

August, 2009

CIRCULAR

Re: PORT STATE CONTROL IN SPAIN

The “Real Decreto 91/2003” which is applicable to every ship that calls any Spanish Ports governs Port State Control (PSC) in Spain.

I – THIS “ROYAL DECREE” AIMS AT REDUCING THE VIOLATIONS OF THE FOLLOWING INTERNATIONAL CONDITIONS:

1. the International Convention on Load Lines, 1966 (LL 66),
2. the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74),
3. the International Convention for the Prevention of Pollution from Ships, 1973, and the 1978 Protocol relating thereto (Marpol 73/78),
4. the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78),
5. the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (Colreg 72),
6. the International Convention on Tonnage Measurement of Ships, 1969 (ITC 69),
7. the Merchant Shipping (Minimum Standards) Convention, 1976 (ILO No 147),
8. the International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 92),

together with the Protocols and amendments to these Conventions and related codes of mandatory status, in force on 19 December 2001.

II – SHIPS TO BE CONSIDERED FOR PRIORITY INSPECTION:

Firstly, an inspection will be carried out on any ship not subject expanded inspection with a target factor greater than 50 in SIRENAC in information system, provided that a period of at least one month has elapsed since the last inspection carried out in the region of Memorandum of Paris 1982.

Secondly, regardless of the value of the target factor, the following ships shall be considered as an overriding priority for inspection:

1. Ships which have been reported by the pilots or port authorities as having deficiencies which may prejudice their safe navigation (pursuant to Directive 93/75/EEC and Article 13 of this Directive).
2. Ships which have been failed to comply with obligations laid down in “Royal Decrees” 1253/1997 and 701/1999”.
3. Ships which have been the subject of a report or notification by another Member State.
4. Ships which have been the subject of a report or complaint by the master, a crew member, or any other person or organization with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of

pollution, unless the Spanish Maritime Administration deems the report or complaint to be manifestly unfounded; the identity of the person lodging the report or complaint must not be revealed to the master or the shipowner of the ship concerned.

5. Ships which have been:

- involved in a collision, grounding or stranding on their way to the port,
- accused of an alleged violation of the provisions on discharge of harmful substances or effluents,
- maneuvered in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigation practices and procedures have not been followed, or
- otherwise operated in such a manner as to pose a danger to persons, property or the environment.

6. Ships which have been suspended from their class for safety reasons in the course of the proceeding six months,

III – ACCORDING TO THE TARGET FACTOR THE FOLLOWING SHIPS SHALL BE CONSIDERED AS PRIORITY FOR INSPECTION:

1. Ships visiting a port of a Member State for the first time or after an absence of 12 months or more. In applying these criteria Member States shall also take into account those inspections which have been carried out by members of the MOU. In the absence of appropriate data for this purpose, Member States shall rely upon the available Sirenac data and inspect those ships which have not been registered in the Sirenac following the entry into force of that database on 1 January 1993.
2. Ships not inspected by any Member State within the previous six months.
3. Ships whose statutory certificates on the ship's construction and equipment, issued in accordance with the conventions, and the classification certificates, have issued by organizations which are not recognized under the terms of Civil Directive 94/57/EC.
4. Ships flying the flag of a State operating in the black list as published in the annual report of MOU (See annex attached).
5. Ships which have been permitted to leave the port of a Member State on certain conditions, such as:
 - (a) deficiencies to be rectified before departure;
 - (b) deficiencies to be rectified at the next port of call;
 - (c) deficiencies to be rectified within 14 days;
 - (d) deficiencies for which other conditions have been specified.

If ship-related action has been taken and all deficiencies have been rectified, this is taken into account.

6. Ships for which deficiencies have been reordered during a previous inspection, according to the number of deficiencies.
7. Ships which have been detained in a previous port.
8. ships flying the flag of a country which has not ratified all relevant international conventions referred to in part I.

9. Ships classed with classification society with deficiency ration above average.
10. Ships of the following categories:
 - Gas and chemical tankers older than 10 years of age, as determined on the basis of the date of construction indicated in the ship's safety certificates.
 - Bulk carriers older than 12 years of age, as determined on the basis of the date of construction indicated in the ship's safety certificates.
 - Oil tankers with a gross tonnage of more than 3 000 gross tones and older than 15 years of age, as determined on the basis of the date of construction indicated in the ship's safety certificates.
 - Passenger ships older than 15 years of age other than the passenger ships referred to in Article 2(a) and (b) of Council Directive 199/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high speed passengers craft services.
11. Ships above 13 years old.

