agreement

- **Citizens of Thailand, Malaysia, Singapore, Indonesia and Laos** holding valid ordinary passports are exempt from visa requirements and are allowed to stay for not more than 30 days; **Philippines** is allowed to stay for not more than 21 days.
- **Citizens of China, Bulgaria, Kyrgyzstan, North Korea, and Rumania** holding valid ordinary passports for official mission and **citizens of 52 countries holding valid diplomatic or official passports** are exempt from visa requirements. The duration of staying is stipulated in certain cases. For more information, please visit the website of Ministry of Foreign Affairs (<https://lanhsuvietnam.gov.vn/Lists/BaiViet/B%C3%A0i%20vi%E1%BA%BFt/DispForm.aspx?List=dc7c7d75%2D6a32%2D4215%2Dafeb%2D47d4bee70eee&ID=306>).

Unilateral visa exemption

- Visa with 30-day validity is exempted for officials from ASEAN secretariat holding different kinds of passports.
- Citizens of **Sweden, Norway, Denmark, Finland, Japan and South Korea holding different kinds of passports** are exempt from visa requirements and are allowed to stay for not more than 15 days.

Others who want to enter Vietnam must be provided with a visa.

- Tourist visa is valid in 30 days.
- Visa is issued at the Vietnamese diplomatic offices or consulates in foreign countries. Visa is possibly issued at the border gates to those who have written invitations by a Vietnamese competent agencies or tourists in the tours organized by Vietnamese international travel companies.
- Application files for visa: the entrance application (printed form); two 4x6 cm photos; passport and fee for the visa issuance.

Delegates are advised to fill up the Information Form (attached) for Issuing Invitation Letter for Visa (if needed) so that the Vietnam Maritime Administration can make the necessary coordination with the Vietnamese Immigration Authorities.

Please complete the form attached and email to:

Mr. Luu Hai Hung, Official

Vietnam Maritime Administration

Email: hunglh@vinamarine.gov.vn

cc: Mr. Phan Nguyen Hai Ha (Email: hapnh@vinamarine.gov.vn)

Also please mail to Tokyo MOU: Asako Masuko (Ms.) as CC:

Email: secretariat@tokyo-mou.org

Address of Vietnam Embassy: Please visit the following web page to find out the address of Vietnam Embassy in your country.

http://www.vietnamtourism.com/e_pages/useful/useful.asp

PERSONAL INFORMATION FORM FOR ISSUING INVITATION LETTER FOR VISA

To: **Mr. Luu Hai Hung**, Official,
Vietnam Maritime Administration
No. 8 Pham Hung Road, Cau Giay Dist., Hanoi, Vietnam
Tele/fax:+84 - 4 - 37.683.194/ 37.683.641
Email: hunglh@vinamarine.gov.vn
CC: Mr. Phan Nguyen Hai Ha
Email: hapnh@vinamarine.gov.vn
CC: Tokyo MOU: Asako Masuko (Ms.)
Email: secretariat@tokyo-mou.org

Name of Authority		
Full Name of Participant: (as per passport)		
Date and place of birth		
Profession		
Passport Number		
Date of issue and expiry		
Nationality	Original	Present
Date and point of entry to Vietnam		
Office address		
Phone and Fax number		
E-mail address:		
Personal Remark:		

REGISTRATION FORM FOR SEMINAR
Tokyo MOU - Flag Performance Improvement Seminar
Da Nang, Viet Nam
5-9 December, 2022

Please complete one form per participant/lecturer in block letters

Please return completed form via following emails no later than **15th October, 2022**:

TO: VINAMARINE: Luu Hai Hung (Mr.)
Official, Maritime Safety and Security Department,
Vietnam Maritime Administration
No. 8 Pham Hung Road, Cau Giay Dist.,
Hanoi, Vietnam
E-mail: hunglh@vinamarine.gov.vn

[CC: Tokyo MOU: Asako Masuko \(Ms.\)](mailto:secretariat@tokyo-mou.org)
secretariat@tokyo-mou.org

Flag Performance Improvement Seminar Attendance

Name of Authority:

Name of Participant/Lecturer:

*Should be identical to the **name in your passport**.

Title within Organisation:

Email address of Participant/Lecturer:

Please also indicate Email address which can be contacted at any time during the seminar such as mobile phone address etc.:

Please fill out following Bank Information for remittance of DSA

Full Name (**as registered in the BANK**):

Your organization name:

Address of your organization:

Your account number:

Name of your bank (please include name of **branch office**):

Address of the branch office of Bank:

SWIFT Code of the BANK:

Dietary requirement or food restrictions for religious reasons.

Yes No

Please list dietary requirements or food restrictions.

別添 4

Final Announcement

For lecturers



TOKYO MOU SECRETARIAT

Ascend Shimbashi 8F
6-19-19, Shimbashi, Minato-ku
Tokyo 105-0004
Japan

Tel: +81-3-3433-0621
Fax: +81-3-3433-0624
E-mail: secretariat@tokyo-mou.org
Web site: www.tokyo-mou.org

XX XXXXX 2022
TMS22/XXX

Re: Seminar for flag performance improvement (final announcement)

Dear lecturers:

It is my great honour to send the final announcement of “**the seminar for flag performance improvement**” to be held from 5 to 9 December 2022 in Da Nang, Vietnam, collaborated by Vietnam Maritime Administration (VINAMARINE) and supported by the Nippon Foundation.

Please find the followings as enclosed:

1. Important information for the Lecturers/Participants (Enclosure 1)
2. Timetable (Enclosure 2)
3. List of Participants (Enclosure 3)

I would like to draw your attention that **transportation between the airport and the hotel will be arranged by the Secretariat.** The details of the arrangement are described in the information to lecturers/participants (Enclosure1).

I am looking forward to meeting you in Da Nang.

Yours sincerely,

KUBOTA Hideo
Secretary
Tokyo MOU Secretariat



Important information for lecturers/participants

1. Transportation from Da Nang Airport to the Hotel

At the airport, the chauffer holds a sign board with “Tokyo MOU” at the Arrivals Gate of Da Nang Airport.

In case you would fail to meet the chauffer, please contact Ms. Trang, Front Office Manager at the phone below.

+84 (0)934930087

2. Hotel Booking and Venue of the Seminar

Secretariat booked a room for you at Grand Sea Hotel (same venue of the seminar). Booking Number to quote when you check in is 20024 (group code) and give your own name.

Hotel information is as follows:

Address: 08 Ha Bong Street, Phuoc My Ward, Son Tra District,
Da Nang City, Viet Nam

Phone: +84-236-3636 888

Website: <http://www.grandseahotel.com/>

Email Address: rsvn@grandseahotel.com

*Check-In from: 14:00 Check-Out Until: 12:00 (Noon)

*Early check-in and/or late check-out service are provided depending on your flight schedule.

3. **Meals**

Breakfast will be served at the hotel during your stay.

Lunch will be served in the hotel restaurant during the seminar (Monday to Friday).

Supper will not be served except on:

Monday, 5 December (Welcome Reception) and
Thursday, 8 December (Farewell Reception).

4. **Reception**

Welcome Reception

From 1830 Monday 5 December at the Pool Side Bar on the 3rd floor in the hotel.

Farewell Reception

From 1830 Thursday 8 December at the restaurant “CONG VIEN CA VOI”
(Vo Nguyen Glap-Q.So’n Tra-Da Nang)

5. **Dress Code**

Throughout the seminar (including receptions) dress code should be “smart casual”.

Jeans, T-shirts, short pants or sandals are **not** allowed.

6. **Information on Viet Nam**

Total Land Area: 329,241 sq.km (61 provinces)

Population: Approx. 99,220 thousands (2022)

National Capital: Hanoi

Time Difference from UTC: UTC+7

Currency: The unit of Vietnamese currency is Dong(VND).

Bank note:500,000-Dong, 200,000-Dong, 100,000-Dong, 50,000-Dong,
20,000-Dong, 10,000-Dong, 5,000-Dong, 2,000-Dong,
1,000-Dong.

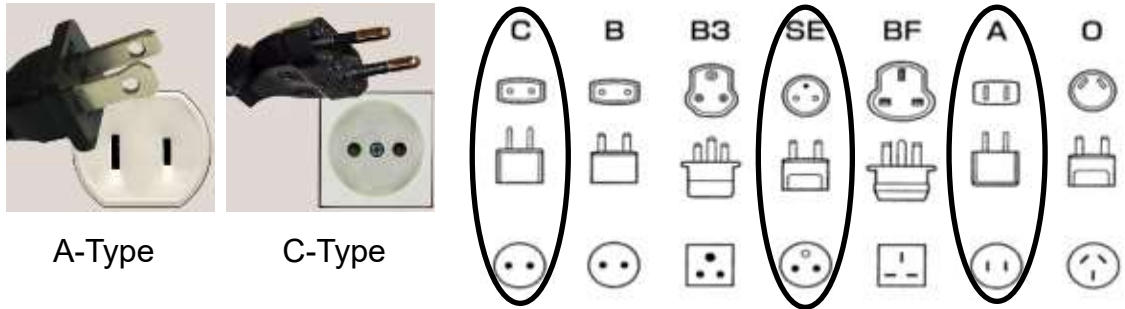
Coins are almost not in circulation.

The exchange rate of US Dollar to Vietnamese dong hovers around
 US\$ 1 = VND 23,441.

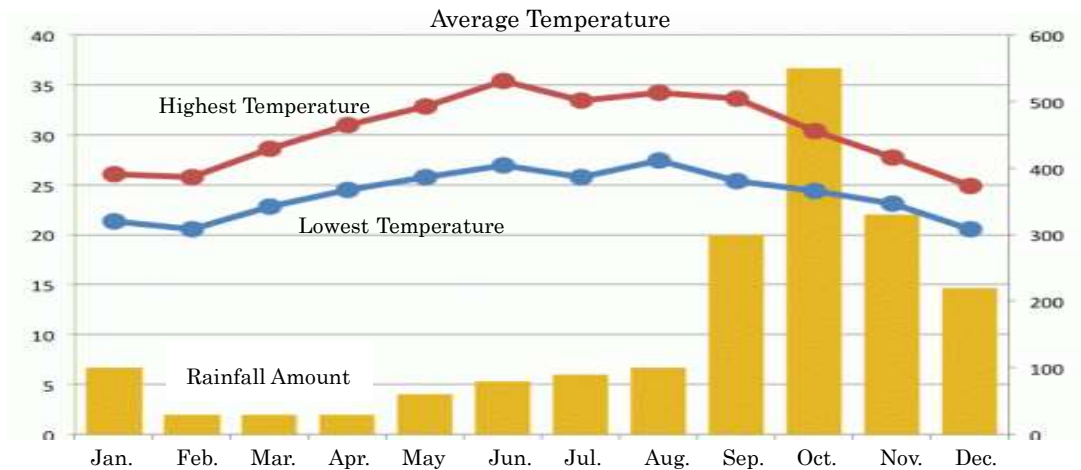
Tipping: No custom of tipping, but standard amount (10% to 15%) will be preferable at hotels and restaurants.

Electric Voltage: AC220/110V Frequency: 50Hz

Plug Type: A, C, SE (SE type might not be so common.)



Weather: February, March, April, May, June, July and August are dry season.
 September, October, November, December and January are rainy season. The annual average temperature is 28°C to 29°C.



Looking forward to seeing you in Da Nang.

Tokyo MOU Secretariat

TimetableThe Seminar for flag performance improvement

Date: 5-9 December 2022

Venue: Da Nang, Viet Nam

Time	Topic	Lecturer
Sunday, 4 December, 2022		
Arrival at Da Nang		
Monday, 5 December, 2022		
0900-0930	<u>Registration</u>	
0930-0945	<u>Opening Ceremony</u> ● Opening remark ● Group Photo	Host Authority (Vietnam Maritime Administration) Tokyo MOU Secretariat
0945-1030	<u>PSC and its results</u>	Mr. KUBOTA Hideo (Secretary, Tokyo MOU Secretariat)
1030-1100	Coffee Break	
1100-1200	<u>PSC and its results</u>	Mr. KUBOTA Hideo
1200-1330	Lunch	
1330-1500	<u>Flag State responsibility under maritime conventions</u>	Mr. NODA Takuji (General Manager, Training and Technical Service Office, Shipbuilding Research Center of Japan (SRC), Japan)
1500-1530	Tea Break	
1530-1700	<u>Shipping registration and transfer of registration</u>	Mr. CHEN Kit Jam (Assistant Director (Flag State Control), Shipping Division, Maritime and Port Authority (MPA), Singapore)
1800-	Welcome Reception (Pool side bar)	
Tuesday, 6 December, 2022		
900-1030	<u>Applications and obligations under the IMO Instrument Implementation Code (IIC Code)</u>	Mr. NODA Takuji
1030-1100	Coffee Break	
1100-1200	<u>Applications and obligations under the IMO Instrument Implementation Code (IIC Code)</u>	Mr. NODA Takuji
1200-1330	Lunch	
1330-1500	<u>Recognized Organization Code (RO Code) and</u>	Mr. CHEN Kit Jam

Time	Topic	Lecturer
	<u>RO agreements</u>	
1500-1530	Tea Break	
1530-1700	<u>Recognized Organization Code (RO Code) and RO agreements</u>	Mr. CHEN Kit Jam
Wednesday, 7 December, 2022		
900-1030	<u>Introduction of Good Practice (1)</u>	Mr. PHAN NGUYEN HAI HA (Director, Maritime safety and Security Department, Vietnam Maritime Administration)
1030-1100	Coffee Break	
1100-1200	<u>Introduction of Good Practice (1)</u>	Mr. PHAN NGUYEN HAI HA
1200-1330	Lunch (Paracel Hotel)	
1330-1500	<u>Introduction of Good Practice (2)</u>	Mr. Surachet Dejkajornrittha (Ship Surveyor, Ship Standard Bureau, Marine Department, Ministry of Transport, Thailand)
1500-1530	Tea Break	
1530-1700	<u>Introduction of Good Practice (2)</u>	Mr. Surachet Dejkajornrittha
Thursday, 8 December, 2022		
900-1030	<u>Introduction of IMO/NORAD Projects</u>	Ms. Tran Thi Tuyet Mai Anh (Director, International Cooperation and IMO Department, Vietnam Maritime Administration)
1030-1100	Coffee Break	
1100-1200	<u>Introduction of IMO/NORAD Projects</u>	Ms. Tran Thi Tuyet Mai Anh
1200-1330	Lunch	
1330-1500	<u>Fleet management of Classification Society</u>	Mr. SHIMIZU Satoshi (Manager, Survey Department, ClassNK)
1500-1530	Tea Break	
1530-1700	<u>Fleet management of Classification Society</u>	Mr. SHIMIZU Satoshi Manager, Survey Department, ClassNK
1800-	Farewell Reception (Cong Vien Ca Voi Restaurant)	

Time	Topic	Lecturer
Friday, 9 December, 2022		
900-1030	<u>Introduction of IMO Technical Cooperation Projects relating to improving flag performance and Capacity-building strategies: A practical case to share a real-life experience</u>	Mr. Bekir Sitki Ustaoglu (Head, Asia and Pacific Section, Technical Cooperation Division, IMO)
1030-1100	Coffee Break	
1100-1200	<u>Introduction of IMO Technical Cooperation Projects relating to improving flag performance and Capacity-building strategies: A practical case to share a real-life experience</u>	Mr. Bekir Sitki Ustaoglu (Head, Asia and Pacific Section, Technical Cooperation Division, IMO)
1200-1215	<u>Closing Ceremony</u>	Host Authority (Vietnam Maritime Administration (VINAMARINE)) Tokyo MOU Secretariat (TMS)
1215-	Lunch	

List of Participants in the Seminar

Country	Name	Title	Organization
Mongolia	Mr. GANBAATAR ZOLBOO	Flag State Inspector	Mongolia Maritime Administration
Cambodia	Mr. NGOUN DAWIN	Deputy Chief of Ship Inspection Office	Ministry of Public Works and Transport
Kiribati	Capt. RUOIKABUTI TIOON	Director of Marine	Ministry of Information, Communication and Transport
Palau	Mr. PANAGIOTIS KIRNIDIS	Chief Executive Officer (CEO) Honorary Consul General of the Republic of Palau to Greece	Palau International Ship Registry(PISR) Republic of Palau

For participants



TOKYO MOU SECRETARIAT

Ascend Shimbashi 8F
6-19-19, Shimbashi, Minato-ku
Tokyo 105-0004
Japan

Tel: +81-3-3433-0621
Fax: +81-3-3433-0624
E-mail: secretariat@tokyo-mou.org
Web site: www.tokyo-mou.org

XX XXXXX 2022
TMS22/XXX

Re: Seminar for flag performance improvement (final announcement)

Dear participants:

It is my great honour to send the final announcement of “**the seminar for flag performance improvement**” to be held from 5 to 9 December 2022 in Da Nang, Vietnam, collaborated by Vietnam Maritime Administration (VINAMARINE) and supported by the Nippon Foundation.

