

REPUBLIC OF CYPRUS

AUDIT OFFICE OF THE REPUBLIC

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REPORT

CO-ORDINATED ENVIRONMENTAL AUDIT

POLLUTION FROM SHIPS AT SEA AND IN PORTS

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MAY 2002_

POLLUTION FROM SHIPS AT SEA AND IN PORTS
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Executive Summary

Cyprus has over the years developed into a major maritime centre and today has the 6th largest merchant fleet in the world in tonnage terms. During the last few years it has taken steps to develop its infrastructure and improve its maritime administration in an effort to raise the standards of Cyprus registered ships and enhance the image of the Cyprus flag. It has signed and ratified all relevant international conventions and agreements and has voted national laws and regulations to enable their implementation. At the centre of this effort is the improvement of safety on board Cyprus registered ships and the protection of the marine environment.

Pollution Prevention through ship surveys

Flag State Control plays a major part in the prevention of pollution to the environment. Through the regular inspection of the ships it is ensured that the requirements of the MARPOL Convention are properly adhered to. The Department of Merchant Shipping has made significant improvement in this respect during the last few years and it has increased the number of inspections both by the Department surveyors and the appointed surveyors overseas. Further improvement is expected as more surveyors will be employed both in Cyprus and overseas during the next couple of years. Control will also be enhanced as a result of the computerisation of the Department, currently under way, which will enable the targeting of high risk ships for inspection.

The criteria for registration of ships under the Cyprus flag have been revised as from 1.1.2000 with more effective control being exercised on overage ships. An important development regarding the safe operation of the ships, which is also beneficial from the point of view of the protection of the environment, is the implementation of the International Safety Management (ISM) Code as from 1998. Cyprus has implemented the Code for most ships (tankers, bulk carriers, passenger ships) in 1998 and will implement it for all the fleet in July 2002. On the negative side it must be noted that all ship inspections by the Department surveyors have been suspended since February 2001 due to industrial action. Even though most of the gap is filled by the overseas inspectors the government must take all the necessary measures to resolve the dispute as soon as possible.

Port State Control of foreign visiting ships by the DMS is at an acceptable level and meets the requirements of the Mediterranean Memorandum of Understanding which states that at least 15% of the ships are inspected. By comparison however inspection rates by the maritime authorities in advanced countries (U.S. Coast Guard, Paris MoU and Tokyo MoU) are much higher.

Inspections of Cyprus registered ships by foreign Authorities show a steady improvement and detention rates have decreased for the last three years. This is a direct result of the steps taken to upgrade Flag State Control. However, the Cyprus flag is still on the target list of the U.S. Coast Guard and the Paris MoU with detention rates marginally above average. The downward trend though leaves some optimism that the Cyprus flag will be taken off the target lists soon.

The detention rates of the last three years are shown below:

	<u>U.S. Coast Guard</u>		<u>Paris MoU</u>		<u>Tokyo MoU</u>	
	detention ratio of Cyprus ships %	average detention ratio for the region %	det. ratio Cyprus %	av.det.ratio region %	det. ratio Cyprus %	av.det.ratio region %
1998	8,70	4,73	10,86	9,06	5,71	7,29
1999	4,52	3,37	9,97	9,15	5,35	7,18
2000	2,59	2,52	9,70	9,50	4,99	6,87

Pollution Prevention: Reception Facilities

No proper reception facilities for oil residues and other waste exist at the ports and terminals in Cyprus. When there is a need to discharge oil residues the ships notify their local agents who make arrangements for their collection in slop trucks. No control is exercised as to what happens to the waste afterwards. As far as protecting the marine environment is concerned, there is no mechanism in place to ensure all the ships hand over their waste to be disposed in a proper manner. Some progress has been made recently with the issue of licences to two companies to collect the waste and process it in a specially built plant. The competent authorities, however, need to do more to develop the required infrastructure and to provide the incentives to encourage all the users to discharge their waste properly.

Detection of Pollution

The Department of Fisheries and Marine Research has the responsibility for detecting pollution. For this purpose it co-operates closely with the Coast Guard (marine or airborne) who carry out regular patrols along the coast controlled by the Government. Additionally the Department take regular samples for testing from different locations around the coast.

The Department also has the responsibility for combating pollution. A contingency plan exists clearly specifying the roles and responsibilities of all parties involved, and regular drills are carried out for training purposes and for testing the equipment. The Department has adequate resources (manpower and equipment) to deal with minor pollution incidences. Cyprus has entered into a regional agreement with Egypt and Israel for mutual assistance in case of major pollution incidences and joint drills are periodically carried out within the framework of this agreement. Fortunately there have never been any major pollution incidences in and around Cyprus waters. Minor incidences have been successfully combated without undue problems and in all cases the polluters were fined and charged with the clean up costs.

