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ANNEXES 1 to 5

## **ANNEXES**

**to the**

**Proposal for a Directive of the European Parliament and of the Council  
amending Directive 2009/16/EC on port State control**

{SEC(2023) 202 final} - {SWD(2023) 148 final} - {SWD(2023) 149 final}

## ANNEX I

### **I. Ship Risk profile**

The risk profile of a ship shall be determined by a combination of the following generic, historical, and environmental parameters.

#### **1. Generic parameters**

- (a) Type of ship  
Passenger ships, oil and chemical tankers, gas carriers and bulk carriers shall be considered as posing a higher risk.
- (b) Age of ship  
Ships of more than 12 years old shall be considered as posing a higher risk.
- (c) Flag State performance
  - (i) Ships flying the flag of a State with a high detention rate within the Community and the Paris MOU region shall be considered as posing a higher risk.
  - (ii) Ships flying the flag of a State with a low detention rate within the Community and the Paris MOU region shall be considered as posing a lower risk.
  - (iii) Ships flying the flag of a State which has ratified all of the mandatory IMO instruments listed in Article 2(1) shall be considered as posing a lower risk. As soon as the measures referred to in Article 10(3) are adopted, the flag State of such a ship shall demonstrate compliance with the Code for the implementation of mandatory IMO instruments.
  - (iv) Ships flying the flag of a State which has furnished electronic versions of the statutory certificates set out in points 1-XX of Annex IV.
- (d) Recognised organisations
  - (i) Ships which have been delivered certificates from recognised organisations having a low or very low performance level in relation with their detention rates within the Community and the Paris MOU region shall be considered as posing a higher risk.
  - (ii) Ships which have been delivered certificates from recognised organisations having a high performance level in relation with their detention rates within the Community and the Paris MOU region shall be considered as posing a lower risk.
  - (iii) Ships with certificates issued by organisations recognised under the terms of Regulation (EC) No 391/2009.
- (e) Company performance
  - (i) Ships of a company with a low or very low performance as determined by its ships' deficiency and detention rates within the Community and the Paris MOU region shall be considered as posing a higher risk.
  - (ii) Ships of a company with a high performance as determined by its ships' deficiency and detention rates within the Community and the Paris MOU region shall be considered as posing a lower risk.

- (f) Historical parameters
- (i) Ships which have been detained more than once shall be considered as posing a higher risk.
  - (ii) Ships which, during inspection(s) carried out within the period referred to in Annex II have had less than the number of deficiencies referred to in Annex II, shall be considered as posing a lower risk.
  - (iii) Ships which have not been detained during the period referred to in Annex II, shall be considered as posing a lower risk.

The risk parameters shall be combined by using a weighting which reflects the relative influence of each parameter on the overall risk of the ship in order to determine the following ship risk profiles:

- high risk,
- standard risk,
- low risk.

In determining these risk profiles greater emphasis shall be given to the parameters for type of ship, flag State performance, recognised organisations and company performance.

- (g) Environmental parameters
- (i) The Carbon Intensity Indicator of the ship, ships which are category D-E shall be considered as posing a higher risk.
  - (ii) Ships which, during inspection(s) carried out within the period referred to in Annex II have had less than the number of deficiencies relating to MARPOL, AFS, BWMC, CLC 92, Bunkers Convention and Nairobi Conventions referred to in Annex II, shall be considered as posing a lower risk.

## ANNEX II

### DESIGN OF SHIP RISK PROFILE

(referred to in Article 10(2))