Please find the followings as enclosed:

1. Important information for the Lectures/Participants (Enclosure 1)
2. Timetable (Enclosure 2)

I would like to draw your attention that **transportation between the airport and the hotel will be arranged by the Secretariat.** The details of the arrangement are described in the information to lecturers/participants (Enclosure1).

I am looking forward to meeting you in Da Nang.

Yours sincerely,

KUBOTA Hideo
Secretary
Tokyo MOU Secretariat

(注) Enclosures 1 & 2 は講師用と同一。

別添 5

講義資料



*Seminar for flag performance improvement
5-9 December 2022, Da Nang, Vietnam*

PSC and its results



KUBOTA Hideo
Secretary
Tokyo MOU Secretariat

1

CONTENTS

1. Outlines of the Tokyo MOU
2. Outlines of Port State Control
3. PSC inspections
4. PSC data and analysis
5. Fraudulent registration
6. What does a flag State should do?

2

Outlines of the Tokyo MOU

3

What is the Tokyo MOU ?



The Memorandum of Understanding on Port State Control in the Asia Pacific Region

- *Signed in December 1993 in Tokyo, Japan*
- *One of the most active regional PSC regimes consisting 21 member Authorities in the Asia Pacific region*



4

What is the Tokyo MOU ?



VISION OF THE TOKYO MOU

The vision of the Tokyo MOU is elimination of substandard shipping in the Asia-Pacific region.

MISSION STATEMENT

The mission of the Tokyo MOU among maritime authorities responsible for PSC in Asia-Pacific region is to promote the effective implementation, and the universal and uniform application, of relevant IMO/ILO instruments on ships operation in the region.

This will be accomplished through the establishment and maintenance of a harmonized system of PSC by the member Authorities, and the effective operation of the Committee, the Secretariat and the APCIS. Of particular importance are the cooperation and the exchange of information between members of the MOU and with other regional PSC regimes.

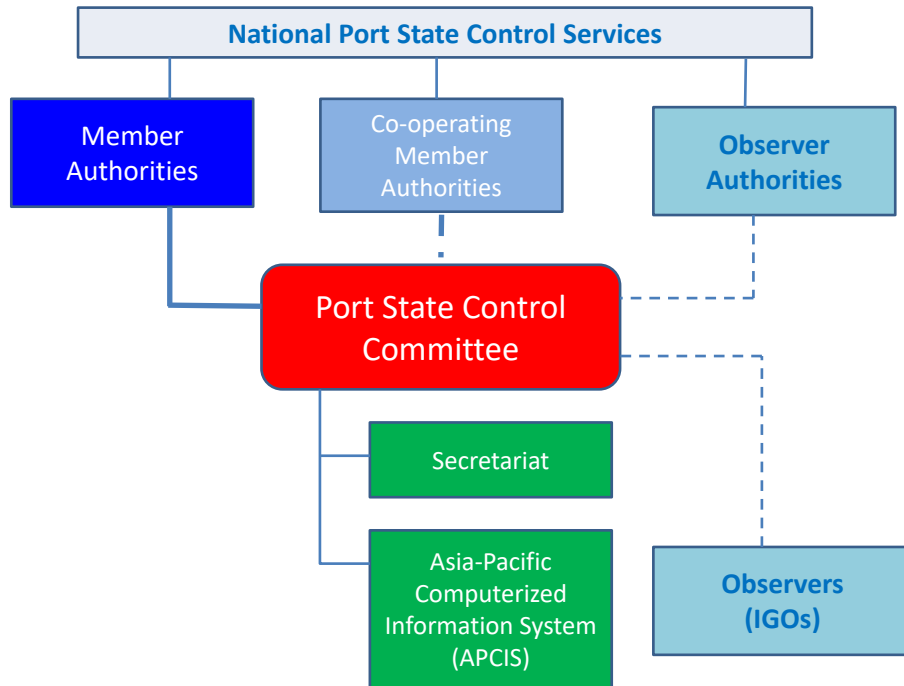
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Membership of the Tokyo MOU



6

Organization Structure of the Tokyo MOU



7

Difference among status of membership

	Member Authority	Co-operating Member Authority	Observer Authority
Voting right at PSCC meeting	Yes	No	No
Financial contribution	Yes (full)	Yes (half of the lowest)	No
Access to APCIS	Full access	Read-only	Read-only
Financial support for participation in TCPs	Yes	Own expenses	Own expenses

8

Outlines of Port State Control

9

What is PSC ?



PSC: Port State Control

Control by port State officials to check the conformity to the convention requirements

In most maritime conventions relating to maritime safety, marine environment protection and living and working conditions of seafarers, the provision(s) on PSC are provided.

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Background of PSC



March 1967 Grounding of Torrey Canyon off Cornwell, UK (source: IMO website)

A serious casualty leads a new rule or restriction.

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Background of PSC



Serious casualties lead new rules

1. Titanic (1912) – 1914 SOLAS
2. Torrey Canyon (1967) – 1973 MARPOL, 1978 STCW
3. Amoco Cadiz (1978) – 1978 MARPOL Protocol
4. Herald of Free Enterprise (1987) -Damage stability, ISM
5. Exxon Valdez (1989) - OPA 90, Double hull tanker
6. Scandinavian Star(1990) –Fire protection rules for passenger ships
7. Estonia (1995) - SOLAS revision
8. Erika (1999) & Prestige (2002)– Phase-out of single-hull tankers, Banning from EU ports against multi-detention ships
9. Costa Concordia- 2012(100 yrs after Titanic)

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Amoco Cadiz Disaster



https://www.youtube.com/watch?time_continue=97&v=pJKEqYA5xsc

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Serious Oil Spill Casualties in Europe

Year	Name of Ship	Flag	Place	Oil Spill	Impact
1967	Torrey Canyon	Liberia	U.K.	119,000 t	MARPOL 73
1978	Amoco Cadiz	Liberia	France	223,000 t	Paris MoU (1982)

European countries suffered serious damage by the accidents of ***foreign flag ships***.

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Background of PSC



Change of the World Fleet Top 5

(million GT)

1960		1970		1980	
U.S.A.	25	Liberia	33	Liberia	80
U.K.	21	Japan	27	Japan	41
Liberia	11	U.K.	26	Greece	39
Norway	11	Norway	19	U.K.	27
Japan	7	U.S.A.	18	Panama	24
World	130	World	227	World	420

1990		2000		2019	
Liberia	55	Panama	114	Panama	216
Panama	39	Liberia	51	Liberia	174
Japan	27	Bahamas	31	Marshall Islands	161
USSR	27	Malta	28	Hong Kong (China)	127
Norway	23	Greece	26	Singapore	92
World	424	World	558	World	1,398

(Source : IHS Fairplay)

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Background of PSC

Ownership of the World Fleet in 2021

No.	Country or territory	Total as percentage of the world (DWT)	Foreign flag as percentage of total fleet (DWT)
1	Greece	17.6%	84.5%
2	China	11.6%	56.8%
3	Japan	11.4%	85.5%
4	Singapore	6.6%	47.3%
5	Hong Kong, China	4.9%	30.6%
6	Germany	4.0%	91.4%
7	Republic of Korea	4.0%	82.4%
8	Norway	3.0%	97.0%

Source: UNCTAD "Review of Maritime Transport 2021"

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WHAT IS "FLAG STATE"?



Article 91, 92 and 94(1)(a) of **UNCLOS** cover the requirement for ships to have nationality and be on a 'register'. This is similar to the issue of a passport to an individual and the process determines if ship is entitled to fly the flag of the 'flag State'.

Article 94 outlines the 'duties' of the flag State which, in addition to registration, requires:

- ✓ Assume jurisdiction under 'domestic law' for all issues related to the operation of the ship [art.94(1) and 94(2)(b)].
- ✓ Take measures necessary for safety at sea with respect to the ships construction, equipment, seaworthiness, welfare and training of the crew, communications and prevention of collisions [art.94(3)].
- ✓ Such measures include that:
 - vessel is subject to survey **before** registration and at regular intervals after that [art.94(4)(a)];
 - vessel is crewed by qualified personnel and there are enough crew to man and operate the ship [art.94(4)(b)]; and
 - officers and crew are **fully conversant** with relevant international conventions and required to comply with these by domestic law [art.94(4)(c)].

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WHAT IS "FLAG STATE"?



- ✓ The flag State is 'required' to conform to relevant international conventions and take steps to ensure they are observed by ships flying their flag. **This essentially requires the exercise of 'flag State control'**. [art.94(5)].
- ✓ The flag State **is required to assist port States** where requested to do so [art.94(6)].
- ✓ The flag State is required to investigate casualties [art.94(7)]

RESPONSIBILITY OF "FLAG STATE" (SOLAS)

SOLAS 74 Chap. I Reg. 6

- (a) The inspection and survey of ships, ----- shall be carried out by officers of the Administration. The Administration may, however, entrust the inspections and surveys ----- to **organizations recognized by it**.
- (d) In every case, **the Administration shall fully guarantee the completeness and efficiency of the inspection and survey**, -----.

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RESPONSIBILITY OF “FLAG STATE”

Unified International Standard for the operation of maritime functions by IMO member States

IMO Assembly Resolution A.1070 (28) (2013)

The International Maritime Organization (IMO) Instruments Implementation Code (III Code)

Authorization of ROs

IMO Resolution A.739(18) (1993)

Guidelines for the authorization of organizations acting on behalf of the administration

IMO Resolution A.789(19) (1995)

Guidelines on the survey and certification functions of recognized organizations acting on behalf of the administration

IMO Resolution MSC.349(92) (2013)

Code for Recognized Organizations (RO code)

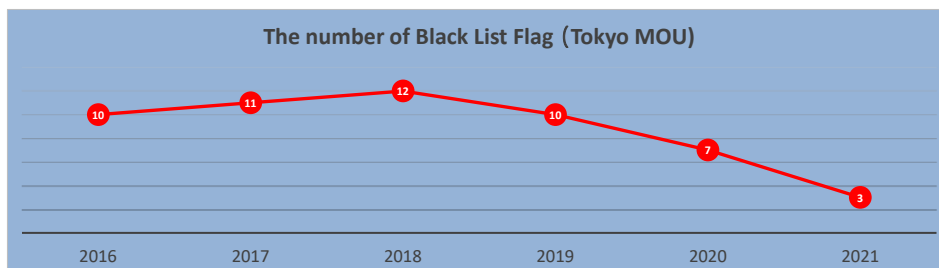


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RESPONSIBILITY OF “FLAG STATE”

Black List (2021)		
Tokyo MOU	Risk	Paris MOU
	High	Cameroon
Mongolia	Medium to High Risk	Togo
Togo		Moldova, Republic of
	Medium	Albania
Sierra Leone		Comoro
		Algeria
		Egypt

Flags in bold letter: Flags appear on both list



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Serious Oil Spill Casualties in Europe

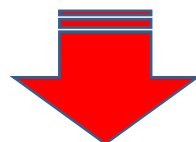
Year	Name of Ship	Flag	Place	Oil Spill	Impact
1967	Torrey Canyon	Liberia	U.K.	119,000 t	MARPOL 73
1978	Amoco Cadiz	Liberia	France	223,000 t	Paris MOU 1982

European countries suffered serious damage by the accidents of foreign flag ships.

European countries recognized that **effective action by port States was required** to prevent the operation of substandard ships and also the need to avoid distorting competition between ports.

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Series of serious oil spill accidents occurred in Europe



Trigger

PSC regional regime in Europe was established

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Background of PSC



How to minimize the increase of cost to inspect all visiting ships in the region?

➡ To use resources efficiently in the region through effective information exchange among port States

How to avoid distorting competition between ports?

➡ To conduct PSC according to the harmonized procedures agreed by port States in the region

Paris MOU was signed in 1982

The Secretariat and the Information Center of PMOU were established to develop and maintain information exchange system and harmonized procedures.

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Background of PSC



IMO Resolution A.682(17) (1991)

Regional co-operation in the control of ships and discharges

ACKNOWLEDGING that in some cases it may be difficult for flag States to exercise full and continuous control over some ships entitled to fly their flag;









RECOGNIZING the importance to maritime safety and pollution prevention made **through regional co-operation under the MOU on PSC in preventing the operation of substandard ships**;

INVITES Governments **to consider concluding regional agreements on the application of PSC measures in co-operation with the Organization** and to provide information on any such regional agreements concluded and the action taken to implement their provisions.

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Regional PSC Regimes in the world



 Paris MOU (1982, 27members)	 Viña del Mar Agreement (1992, 15members)
 Caribbean MOU (1996, 17members)	 Mediterranean MOU (1997, 10members)
 Indian Ocean MOU (1998, 21members)	 Abuja MOU (1999, 22members)
 Black Sea MOU (2000, 6members)	 Riyadh MOU (2004, 6members)

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Main Objectives of Regional PSC Regimes

- 1. Harmonization of PSC inspections in the region**
- 2. Sharing Information on PSC inspections**

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Main Objectives of Regional PSC Regimes

1. Harmonization of PSC inspections in the region

➔ *Develop various PSC Guidelines for PSCOs*

Train PSCOs for harmonization and updating knowledge

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Main Objectives of Regional PSC Regimes

2. Sharing Information on PSC inspections

➔ *Establish information center for reporting and sharing the PSC inspection results*

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Screenshot of APCIS database (sample)

**MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL
IN THE ASIA-PACIFIC REGION**

Main News Ships Inspections 5-day rule breaking CIC Guidelines on CIC report submission Drafts VNC Statistics Hot Line Help Ship Risk Profile Import

Search Ship data

Return THETIS Canada East Coast IOMOU OIAL BSS CMOU Add News

High Risk Ship, Priority I
Window Inspection Range: 25.08.2018 - 25.10.2018

Ship data							
Name	IMO number	MMSI	Callign	Classification society	Flag	Type	Date Keel Laid
						General cargo/multipurpose	06.11.1984

Ship data (LLOYD)							
Name	IMO number	MMSI	Callign	Classification society	Flag	Type	Date
						General cargo/multipurpose	06.11.1984

Company (LLOYD)						
Company (DOC)	Name	IMO number	Residence	Registration	Phone	Fax
Owner						
Manager						

Company data						
Name	IMO number	Residence	Registration	Phone	Fax	
Morconsevis Co. Ltd	5234981			+7 423 251 5255		+7 423 251 5616

WARNING! This ship was detained 3 times for last 12 months from 01.12.2017 to 30.11.2018! She is a member of under-performed ships list!