EU Harmonisation measures

A lot of progress has been made towards harmonisation of the legislation, administrative practices and procedures with those prevailing in the EU. Full harmonisation will be achieved with the adoption of some remaining directives during 2002. In view of this the European Commission "closed" the Chapter on Maritime Transport in the pre accession negotiations, in May 2001. The DMS has to press on with the implementation of the new legislation and to upgrade its practices and procedures to meet European Standards. This will encompass further strengthening of Flag State Control (all ships should be inspected annually) exercising better control over the work of the classification societies and taking measures to install proper reception facilities at the ports. Substandard ships should be eliminated from the Cyprus register so that detention rates by foreign authorities are kept to a minimum.

1. INTRODUCTION

1.1 This co-ordinated audit was undertaken by the SAIs of eight European and Mediterranean countries as part of the work programme of the EUOSAI Environmental Group. The countries taking part are The Netherlands, United Kingdom, France, Italy, Greece, Turkey, Cyprus and Malta.

The audit methodology and the work programme were formulated by the group based on the legal framework comprising International Conventions, EU Directives and National Legislation. It was resolved at the outset that the audit should not be limited to a regularity audit concerned solely with establishing the degree of compliance of the national authorities with the law, but that a “best practice” audit approach should be adopted. It was also decided that “dumping” of waste in the sea would be excluded from the scope of the audit.

According to a study by a group of experts maritime transport is responsible for 12% of the pollution caused to the marine environment . Other major causes of pollution are land-based discharge (44%), atmospheric inputs (33%), dumping (10%) and oil exploration (1%).

1.2 The relevant international conventions, agreements and national laws and regulations relating to the protection of the marine environment are the following:

(a) International Convention for the Prevention of Pollution from Ships, 1973.

Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973.

[these are commonly referred to as MARPOL 73/78 (as amended). A summary of the main provisions is shown in Appendix A.]

(b) Convention for the Protection of the Mediterranean Sea Against Pollution

Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from ships and aircraft.

Protocol concerning co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in cases of emergency.

[Commonly referred to as the Barcelona Convention 1976]

(c) Regulations based on the provisions of the above International Conventions:

- Regulation 282/93 on the Accreditation of Reception Facilities for Oil Residues
- Regulation 151/95 on Submarine Oil and other Hydrocarbon Products Pipelines

(d) National Laws and Regulations regarding the prohibition of the discharge of harmful substances into the territorial waters of Cyprus and the associated fines for breach of the rules

(Fishing Law (Cap 135 and Laws 1961 to 1990) and Regulation 273/90).

(e) Memorandum of Understanding on Port State Control in the Mediterranean Region (1997)

[Commonly referred to as Med MoU]

(f) Merchant Shipping (Accreditation and Authorisation of Inspection Bodies) Law N.46(I)/2001

(this law was passed so that the relevant legislation of the Republic is harmonised with EU Legislation prescribing the rules and the standards applicable to the Bodies undertaking the inspection of Cyprus registered ships. (Council Directive 94/57/EC dated 22/11/94 as amended by European Commission Directive 97/58/EC dated 26/9/97)).

(g) Merchant Shipping (Port State Control) Law N.47(I)/2001

(this law was passed in order to harmonise the national legislation concerning Port State Control with EU legislation (Council Directives 95/21 EC and 98/25 EC and Commission Directives 98/42 EC and 99/97 EC)).

Other major International Conventions to which the Republic of Cyprus is a Contracting Party are:

- International Convention for the Safety of Life at Sea, 1974 as amended (SOLAS 74 as amended) and its Protocols.
- Convention on the International Regulation for Preventing Collisions at Sea, 1972, as amended (COLREG 72 as amended)
- International Convention on Load Lines, 1966 (LL 1966) and its Protocol
- International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC 1969) and its Protocols
- International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND 1971) and its Protocols
- International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended (STCW 1978 as amended)

1.3 Merchant Shipping has always played a major role in the economic activity of Cyprus. At present there are approximately 50 shipmanagement companies operating in Cyprus. There is one major port in Limassol and two smaller ports in Larnaca and Vassiliko. There are also several oil unloading terminals at the three power stations, the oil refinery and the oil companies ' installations. Approximately 800 ships visit Cyprus ports every year.

Today Cyprus has the 6th largest merchant fleet in the world with a total tonnage of 28 million GT. At 31.12.2000 2669 ships were registered under the Cyprus flag. Approximately 1500 ships have a tonnage of more than 300 GT and fall under the provisions of the international conventions.

A ship may be registered in Cyprus if more than one half of the shares of the ship are owned by a Cypriot or by a company registered in Cyprus .Registration may be provisional, permanent or parallel.

On 1.1.2000 a revised government policy for the registration of ships came into force incorporating stricter criteria for registration under the Cyprus flag. The vessel must be classed with one of the classification societies recognised by the Government of Cyprus.

