

CODE OF GOOD PRACTICE FOR PORT STATE CONTROL OFFICERS CONDUCTING INSPECTIONS WITHIN THE FRAMEWORK OF THE PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

1 Introduction

This Guideline is solely drafted for the purpose of providing guidance to the PSCO in performing a PSC inspection on the subject matter. The Guideline does not restrict the PSCO in the scope of inspection or in using his/her professional judgement while performing the PSC inspection. Third parties cannot claim any rights based on this guideline with regard to the PSC inspection as performed by the PSCO.

This document provides guidelines regarding the standards of integrity, professionalism and transparency that the Paris Memorandum of Understanding on Port State Control (Paris MOU) expects of all Port State Control Officers (PSCOs) who are involved in or associated with port State control inspections. Co-operating members are invited to apply the Code. The Port State Control Committee, as the Executive Body of the Paris MOU, may modify the Code.

2 Objective

The Paris MOU was put in place in order to create a harmonized system of ship inspection aimed at eliminating the operation of sub-standard foreign flag merchant ships visiting the European and North Atlantic basin ports. Annually, over 18000 inspections are conducted on board foreign ships in the Paris MOU ports, ensuring that these ships meet international safety, security and environmental standards, and that crewmembers have adequate living and working conditions.

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

3 Fundamental Principles of the Code

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

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

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

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

ANNEX 1 - CODE OF GOOD PRACTICE FOR PORT STATE CONTROL OFFICERS

Actions and behaviour of PSCOs

PSCOs should:

- 1 Use their professional judgement in carrying out their duties.

Respect

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

Conduct of Inspection

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

- 16 Seek advice when they are unsure of a requirement or of their findings rather than making an uninformed decision, for example by consulting colleagues, publications, the flag administration, the recognised organisation.
- 17 Where it is safe to do so accommodate the operational needs of the port and the ship
- 18 Explain clearly to the Master the findings of the inspection and the corrective action required and ensure that the report of inspection is clearly understood
- 19 Issue to the Master a clear report of inspection before leaving the ship

Disagreements

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

Impartiality

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

Updating knowledge

- 28 Update their technical knowledge regularly