Certificates						
Code	Nature	Issued RO	Surveyed RO	Date of issue	Date of expiry	
509	Document of Compliance			05.09.2017	09.04.2021	
510	Safety Management Certificate			13.09.2017	05.06.2021	
511	International Ship Security			13.09.2017	05.06.2021	
512	Minimum Safe Manning Document			27.04.2018		
523	Tonnage			20.10.2017		
529	International Anti-Fouling System			13.09.2017		
532	International Energy Efficiency (IEE)			13.09.2017		

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Screenshot of APCIS database (sample)

Inspections										
Type	Date	Place	Ship Name	Callign	MMSI	Flag	Deficiency	Detention		
□	25.08.2018	Kaunas (Lipari)	SEA ALEXA	RU	877074000	TZ	9	no		
■	28.04.2018	Vladivostok (Russian Federation)	SEA ALEXA	RU	877074000	TZ	18	yes		
□	16.04.2018	Vladivostok (Russian Federation)	SEA ALEXA	RU	877074000	TZ	7	no		
■	19.03.2018	Vladivostok (Russian Federation)	SEA ALEXA	RU	877074000	TZ	25	yes		
□	16.03.2018	Vladivostok (Russian Federation)	SEA ALEXA	RU	877074000	TZ	16	yes		
■	09.03.2018	Busan (Korea, Republic of)	SEA ALEXA	RU	877074000	TZ	8	yes		
□	28.02.2018	Busan (Korea, Republic of)	SEA ALEXA	RU	877074000	TZ	10	yes		
□	06.02.2018	Yokohama (Japan)	SEA ALEXA	RU	877074000	TZ	7	no		
■	15.12.2017	Vladivostok (Russian Federation)	SEA ALEXA	RU	877074000	TZ	16	no		
□	01.12.2017	Vladivostok (Russian Federation)	SEA ALEXA	RU	877074000	TZ	13	yes		
■	10.09.2017	Vladivostok (Russian Federation)	SEA ALEXA	RU	877074000	TZ	22	no		
□	22.06.2017	Vladivostok (Russian Federation)	SEA ALEXA	RU	877074000	TZ	18	yes		
■	20.08.2017	Vladivostok (Russian Federation)	SEA ALEXA	RU	877074000	TZ	20	no		
□	24.08.2017	Vladivostok (Russian Federation)	SEA ALEXA	RU	877074000	TZ	14	no		
□	24.07.2017	Vladivostok (Russian Federation)	SEA ALEXA	RU	874074000	TZ	8	no		
■	04.07.2017	Vladivostok (Russian Federation)	SEA ALEXA	RU	877074000	TZ	2	no		
■	17.06.2017	Vladivostok (Russian Federation)	SEA ALEXA	SEPS	87723000	TG	11	no		
□	21.05.2017	Fuzhou (Japan)	SEA ALEXA	RU	877074000	TZ	10	no		
■	17.05.2017	Vladivostok (Russian Federation)	SEA ALEXA	RU	877074000	TZ	15	no		
□	11.05.2017	Vladivostok (Russian Federation)	SEA ALEXA	SEPS	87723000	TG	12	no		
■	11.05.2017	Vladivostok (Russian Federation)	SEA ALEXA	SEPS	87723000	TG	17	no		
■	12.04.2017	Vladivostok (Russian Federation)	SEA ALEXA	SEPS	87723000	TG	18	no		
□	10.04.2017	Vladivostok (Russian Federation)	SEA ALEXA	SEPS	87723000	TG	1	yes		
□	23.03.2017	Yokohama (Japan)	SEA ALEXA	SEPS	87723000	TG	12	yes		
■	03.03.2017	Vladivostok (Russian Federation)	SEA ALEXA	SEPS	87723000	TG	10	no		
■	27.02.2017	Vladivostok (Russian Federation)	SEA ALEXA	SEPS	87723000	TG	17	no		
□	18.02.2017	Vladivostok (Russian Federation)	SEA ALEXA	SEPS	87723000	TG	9	yes		
□	21.12.2016	Vladivostok (Russian Federation)	SEA ALEXA	SEPS	87723000	TG	6	no		
■	24.10.2016	Vladivostok (Russian Federation)	SEA ALEXA	SEPS	87723000	TG	10	no		
■	21.10.2016	Vladivostok (Russian Federation)	SEA ALEXA	SEPS	87723000	TG	2	no		
■	11.10.2016	Gwangyang (Korea, Republic of)	SEA ALEXA	SEPS	87723000	TG	2	no		
□	10.10.2016	Gwangyang (Korea, Republic of)	SEA ALEXA	SEPS	87723000	TG	1	no		

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Screenshot of APCIS database (sample)

Ship deficiencies					
#	Date	Nature	Remarks	Conventions	Action
1	07126	International Ballast Water Management Certificate (16.04.2018)	STATEMENT OF COMPLIANCE FOR INTERNATIONAL BALLAST WATER MANAGEMENT CERTIFICATE - COPY	Ballast Water Management	17 - Rectify deficiency before departure 10 - Deficiency rectified
2	01114	SCRF (16.04.2018)	ANNEX 2 FOR SCRF NOT UP-TO DATE	MARPOL Annex I	17 - Rectify deficiency before departure 10 - Deficiency rectified
3	03103	Freshboard marks (07.12.2017)	DECK LINE (YS) - NOT PAINTED	Load Lines, LL(B&A)/B	15 - Rectify deficiency at next port
4	02169	Other (Structural condition) (06.02.2018)	SEVERAL STIFFENER FOR CARGO HOLDS HATCH COAMING - HEAVY CORROSION PARTLY	Res. MSC.168/79	16 - Rectify deficiency within 14 days
5	10116	Nautical publications (16.04.2018)	ITU PUBLICATION LIST IN OLD EDITION	SOLAS ch. V	17 - Rectify deficiency before departure 10 - Deficiency rectified
6	12102	Auxiliary engine (16.04.2018)	PORT DUTY GENERATOR ON OPEN DECK NOT APPROVAL BY RO	SOLAS ch. II-1 Parts C, D, E, F	99 - Other (specify) Consult with RO, Survey re departure 10 - Deficiency rectified
7	13102	Auxiliary engine (16.04.2018)	AUX. D/G NO.2-GENERATOR DISMANTLED	SOLAS ch. II-1 Parts C, D, E, F	99 - Other (specify) Consult with RO, Survey re departure 10 - Deficiency rectified
8	02198	Other (load beam) (16.04.2018)	TWO PINS OF STERN GLAND MISSING IN THE HOISTERN	Load Lines	99 - Other (specify) Consult with RO, Survey re departure 10 - Deficiency rectified
9	14104	Oil filtering equipment (16.04.2018)	SPARE FILTER FOR O.W.S. ON BOARD MISSING	MARPOL Annex I	17 - Rectify deficiency before departure 10 - Deficiency rectified
10	13199	Other (ISM) (23.05.2017)	SHIPS SMS AS IMPLEMENTED - NOT ENSURE PROPER IMPLEMENTATION WITH REGARD TO SECTION 8, "EMERGENCY PREPAREDNESS", SECTION 9, "REPORT AND ANALYSIS OF NON-COMPLIANCE", AND SECTION 10, "MAINTENANCE OF THE SHIP AND EQUIPMENT" OF THE ISM CODE AS EVIDENCED BY THE ABOVE DEFICIENCIES.	ISM Code	18 - Rectify deficiency within 3 months
11	07102	Division - deck, bulkheads and protrusions (29.03.2018)	BULKHEAD BETWEEN GALLEY AND MESS ROOM/DINING ROOM NOT MEET A CLASS FIRE DIVISION (NOT INSTALLED A CLASS FIRE DOOR)	SOLAS ch. II-2	17 - Rectify deficiency before departure 99 - Other (specify) TO BE PERMANENTLY RECORDED BUT NOT LATER THAN 21-03-2018
12	14108	IS PPM Alarm arrangem. (28.03.2018)	RECORDING & DISPLAY ARRANGEMENT OF INTRINSIC BLEND SEPARATOR (OIL CONTENT METER) OUT OF ORDER.	MARPOL Annex I	17 - Rectify deficiency before departure 99 - Other (specify) TO BE PERMANENTLY RECORDED
13	15108	Maintenance of the ship and equipment (16.03.2018)	MAINTENANCE OF THE SHIP AND EQUIPMENT NOT MAINTAINED WELL AS EVIDENCED ABOVE DEFICIENCIES	ISM Code, ISM/430	10 - Detainable deficiency 18 - Rectify deficiency within 3 months 18 - Rectify deficiency within 3 months

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What is PSC ?



Provisions on control (Legal basis)

**SOLAS: Ch. I Regulation 19, Ch. VIII Regulation 11,
Ch. IX Regulation 6, Ch. XI-1 Regulation 4,
Ch. XI-2 Regulation 9**

LL: Article 21

MALPOL: Articles 5 & 6,

**Annex I Regulation 8A, Annex II Regulation 15,
Annex III Regulation 8, Annex IV: Regulation 13,
Annex V Regulation 8, Annex VI Regulation 10**

STCW: Article X

Tonnage: Article 12

AFS: Article 11

ILO 147: Article 4

MLC: Article 5

BWM: Article 9

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What is PSC ?



SOLAS74 Chapter I, Regulation 19 (Control)

- (a) Every ship when in a port of another Contracting Government is **subject to control by officers duly authorized by such Government** in so far as this control is directed towards **verifying that the certificates issued under Regulation 12 or 13 are valid.**
- (b) Such certificates, if valid, shall be accepted unless there are **clear grounds** for believing that the condition of the ship or of its equipment does not correspond substantially with the particulars of any of the certificates or that the ship and its equipment are not in compliance with the provisions of Regulation 11 (a) and (b).

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What is PSC ?



- (c) In the circumstances given in paragraph (b) or where a certificate has expired or ceased to be valid, **the officer carrying out the control shall take steps to ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the appropriate repair yard without danger to the ship or persons on board.**
- (d) **In the event of this control giving rise to an intervention of any kind, the officer carrying out the control shall forthwith inform, in writing, the Consul or, in his absence, the nearest diplomatic representative of the State whose flag the ship is entitled to fly of all the circumstances in which intervention was deemed necessary.** In addition, nominated surveyors or recognized organizations responsible for the issue of the certificates shall also be notified. The facts concerning the intervention shall be reported to the Organization.

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What is PSC ?



- (e) The port State authority concerned shall notify all relevant information about the ship to the authorities of the next port of call, in addition to parties mentioned in paragraph (d), if it is unable to take action as specified in paragraphs (c) and (d) or if the ship has been allowed to proceed to the next port of call.
- (f) When exercising control under this regulation **all possible efforts shall be made to avoid a ship being unduly detained or delayed.** If a ship is thereby unduly detained or delayed it shall be entitled to compensation for any loss or damage suffered.

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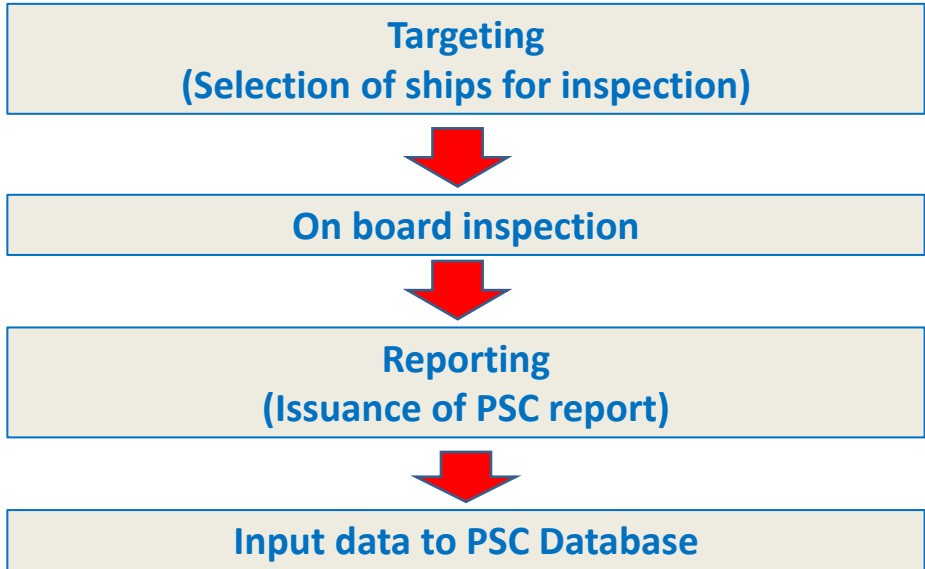
PSC Inspections

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PSC Inspections

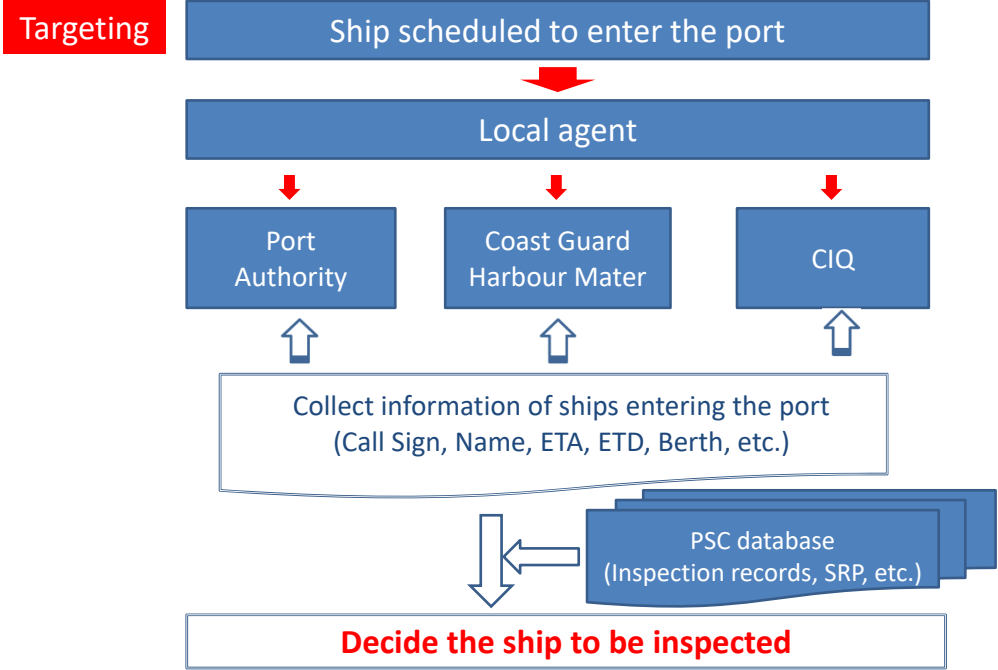


PSC Inspection Flow (General)



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PSC Inspections



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PSC Inspections



Targeting (Selection of ships for inspection)

– New Inspection Regime (NIR) –

Tokyo MOU Memorandum

3.3.1 In selecting ships for inspection, the Authorities will determine the order of priority based on, in principle, **the new inspection regime** (hereinafter referred to as the “NIR”) as prescribed in Annex 2.