Ships on the Cyprus Register as on 31st December 2001

Description of vessel	Permanent		Provisional		Parallel		Total	
	No. of ships	G. T.	No. of ships	G. T.	No. of ships	G.T.	No. of ships	G.T.
General Cargo	521	3545506	10	44807	46	247968	577	3838282
Passenger Ship	33	164285	0	0	0	0	33	164285
Oil Tanker	156	3997053	4	335257	8	97647	168	4429957
Fishing Vessel	145	280613	3	4615	0	0	148	285228
Tug Boat	50	14576	3	867	6	15789	59	31231
Ro Ro Cargo	37	459908	1	13601	2	30703	40	504212
Container ship	142	2433570	5	56838	25	384787	172	2875195
Bulk Carrier	454	11909794	4	110758	5	89960	463	12110512
Chemical Tanker	11	170517	0	0	1	3070	12	173587
Refrigerated Cargo	65	427295	0	0	0	0	65	427295
Liquefied Gas Carrier	5	20212	0	0	0	0	5	20212
Yacht	459	16713	11	237	0	0	470	16951
Ore/Bulk/Oil Carrier	4	146205	0	0	0	0	4	146205
Supply Launch	7	2116	0	0	0	0	7	2116
Barge	55	143036	7	15465	2	160	64	158660
Research/Survey Ship	1	105	0	0	1	3072	2	3177
Hydrofoil	1	129	0	0	0	0	1	129
Offshore Drilling Unit	2	14975	0	0	0	0	2	14975
Tug/Supply Ship	13	5556	0	0	0	0	13	5556
Vehicle Carrier	6	96588	0	0	0	0	6	96588
Ro Ro Passenger Ferry	25	275529	0	0	0	0	25	275529
Dredger/Sand Carrier	2	17014	1	44	0	0	3	17058
Marine Salvage Vessel	2	380	0	0	0	0	2	380
Floating Crane	4	6439	0	0	0	0	4	6439
Accomodation Barge	1	2703	0	0	0	0	1	2703
Other	1	2	1	1543	0	0	2	1545
Total	2202	24150820	50	584032	96	873156	2348	25608007

Criteria for registration under the Cyprus flag

Type of Vessel	Age	Conditions for Registration
A. Cargo Vessels GT>1000 Ocean going Tug Boats GT>500 Mobile Offshore Drilling Units	< 15yrs 15-17yrs 17-20yrs 20-23yrs	None Special Inspection Special Inspection + Shipmanagement company complies with ISM Code Special Inspection and subject to annual Special Inspections + Shipmanagement Co complies with ISM Code
B. Cargo Vessels GT<1000	< 20 yrs	Subject to Special Inspection if detained by Flag or Port State Control authorities after registration
C. Passenger Vessels	< 15 yrs 15-25yrs >25yrs	None Special Inspection and subject to annual Special Inspections Special Inspection and subject to annual Special Inspections + operated by Cyprus Shipmanagement Co which complies with ISM Code
D. Fishing and Fishing Factory Vessels	< 15 yrs 15-20yrs	Must comply with various laws/regulations/directives regarding safety,preservation of protected species, etc. As above + Special Inspection
E. Auxiliary Vessels and Pleasure Crafts	< 25 yrs >25 yrs	None at least 51% of shares owned by residents of Cyprus
F. Vessels Carrying passengers on coastal trips		at least 51% of shares owned by residents of Cyprus + Special Inspection

2. DEPARTMENT OF MERCHANT SHIPPING

The Department of Merchant Shipping (DMS), which comes under the Ministry of Communications and Works, plays a major role in the control of Cyprus registered vessels and is responsible for the correct implementation of all relevant conventions, laws and regulations. The protection of the environment is pursued through the surveys and inspections of ships (Flag State Control and Port State Control), the minimum requirements for registration and the implementation of the MARPOL Convention and other relevant national and international laws and regulations. Two Marine Surveyors have been assigned with the responsibility of investigating all incidences involving deficiencies that relate to the MARPOL Convention.

The Department's stated long-term objectives, apart from the fulfilment of obligations arising from the merchant shipping legislation, include:

- the establishment, in co-operation with other Government departments and private organisations, of a sound technical, administrative, legal and financial infrastructure in the area of merchant shipping
- the improvement of the quality of ships registered in Cyprus and the crew employed on them
- the improvement of safety standards and conditions of living and employment on board Cyprus ships in accordance with International Conventions currently in force
- the establishment of maritime training facilities in Cyprus
- further development of Cyprus in the area of merchant shipping and enhancement of the international reputation of the Cyprus flag as a maritime flag

The DMS employs twenty six full-time Marine Surveyors engaged in the surveys and inspections of ships. Apart from the Head Office in Limassol it has Offices in Piraeus, London, New York, Hamburg and Rotterdam, all permanently staffed with qualified surveyors. In order to enhance Flag State Control it has, during the last few years, appointed on a contract basis a number of surveyors worldwide. The aim is to create a global network of 50 surveyors in 40 ports worldwide.