IV – LIST OF CERTIFICATES AND DOCUMENTS REQUIRED BY THE SPANISH AUTHORITIES:

1. International Tonnage Certificate (1969).
2. Safety Certificates
 - Passenger Ship Safety Certificate,
 - Cargo Ship Safety Construction Certificate,
 - Cargo Ship Safety Equipment Certificate,
 - Cargo Ship Safety Radiotelegraphy Certificate,
 - Cargo Ship Safety Radio Telephony Certificate;
 - Cargo Ship Safety Radio Certificate,
 - Exemption Certificate,
 - Cargo Ship Safety Certificate.
3. International Certificate of Fitness for Carriage of Liquefied Gases in Bulk;
 - Certificate of Fitness for the Carriage of Liquefied Gases in Bulk.
4. International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
 - Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk.
5. International Oil Pollution Prevention Certificate.
6. International Pollution prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk.
7. International Load Line Certificate (1966);
 - International Load Line Exemption Certificate.
8. Oil record book, parts I and II.
9. Cargo record book.
10. Minimum Safe Manning Document;
 - Certificates of Competency.
11. Certificates complying with the obligations laid down in the STCW Convention,

12. Medical certificates, (see ILO Convention No 73 concerning Medical Examination of Seafarers).
13. Stability information.
14. Copy of Document of Compliance and Certificate issued in accordance with The International Management Code for the Safe Operation of Ships and for Pollution Prevention (SOLAS Chapter IX).
15. Certificates as to the ship's hull strength and machinery installations issued by the classification society in question (only to be required if the ships maintains its class with a classification society).
16. Document of compliance with the special requirements for ships carrying dangerous goods.
17. High speed craft safety certificate and permit to operate high speed craft.
18. Dangerous goods special list or manifest, or detailed stowage plan.
19. Ship's log book with respect to the records off tests and drills and the log for records of inspection and maintenance of lifesaving appliances and arrangements.
20. Special purpose ship safety certificate.
21. Mobile offshore drilling unit safety certificate.
22. For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage.
23. The muster list, fire control plan, and for passenger ships, a damage control plan.
24. Shipboard oil pollution emergency plan.
25. Survey report files (in case of bulk carriers and oil tankers).
26. Reports of previous Port State Control inspections.
27. For ro-ro passenger ships, information on the A/A-maximum ratio.
28. Document of authorization for the carriage of grain.
29. Cargo securing manual.
30. Plan of garbages' management and record book of garbage.
31. Systems of support for the decisions of the passengers ships' captains.
32. For passenger ships with fixed routes, plan of cooperation SAR.
33. List of operational limitations of the passengers ships'.

34. Bulk carrier booklet.
35. For bulk-carriers, load and unloading plan.
36. Certificate of financial insurance or any other financial security in respect of civil liability for oil pollution damage.

V – EXAMPLES OF CLEAR GROUNDS FOR A MORE DETAILED INSPECTION

1. Ships identified in Part I and Part III, paragraphs III-3, III-4, III-5b, III-5c, III-8 and III-11.
2. The oil record book has not been properly kept.
3. During examination of the certificates and other documentation, inaccuracies have been revealed.
4. Indications that the crew members are unable to comply with the requirements of Article 8 of Council Directive 94/58/EC of 22 November 1994 on the minimum level of training of seafarers (1).
5. Evidence of cargo and other operations not being conducted safely, or in accordance with IMO guidelines, e.g. the content of oxygen in the inert-gas main supply to the cargo tanks is above the prescribed maximum level.
6. Failure of the master on an oil tanker to produce the record of the oil discharge monitoring and control system for the last ballast voyage.
7. Absence of an up-to-date muster list, or crew members not aware of their duties in the event of fire or an order to abandon the ship.
8. The emission of false distress alerts not followed by proper cancellation procedures.
9. The absence of principal equipment or arrangements required by the conventions.
10. Excessively unsanitary conditions on board the ship.
11. Evidence from the inspector's general impression and observations that serious hull or structural deterioration or deficiencies exist that may place at risk the structural, watertight or watertight integrity of the ship.
12. Information or evidence that the master or crew is not familiar with essential shipboard operations relating to the safety of ships or the prevention of pollution, or that such operations have not been carried out.