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PSC Inspections



NIR – Ship Risk Profile

Parameters ¹⁾	Profile ²⁾				
	High Risk Ship (HRS) ³⁾ (When sum of weighting points ≥ 4) ⁴⁾		Standard Risk Ship (SRS) ⁵⁾	Low Risk Ship (LRS) ⁶⁾	
	Criteria ⁷⁾	Weighting points ⁸⁾	Criteria ⁹⁾	Criteria ¹⁰⁾	
Type of Ship ¹¹⁾	Chemical tanker, ¹²⁾ Gas Carrier, ¹³⁾ Oil tanker, ¹⁴⁾ Bulk carrier, ¹⁵⁾ Passenger ship, Container ship ¹⁶⁾	2 ¹⁷⁾	Neither LRS ¹⁸⁾ nor ¹⁹⁾ HRS ²⁰⁾	- ²¹⁾	
Age of Ship ²²⁾	All types > 12y ²³⁾	1 ²⁴⁾		- ²⁵⁾	
Flag ²⁶⁾	Black ²⁷⁾	1 ²⁸⁾		White ²⁹⁾	
Recognized Organization ³⁰⁾	IMO Audit ³¹⁾	- ³²⁾		Yes ³³⁾	
	RO of Tokyo MOU ³⁴⁾	- ³⁵⁾		Yes ³⁶⁾	
Company performance ³⁷⁾	Low ³⁸⁾ Very Low ³⁹⁾	1 ⁴⁰⁾		High ⁴¹⁾	
	Low ⁴²⁾ Very Low ⁴³⁾ No inspection within previous 36 months ⁴⁴⁾	2 ⁴⁵⁾		High ⁴⁶⁾	
Deficiencies ⁴⁷⁾	Number of deficiencies recorded in each inspection within previous 36 months ⁴⁸⁾	How many inspections were there which recorded over 5 deficiencies? ⁴⁹⁾		No. of inspections which recorded over 5 deficiencies ⁵⁰⁾	All inspections have 5 or less deficiencies (at least one inspection within previous 36 months) ⁵¹⁾
Detentions ⁵²⁾	Number of Detention within previous 36 months ⁵³⁾	3 or more detentions ⁵⁴⁾		1 ⁵⁵⁾	No detention ⁵⁶⁾

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PSC Inspections



Black-Gray-White (BGW) List

- ✓ Published every year in the Annual Report
- ✓ Calculated by a standard formula for statistical calculations using rolling average of detention rate in the previous three years of each State
- ✓ Used for targeting purpose only
- ✓ Report to IMO III Sub-Committee jointly with the Paris MoU and US Coast Guard

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PSC Inspections



Black-Gray-White (BGW) List

SUMMARY OF PORT STATE INSPECTION DATA 2019 – 2021

Table 8: BLACK – GREY – WHITE LISTS *

Flag	Inspections 2019-2021	Detentions 2019-2021	Black to Grey Limit	Grey to White Limit	Excess Factor
BLACK LIST					
Mongolia	224	33	22		2.36
Togo	771	100	66		2.35
Sierra Leone	892	89	75		1.47
GREY LIST					
Korea, Democratic People's Republic	65	8	8	1	0.94
Dominica	48	6	7	0	0.89
Croatia	61	6	8	0	0.73
Palau	162	14	17	5	0.73
Jamaica	55	5	7	0	0.66

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PSC Inspections



Tokyo MOU BGW List – 2016-2021

	2016	2017	2018	2019	2020	2021
Countries listed as Black	<i>Mongolia</i> Sierra Leone <i>Cambodia</i> Tanzania Indonesia Togo Niue DPR Korea Micronesia, FS <i>Palau</i>	Fiji Tanzania <i>Mongolia</i> Togo <i>Cambodia</i> Niue Indonesia Sierra Leone <i>Palau</i> DPR Korea Micronesia, FS	Fiji Tanzania <i>Cambodia</i> Togo <i>Mongolia</i> Micronesia, FS <i>Palau</i> Niue DPR Korea Sierra Leone Barbados Indonesia	Tanzania Togo <i>Mongolia</i> DPR Korea Sierra Leone <i>Palau</i> Niue St. Kitts and Nevis Barbados Micronesia, FS	Togo Sierra Leone <i>Mongolia</i> Jamaica <i>Palau</i> <i>Kiribati</i> DPR Korea	<i>Mongolia</i> Togo Sierra Leone
Countries moved from Black to Gray			St. Kitts and Nevis	Indonesia	Niue Barbados	DPR Korea <i>Palau</i> Jamaica <i>Kiribati</i>
Countries moved to Black to White					Indonesia	
Countries unlisted due to small number of inspections	Papua New Guinea Tonga	Papua New Guinea Tonga	Papua New Guinea Tonga	Papua New Guinea Tonga <i>Cambodia</i> Fiji	Papua New Guinea Tonga <i>Cambodia</i> Micronesia, FS St. Kitts and Nevis Fiji	Papua New Guinea Tonga

Vietnam moved from Black to White in 2014;
Thailand moved from Black to Grey in 2014 to White in 2015.

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Document submitted to IMO III8

IMO INTERNATIONAL MARITIME ORGANIZATION

E

SUB-COMMITTEE ON IMPLEMENTATION OF IMO INSTRUMENTS
8th session
Agenda item 5

III SINCP 25
3 June 2022
ENGLISH ONLY
Pre-session public release: X

MEASURES TO HARMONIZE PORT STATE CONTROL (PSC) ACTIVITIES AND PROCEDURES WORLDWIDE
Flag Administrations targeted by the Paris MoU, Tokyo MoU and the United States Coast Guard 2021
Submitted by the United States, Paris MoU and Tokyo MoU

SUMMARY

Executive summary: This document identifies flags targeted for inspection in more than one port State control region.

Strategic direction, if 1 applicable:

Output: 1.11

Action to be taken: Paragraph 5

Related documents: None

Introduction

- The annex contains a table showing flag Administrations targeted for port State control inspections in the regions of the Paris MoU, the Tokyo MoU and the United States Coast Guard (USCG).
- For only one targeted flag Administration, Togo, the performance is such that it is targeted for inspection in all three regions.
- No flag Administrations are targeted in two regions.
- The list of flag Administrations targeted in the European and Asia-Pacific regions is derived from the number of only inspections and detentions recorded over a three-year period from 2019 to 2021. The list from the USCG is calculated over the same three-year period. Further details are published in the respective Annual Reports for 2019, 2020 and 2021.

Action requested of the Sub-Committee

- The Sub-Committee is invited to note the information provided.

13082018 SINCP 25.docx

III SINCP 25
Annex, page 1

ANNEX
TARGETED FLAG ADMINISTRATIONS
2019 - 2021

PARIS MoU Black list	TOKYO MoU Black list	USCG List of targeted flag States (Safety) in alphabetical order
	High risk	Belgium Bolivia Israel Mexico Saint Kitts and Nevis Saint Vincent and the Grenadines United Republic of Tanzania Togo Tunisia
Cameroon	High risk	
Albania Republic of Moldova, Togo	Medium to high risk	Mongolia Togo
Algeria Comoros Egypt	Medium risk	Antigua and Barbuda Cyprus Panama Portugal Vanuatu

Flag Administration appearing on all three lists was: the flag of Togo.
No flag Administrations appearing on two lists.

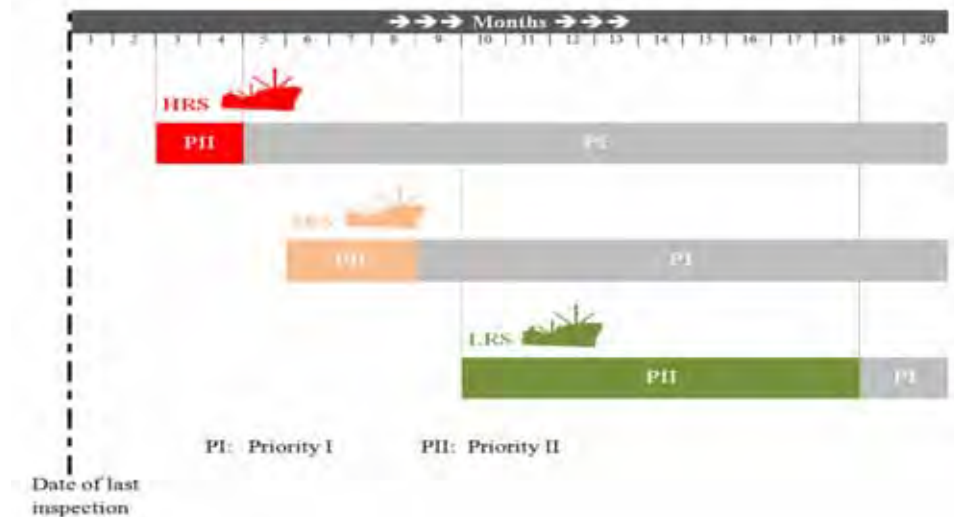
13082018 SINCP 25.docx

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PSC Inspections



NIR - Ship Risk Profile Inspection Window



Priority I : ships must be inspected because the time window has closed.

Priority II: ships may be inspected because they are within the time window of inspection.

No Priority: Authority will seek to avoid inspecting the ship.

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PSC Inspections



General flow of on-board inspection

Initial inspection

1. Pre-boarding assessment

- Side shell plate
 - Condition of hull, painting, damage, dents, leaks
- LL marks
- Navigation lights
- Mooring lines
- Side scuttles, etc.



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General flow of on-board inspection

Initial inspection

2. Document check

Ship's Certificates
LL, SC, SE, SR, IOPP, ISPP, IAPP, etc.
Crew's Certificate (license)
Log book with drill record
Oil record book with Bunker Delivery Note
Garbage record book with management plan
Maintenance records of LSA and FSS
Stability Information
SOPEP
ISM manual
Ship security record, etc.



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General flow of on-board inspection

Initial inspection

3. Visual inspection tour

Navigation bridge

Charts, Nautical publications, Voyage plan, Navigation equipment,
Alarm and control panel, Radio installations, etc.

LSA

Lifeboats, Liferrafts, Life jackets, Lifebouys, Immersion suits, etc.

FSS

Fixed fire extinguishing system, Portable fire extinguishers, Fire
hydrants, hoses, nozzles, Fire control plans, Fire dampers, etc.

Accommodation

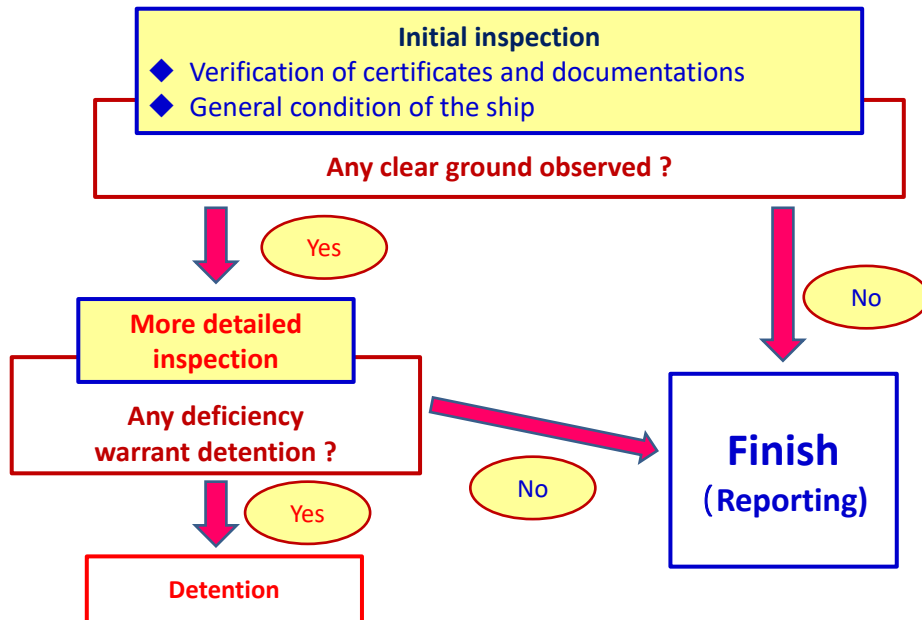
Fire door, Accommodation facilities, etc.

Machinery space

Main engine, Auxiliary engines, Pumps, Oily water separator, Oily bilge
managament, Oil content meter, Steering gears, etc.

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PSC Inspections



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PSC Inspections



General flow of on-board inspection

More Detailed Inspections

e.g. Life Saving Appliances

- Maintenance and Drills
- Effectiveness of LSA depends heavily on good maintenance by crew and use in regular drills
- Quantified in Record of Equipment and Safety Plan
- Look for sign of disuse;
e.g.) condition of suspension block, boat falls, painting, greasing in launching equipment for L/Bs

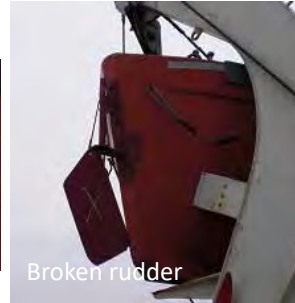
50

PSC Inspections



More Detailed Inspections

e.g. Life saving appliance

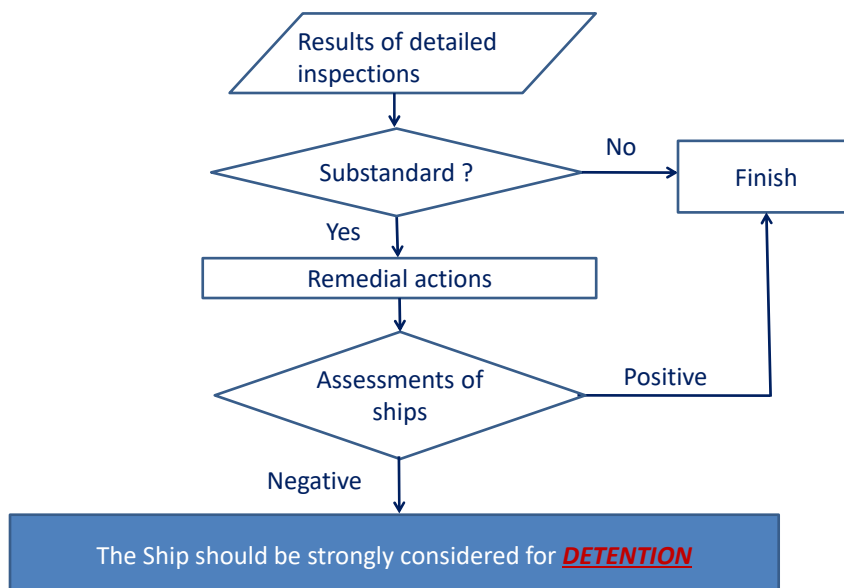


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PSC Inspections



Contravention and Detention



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Identification of a substandard ship

(A.1155(32) * sec. 3.1.1)

If the Hull, Machinery, Equipment, or Operational safety, is substantially below the standards, owing to, *inter alia*:

- Absence of Principal equipment or arrangement
- Non-compliance of Equipment or arrangement
- Substantial deterioration of the ship or its equipment
- Insufficiency of Operational proficiency by the crew
- Insufficiency of Manning and certification of seafarers

➡ The ship is regarded as **substandard**

* IMO Assembly Resolution – Procedures for Port State Control, 2021

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Remedial Action

(IMO Resolution A.1155(32) sec. 3.4)

The port State should immediately ensure that

- **corrective action** is taken to safeguard the safety of the ship and passengers and/or crew
- eliminate any threat of harm to the marine environment before permitting the ship to sail

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PSC Inspections



Assessments of the conditions of the ship

When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention the PSCO should assess whether:

1. the ship has relevant, valid documentation
2. the ship has the crew required in the Minimum Safe Manning Document

Further assess throughout its forthcoming voyage, is able to:

- .1 navigate safely;
- .2 safely handle, carry and monitor the cargo;
- .3 operate the engine-room safely;
- .4 maintain proper propulsion and steering;
- .5 fight fires effectively in any part of the ship;
- .6 abandon ship speedily and safely and effect rescue ;
- .7 prevent pollution of the environment;
- .8 maintain adequate stability;
- .9 maintain adequate watertight integrity;
- .10 communicate in distress situations ; and
- .11 provide safe and healthy conditions on board

(A.1155(32) Appendix 2 sec.1.1, 1.2)

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PSC Inspections



Detention

If any of the assessments is negative, the ship should be strongly considered for **DETENTION**

- A combination of deficiencies of a less serious nature may also warrant the detention of the ship
- Ships should be detained upon **the first inspection** irrespective of the time the ship will stay in port

(A.1155(32) Appendix 2 sec. 1.3)

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PSC Inspections



In case of detention, ***the flag Administration shall be notified by the port State.***

If such notification is made verbally, it should be subsequently confirmed in writing.