Cyprus is an active member of the International Maritime Organisation (IMO) and officers of the Department participate in the meetings of all the committees and sub-committees of the Organisation. The delegations attending the Assembly and the Council are headed by the Minister and the Director General of the Ministry of Communications and Works respectively.

3. DEPARTMENT OF FISHERIES & MARINE RESEARCH

The Department of Fisheries & Marine Research (DFMR), which comes under the Ministry of Agriculture, Natural Resources and the Environment, is responsible for combating pollution in the sea and ports whenever it occurs. It is responsible for taking all necessary measures for the proper implementation of the Barcelona Convention. It has all the necessary equipment (boats, booms, chemical solvents, etc), stored near the ports of Limassol and Larnaca which can be deployed within a short period of time. The Department has a contingency plan with assigned responsibilities to the various parties involved - government departments, non-government organisations, ports authority, etc - and drills are carried out periodically.

Past experience has shown that minor pollution incidences near the shores may be adequately dealt with. It is unlikely, however, that the Department will be able to cope with a major oil spill with the means currently at its disposal. In such a case extensive reliance will have to be placed on international assistance and for this purpose Cyprus has signed a tripartite agreement with Egypt and Israel. The agreement was made along the lines of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC) which calls for the establishment of national and regional systems for preparedness and response and promotes bilateral and multilateral co-operation. It is monitored by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) which was formed under

the Barcelona Convention to assist Coastal States of the Mediterranean region in the preparation and development of bilateral or multilateral agreements. The European Community, as a Contracting Party to the Barcelona Convention, has undertaken a policy of providing institutional support, technical and financial assistance and transfer of knowledge to promote the protection of the environment in the Mediterranean basin.

4. CYPRUS PORTS AUTHORITY

The Cyprus Ports Authority (CPA) is a statutory body set up in 1977. It owns and operates all the ports in Cyprus (Limassol, Larnaca, Vassiliko). Although it does not have any direct responsibility for preventing or dealing with pollution from ships its co-operation with the two responsible Departments (DMS and DFMR) is very important in these matters. Most significantly it should take all necessary steps and provide assistance for the proper operation of Reception Facilities for oil and chemicals and garbage, and for encouraging all visiting ships to make use of these facilities.

5. OTHER ORGANISATIONS

Cyprus Marine Environment Protection Association (CYMEPA)

This is a Charitable Institution under the Cyprus Law. It is funded solely by its members which are shipowning and shipmanagement companies, banks, hotels, classification societies and other local and foreign businesses. It was formed with the initiative of the International Shipping Community of Cyprus and its principal aim is to encourage and actively assist effective efforts to prevent all forms of pollution of the sea. The Association also helps seafarers and executives, through appropriate training programmes, to be more aware of the safety and the protection of the marine environment. It also assists the government to properly implement the International Conventions for the protection of the marine environment and participates in the Cyprus delegation to the meetings of the IMO.

According to the Association the seawaters around Cyprus are relatively clean because there are no major land-based sources of pollution and no particularly great movement of high risk ships around its shores and in and out of its ports. However there is plenty of room for improvement for instance in the monitoring of passenger ships and small boats (yachts, leisure boats etc) which appear to cause some pollution mainly from garbage. A lot can be achieved in this respect through the instillation of an environment friendly attitude by everyone concerned and this is an area where perhaps more can be done on behalf of the state authorities.

Cyprus Shipping Council

The Cyprus Shipping Council is the trade association of the Shipping Industry in Cyprus. It was established in 1989 and today it comprises all the major shipowning, shipmanagement and shipping related companies in Cyprus. It maintains a close co-operation with the Ministry of Communications and Works, the Department of Merchant Shipping and other relevant parties in an effort to improve and constantly enhance the shipping infrastructure of Cyprus. The total number of ships owned, managed or operated by Members of the Council are in excess of 1300 with a total tonnage of more than 20 million gross tons. The Council plays a very important role in the development of shipping policy on a national and international level. It maintains an active involvement in the work of various international shipping organisations and participates in the meetings of the International Chamber of Shipping and the International Shipping Federation, where the various issues affecting the industry are discussed. In Cyprus it provides invaluable practical support to the Maritime Administration in an effort to improve the quality and safety standards of the Cyprus fleet. It was instrumental in the amendment of the Government

Policy on the Registration of Ships and in maintaining a tough policy towards substandard vessels.