SUMMARY AND RECOMMENDATIONS

I – ITEMS OF GENERAL IMPORTANCE

Items related to the conditions of assignment of load lines:

- 1 weather tight (or watertight as the case may be) integrity of exposed decks;
- 2 hatches and closing appliances;
- 3 weather tight closures to openings in superstructures;
- 4 freeing arrangements;
- 5 side outlets;
- 6 ventilators and air pipes;
- 7 stability information.

Other items related to the safety of life at sea:

- 1 life saving appliances;

- 2 fire fighting appliances;
- 3 general structural conditions (i.e. hull, deck, hatch covers, etc.)
- 4 main machinery and electrical installations.
- 5 navigational equipment including radio installations.

Items related to the prevention of pollution from the ship:

- 1 means for the control of discharge of oil and oily mixtures e.g. oily water separating or filtering equipment or other equivalent means (tank(s) for relating oil, oily, mixtures, oil residues);
- 2 means for the disposal of oil, oily mixtures or oil residues;
- 3 presence of oil in the engine room bilges;
- 4 means for the collection, storage and disposal of garbage.

II – THE COMPETENT AUTHORITY SHALL ENSURE THAT THE INSPECTOR SHALL AS A

- 1. to check the certificates and documents listed above, to the extent applicable;
- 2. to satisfy himself of the overall condition of the ship, including the engine room and accommodation and including hygienic conditions.

III – THE FOLLOWING ARE THE MAIN CRITERIA FOR THE DETENTION OF A SHIP:

A ship which is unsafe to proceed to sea will be detained upon the first inspection, irrespective of the time the ship is scheduled to stay in port; the deficiencies on a ship are so serious that they will have to be rectified having the ship to be inspected again before sails.

PSC officers always commence their inspection in the Master's office. It's essential that certification is up-to-date and valid. All other necessary documents, records and manuals should, where required, be approved and on board.

If equipment is broken or missing, or the ship has suffered damage enroute, the Master must notify the port authorities prior to port entry. If the port authorities are informed of the problem and of any permanent or temporary remedies agreed with Class or the flag State, the vessel should not be detained. However, if notice is not given before entry, the Port State has clear grounds for inspection, possibly leading to a detention.

If your ship is detained, or appears to be in the process of being detained, you should contact us immediately for assistance.

IV – ASSISTANCE TO BE RENDERED:

- 1. Attendance during inspection.
- 2. Appeal against the decision of detention which may be presented to the Spanish Administration.
- 3. Dealing with process of PSC enquiry with the Maritime Authorities direct.
- 4. Assistance to lift detention of the ship by the Spanish Authorities.
- 5. Defence pleadings within PSC enquiry and obtaining support from the Class Society.
- 6. Negotiations with Maritime Authorities in order to arrive at a settlement once his sanctionary proposal is known and before such proposal is put before the Central PSC Madrid Authorities.
- 7. Appeal against fines or sanctions imposed by the Madrid Authorities.

ANNEX**Black List 2005-2007**

Rank	Flag	Inspections	Detentions	Black to Grey Limit	Grey to White Limit	Excess Factor
80	Korea, Democratic People's Rep.	336	107	32	Very High Risk	7.89
79	Bolivia	36	14	6		7.18
78	Albania	300	78	29		5.97
77	Comoros	446	93	41		4.59
76	Slovakia	280	57	27		4.18
75	Georgia	822	140	70	High Risk	3.64
74	Sierra Leone	131	26	14		3.48
73	St. Kitts and Nevis	136	26	15		3.29
72	Syrian Arab Republic	176	31	18	Medium to High Risk	3.05
71	Honduras	84	16	10		2.84
70	Cambodia	590	84	52		2.65
69	St. Vincent and The Grenadines	2445	278	192	Medium Risk	2.11
68	Belize	636	67	56		1.54
67	Egypt	160	20	17		1.52
66	Jamaica	54	8	7		1.29
65	Panama	7368	594	552		1.18
64	Lebanon	149	17	16		1.18
63	Mongolia	47	7	7		1.17
62	Ukraine	568	53	50		1.15