As a minimum, the notification should include:

- details of the ship's name
- the IMO number
- copies of Forms A and B
- time of detention, and
- copies of any detention order

The recognized organizations which have issued the relevant certificates on behalf of the flag State should be notified, where appropriate.

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PSC Inspections



Report

Port State Authorities should ensure on the conclusion of an inspection,

- provide with a document giving the results of the inspection
- details of any action taken by the PSCO
- list of any corrective action to be initiated by the master and/or company by the prescribed format (**Form A,B**)

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Form A

REPORT OF INSPECTION IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN THE ASIA-PACIFIC REGION

(reporting authority)
(address)
(telephone)
(Telefax)
(e-mail address)

copy to: master
head office
PSCO
if ship is detained, copy to:
flag State
IMO
recognized organization, if applicable

1 name of reporting authority <u>xxxxx xxxxxxx xxxxx</u>	2 name of ship <u>EXAMPLE SHIP</u>
3 flag of ship <u>JAPAN</u> 4 type of ship <u>General Cargo</u>	5 call sign <u>WXYZ</u>
6 IMO number <u>1234567</u>	7 gross tonnage <u>12345</u> 8 deadweight (if applicable) _____
9 year keel laid <u>1980</u>	10 date of inspection <u>01-01-1996</u> 11 place of inspection <u>Kobe JAPAN</u>
12 classification society <u>XYZ</u>	13 date of release from detention <u>dd/mm/yyyy</u>
14a IMO company number <u>3456789</u>	14b particulars of company <u>xxxxxxxxx xxxxxxxxxxxxxxxx xxxxxxxxxxxx xxxxxxxxxxxxxxxx</u>

15 name and signature of master to certify that the information under 14 is correct:
name _____ signature _____

16 details of ship certificates

a title	b issuing authority	c date of issue and expiry	dd/mm/yyyy
1 Load line cert.	<u>XYZ</u>	<u>dd/mm/yyyy</u>	<u>dd/mm/yyyy</u>
2 Cargo ship safety construction cert.	<u>XYZ</u>	<u>dd/mm/yyyy</u>	<u>dd/mm/yyyy</u>
3 Cargo ship safety equipment cert.	<u>FLAG STATE</u>	<u>dd/mm/yyyy</u>	<u>dd/mm/yyyy</u>
4 Cargo ship safety radio cert.	<u>FLAG STATE</u>	<u>dd/mm/yyyy</u>	<u>dd/mm/yyyy</u>
5 DOC (ISM Code)	<u>XYZ</u>	<u>dd/mm/yyyy</u>	<u>dd/mm/yyyy</u>
6 SMC (ISM Code)	<u>XYZ</u>	<u>dd/mm/yyyy</u>	<u>dd/mm/yyyy</u>
7 IOPP cert.	<u>XYZ</u>	<u>dd/mm/yyyy</u>	<u>dd/mm/yyyy</u>
8 Minimum safe manning doc.	<u>FLAG STATE</u>	<u>dd/mm/yyyy</u>	_____
9 Tonnage cert.	<u>FLAG STATE</u>	<u>dd/mm/yyyy</u>	_____
10 IAPP	<u>XYZ</u>	<u>dd/mm/yyyy</u>	<u>dd/mm/yyyy</u>
11 ISPP	<u>XYZ</u>	<u>dd/mm/yyyy</u>	<u>dd/mm/yyyy</u>
12 IAFS	<u>XYZ</u>	<u>d/mm/yyyy</u>	_____
13 ISSC	<u>XYZ</u>	<u>d/mm/yyyy</u>	<u>dd/mm/yyyy</u>

Form A (continued)

d information on last intermediate or annual survey

date	surveying authority	place
1 <u>dd/mm/yyyy</u>	<u>XYZ</u>	<u>xxxxxxxxxxxx</u>
2 <u>dd/mm/yyyy</u>	<u>XYZ</u>	<u>xxxxxxxxxxxx</u>
3 <u>dd/mm/yyyy</u>	<u>FLAG STATE</u>	<u>xxxxxxxxxxxx</u>
4 <u>dd/mm/yyyy</u>	<u>FLAG STATE</u>	<u>xxxxxxxxxxxx</u>
5 <u>dd/mm/yyyy</u>	<u>XYZ</u>	<u>xxxxxxxxxxxx</u>
6 <u>dd/mm/yyyy</u>	<u>XYZ</u>	<u>xxxxxxxxxxxx</u>
7 <u>dd/mm/yyyy</u>	<u>XYZ</u>	<u>xxxxxxxxxxxx</u>
8 _____	_____	_____
9 _____	_____	_____
10 _____	_____	_____
11 _____	_____	_____
12 _____	_____	_____

To be recorded detention related certificates, otherwise record as much as possible

17 deficiencies no yes (see attached Form B)
 18 ship detained no yes
 19 supporting documentation no yes (see annex)

issuing office _____ name _____
 (duly authorized PSCO of reporting authority)
 telephone _____
 telefax _____ 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.

- 1) This inspection report has been issued solely for the purpose of informing the master and other port State 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 certificates the ship is required to carry.
- 2) To be completed in the event of a detention.
- 3) Masters and companies are advised that detailed information on a detention may be subject to future publication.

FORM B
REPORT OF INSPECTION IN ACCORDANCE WITH THE MEMORANDUM OF
UNDERSTANDING ON PORT STATE CONTROL

2. name of ship _____ 6JMO number _____
 10. date of inspection _____ 11. place of inspection _____
 20. list of deficiencies

no.	code	nature of deficiency	conventions	action taken	responsible RD
1	13101	PROPULSION AND AUXILIARY MACHINERY COOLING WATER LEAKED FROM No.2,3 CYLINDER HEAD OF MAIN ENGINE	SOLAS ch. 9-1 Parts C, D, E, F	99 - Other Within ONE MONTH	
3	01103	CERTIFICATE AND DOCUMENTATION - SHIP CERTIFICATE Safety Construction (including exempt), SEC, SE AND SR RENEWAL SURVEY EXCEEDED 3 YEARS 3 MONTHS, LAST RENEWAL SURVEY DATE WAS ON 30-DEC-2019	SOLAS ch. 1, 5/24/76/2014	32 - Detainable deficiency 46 - Rectify detainable deficiency at agreed repair port Conditional Permission for a single voyage is issued to Dry Docking yard	190 (1)(b)
3	18002	LABOUR CONDITIONS-ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING Sanitary Facilities PIPE IN PUBLIC TOILET CORRODED	MLC 2006 Title 9	16 - Rectify deficiency within 14 days	
4	27100	FIRE SAFETY Water (for safety) PLASTIC WASTE RECEPTACLE USED IN ACCOMMODATION	SOLAS ch. 9-2	17 - Rectify deficiency before departure	
8	13103	PROPULSION AND AUXILIARY MACHINERY Gauges, thermometers, etc TACHOMETER OF No.2 GENERATOR OUT OF ORDER	SOLAS ch. 9-1 Parts C, D, E, F	99 - Other WITHIN ONE MONTH	

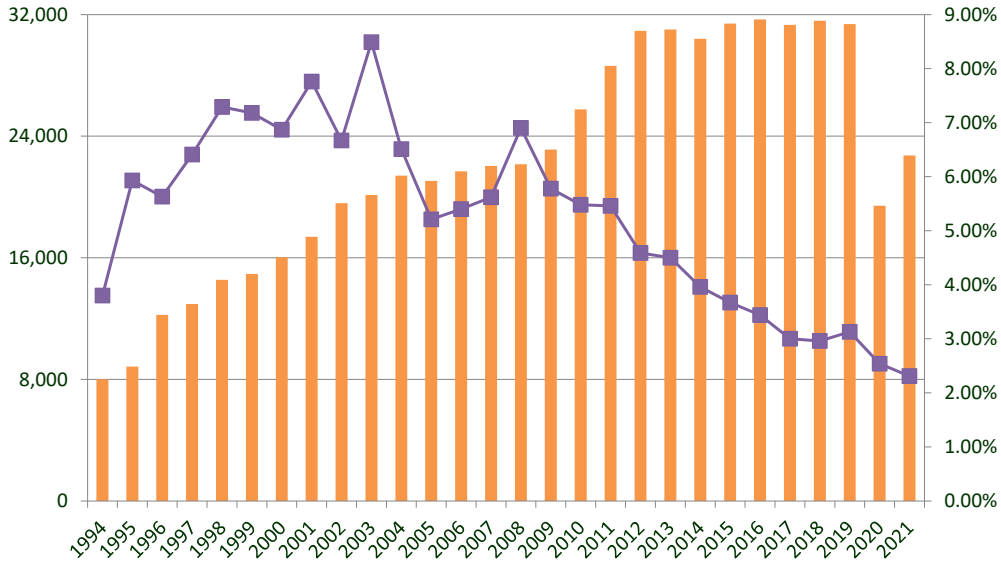
PSCO name _____ signature _____

PSC Data and Analysis

PSC Data and Analysis



Trend of Number of Inspections & Detention rate (%)

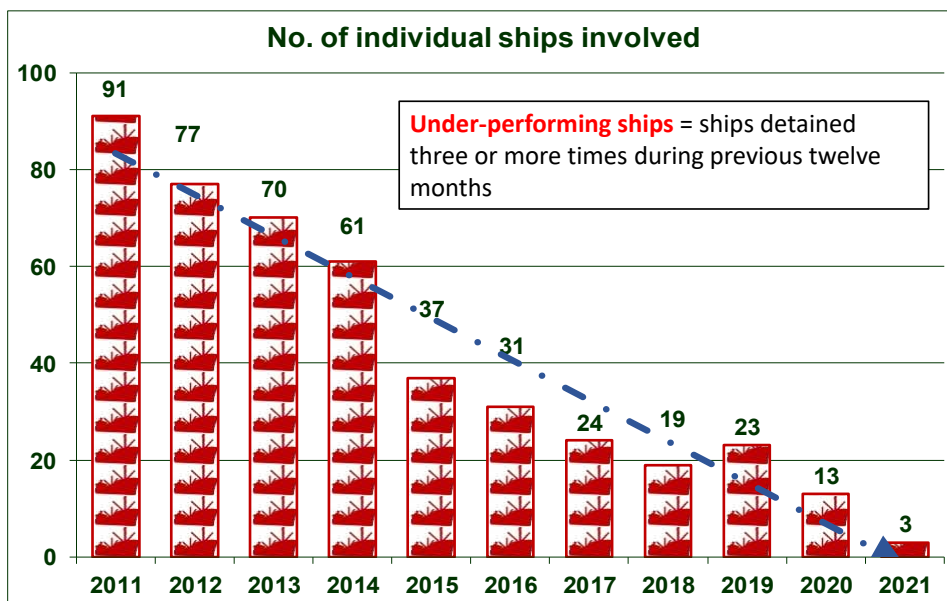


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PSC Data and Analysis



Under-performing Ships



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PSC Data and Analysis



TARGETED FLAG ADMINISTRATIONS
2018 - 2021

PARIS MoU Black list		TOKYO MoU Black list	USCG List of targeted flag States (Safety) in alphabetical order	
	Very high risk		Belgium Bolivia Israel Mexico Saint Kitts and Nevis Saint Vincent and the Grenadines United Republic of Tanzania Togo Türkiye	High Risk
Cameroon	High risk			
Albania Republic of Moldova, Togo	Medium to high risk	Mongolia Togo		
Algeria Comoros Egypt	Medium risk	Sierra Leone	Antigua and Barbuda Cyprus Panama Portugal Vanuatu	Medium Risk

Flag Administration appearing on all three lists was: the flag of Togo.

No flag Administrations appearing on two lists.

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PSC Data and Analysis



Inspections and Detention rate per flag of participating Authority

	Cambodia		Kiribati		Mongolia		Palau		Total	
2016	3,086	13.51	613	7.18	383	16.71	76	14.47	93,490	3.69
2017	1,755	13.33	490	6.12	332	15.96	159	14.47	94,400	3.37
2018	452	16.81	336	7.14	278	14.39	209	12.92	94,582	3.13
2019	3	33.33	221	9.95	261	14.18	239	12.13	94,276	3.03
2020	3	33.33	118	11.86	243	11.93	185	11.35	82,736	2.93
2021	3	33.33	68	7.35	224	14.73	162	8.64	73,518	2.72

Left: Number of PSC inspections (previous 3 years)

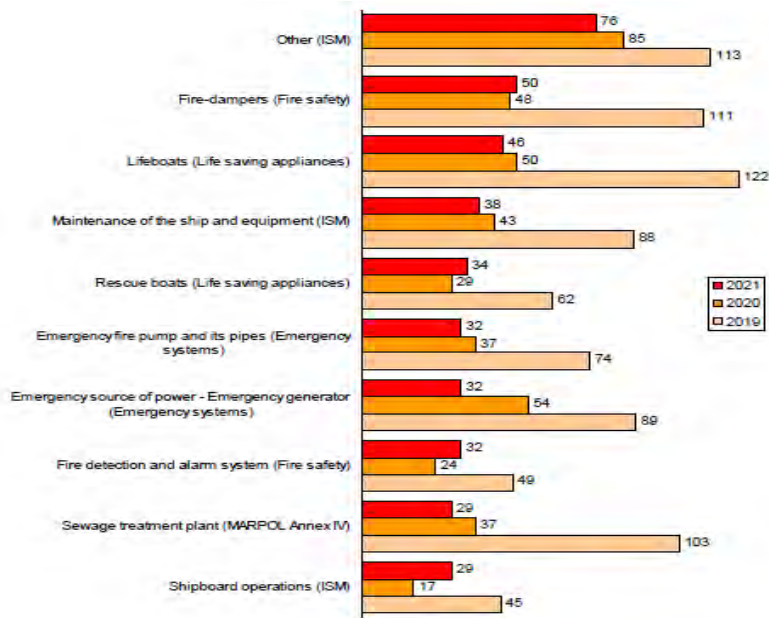
Right: 3-year rolling average detention rate (%)

■ In Black list ■ In Gray List

Flags whose ships were involved not more than 30 PSC inspections over the previous 3 year period were not listed in BGW list.