Under this policy the DMS suspends the safety certificates of ships detained for serious deficiencies by foreign authorities and deletes the ships from the Registry if no corrective measures are taken. It also actively encouraged the creation of the global Network of Independent Surveyors the benefits of which are gradually filtering through with reduced detentions around the world. The Council also played a significant role in the efforts to harmonise national Merchant Shipping Legislation in the wake of Cyprus's accession to the European Union.

As far as protecting the marine environment is concerned the existing national and international legislation is considered to be adequate and what needs to be pursued is proper implementation of the rules, not least through cultivating the right attitude amongst seafarers in general. For this reason the Council considers it very important to provide sustained training to its members and large sums of money are spent every year for this purpose. It is worth noting that damage to the marine environment in 80% of the cases is attributed to human error.

6. AUDIT FINDINGS

6.1 Flag State Control by the Department of Merchant Shipping

Flag State Control plays an important, albeit indirect, role in the prevention of pollution. It is exercised through the regular inspection of ships and through the application of strict criteria for registration under the Cyprus flag. The government, through the DMS, has taken steps to enhance Flag State Control on both fronts. On 1.1.2000 revised criteria for registration were introduced, whereby the age of eligible ships was reduced from 17 to 15 years and a thorough entry survey is required for older ships. Fishing vessels have to meet strict criteria in accordance with EU legislation.

The DMS is continually seeking to upgrade the control of the ships on the Registry and to increase the number of inspections carried out every year. The ultimate goal is to inspect all ships at least once every year. Considering the resources available, however, this will take some time to achieve. During the year 2000 approximately one third of the ships were inspected by the surveyors, most of them by the overseas independent surveyors. In order to meet its target the Department has to significantly strengthen its manpower, both the full time surveyors in Cyprus and the independent surveyors overseas.

Year	Number of Inspections carried out		
	DMS surveyors	Independent surveyors overseas	Total
1998	53	113	166
1999	82	287	369
2000	90	437	527
2001	33	560	593

It should be noted that inspections by the Department surveyors have been suspended since February 2001 due to industrial action. However, despite this significant disruption a steady progress has been made during the last few years and the efforts made by the Department to properly control its fleet are beginning to bear fruit which is reflected in the declining number of detentions of Cyprus registered ships.

Another important component of Flag State Control is the underlying administrative system which should provide timely and reliable information to the Maritime Authorities. The DMS is currently in the process of implementing a modern IT based system which should become operational in 2002. This is expected to provide valuable assistance in identifying high risk ships and planning the surveys more effectively. At present the targeting of ships is done on the basis of available information from past surveys which is not complete. The new system will provide all round information on ships and will even have direct access to the data bases of classification societies.

Global network of surveyors

In order to strengthen the control of the Cyprus merchant fleet and enhance the reputation of the Cyprus flag the Council of Ministers gave the green light in 1996, for the establishment of a global network of surveyors to act on behalf of the Government. This aims at increasing the number of ships inspected every year and upgrading management standards, safety standards and environment protection standards so that the detention rate of Cyprus ships by foreign authorities is reduced. This got off to a slow start due to practical difficulties and the Council of

Ministers approved more favourable terms and selection criteria for the surveyors in 1999 which helped the scheme to move forward.

To date 35 surveyors have been appointed in 26 major ports, in 14 countries, worldwide. The network will be completed with the appointment of 50 surveyors in 40 ports frequented by Cyprus registered ships. It is expected that the ships will be inspected once every twelve months and will undergo document inspection every six months. In general, the inspections should include all the points covered by the classification societies during the annual inspections of their ships, in accordance with the relevant international conventions. A team has been set up at headquarters to co-ordinate and oversee the whole operation.

During the year 2000 405 ships (21.8%) were inspected. Thirty two ships underwent both an annual inspection and a certificate inspection. Deficiencies were noted on 226 occasions (55.8% of inspected ships) and ten ships were detained. Deficiencies relating to MARPOL 73/78 were noted on seven occasions and fines of C£150-450 were imposed.

Even though the results of the scheme have fallen short of expectations, it undoubtedly has had a positive contribution in raising the standards on board Cyprus ships and reducing the detention rates in 2000. It is expected to have a much bigger impact when it goes into full operation with the appointment of the rest of the surveyors. The Department has to review carefully the effectiveness of the scheme so far (a significant number of appointed surveyors have not carried out any survey) and provide the necessary incentives for the surveyors to carry out the inspections properly. An effective system of collecting and processing all relevant information on a timely basis must also be put in place as soon as possible.

Inspections procedures

Through the periodic inspections of ships the authorities ensure that the requirements of the national and international legislation are properly adhered to. A typical ship inspection includes, inter alia, checks to ensure that:

- the ships certificates and documents are in order
- fire fighting appliances are properly maintained
- life saving appliances are adequate
- there are no structural deficiencies on the ship
- seafarers are properly trained and perform adequately in emergency drills
- living conditions on board are up to standard
- there is adherence with requirements laid down by international conventions (MARPOL73/78, SOLAS, International Convention on Load Lines, etc)
- the Safety Management System on board is adequate and meets the requirements of the ISM Code.