		Profile					
		High Risk Ship (HRS)		Standard Risk Ship (SRS)	Low Risk Ship (LRS)		
Generic parameters		Criteria	Weighting points	Criteria	Criteria		
1	Type of ship	Chemical tankship Gas carrier Oil tankship Bulk carrier Passenger ship	1	neither a high risk nor a low risk ship	All types		
2	Age of ship	all types > 12 y	1		All ages		
3a	Flag	Low performance	2		High performance		
3b		All IMO instruments listed in Article 2 ratified	-		-	Yes	
3c		E-Certificate	Statutory certificates are transmitted digitally to the information system				
4a	Recognised organisation	Performance	H		-	High	
			M		-	-	
			L		Low	1	-
			VL		Very Low		-
4b		EU recognised	-		-	Yes	
5	Company	Performance	H	-	High		
			M	-	-		
			L	Low	2	-	
			VL	Very low		-	
Historical parameters							
6	Number of deficiencies recorded in each inspection within previous 36 months	Deficiencies	>6 in one of the inspections	-	≤ 5 in every individual inspection (and at least one inspection carried out in previous 36 months)		

7	Number of detentions within previous 36 months	Detentions	$\geq 2$ detentions	1	No detention
Environmental parameters					
8	Carbon Intensity Indicator (CII)	Rating	D-E	1	
9	Number of deficiencies related to MARPOL, AFS, BWM, CLC 92, Bunkers and Nairobi Conventions recorded in each inspection within previous 36 months	Deficiencies	>3 in one of the inspections	1	

HRS are ships which meet criteria to a total value of 5 or more weighting points. LRS are ships which meet all the criteria of the Low Risk Parameters.

SRS are ships which are neither HRS nor LRS

## **ANNEX III**

### **‘Annex IV**

#### **LIST OF CERTIFICATES AND DOCUMENTS**

**(referred to in Article 13(1))**

Part A List of certificates and documents which to the extent applicable should be checked as a minimum during the inspection referred to in paragraph 2.2.3 (as appropriate):

1. International Tonnage Certificate;
2. Reports of previous port State control inspections;
3. Passenger Ship Safety Certificate (SOLAS 1974, regulation I/12);
4. Cargo Ship Safety Construction Certificate (SOLAS 1974, regulation I/12);
5. Cargo Ship Safety Equipment Certificate (SOLAS 1974, regulation I/12);
6. Cargo Ship Safety Radio Certificate (SOLAS 1974, regulation I/12);
7. Cargo Ship Safety Certificate (SOLAS 1974, regulation I/12);
8. Exemption Certificate (SOLAS 1974, regulation I/12);
9. Minimum Safe Manning Document (SOLAS 1974, regulation V/14.2);
10. International Load Line Certificate (1966) (LLC 66/88, article 16.1);
11. International Load Line Exemption Certificate (LLC 66/88, article 16.2);
12. International Oil Pollution Prevention Certificate (MARPOL Annex I, regulation 7.1);
13. International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (NLS) (MARPOL, Annex II, regulation 9.1);
14. International Sewage Pollution Prevention Certificate (ISPPC) (MARPOL, Annex IV, regulation 5.1, MEPC.1/Circ.408);
15. International Air Pollution Prevention Certificate (IAPPC) (MARPOL, Annex VI, regulation 6.1);
16. International Energy Efficiency Certificate (MARPOL, Annex VI regulation 6);
17. International Ballast Water Management Certificate (IBWMC) (BWMC Art 9.1(a) and regulation E-2);
18. International Anti-Fouling System Certificate (IAFS Certificate) (AFS 2001 Annex 4 regulation 2);
19. Declaration on AFS (AFS 2001 Annex 4 regulation 5);
20. International Ship Security Certificate (ISSC) or Interim International Ship Security Certificate (ISPS Code part A/19 and appendices);
21. Certificates for masters, officers or ratings issued in accordance with STCW Convention (STCW art. VI, regulation I/2 and STCW Code section A-I/2);
22. Copy of Document of Compliance or a copy of the Interim Document of Compliance issued in accordance with the International Management Code for the Safe Operation