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Most frequent detainable deficiencies



Fraudulent Registration

Fraudulent registration



Major fraudulent registration issues reported to IMO and/or Tokyo MOU Secretariat in recent years

Flag Administration	Year	Summary
Democratic Republic of Congo (DRC)	2017	Out of 84 vessels shown under the DRC flag, 73 had been registered without the Maritime Administration's knowledge or approval since 2015 (IMO Circular letter No.3717)
Vanuatu	2017	An illegal Vanuatu international ship registry (Ahapi Shipping Agents) perpetrating illegal ship registration and seafarers certification on behalf of the Government of Vanuatu through an illegal website.
Fiji	2017	91 ships were illegally registered under its flag (IMO Circular letter No.3798)
Federal State of Micronesia	2017	150 ships illegally registered under its flag

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Fraudulent registration



Major fraudulent registration issues reported to IMO and/or Tokyo MOU Secretariat in recent years

Flag Administration	Year	Summary
United Republic of Tanzania	2018	Some Tanzanian de-registered ships still fraudulently continuing using Tanzania flag and identified themselves as Tanzania ships using falsified documentations.
The Republic of Maldives	2018	3 ships fraudulently use the Maldives' flag Maldives does not maintain open registry (IMO Circular letter No.3840)
The Republic of Nauru	2018	"Nauru Maritime Administration – International Ship Registry" based in Stockholm, Sweden was never approved or appointed by the Republic of Nauru to operate the Republic's ship registry (IMO Circular letter No.3855)

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What does a flag State Should do?

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As a flag State...



Always pay due attention to PSC inspection results of your fleet and especially notification of detention from port State Authority

***— Update contact information of your flag Administration, etc. in IMO
GISIS***

GISIS: Global Integrated Shipping Information System

— Take measures to improve quality of your fleet

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PSC Database of the Tokyo MOU website



- Organization
- Inspection & Detentions
- FAQ
- Detention list
- PSC Database**
- New Inspection Regime (NIR) [New](#)
- Under-performing ships
- Appeal procedures
- Detention review
- Summary of Detention Review Cases [New](#)
- Criteria for MO responsibility
- Publications

PSC Database

For the purpose of providing more transparent information on activities of the Tokyo MOU, the Port State Control Committee decided to publish the PSC inspection data on the web-site. The inspection database under this section has been developed for providing the facilities to make search and view of the results of inspections conducted by the member Authorities of the Tokyo MOU.

In order to ensure accuracy and correctness of the Tokyo MOU PSC data, should there be a question regarding inspection data, parties or individuals concerned are requested to contact the relevant port State Authority directly for verification or correction. The information displayed in the database reflects the situation at the time of inspection. The Secretariat of the Tokyo MOU is not in the position to amend any records in the database.

Notice

For the purpose of ensuring accuracy and correctness of Tokyo MOU PSC statistics, should there be a question regarding the PSC data of the year 2019, parties or individuals concerned are requested to contact the relevant port State Authority directly not later than 31 January 2020 for verification or correction; otherwise the corrections would not be reflected in the annual statistics being published in the 2019 Annual Report.

Frequently Asked Questions

Query & contact form

Contact form

Contact details

Secretariat

Authorities

http://www.tokyo-mou.org/inspections_detentions/psc_database.php

MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN THE ASIA-PACIFIC REGION

SEARCH IN DATABASE

SHIP SEARCH

IMO number:

Call sign:

Ship name:

COMPANY SEARCH

IMO Company Number:

Company name:

INSPECTION SEARCH

Period from: to

Authority:

Flag:

Ship class:

Recognized organization:

Ship type:

Inspection results:

Inspection type:

Sort by: Sort order:

then by: Sort order:

Hosted by
PSC/TSC Directorate
Moscow, Russia

IMO Global Integrated Shipping Information System

Welcome to the Members Area

Ship and Company Particulars
 Status of Treaties
 IUT Data Distribution Plan
 Development of Amendments
 Maritime Security - [Public Area](#)
 Recognized Organizations - [Public Area](#)
 Ship Air
 Facilitation of International Maritime Traffic - [Public Area](#)
 Vessel Water Management - [Public Area](#)
 SWISSOR - [Public Area](#)
 Condition Assessment Scheme - [Public Area](#)
 Trial Laboratories and Pilot Facilities - [Public Area](#)
 MARPC, Annex VI - [Public Area](#)
 Member State Audit - [Public Area](#)

Waste Complaints and Incidents
 Port State Control
 Maritime Autonomous Surface Ships (MASS)
 Survey and Certification
 Contact Points - [Public Area](#)
 Agency and Accreditation
 Policy and Armed Robbery - [Public Area](#)
 Inter-agency platform for information sharing on major smuggling by sea - [Public Area](#)
 Non-mandatory Instruments - [Public Area](#)
 Global SMC Plan - [Public Area](#)
 National Maritime Legislation - [Public Area](#)
 OPCS - [Public Area](#)
 Evaluation of HOSAs - [Public Area](#)

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IMO GISIS

<https://webaccounts.imo.org/Common/WebLogin.aspx?ReturnUrl=%2fMembers%2fUser%2fDefault.aspx>

Recognized Organizations [Public Area](#)
 Information submitted by Member States under MSC/Circ.1010-MEPC/Circ.382.

Contact Points [Public Area](#)
 Electronic database for Contact Points.

IMO GISIS: Contact Points

You are in the Public Area | Contact Points | Contact Points by Authority | Contact points by function | Contact points by country/authority | [Home](#) | [Feedback](#)

Contact Points / Cambodia

Filter by function:

Showing 1-2 of 2

Reference	Function of contact point	Organization	Name	Last updated
CP10631	<ul style="list-style-type: none"> Ship inspection and casualty investigation services 	International Ship Registry of Cambodia (ISROC)	Charlie Bach	2013-02-21
CP13726	<ul style="list-style-type: none"> Ship inspection and casualty investigation services 	Ministry of Public Works and Transport General Department of Transport	Mr. Lang Thien Yuthea	2007-07-30

IMO GISIS: Contact Points

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Contact Points / Kiribati

Filter by function:

Showing 1-4 of 4

Reference	Function of contact point	Organization	Name	Last updated
CP43844	<ul style="list-style-type: none"> Facilitation purposes 	Ministry of Communications, Transport & Tourism Development		2013-04-28
CP37031	<ul style="list-style-type: none"> London Convention/Protocol matters 	Ministry of Environment, Lands & Agricultural Development	Taru Hurdock	2015-04-08
CP12966	<ul style="list-style-type: none"> Ship inspection and casualty investigation services 	Kiribati Ship Registry	Tan Suan Set	2018-03-01
CP17378	<ul style="list-style-type: none"> Urgent reports on incidents involving harmful substances 	Ministry of Transport, Communications* and Tourism		2007-07-30

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IMO GISIS: Contact Points

You are in the Public Area | Contact Points | Contact Points by Authority | Contact points by function | Contact points by country/authority | [Home](#) | [Feedback](#)

Contact Points / Mongolia

Filter by function:

Showing 1-2 of 2

Reference	Function of contact point	Organization	Name	Last updated
CP12845	<ul style="list-style-type: none"> Continuous synopsis records Ship inspection and casualty investigation services 	Mongolia Ship Registry, Mongolia Maritime Administration (Operations)		2017-08-04
CP12685	<ul style="list-style-type: none"> Tripartite Agreements Container safety Continuous synopsis records Facilitation purposes IMDG Code Solid bulk cargoes London Convention/Protocol matters Ship inspection and casualty investigation services Urgent reports on incidents involving harmful substances Removal of wrecks 	Maritime Administration of Mongolia		2018-11-02

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Resolution	Subject	Responsible Organization	Contact Person	Date
CP12918	• Ship inspection and casualty investigation services • Urgent reports on incidents involving harmful substances	Polish International Ship Registry - Ship Registry Administrator	Michał Adamczak	2019-11-04
CP12283	• Continuous synopsis records • Removal of wrecks	Polish International Ship Registry - Ship Registry Administrator	Łucja Mezczyńska	2019-11-04
CP12287	• Ship inspection and casualty investigation services	Polish International Ship Registry - Ship Registry Administrator	Michał Adamczak	2019-11-04
CP12290	• Tripartite Agreements	Polish International Ship Registry - Ship Registry Administrator	Michał Adamczak	2019-11-04
CP18943	• Tripartite Agreements • Facilitation purposes • Maritime Assistance Services (MAS) • Ship inspection and casualty investigation services • Urgent reports on incidents involving harmful substances	Ministry of Public Infrastructure, Industries and Commerce - Bureau of Marine Transport	William House	2019-11-04
CP12947	• Urgent reports on incidents involving harmful substances	Environmental Quality Protection Board	Ryszard T. Sleszyński	2019-11-04
CP18957	• Urgent reports on incidents involving harmful substances	Maritime Police Authority	William House	2019-05-02

Resolution	Subject	Responsible Organization	Contact Person	Date
CP18959	• Facilitation purposes	Ministry of Infrastructure	Anna Dębska	2019-05-02
CP18957	• Urgent reports on incidents involving harmful substances	Ministry of Infrastructure	Anna Dębska	2019-05-02
CP18958	• Ship inspection and casualty investigation services	Ministry of Infrastructure	Anna Dębska	2019-05-02
CP18956	• Ship inspection and casualty investigation services	Ministry of Infrastructure	Anna Dębska	2019-05-02
CP18955	• Urgent reports on incidents involving harmful substances	Ministry of Infrastructure	Anna Dębska	2019-05-02

IMO resolution relating to fraudulent registration



E

ASSEMBLY
32nd session
Agenda item 13

A 32/Res.1162
28 January 2022
Original: ENGLISH

Resolution A.1162(32)

Adopted on 15 December 2021
(Agenda item 13)

ENCOURAGEMENT OF MEMBER STATES AND ALL RELEVANT STAKEHOLDERS TO PROMOTE ACTIONS FOR THE PREVENTION AND SUPPRESSION OF FRAUDULENT REGISTRATION AND FRAUDULENT REGISTRIES AND OTHER FRAUDULENT ACTS IN THE MARITIME SECTOR

THE ASSEMBLY,

NOTING Article 1(a) of the Convention on the International Maritime Organization (the Convention) regarding the purposes of the Organization to provide machinery for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage

HAVING CONSIDERED the recommendations made by the Legal Committee at its 108th session,

1 URGES all Governments and organizations concerned to cooperate fully in taking effective measures and exchanging information for the further prevention of maritime fraud bearing in mind that measures relating to documentation must not prejudice the facilitation of legitimate international maritime traffic and trade;

2 ENCOURAGES Governments to review the provisions in their national law relating to the prevention and suppression of all forms of maritime fraud and to make such additions or improvements regarding, inter alia, the exercise of due diligence, as may be necessary for the prevention and suppression of such acts and practices, and for safeguarding the interests of all stakeholders concerned, having particular regard to:

- (a) administration of national registries of ships, including requirements for provisional registration, transfer of ownership, nationality, or change of name of ships;
- (b) documentary requirements, bearing in mind that measures relating to documentation must not prejudice the facilitation of legitimate international traffic and trade; and
- (c) appropriate legal penalties for fraudulent acts and practices in the maritime sector;

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3 ALSO ENCOURAGES Governments to examine their national law enforcement procedures and resources, including the availability of appropriately trained personnel, and to take such action as may be necessary for the effective prevention, investigation and detection of all forms of maritime fraud and the prosecution of all those involved;

4 INVITES Governments and relevant international organizations to inform the Secretary-General of legal, administrative and other actions taken or contemplated to implement the aims of this resolution;

5 URGES Governments to take all possible measures of cooperation with each other and with relevant intergovernmental organizations and maritime stakeholders in order to maintain and develop coordinated actions in all relevant areas to combat maritime fraud, including the exchange of information and reporting the names of ships and registries involved in fraudulent acts;

6 URGES Governments, the IMO Secretary-General, port State control authorities, vessel owners and operators, non-governmental organizations, the private sector including the maritime insurance industry, ship brokers and other relevant maritime stakeholders to develop workshops that will focus on enhancing capabilities and due diligence practices for the prevention, detection and reporting of fraudulent registration documentation;

7 REQUESTS the Secretary-General to publish the information received from all Governments and relevant maritime stakeholders related to maritime fraud by way of a circular;

8 REQUESTS the Legal Committee to keep this matter under review and take such further action as it may consider necessary in light of developments.

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Thank you for
your attention



KUBOTA Hideo
Secretary
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Tokyo MOU Flag Performance Improvement Seminar

Flag State Responsibility under Maritime Conventions

December 2022



NODA Takuji
Japan



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Overview

1. Introduction to UNCLOS
2. UNCLOS and the flag State
3. UNCLOS and the rights and jurisdiction of the coastal/port State
4. The port State link between UNCLOS and IMO/ILO Conventions
5. The relationship between Governments and 'Commercial Registries'.

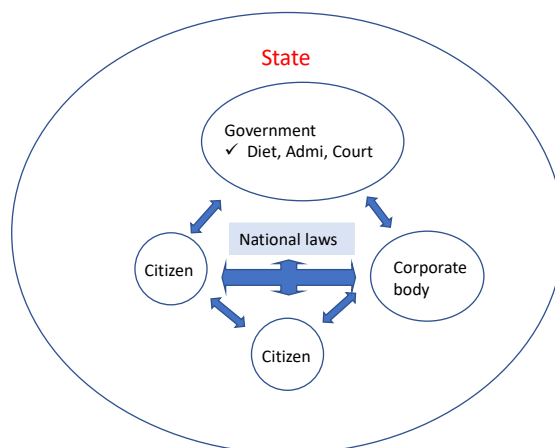
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Reference resources

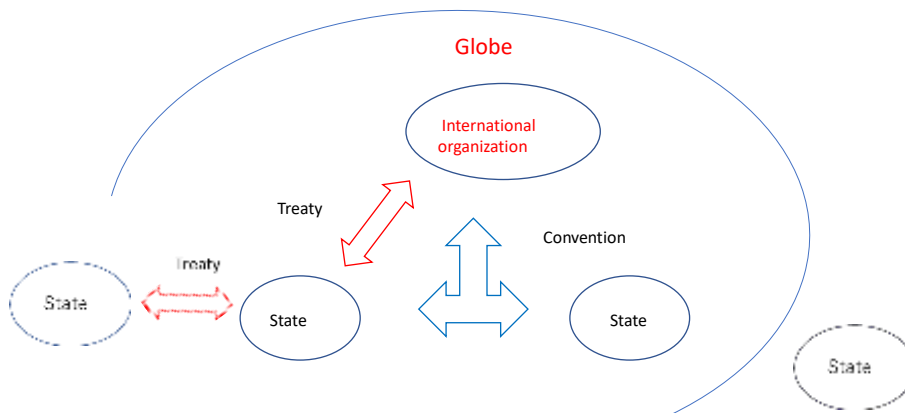
1. The *United Nations Convention of the Law of the Sea* as adopted by the third conference (Extraction)
2. Provisions of UNCLOS relevant to the instruments and work of IMO (LEG/MISC.8) 30 January 2014
[URL:http://www.imo.org/en/OurWork/Legal/Pages/UnitedNationsConventionOnTheLawOfTheSea.aspx](http://www.imo.org/en/OurWork/Legal/Pages/UnitedNationsConventionOnTheLawOfTheSea.aspx)
<Study by the Secretariat of the IMO >
3. SOLAS 74 (Extraction)
4. MARPOL 73/78 (Extraction)
5. The Marshall Islands *Maritime Act 1990* (Extraction)

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Application of National laws



Application of **International Laws**



1. Introduction to UNCLOS

Historical background

- The oceans had long been subject to the **Freedom of-the-seas doctrine** - a principle put forth in the seventeenth century essentially limiting national rights and jurisdiction over the oceans to a narrow belt of sea surrounding a nation's coastline.
- It has been conflicts between **"Ocean Nations"** claiming three nautical miles of territorial water and **"Coastal Nations"** claiming six, twelve or 200 NMs.
- In the early 20th century, some nations express their requests to extend their rights for protecting mineral resources, fish stocks and pollution control.
- **The 3rd United nations Conference: Between 1973 and 1982, it discussed the issues, bargained and traded national rights and obligations in the course of the marathon negotiations that produced the Convention.**

UNCLOS – who has ratified UNCLOS - does it apply to those that have not?