The procedures followed during the inspection are those stipulated in the "IMO Port State Control Procedures" manual. These include Guidelines for investigations and inspections carried out under Annex I and Annex II of MARPOL 73/78. A detailed Record of Inspection is prepared which serves as a kind of checklist for the surveyor carrying out the inspection.

Detailed checks regarding pollution prevention are carried out on all ships covering:

- (i) documentation (regular updating of the Oil Record Books, type approval Certificates for separators, filtering equipment, etc)
- (ii) oil pollution emergency plans
- (iii) physical inspection of equipment for the control of Oil Discharge from Machinery Space Bilges to ensure they are in good working order
- (iv) Oil Fuel Tanks to ensure the oil fuel and water ballast systems are segregated
- (v) Oil Residue Sludge Tanks to ensure properly connected and discharge arrangements are satisfactory.

The survey of a ship is a specialised task which involves a high level of subjectivity. It is therefore possible that a major deficiency is overlooked or considered as minor. The data of the last two years show that there have been cases where ships inspected and cleared by DMS

surveyors were subsequently, within a short period of time, detained by foreign port authorities. The Department should take all necessary measures, to upgrade the standards of surveys so that no such detentions take place.

List of appointed surveyors of Cyprus ships

No.	COUNTRY	PORT	MUMBER OF SURVEYORS
1	Australia	Fremantle	1
		Brisbane	2
2	Brazil	Rio de Janeiro	1
3	Canada	Vancouver	1
		Quebec	1
4	South Africa	Durban	1
5	Spain	La Coruna	1
6	U.S.A.	Norfolk	1
		Houston	3
		New Orleans	1
		Miami	2
		Los Angeles	1
		San Francisco	1
7	Poland	Gdynia	1
8	Greece	Piraeus	1
9	France	Atlantic Ports	1
10	Argentina	Buenos Aires	2
11	Sweden	Gothenburg	2
12	Finland	Turku	1
13	Germany	Hamburg	1
		Bremen/Bremerhaven	1
14	India	Calcutta	2
		Chennai	2
		Mumbai	2
		Visakhapatnam	2
	Total	26	35

Statistical data of ships inspected / detained by appointed surveyors for the years 1998-2000

	2000	1999	1998
SHIPS INSPECTED	437	287	113
SHIPS WITH DEFICIENCIES	226	129	62
SHIPS DETAINED	10	12	6

Statistical data of type of deficiencies of ships inspected by appointed surveyors in 2000

No.	Type of Deficiency	NUMBER	RATE %
1	Ship's Certificates / Log Books	65	7,54
2	Crew	11	1,28
3	Accommodation	37	4,29
4	Life Saving Appliances	104	12,06
5	Fire Fighting Appliances	129	14,97
6	Accident Prevention	18	2,09
7	Safety in General	228	26,45
8	Alarm Signals	1	0,12
9	Cargo	8	0,93
10	Load Lines	57	6,61
11	Mooring Arrangements	8	0,93
12	Propulsion and Auxiliary Machinery	28	3,25
13	Navigation	73	8,47
14	Radio	18	2,09
15	Marine Pollution - Annex I	34	3,94
16	Marine Pollution - Annex II	2	0,23
17	Solas related operational Deficiencies	20	2,32
18	Marpol related operational Deficiencies	12	1,39
19	Marine Pollution - Annex III	5	0,58
20	All other Deficiencies	0	0
21	Other Deficiencies	4	0,46
	Total	862	100

**Statistical data of type of ships inspected by
appointed surveyors in 2000**

TYPE OF SHIP	NUMBER	RATE %
Bulk Carrier	194	44,39
Chem. Tanker	7	1,6
Container Ship	35	8,01
General Dry Cargo Ship	166	37,99
Oil Tanker	10	2,29
Ref. Cargo	11	2,52
Ro - Ro	14	3,2
TOTAL	437	100

6.2 Port State Control by the Department of Merchant Shipping

The DMS undertakes Port State Control inspections by virtue of the Laws of the Republic of Cyprus ratifying various IMO and ILO Conventions, including MARPOL 73/78. It also has an obligation to do so under the Mediterranean Memorandum of Understanding on Port State Control.

PSC is systematically and continuously carried out on a weekly rotation. Usually two surveyors (preferably one engineer/naval architect and one master mariner) conduct inspections jointly in the ports of Limassol, Larnaca and Vassiliko. Detailed inspections are conducted whenever there are grounds to believe that this is warranted.

The inspection procedures followed are those stated in the IMO Port State Control Procedures manual and in the Mediterranean MoU (Appendix B).