- of Ships and for Pollution Prevention (DoC) ISM Code (SOLAS regulation IX/4.2, ISM Code, paragraph 13 and 14);
23. Safety Management Certificate or an Interim Safety Management Certificate issued in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (SMC) (SOLAS 1974, regulation IX/4.3, ISM Code, paragraph 13 and 14);
  24. International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, or the Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, whichever is appropriate (IGC Code regulation 1.5.4 or GC Code regulation 1.6);
  25. International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, or the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, whichever is appropriate (IBC Code regulation 1.45.4 and BCH Code regulation 1.6.3); 26 INF (International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships) Certificate of Fitness (SOLAS regulation VII/16 and INF Code reg .1.3);
  26. INF (International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships) Certificate of Fitness (SOLAS regulation VII/16 and INF Code reg .1.3);
  27. Certificate of insurance or any other financial security in respect of civil liability for oil pollution damage (CLC 69/92 art. VII.2);
  28. Certificate of insurance or any other financial security in respect of civil liability for Bunker oil pollution damage (BUNKERS 2001 art. 7.2);
  29. Certificate of Insurance or other Financial Security in respect of Liability for the Removal of Wrecks (Removal of Wreck Article 12);
  30. High-Speed Craft Safety Certificate and Permit to Operate High-Speed Craft (SOLAS 1974, regulation X/3.2 and HSC Code 94/00 regulations 1.8.1 and 1.9);
  31. Document of compliance with the special requirements for ships carrying dangerous goods (SOLAS 1974, regulation II-2/19.4);
  32. Document of authorization for the carriage of grain and grain loading manual (SOLAS 1974, regulation VI/9; International Code for the Safe Carriage of Grain in Bulk, section 3);
  33. Condition Assessment Scheme (CAS) Statement of Compliance, CAS Final Report and Review Record (MARPOL Annex I, regulations 20 and 21; resolution MEPC.94(46), as amended by resolutions MEPC.99(48), MEPC.112(50), MEPC.131(53), resolution MEPC.155(55), and MEPC.236(65));
  34. Continuous Synopsis Record (SOLAS 1974, regulation XI-1/5);
  35. Oil Record Book, parts I and II (MARPOL, Annex I, regulations 17 and 36);
  36. Cargo Record Book (MARPOL, Annex II, regulation 15);
  37. Garbage Record Book, parts I and II (MARPOL, Annex V, regulation 10.3); (MARPOL, Annex V, regulation 10);
  38. Garbage Management Plan (MARPOL, Annex V, regulation 10; resolution MEPC.220(63));

39. Logbook and the recordings of the tier and on/off status of marine diesel engines (MARPOL, Annex VI, regulation 13.5.3);
40. Logbook for fuel oil changeover (MARPOL Annex VI, regulation 14.6);
41. Ozone-depleting Substances Record Book (MARPOL, Annex VI, regulation 12.6);
42. Ballast Water Record Book (BWRB) (BWMC Art 9.1 (b) and regulation B-2);
43. Fixed gas fire-extinguishing systems – cargo spaces Exemption Certificate and any list of cargoes (SOLAS 1974, regulation II-2/10.7.1.4);
44. Dangerous goods manifest or stowage plan (SOLAS 1974, regulations VII/4 and VII/7-2; MARPOL, Annex III, regulation 54);
45. For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage (MARPOL, Annex I, regulation 31.2);
46. Search and Rescue cooperation plan for passenger ships trading on fixed routes (SOLAS 1974, regulation V/7.3);
47. For passenger ships, List of operational limitations (SOLAS 1974, regulation V/30.2);
48. Nautical charts and nautical publications (SOLAS 1974, regulations V/19.2.1.4 and V/27);
49. Records of hours of rest and table of shipboard working arrangements (STCW Code section A-VIII/1.5 and 1.7, ILO Convention No.180 art. 5.7, art. 8.1 and MLC, 2006 Standard A.2.3.10 and A.2.3.12);
50. Unattended machinery spaces (UMS) evidence (SOLAS 1974, regulation II-I/46.3);
51. Certificates required under Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims;
52. Certificate required under Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents;
53. A certificate on the inventory of hazardous materials or a statement of compliance as applicable pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council; and
54. Document of Compliance issued under Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC.