- At the Third United Nations Conference on the Law of the Sea, **UNCLOS was adopted in 1982, and it came into force on November 16, 1994.**
- 168 states are a party to UNCLOS.
- 14 states have signed the convention but not ratified it.
- The United State has signed the agreement but not ratified it.
- **UNCLOS is applied by any ratifying states.**



States in **Red** are not parties to UNCLOS

States in **Light Blue** are parties to UNCLOS as are the member states of the EU in **Dark Blue**

States in **Pink** are Signatories without ratification

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Status of UNCLOS;

Date from <United Nations Treaty Collection>

https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=en

Country	signed	deposited	Method	Landlocked State
Mongolia	10-Dec-82	13-Aug-96	Ratification	X
Cambodia	1 – July-83			
Kiribati		24-Feb-03	Accession	
Palau		30-Sep-96	Accession	
Tonga		2-Aug-95	Accession	
FIJI	10-Dec-82	10-Dec-82	Ratification	
Thailand	10-Dec-82	15-May-11	Ratification	
Vietnam	10-Dec-82	25-Jul-94	Ratification	
Singapore	10-Dec-82	17-Nov-94	Ratification	
JAPAN	7-Feb-83	20-Jun-96	Ratification	

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UNCLOS – What It covers and what that means!

- UNCLOS is called “**framework convention**” or “**umbrella convention**”.

It deals with legal jurisdiction over ships, maritime boundaries (i.e. territorial sea), resource exploitation rights, marine scientific research, environmental protection beyond the territorial sea and dispute procedures.

- UNCLOS is critical to flag States as the convention underpins all the obligations, requirements and powers provided in the mandatory IMO conventions.

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Structure of UNCLOS

- PREAMBLE
- PART I. INTRODUCTION
- **PART II. TERRITORIAL SEA AND CONTIGUOUS ZONE**
- PART III. STRAITS USED FOR INTERNATIONAL NAVIGATION
- PART IV. ARCHIPELAGIC STATES
- **PART V. EXCLUSIVE ECONOMIC ZONE**
- PART VI. CONTINENTAL SHELF
- **PART VII. HIGH SEAS**
- PART VIII. REGIME OF ISLANDS
- PART IX. ENCLOSED OR SEMI-ENCLOSED SEAS
- PART X. RIGHT OF ACCESS OF LAND-LOCKED STATES TO AND FROM THE SEA AND FREEDOM OF TRANSIT
- PART XI. THE AREA
- **PART XII. PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT**
- PART XIII. MARINE SCIENTIFIC RESEARCH
- PART XIV. DEVELOPMENT AND TRANSFER OF MARINE TECHNOLOGY
- PART XV. SETTLEMENT OF DISPUTES
- PART XVI. GENERAL PROVISIONS
- PART XVII. FINAL PROVISIONS

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The words used in UNCLOS

- **Baseline**
 - <Article 5> *Normal baseline*: ... the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast
- **Ports**
 - <Article 11> For the purpose of delimiting the territorial sea, the outer most permanent harbour works which form an integral part of the harbour system are regarded as forming part of the coast
- **Roadsteads**
 - <Article 12> Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea
- **Territorial waters**
 - <Article 3> *Breadth of the territorial sea: ...not exceeding 12 nautical miles*, measured from baselines

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- **Internal waters**
 - <Article 8> *Internal waters*: ...waters on the landward side of the baseline of the territorial sea
 - Where the establishment of a straight baseline... has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Convention shall exist in those waters.
- **Innocent passage**
 - <Article 19> *Meaning of innocent passage*: ...innocent so long as it is not prejudicial to the peace, good order or security of the coastal State.
- **Exclusive Economic Zone**
 - <Article 57>: *Breadth of the EEZ*: ...shall not extend beyond 200 nautical miles from the baseline
- **High seas**
 - <Article 86> *Application of the provisions of this Part*:
 - <Article 87> *Freedom of the high seas*:
 - <Article 89> *Invalidity of claims of sovereignty over the high seas*:

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UNCLOS: Simplified Image of laws jurisdiction

Land	Internal waters	Teritorial waters	Contiguous Zone	Exclusive Economic Zone	High seas
					Right of Navigation Every State has the right to sail ship's flying its flag on the high seas.
		Base line → 12 NM			
			→ 24 NM		
				→ 200 NM	
	Sovereignty of coastal States All ships are under the jurisdiction of the coastal States laws. But, " Right of innocent passage " is reserved for foreign ships.		※EEZ Coastal States have sole exploitation rights over all natural resources including fish stock.	Flag state doctrine Each ship follows its flag State laws, basically.	

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<Focus of this module in UNCLOS>

- The role and responsibilities of the flag State under articles 91, 92, 94 and 217
- The role, responsibilities and rights of the coastal State under articles 24, 25, 73, 77 and 211; and
- The ability of the coastal state to apply requirements to ships in its ports (i.e. the port State) under article 25 (2).

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Article 91 Nationality of ships

1. Every State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship.
2. Every State shall issue to ships to which it has granted the right to fly its flag documents to that effect.

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2. UNCLOS and the flag State

(Part VIII High seas)

Article 92 Status of ships

1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.
2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.

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Article 94 Duties of the flag State

1. Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.
2. In particular, every State shall:
 - (a) maintain a register of ships containing the name and particulars of ships...
 - (b) assume jurisdiction under its internal law over each ship ...and its master, officers and crew in respect of administrative, technical and social matters concerning the ship
3. Every State shall take such measures for ships flying its flag as are necessary to ensure safety at sea with regard, *inter alia*, to:
 - (a) the construction, equipment and seaworthiness of ships;
 - (b) the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments;
 - (c) the use of signals, the maintenance of communications and the prevention of collisions.

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Article 94 Duties of the flag State (continued)

4. Such measures shall include those necessary to ensure:
- (a) that each ship, before registration and thereafter at appropriate intervals, is surveyed by a qualified surveyor of ships, and has on board such charts, nautical publications and navigational equipment and instruments as are appropriate for the safe navigation of the ship;
 - (b) that each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and marine engineering, and that the crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship;
 - (c) that the master, officers and, to the extent appropriate, the crew are fully conversant with and required to observe the applicable international regulations concerning the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, and the maintenance of communications by radio.

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Article 94 Duties of the flag State (continued)

5. In taking the measures called for in paragraphs 3 and 4 each State is required to conform to generally accepted international regulations, procedures and practices and to take any steps which may be necessary to secure their observance.
6. A State which has clear grounds to believe that proper jurisdiction and control with respect to a ship have not been exercised may report the facts to the flag State. Upon receiving such a report, the flag State shall investigate the matter and, if appropriate, take any action necessary to remedy the situation.
7. Each State shall cause an inquiry to be held by or before a suitably qualified person or persons into every marine casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State or serious damage to ships or installations of another State or to the marine environment. The flag State and the other State shall cooperate in the conduct of any inquiry held by that other State into any such marine casualty or incident of navigation.

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UNCLOS – What It means for Flag States!

With regard to **marine pollution**, Article 217 outlines the 'duties' of the flag State where UNCLOS requires the flag State to:

- **Assume jurisdiction under 'domestic law'** for all issues related marine pollution in a manner consistent with MARPOL [art.217(1)]
- **Take action to prevent ships sailing** unless the ship can do so in compliance with the MARPOL convention [art.217(2)].
- In simple terms:
 - If it does not comply, exemptions are not acceptable
 - This applies to all vessels including fishing vessels and recreational vessels
- Ensure the vessel surveyed and certified as required by MARPOL [art.217(3)]
- Where a violation occurs, to investigate, act and report [art.217(4) to (8)].

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PART XII. PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Article 217 Enforcement by flag States

1. **States shall ensure compliance by vessels flying their flag or of their registry** with applicable international rules and standards, established through the competent international organization or general diplomatic conference, and **with their laws and regulations adopted in accordance with this Convention for the prevention, reduction and control of pollution of the marine environment from vessels and shall accordingly adopt laws and regulations and take other measures necessary for their implementation.** Flag States shall provide for the effective enforcement of such rules, standards, laws and regulations, irrespective of where a violation occurs.
2. **States shall, in particular, take appropriate measures in order to ensure that vessels flying their flag or of their registry are prohibited from sailing, until they can proceed to sea** in compliance with the requirements of the international rules and standards referred to in paragraph 1, including requirements in respect of design, construction, equipment and manning of vessels.

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Article 217 Enforcement by flag States (continued)

3. States shall ensure that vessels flying their flag or of their registry carry on board certificates required by and issued pursuant to international rules and standards referred to in paragraph 1. States shall ensure that vessels flying their flag are periodically inspected in order to verify that such certificates are in conformity with the actual condition of the vessels. These certificates shall be accepted by other States as evidence of the condition of the vessels and shall be regarded as having the same force as certificates issued by them, unless there are clear grounds for believing that the condition of the vessel does not correspond substantially with the particulars of the certificates.
4. If a vessel commits a violation of rules and standards established through the competent international organization or general diplomatic conference, the flag State, without prejudice to articles 218, 220 and 228, shall provide for immediate investigation and where appropriate institute proceedings in respect of the alleged violation irrespective of where the violation occurred or where the pollution caused by such violation has occurred or has been spotted.

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Article 217 Enforcement by flag States (continued)

5. Flag States conducting an investigation of the violation may request the assistance of any other State whose cooperation could be useful in clarifying the circumstances of the case. States shall endeavour to meet appropriate requests of flag States.
6. States shall, at the written request of any State, investigate any violation alleged to have been committed by vessels flying their flag. If satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, flag States shall without delay institute such proceedings in accordance with their laws.
7. Flag States shall promptly inform the requesting State and the competent international organization of the action taken and its outcome. Such information shall be available to all States.
8. Penalties provided for by the laws and regulations of States for vessels flying their flag shall be adequate in severity to discourage violations wherever they occur.

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UNCLOS

– other relevant obligations on the flag state

The module have covered safety (including crew welfare) and the environment, however, there are other obligations that are less well understood but are important.

The following are relevant:

- **Article 98** – Enforcement of the **duty to render assistance** by the flag State.
- **Article 99** – Action to **prevent the transport of slaves** by the flag State.
- **Article 108** – **Suppression of drug traffic** on ships by the flag State.

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Article 98 Duty to render assistance

1. **Every State shall require the master** of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers:
 - (a) **to render assistance** to any person found at sea in danger of being lost;
 - (b) **to proceed with all possible speed to the rescue of persons in distress**, if informed of their need of assistance, in so far as such action may reasonably be expected of him;
 - (c) after a collision, **to render assistance to the other ship**, its crew and its passengers and, where possible, to inform the other ship of the name of his own ship, its port of registry and the nearest port at which it will call.
2. **Every coastal State shall promote the establishment**, operation and maintenance of an adequate and effective **search and rescue service regarding safety on and over the sea** and, where circumstances so require, by way of mutual regional arrangements cooperate with neighbouring States for this purpose.

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Article 99 Prohibition of the transport of slaves

- Every State shall take effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall *ipso facto* be free.

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3. UNCLOS – RIGHTS and jurisdiction of the Coastal /Port State

- Maritime trade requires interaction with 'Coastal States'.
- Coastal States are understood to be States with a sea-coastline although UNCLOS does have provisions for land locked states and a land locked state can have its own flag.
- A coastal State's jurisdiction relates to its own maritime zones, and encompasses the resources (i.e. fishing and oil) and activities therein as well as external impacts (i.e. the risk of pollution or other damage to the environment or resources caused by operation of ships).
- This zone extends beyond the territorial sea out to the edge of the EEZ.
- The port State is essentially a subset of the coastal State and the control exercised by the port State includes sea ports, and water to the edge of the territorial sea.
- It does not include offshore installations and artificial islands but can be extended to roadsteads that extend beyond the outer limit of the territorial sea, provided they are normally used for the loading, unloading and anchoring of ships.

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4. The port State link between UNCLOS and IMO/ILO Conventions

As vessel performance is a significant factor in how a flag State is judged, we need to consider the rights and jurisdiction of the port State.

Article 21 of UNCLOS allows the coastal State to make regulation to give effect to relevant conventions. This is the link between UNCLOS and IMO/ILO conventions in respect of:

- The exercise of 'port State control' within ports and the territorial sea (excluding innocent passage as defined in Article 19 of UNCLOS and allowed for in Article 17).
- The ability to intervene if a ship presents a pollution risk even where this occurs outside the territorial sea and within the EEZ.

Article 25(2) of UNCLOS allows the coastal/port State to regulate the conditions under which access to their ports is permitted.



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4. The port State link between UNCLOS and IMO/ILO Conventions (continued)

- Noting Articles 21 and 25 of UNCLOS, the 'port State' can take action to implement the control provisions of all relevant mandatory IMO and ILO Conventions that they have ratified (this includes mandatory codes such as the III Code and others).
- Under the Conventions **ships using ports or roadsteads** of the port, State **should** be required to comply with all mandatory conventions (and associated mandatory codes) that port State has given effect to and the list is longSOLAS, MARPOL (All Annex's), MLC, Load Line, Tonnage, STCW, COLREGS, Anti-fouling, Ballast Water
- Independent of these, a coastal/port State can also take action **where a vessel is considered unseaworthy and presents a risk of pollutions** under Article 219/220 of UNCLOS.

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4. The port State link between UNCLOS and IMO/ILO Conventions

- As indicated in this discussion, the control provisions in **the relevant conventions provide port States the ability to verify the implementation** of relevant instrument when vessels arrive in their ports.
- Under the control provisions of the relevant instruments, **the port State is obliged to take action where non-compliance is detected** and this often means the detention of the ship.
- **The IMO adopted** the *Implementation of IMO Instruments Code (III code)* and the *Code for Recognized Organizations (RO code)* to assist in ensuring compliance with such instruments.
- We will be considering the impact of the mandatory *Implementation of IMO Instruments Code (III code)* and the *Code for Recognized Organizations (RO code)* in detail in the other modules in this seminar.

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5. The relationship between Governments and 'Commercial Registries'.