The Memorandum requires that at least 15% of the ships entering the ports of each Authority should be inspected. Although this requirement is mostly met it must be noted that by comparison other regional agreements require a much higher proportion of ships to undergo Port

State Control. The Tokyo MoU requires 50% of the ships to be inspected and the actual inspection rate in 2000 was approximately 65%. Inspections by the U.S. Coast Guard during 2000 covered 22,7% of port calls and 154% of individual vessels (vessels were inspected on more than one occasion). Similarly inspections in the Paris MoU region covered 28,6% of port calls and 163% of individual vessels. Clearly, therefore, Port State Control in the region covered by the Mediterranean MoU has to be intensified.

The Med MoU requires that each Authority in the region will consult, co-operate and exchange information with other Authorities in order to further the aims of the Memorandum. Furthermore the Authorities should report on their inspections on a regular basis to the Secretariat on a standardised document and all the information gathered should be readily available to all Authorities to enable their planning of Port State Control. An information Centre was set up for this purpose in Morocco and information is collected and forwarded by the various Authorities at regular intervals. Ideally, however, this should be done on-line so that up to date information is readily available to all the Authorities in the region. It should also be noted that as from 1998, the Authorities in Cyprus have temporarily suspended the provision of information required by the Memorandum, and have notified the Secretariat of the Memorandum accordingly, for political reasons.

6.3 Operations Procedures at the Oil Terminals and Measures for protecting the Marine Environment

Oil unloading terminals operate at the Cyprus Petroleum Refinery Ltd (CPRL), the three Power Stations of the Electricity Authority of Cyprus and the Oil Companies' depots. Detailed regulations regarding the installation, maintenance and operation of Submarine Oil and other Hydrocarbons Pipelines, were voted by Parliament pursuant to Articles 22(2)(h) and 22(3) of the MARPOL Convention in 1995 (Regulation 151/95).

Both the CPRL and the Electricity Authority take all the necessary steps to ensure that their terminals are properly maintained and tested and terminal operations are conducted with due care to the marine environment. The CPRL follows the procedures laid down by ISGOTT (International Safety Guide for Oil Tankers and Terminals) and is fully insured with Lloyds. It employs a reputable consultant for the whole spectrum of the activities of the Refinery. The pipeline is pressure tested to 15bar prior to each discharge operation - there is one operation approximately every 15 days (which lasts for 48 hours), discharging 55,000 tons of heavy fuel oil. There is continuous communication with the vessel during the operation, and the Refinery has the necessary equipment to combat minor pollution incidences (up to 50 cubic meters of oil). Routine maintenance of the pipeline is carried out every year and a major overhaul is carried out every four years. Flexible hoses are pressure tested every two years. Professional inspectors are engaged to do this (CBS Classification) and an appropriate certificate is issued. Detailed sea berth regulations for the discharge operations have been drawn up by CPRL covering aspects of safety, protection of the environment, drug and alcohol use during operations and oil pollution, and the master of the ship is required every time to sign a declaration that these are fully understood and all necessary precautions have been taken on board to avoid any danger of fire, explosion or spillage due to the ship's condition, crew actions and vessel operations. The CPRL have appointed terminal representatives on board who have the necessary expertise to oversee the discharge operation, and a detailed record of the progress of operation is kept. A weather forecast report is obtained every four hours. A contingency plan has been drawn up in collaboration with the oil marketing companies and a Joint Response Group has been put together which is available on a twenty four hour basis. Pollution fighting equipment (sprayers, skimmers, booms, boom supporting equipment, water

pumps,etc) has been acquired and is stored at CPRL premises and a contractor has been nominated with a response vessel and a crew of four, with a response time of one hour.

The procedures followed at the three power station terminals are, very similar to the above. The pipeline is pressure tested with water for twenty four hours during the previous day at one and a half times the normal pressure of the discharge operation. There are approximately sixteen deliveries at Dekeleia, eleven deliveries at Moni and six deliveries at Vasiliko Station each year with a total of 900,000 tons of heavy fuel oil. In a letter to the Master of the ship it is made clear that, in accordance with the principles of shipping law, he is absolutely responsible for the proper mooring, control and unmooring of the vessel as well as the safe cargo unloading operations. The mooring equipment and pumping procedures are in accordance with the internationally accepted OCIMF standards and recommendations (Oil Companies International Marine Forum) for the protection of the marine environment. Piloting of the ship in and out of the terminal is done, as is the case with CPRL, by the Ports Authority. Each station maintains on location, basic equipment for combating minor incidences of pollution. The competent authority (DFMR) is notified on every occasion and attends the operations at the start and the end of the pumping procedure at Moni and Vassiliko Station, but not at Dekeleia Station. The Electricity Authority entered into a contract with the Agent of Lloyd's in Cyprus who undertakes an annual inspection of the mooring facilities and submarine fixed and flexible pipelines.