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

1. Construction drawings (SOLAS reg. II-1/3-7);
2. Ship Construction File (SOLAS reg. II-1/3-10);
3. Manoeuvring Booklet and information (SOLAS reg. II-1/28);
4. Stability information (SOLAS regs. II-1/5 and II-1/5-1 and LLC 66/88 reg. 10);
5. Subdivision and stability information (MARPOL Annex I reg. 28);
6. Damage control plans and booklets (SOLAS reg. II-1/19; MSC.1/Circ.1245)



7. Ship Structure Access Manual (SOLAS reg. II-1/3-6);
8. Enhanced Survey Report Files (in case of bulk carriers or oil tankers) (SOLAS reg. XI-1/2 and 2011 ESP Code paragraphs 6.2 and 6.3 of annex A, part A and part B, and annex B, part A and part B);
9. Cargo Securing Manual (SOLAS reg. VI/5.6 and VII/5; MSC.1/Circ.1353/Rev.1);
10. Bulk Carrier Booklet (SOLAS reg. VI/7.2 and XII/8, BLU Code);
11. Loading/Unloading Plan for bulk cargoes (SOLAS reg. VI/7.3);
12. Cargo Information (SOLAS reg. VI/2 and XII/10, MSC/Circ.663);
13. Fire control plan/booklet (SOLAS reg. II-2/15.2.4 and II-2/15.3.2);
14. Fire safety operational booklet (SOLAS reg. II-2/16.2);
15. Fire safety training manual (SOLAS reg. II-2/15.2.3);
16. Training manual (SOLAS reg. III/35);
17. Onboard training, drills and maintenance records (SOLAS reg. II-2/15.2.2.5 and reg. III/19.3 and III/19.5 and III/20.6 and III/20.7);
18. Ship-specific Plans and Procedures for Recovery of Persons from the Water (SOLAS reg. III/17-1; MSC.346(91); MSC.1/Circ.1447);
19. Decision support system for masters (Passenger ships) (SOLAS reg. III/29);
20. International Code of Signals and a copy of Volume III of IAMSAR Manual (SOLAS reg. V/21);
21. Records of navigational activities (SOLAS reg. V/26 and V/28.1);
22. Ship Security Plan and associated records (SOLAS reg. XI-2/9 and ISPS Code part A/9 and 10);
23. Engine International Air Pollution Prevention Certificate (EIAPPC) (NOX Technical Code 2008 reg. 2.1.1.1);
24. EEDI Technical File (MARPOL Annex VI, reg. 20);
25. Technical files (NOX Technical Code 2008 reg. 2.3.4);
26. Record book of engine parameters (NOX Technical Code reg. 2.3.7);
27. Type approval certificate of incinerator (MARPOL Annex VI reg. 16.6);
28. Manufacturer's Operating Manual for Incinerators (MARPOL Annex VI reg. 16.7);
29. Fuel oil Changeover Procedure for fuel oil changeover (MARPOL Annex VI reg. 14.6);
30. 30 Bunker delivery notes and Representative Sample (MARPOL Annex VI reg. 18.6 and 18.8.1);
31. Shipboard Oil Pollution Emergency Plan (MARPOL Annex I reg. 37.1; resolution MEPC.54(32), as amended by resolution MEPC.86(44));
32. Shipboard Marine Pollution Emergency Plan for Noxious Liquid Substances (MARPOL Annex II reg. 17);
33. Ship Energy Efficiency Management Plan (MARPOL Annex VI reg. 22, MEPC.1/Circ795);