- ✂ Each state has its own rules for registration.
 - **National or Closed registries;**
 - ① a ship to be totally or partly owned by the state or citizens of the state or company
 - ② a ship totally or at least partially crewed by its citizens.
 - **Open registries;**
No such requirements; some offer on-line registration

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UNCLOS – Relationship between states and commercial registries

Some Governments (Marshall Islands as an example) establish a relationship with a commercial registry to oversee the regulation of some, or all of the countries fleet.

These are referred to as 'open registers' but are also referred to as **Flags of Convenience (FOC)**. Such registers are still subject to UNCLOS and the need for a genuine link under article 91 remains.

So who is responsible for the quality of shipping and other responsibilities under UNCLOS?

It remains with the government of the 'state'.

Looking at Marshall Islands, the *Maritime Administration Act* (Title 47 – Maritime) permits the devolution of powers of the Administration. In devolving such powers the government remains responsible for ensuring the requirements of UNCLOS and/or relevant international conventions are complied with.

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UNCLOS – Relationship between states and commercial registries(continued)

- Whatever the agreement may be between the 'commercial registry' and the government it still relies on the government in question to devolve that responsibility under its own laws.
- The performance of the fleet belonging to the flag of that state ultimately rests with the government of that state Not the commercial registry.

For Discussion

What mechanism do you think would be useful to oversee the ensure a commercial registry meets its obligations to the state?

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UNCLOS and ship safety – Case Study 1

- Looking at the flag State responsibilities detailed in Article 94 of UNCLOS ... As a vessel has changed flag and a SOLAS I/4(a) exemption has been issued at the request of the owner to 'bring the ship home'. The vessel is not usually fully surveyed, but the flag has relied on the previous certification issued under the previous flag and then issue the exemption. The port State at its next port detains the vessel on the basis the vessel does not comply with relevant safety requirements. Is this warranted?



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UNCLOS and ship safety – Case Study 2

- Looking at the flag State responsibilities detailed in Article 94 of UNCLOS ... a vessel has arrived in a port and has been detained under operational requirements control provisions of regulation 4 of Chapter XI-1 of SOLAS and ISM on the basis the crew are unfamiliar with the operation of shipboard equipment and relevant requirements of the SOLAS convention.

Q1 - Is this an issue subject to the responsibility of the flag State?

The port State determines it cannot resolve the issue as they have determined that the safety management system is ineffective and cannot be relied upon. The port State considered the operator does not appear to have implemented the safety management system effectively and reports this to the flag State and requests assistance.

Q2 - Is the flag State obliged to assist?

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3. UNCLOS and the rights and jurisdiction of the coastal/port State

UNCLOS – POLLUTION –

Case Study 3: Looking at the flag State responsibilities detailed Article 217 of UNCLOS what action would you take as being required, where you have received a report from a coastal state claiming a vessel under your flag pumped raw sewage into their territorial sea? In this case the vessel subsequently arrived in a port of another state who inspected the vessel and found the sewage treatment plant to be choked with raw sewage and was discharging this into the sea. What can the port and coastal state do?



Pictures show the aeration side of the sewage treatment plant and a sample of the discharge.



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4. The port State link between UNCLOS and IMO/ILO Conventions

Case study 4

- A vessel is flagged with a flag State that has not ratified Annex VI of MARPOL and is arriving in the port of a State that has ratified this Annex and has adopted this in domestic law:
 1. Is the ship required to comply with MARPOL Annex VI in the waters of the port State?
 2. Is the ship required to be surveyed and carry certification, if so what kind of the certificate?
- The ship passes through an Emission Control Area (ECA) of another state on its way to its destination port and exceeds the emission standards during passage of the ECA.
 3. Can the coastal State take action against the ship for polluting?
 4. Can the coastal State apply the INTERVENTION Convention ?

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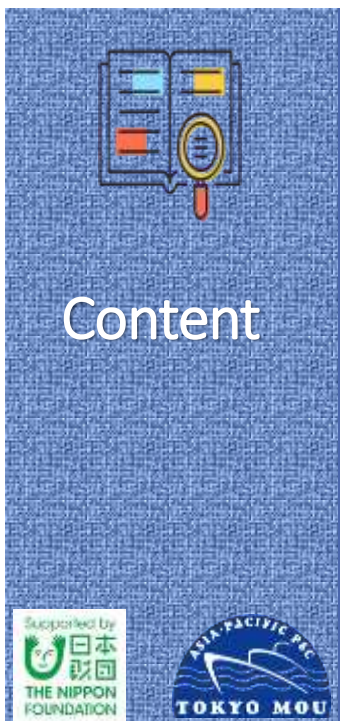
Thank you for your kind cooperation !

TOKYO MOU FLAG STATE PERFORMANCE SEMINAR

SHIPPING REGISTRATION AND TRANSFER OF REGISTRATION



CHEN Kit Jam
MPA, Singapore



This presentation will examine the following issues:



Requirement for ship registration under United Nations Convention on the Law of the Sea (UNCLOS)



Examine the concepts of National and Open Registers



Registration processes using Singapore's processes as an example



Transferring registration between flag States – Application for registration for change of ownership or operator (demise charter)

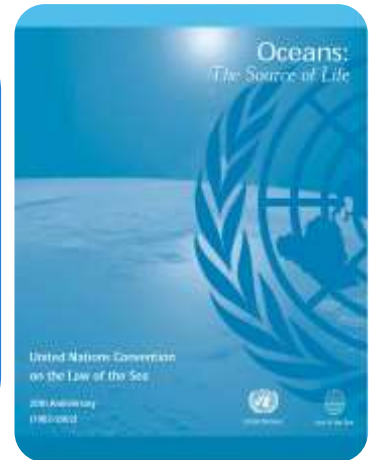
United Nations Convention on the Law of the Sea (UNCLOS)



United Nations Convention of the Law of the Sea (UNCLOS) - sets the requirement for States to register ships with a genuine link to the State.

The relevant provisions are:

- Article 91 - Nationality of Ships
- Article 92 – Status of Ships
- Article 94 – Duties of the flag State



United Nations Convention on the Law of the Sea (UNCLOS)



Article 91 – Nationality of Ships

- Every State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship.
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United Nations Convention on the Law of the Sea (UNCLOS)



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2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.

United Nations Convention on the Law of the Sea (UNCLOS)



Article 94 – Duties of the flag State

1. Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.
2. In particular every State shall:
 - (a) maintain a register of ships containing the names and particulars of ships flying its flag, except those which are excluded from generally accepted international regulations on account of their small size; and
 - (b) Assume jurisdiction under its internal law over each ship flying its flag and its master, officers and crew in respect of administrative, technical and social matters concerning the ship....

NATIONAL and OPEN Registers



National (or closed) registry

Only vessels owned by citizens or companies incorporated in the country of registration are permitted to be registered on a national registry.

For example - Australian legislation requires that all Australian owned ships are registered in Australia.

Strict registration requirements, including original documentation, proof of ownership and full ownership history.

Require proof that ship not registered in another jurisdiction.

Open Registry

Registries that are open to vessels owned by people or companies of any nationality – though generally under demise charter agreements.

State is responsible for ensuring the requirements of UNCLOS and/or relevant international conventions are complied with.

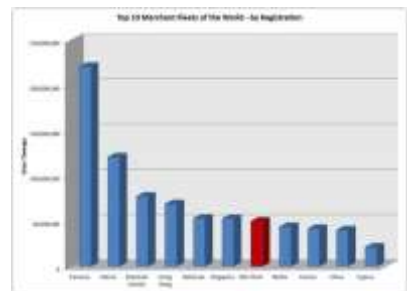
NATIONAL and OPEN Registers



- It is important to note that the responsibility for compliance with UNCLOS and IMO Conventions lies with the State, for both national and open registries.
- Devolution of requirements is to the State's own regulations.
- Some well known examples of open registries are those associated with Panama, Liberia, Hong Kong, Singapore and Marshall Islands.

Some are less well known such as the Red Ensign Group of UK Registries made up of the UK and its overseas territories. This is currently the seventh biggest in the world.

There is a common perception that 'open' registries are lower quality than national registries, however, this has not been borne out by statistics.





Requirements for Registration



General requirements

The State should maintain a register of ships containing the names and particulars of ships flying its flag, except those which are excluded from generally accepted international regulations on account of their small size - as required under Article 94 of UNCLOS.

To hold registration:

- The vessel must satisfy initial conditions for registry prescribed by the State.
- Owners must prove their ownership of the vessel, by providing documents that show the transfer of ownership of the vessel to the current owner. A Bill of Sale is the most commonly accepted document.
- The full ownership history of the ship, over its lifetime, is also required.
- Full details of the vessel particulars (e.g. type, length, motor) are also required through a Builder's Certificate or Statutory Declaration.
- If a vessel has been registered on a foreign register, proof of closure must be provided, as a vessel cannot hold dual nationality.

Confirmation that a vessel is not registered with a foreign registry



Registrations of vessels that have been on another ship registry **must** be closed prior to registration of a vessel – no exceptions.

In accordance with UNCLOS, ships sailing under two flags may not assume either nationality, and may be deemed stateless.

Acceptable evidence of closure should be a deletion certificate issued by the former flag State.

Question:

How do you ensure that vessels applying for registration are not registered with another ship registry?

In particular when the applicant has stated that there has been no previous registration, but you have information that leads you to believe this is not true, how do you satisfy yourself that this is the case?



Seeking proof of deletion



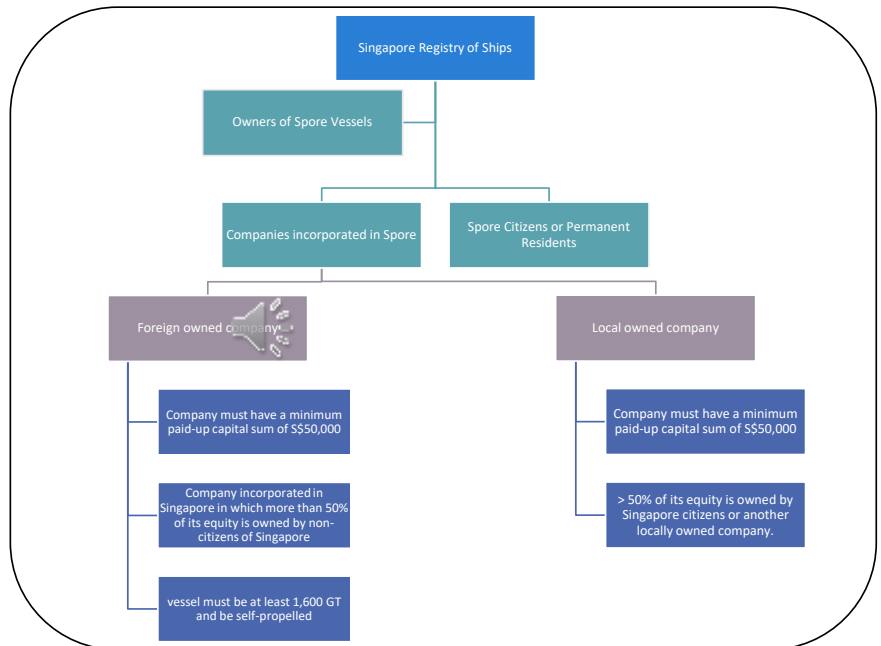
Proof of deletion from another registry should be sought from the applicant in the first instance. This is critical because, as discussed earlier ... vessels are not allowed to have dual registration by virtue of article 92 of UNCLOS. Vessel that have dual registration can be considered stateless and may then be detained.

Acceptable proof of closure is in the form of a deletion certificate issued by the former ship registry.

If there is any question as to whether or not a vessel may hold a current registration the registry can be contacted for details.



Pre-requisites for registration of Singapore Ships





Singapore Process for Registration of Ships



Pre-requisites

As owner of the vessel, you are to ensure that you satisfy the pre-requisites for registration.



Write in to Registrar of Ships

Write in to the Registrar of Ships to obtain approval for your choice of vessel name by writing to the Ship Registry Department via marine@mpa.gov.sg.



Submit registration documents

Submit the relevant documents as required for a provisional registration or a permanent registration.



Pay registration fees

Pay the initial registration and annual tonnage tax fees.



Vessel registered

Your vessel is successfully registered and you will receive a Certificate of Registry and a Carving and Marking Note.

Application for registration For vessels under demise charter



- Declaration by Charterer and copy of demise charter agreement.
- For a foreign owned ship, a genuine link to the State must be evidenced, and this is through a demise charter agreement with a local operator.
- Applicant is the operator of the vessel.
- Declaration of ownership and proof of ownership still required from the owner.

Application for registration For vessels under demise charter



Demise charter registration example – from Singapore to Australian flag

Application for registration received from applicant with:

- Declaration of Ownership and Nationality – completed by Singapore owner
- Declaration by Charterer – completed by the Australian charterer (proof of genuine link to Australia)
- Notice of Appointment of Registered Agent
- Statutory Declaration for Builder's Certificate (older vessel – not able to get a Builder's Certificate from the Builder)
- Proof of Ownership – Bill of Sale to Singapore owner
- Copy of Demise Charter agreement
- International Tonnage Certificate
- Provisional suspension from Singapore MPA, on the condition the vessel is registered in Australia

Application for registration For vessels under demise charter



Assuming all documents have been completed correctly, a Marking Note is issued with instructions for the marking of the vessel:

On completion of the markings, the Carving and Marking Note is to be certified by a surveyor from AMSA or one of its authorised RO and the original returned to the Shipping Registration Office.

Registration Certificates are issued with the date of the provisional suspension from Singapore MPA, accompanied by a letter to Singapore MPA noting that the full term certificates will be issued when full term suspension has been actioned by Singapore.

On receipt of the full term suspension notice from Singapore MPA, registration certificates are issued to the operator for the full term of the charter. Certificate records the expiry date of the charter agreement as the date the certificate is valid to.

Processing applications for registration



Original forms are required to be submitted for processing. Copies cannot be accepted.

Application forms must be returned to applicants for correction if any of the information is inconsistent or incomplete – forms should not be amended by anyone other than the applicant.

Proof of ownership must be supplied, usually in the form of a Bill of Sale.

Supporting documentation to be provided before a Marking Note will be issued.

Application must be reviewed and approved by the Registrar or Deputy Registrar.

Certificates are issued to the vessel by the Registrar or Deputy Registrar.



Common errors/issues encountered



Applications not appropriately completed and signed – forms must be posted back for amending and resubmitted.

Signatories on behalf of companies not endorsing their signature with their name and designation.

Ownership trail not followed and/or there is a failure to provide a genuine link with the flag State.

Conflicting details provided on application and builder's certificate (and as recorded on International Tonnage Certificate)

Required documents missing.

Ships still on another ship registry (many operators do not understand the need to close existing registration and may assume that where a vessel is purchased this is automatic).

Advice for accurate application processing



Ensure staff are adequately trained and familiar with regulations.

Prepare detailed checklists for processing officers.

Maintain detailed standard words to guide applicants in completing applications correctly.

Ensure that processing and approvals are undertaken by different officers, wherever possible, to ensure accuracy.

- Common experience is that each application is different and needs to be assessed on a case by case basis.

Exercise



Applicant submits an application for registration with this document as proof of deregistration with the former flag State. Would you accept this?



Additional Resources



In addition to this presentation, your training material contains the following reference material:

The *United Nations Convention of the Law of the Sea* as adopted by the third conference.

Sample checklists

End



Questions?