Grey List 2005 – 2007

Rank	Flag	Inspections	Detentions	Black to Grey Limit	Grey to White Limit	Excess Factor
61	Dominica	136	14	15	4	0.92
60	Algeria	123	12	14	3	0.83
59	Morocco	156	13	17	5	0.68
58	Thailand	226	18	23	9	0.66
57	Bulgaria	310	23	30	14	0.58
56	Azerbaijan	105	8	12	3	0.57
55	Turkey	1862	128	149	112	0.44
54	Austria	34	2	5	0	0.44
53	Dominican Republic	34	2	5	0	0.44
52	Taiwan, China	37	2	6	0	0.40
51	Croatia	205	13	21	8	0.40
50	Cook Islands	44	2	6	0	0.34
49	Korea, Republic	189	11	20	7	0.32
48	Lithuania	270	16	26	12	0.30
47	Latvia	136	7	15	4	0.27
46	Saudi Arabia	53	2	7	0	0.26
45	Faroe Islands	106	5	12	3	0.25
44	Poland	174	9	18	6	0.24
43	Malaysia	96	4	11	2	0.21
42	Romania	44	1	6	0	0.18
41	Tunisia	46	1	7	0	0.17
40	Antilles, Netherlands	749	43	64	40	0.11
39	Japan	62	1	8	1	0.06

Recognized Organization performance table 2005-2007

Rank	Recognized Organization	RO	Inspections	Detentions	Law to Medium Limit	Medium to High Limit	Excess Factor	Performance Level
27	Korea Classification Society DPR (Korea) ¹	KCS	112	8	5	0	2.75	Very Low
26	International Register of Shipping (USA)	IS	790	38	23	9	2.65	
25	Shipping Register of Ukraine	SRU	441	19	14	3	1.89	Low
24	Register of Shipping (Albania)	RSA	287	13	10	1	1.77	
23	Bulgarski Koraben Registar	BKR	264	12	10	1	1.72	
22	INCLAMAR (Cyprus)	INC	171	7	7	0	1.03	
21	Panama Maritime Documentation Services	PMDS	165	5	7	0	0.75	Medium
20	Isthmus Bureau of Shipping (Greece)	IBS	206	5	8	0	0.62	
19	International Naval Surveys Bureau (Greece)	INSB	730	14	21	8	0.46	
18	Hellenic Register of Shipping	HRS	837	15	24	10	0.38	
17	Panama Register Corporation	PRC	143	2	6	0	0.37	
16	Croatian Register of Shipping	CRS	307	4	11	2	0.26	
15	Polski Rejestr Statkow	PRS	1018	13	28	13	0.00	High
14	China Corporation Register of Shipping	CCRS	78	0	4	0	0.00	
13	Indian Register of Shipping	IRS	148	0	6	0	0.00	

12	RINAVE Portuguesa	RP	75	0	4	0	0.00	
11	Korean Register of Shipping	KRS	598	5	18	6	-0.19	
10	Russian Maritime Register of Shipping	RMRS	7080	50	161	122	-1.11	
9	China Classification Society	CCS	820	2	23	9	-1.29	
8	Lloyd's Register UK	LR	12939	70	285	232	-1.36	
7	Nippon Kaiji Kyokai	NKK	5923	29	137	100	-1.37	
6	Turkish Lloyd	TL	1144	3	31	15	-1.41	
5	Bureau Veritas (France)	BV	10108	49	226	179	-1.42	
4	American Bureau of Shipping (USA)	ABS	4846	18	113	80	-1.50	
3	Registro Italiano Navale	RINA	2647	6	65	41	-1.64	
2	Germanischer Lloyd	GL	13271	30	292	238	-1.73	
1	Det Norske Veritas	DNVC	11170	21	248	199	-1.77	

In this table only Recognized Organizations that had more than 60 inspections are taken into account. The formula used is identical to the one used from the Black Grey and White list. However the values for P and Q are adjusted to P=0.02 and Q=0.01

Where a country is shown after a Recognized Organization this indicates its location and not necessarily any connection with the maritime administration of that country.

TARGET FACTOR

The calculation of the Target Factor is divided into two parties:

1. **Generic Factor** – based on elements of the ships profile.
2. **History Factor** – based on the ships inspection history in the Paris MOU.

1. GENERIC FACTOR

The Generic Factor for an individual ships is calculated by adding together the applicable elements of its profile according to the elements below:

Targeted Flag

A flag whose number of detentions in the last three years exceed its allowable limit based on a fixed yardstick (=7%). Graduated by increasing yardstick in steps of 3%. For example “medium to high risk” means detentions exceeded allowable limit using a yardstick of 10%.