34. STS Operation Plan and Records of STS Operations (MARPOL Annex I reg. 41);
35. Procedures and Arrangements Manual (chemical tankers) (MARPOL Annex II reg. 14.1; resolution MEPC.18(22), as amended by resolution MEPC.62(35));
36. VOC Management Plan (MARPOL Annex VI reg. 15.6);
37. Ballast Water Management Plan (BWMP) (BWMC reg. B-1, resolution MEPC.127(53))
38. LRIT Conformance Test Report (SOLAS reg. V/19-1.6; MSC.1/Circ.1307);
39. Copy of the Certificate of compliance issued by the testing facility, stating the date of compliance and the applicable performance standards of VDR (voyage data recorder) (SOLAS reg. V/18.8);
40. AIS test report (SOLAS reg. V/18.9, MSC.1/Circ.1252);
41. Noise Survey Report (SOLAS reg. II-1/3-12);
42. Oil Discharge Monitoring and Control (ODMC) Operational Manual (MARPOL Annex I reg. 31; resolution A.496(XII); resolution A.586(14), as amended by resolution MEPC.24(22); resolution MEPC.108(49), as amended by resolution MEPC.240(65));
43. Crude Oil Washing Operation and Equipment Manual (MARPOL Annex I reg. 35, resolution MEPC.81(43));
44. Material Safety Data Sheets (MSDS) (SOLAS reg. VI/5-1, MSC.286(86));
45. Record of AFS (AFS 2001 Annex 4 reg. 2);
46. Coating Technical File (SOLAS reg. II-1/3-2); and
47. Maintenance plans (SOLAS reg. II-2/14.2.2, II-2/14.3 and II-2/14.4).

For reference:

1. Certificate of Registry or other document of nationality (UNCLOS art. 9.1.2);
2. Certificates as to the ship's hull strength and machinery installations issued by the classification society in question (only to be required if the ship maintains its class with a classification society);
3. Cargo Gear Record Book (ILO Convention No.32 art. 9.2(4) and ILO Convention No.152 art. 25);
4. Certificates loading and unloading equipment (ILO Convention No.134 art. 4.3(e) and ILO Convention No.32 art. 9(4));
5. Medical certificates (ILO Convention No.73 or MLC, 2006 Standard A1.2);
6. Records of hours of work or rest of seafarers (ILO Convention No.180 part II art. 8.1 or MLC, 2006, Standard A.2.3.12);
7. Maritime Labour Certificate (MLC, 2006, Regulation 5.1.3);
8. Declaration of Maritime Labour Certificate (MLC, 2006, Regulation 5.1.3);
9. Declaration of Maritime Labour compliance (DMLC) on board (parts I and II) (MLC, 2006, Regulation 5.1.3);
10. Seafarer's employment agreements (MLC, 2006, Standard A 2.1);

11. Certificate of Insurance or Financial Security for Repatriation of Seafarers (MLC, 2006, Regulation 2.5); and
12. Certificate of Insurance or Financial Security for Shipowners liability (MLC, 2006, Regulation 4.2).'

## ANNEX IV

### ‘ANNEX VI

#### PROCEDURES FOR THE CONTROL OF SHIPS

(referred to in Article 15(1))

Annex I, ‘Port State Control Procedures’, to the Paris MOU and the following instructions from the Paris MOU, in their up-to-date version:

##### PSCC Technical instructions

- PSCC41-2008-07 Code of Good Practice
- PSCC53-2020-08 Definitions and Abbreviations

##### General Paris MoU

- PSCC54-2021-03 Type of inspection
- PSCC55-2022-10 Detention and Action Taken
- PSCC55-2022-08 Model forms
- PSCC52-2019-05 Operational control
- PSS43-2010-11 Flag State Exemptions
- PSCC48-2015-09 RO responsibility
- PSCC51 Stopping an operation
- PSCC49-2016-11 Black-out test
- PSCC53-2020-06 Refusal of Access (Banning)
- PSCC50-2017-12 Structure bulk carriers/oil tankers
- PSCC43-2010-06 Dry Docking
- PSCC53-2020-11 Allowing for a single voyage to a repair yard for "accidental damage" deficiencies

##### SOLAS Convention

- PSCC55-2022-09 ISM Code
- PSCC54-2021-02 ISPS Code
- PSCC51-2018-12 ECDIS
- PSCC43-2010-32 VDR (Voyage Date Recorders)
- PSCC43-2010-09 Material Safety Data Sheets
- PSCC43-2010-21 GMDSS
- PSCC44-2011-16 Lifeboat on-load release hooks
- PSCC45-2012-10 Damage stability on tankers
- PSCC55-2022-05 LRIT
- PSCC43-2010-28 Thickness measurements ESP/CAS