(for detention % ref. Paris MOU Annual report)

Medium Risk	(yardstick +3%)	TF +4
Medium to High Risk	(yardstick +6%)	TF +8
High risk	(yardstick +9%)	TF +14
Very High Risk	(yardstick +12)	TF +20

Targeted ship type TF +5

(ie liable to expanded inspection)

- i Bulk carrier more than 12 years old.
- ii Gas carrier more than 10 years old.
- iii Chemical tanker more than 10 years old.
- iv Oil tanker GT > 3 000 and more than 15 years old.
- V Passenger ship/ro-ro ferry more than 15 years old (other than ro-ro ferries and HS passenger craft operating in regular service under the provision of Council Dir. 1999/35/EC)

Non – EU recognized classification society TF +3

A class society not appearing on the list of recognized societies published by EC Commission. If no class is reordered in the database (other than withdrawal/suspension of class for safety reasons) the ship will be assumed to be classed with an EU recognized class society.

Ships more than 12 years old

Graduated for non-targeted ship types (ref. above) and passenger ships

Age: > 25 years	TF +3
21-24	TF +2
13-20	TF +1

Flag State has not ratified all conventions TF +1

Flag states who have not ratified all main conventions.

Targeted Class

Class with 3-yr average record of detentions above the average class detention value using the excess of average rate as yardstick. A classification society whose number of detentions with class related deficiencies in the last three years exceeds the average class detention rate.

Graduated by increasing the “excess of average” in steps of 2%. E.g. the overall class detention rate is 2.1% and the detention rate of a classification society is 4.1% the “excess average” value is 2%

(for detention % ref. Paris MOU Blue Book)

≥ 0%	TF 0
0%-2%	TF +1
> 2%	TF +2
> 4%	TF +3

The Generic Factor is updated when the particulars of the ship change or the status of its existing flag or class change.

2. HISTORY FACTOR

The History Factor is applied to the Generic Factor to Effect the actual condition of the ship found by inspections.

The History Factor is calculated by applying the elements below to each Paris MOU inspection of the ship carried out in the previous 12 months

Entering a region port for the first time in the last 12 months TF +20

No inspection reordered in the database in the last 12 months.

Not inspected in last 6 month TF +10

No inspections reordered in the database in the last 6 months.

Detained TF +15
Number of deficiencies:

0	TF -15
1 to 5	TF 0
6 to 10	TF +5
11 to 20	TF +10
21+	TF+15

Outstanding deficiencies from the last inspection

The value for the outstanding deficiencies is applied only in respect of the latest inspection.

-for each listed action taken “rectify deficiency at next port” or “Master instructed to rectify deficiency before departure” TF +1

and for every two listed action taken “rectify deficiency within 14 days” and /or “other (specify in clear text)”

-in case “all deficiencies rectified” is noted on the report TF -2

The History Factor is updated at the end of each day.

Overall Target Factor

The Overall Target Factor is calculated by adding the Generic and History Factor but cannot be less than the Generic Factor.

The overall Target Factors are re-calculated at the end of each day.

Example

Date: 20-07-2002
Vessel: Paris MOU
Flag: Honduras
Type: Passenger ship
Class: Honduras International Naval Survey and Inspection Bureau

Year build: 1958
Honduras detention %: 27.71%
Average Class detention %: 2.1%
HINSIB detention %: 13.04%

Inspection history:

Ghent	Belgium	10-07-2001	9 Deficiencies
Rotterdam	The Netherlands	11-09-2001	5 Deficiencies
Hamburg	Germany	15-01-2002	16 Deficiencies
Genoa	Italy	04-07-2002	20 Deficiencies
			-8 Rectify before departure
			-10 Rectify within 14 days
			-2 Other (specify)

Generic Factor

Targeted flag	Very High Risk	+20
Targeted ship type	Passenger ship	+5
Non-EU recognized classification society	HINSIB	+3
Ships more than 12 years old		+3
Flag State has not ratified all conventions	LL Prot. 88, SOLAS Prot. 88, ILO 147	+1
Target Class	Excess of average 10.94%	+3

History Factor

Entering a region port for the first time in the last 12 months	0
Not inspected in last 6 months	0
Detained	0
Number of deficiencies	
Rotterdam	0
Hamburg	+10
Genoa	+10

Outstanding deficiencies from last inspection

“Master instructed to rectify deficiency before departure”	+8
“rectify deficiency within 14 days”	+5
“other (specify in clear text”	+1

Overall Target Factor

Generic Factor:	35
History Factor:	34
Overall Target Factor:	69
Ingosstrakh Insurance Company	
P&I Claims Department	

Ingosstrakh Insurance Company
P&I Claims Department.