- PSCC43-2010-29 Thickness measurement
- PSCC51-2018-11 Polar Code
- PSCC55-2022-02 IGF Code

#### MARPOL Convention

- PSCC46-2013-18 MARPOL Annex I OWS
- PSCC43-2010-39 MARPOL Annex II Stripping
- PSCC47-2014-08 MARPOL Annex III IMDG
- PSCC55-2022-07 MARPOL Annex IV Sewage
- PSCC52-2019-07 MARPOL Annex V Garbage
- PSCC55-2022-11 MARPOL Annex VI Air Pollution
- PSCC43-2010-38 Crude oil washing
- PSCC44-2011-20 MARPOL Investigation
- International Load Line Convention
- PSCC54-2021-06 International Load Line Convention

#### AFS Convention

- PSCC47-2014-13 Anti Fouling Systems

#### Bunkers Convention

- PSCC43-2010-08 Bunker Convention
- Certification of Seafarers and Manning
- PSCC54-2021-04 Certification of Seafarers and Manning (STCW, MLC and SOLAS)
- Ballast Water Management Convention
- PSCC51-2018-09 Ballast Water Management Convention

#### ILO Conventions

- PSCC52-2019-10 Maritime Labour Convention 2006 (MLC)
- PSCC53-2020-14 Hours of Work or Rest and fitness for duty'

## ANNEX V

### ‘ANNEX VIII

#### PROVISIONS CONCERNING REFUSAL OF ACCESS TO PORTS AND ANCHORAGES WITHIN THE COMMUNITY

(referred to in Article 16)

- (1) If the conditions described in Article 16(1) are met, the competent authority of the port in which the ship is detained for the third time shall inform the master of the ship in writing that a refusal of access order will be issued which will become applicable immediately after the ship has left the port. The refusal of access order shall become applicable immediately after the ship has left the port after the deficiencies leading to the detention have been remedied.
- (2) The competent authority shall send a copy of the refusal of access order to the flag State administration, the recognised organisation concerned, the other Member States, and the other signatories to the Paris MOU, the Commission and the Paris MOU Secretariat. The competent authority shall also update the inspection database with information on the refusal of access without delay.
- (3) In order to have the refusal of access order lifted, the owner or the operator must address a formal request to the competent authority of the Member State that imposed the refusal of access order. This request must be accompanied by a document from the flag State administration issued following an on-board visit by a surveyor duly authorised by the flag State administration, showing that the ship fully conforms to the applicable provisions of the Conventions. The flag State administration shall provide evidence to the competent authority that a visit on board has taken place.
- (4) The request for the lifting of the refusal of access order must also be accompanied, where appropriate, by a document from the classification society which has the ship in class following an on-board visit by a surveyor from the classification society, showing that the ship conforms to the class standards stipulated by that society. The classification society shall provide evidence to the competent authority that a visit on board has taken place.
- (5) The refusal of access order may be lifted only after the period referred to Article 16 of this Directive has elapsed and the company must address a formal request to the port State authority of the Member State that imposed the ban and provide the documents requested in paragraphs 3 and 4
- (6) Such a request including the required documents must be submitted to the banning State at least one month before the end of the ban period. If this deadline is not met, then a delay may occur of up to one month after the banning State received the request
- (7) The information system will add an overriding factor to the ship and the ship will be indicated liable for the inspection type “Expanded inspection” at next call at port/anchorage in the region.
- (8) The competent authority shall also notify its decision in writing to the flag State administration, the classification society concerned, the other Member States, the other signatories to the Paris MOU, the Commission and the Paris MOU Secretariat.

The competent authority must also update the inspection database with information on the removal of the access without delay.

- (9) Information relating to ships that have been refused access to ports within the Community must be made available in the inspection database and published in conformity with the provisions of Article 26 and of Annex XIII.'