The terminals at the depots of the oil companies do not pose any significant threat to the marine environment as only high grade finished petroleum products (petrol ,kerosene etc) are pumped through the lines.

It should be noted that the DMS which is the competent authority under the MARPOL Convention with the responsibility to oversee the operations and the procedures at the terminals and carry out the required surveys of the pipelines does not in any way undertake any of these tasks, and it is up to the owners of the installations to take all necessary measures for the prevention of pollution to the marine environment.

6.4 Reception Facilities at Cyprus Ports

Article 12 of Law No 57/89 which ratifies the MARPOL Convention stipulates that reception facilities provided by the ports should be such that all ships that are expected to enter the ports should be adequately served and that they should provide all the means to safeguard against pollution to the environment. The terms and conditions of operation of the reception facilities and their inspection are specified in Regulations to be issued for this purpose.

Article 9 of the Law stipulates that all ships entering the ports or anchorages or other installations in Cyprus have an obligation to hand over oil residues and other waste to the designated reception facilities. Article 16 confers the authority to inspect the reception facilities to the competent authority (DMS).

Regulation 10(7) of Annex I to the MARPOL Convention requires that the Government of each signatory state with a coastline bordering any given special area (Mediterranean Sea, Black Sea, Baltic Sea) should ensure that all oil loading terminals and repair ports have facilities for the reception and treatment of all the dirty ballast and tank washing water from oil tankers. All ports within the special areas shall have adequate reception facilities for other residues and oily mixtures from all ships.

None of the ports and terminals in Cyprus have properly organised reception facilities of the kind envisaged in the legislation. Even though detailed regulations regarding the operation of Reception Facilities for Oil Residues, pursuant to Articles 12 and 22(2)(c) of the MARPOL Convention, were voted by Parliament in 1993 no steps were taken to create the required infrastructure to enable the operation of proper Reception Facilities. The ships visiting the ports are not monitored in any way as to how they go about the disposal of their oil residues. In practice, whenever the need to off-load oil residues arises the local agents of the ships make

arrangements for the residue to be collected by slop trucks which have a special permit to enter the ports. This in no way constitutes a satisfactory solution to the problem as it is by no means certain that all the ships that should hand over their waste do so and, furthermore, no control is exercised as to what happens to the waste after it is collected.

A step in the right direction was taken during the latter half of 2001 with the operation, by a private company, of a processing plant which will undertake to receive and re-process the oil waste. The plant was inspected and approved by DMS and special permits were issued for the transportation of the waste from the port by trucks, in much the same way as it was done thus far. A licence was also issued to another private company to operate special barges in order to collect oil residues from ships staying in the anchorage.

Although these arrangements cater for those ships that request services for the disposal of their waste they do not provide any incentive for all ships to do likewise. The competent authorities, should take steps to encourage all visiting ships to discharge their waste properly. The implementation of EU Directive no 2000/59/EC as soon as possible will be an important step forward in this respect. This Directive, (Port Reception Facilities for ship - generated waste and cargo residues) was issued on 27.11.2000 with the purpose of reducing the discharges of such waste and residues into the sea from ships using ports in the Community. It is based on the principle that the polluter should pay and that preventive action should be taken. It is expected to help the implementation of international conventions, codes and resolutions and especially the MARPOL Convention. Adequate port reception facilities should meet the needs of users from the largest merchant ship to the smallest recreational craft. All ships should be encouraged to deliver their waste through an appropriate fee system which should leave no incentive for discharging it into the sea. An information system for the identification of polluting or potentially polluting ships, assisted by the SIRENAC information system of the Paris MoU, and for the evaluation of the enforcement of the Directive will be set up. The penalties for breach of the national provisions adopted pursuant to this Directive should be effective, proportionate and dissuasive. Member States should bring into force the laws, regulations and administrative provisions necessary to comply with the Directive before 28.12.2002. The DMS is currently co-operating closely with all the relevant government departments in order to prepare the necessary legal framework for the implementation of the requirements of the Directive and it is expected that this will be ready by June 2002.

As far as garbage is concerned, the Cyprus Ports Authority has the facility to collect it from any ship in the ports or the anchorages, whenever this is necessary. However, there is no incinerator on site and the garbage is disposed of in a landfill. This, obviously, entails a high risk of spreading contagious diseases inland.

6.5 Harmonisation with the 'acquis communautaire' of the European Union

During the last few years Cyprus proceeded with important harmonisation measures and preparatory work for the transposition and effective implementation of the acquis relating to maritime transport. Such measures which have a direct or indirect bearing on marine pollution and the protection of the marine environment are the following:

Harmonisation measures :

- In April 2001 two Ratification Laws (Law No.10 (III)/2001 and No.11 (III)/2001) were enacted, with immediate effect, by the House of Representatives, for the adoption of numerous amendments to the SOLAS and MARPOL 73/78 Conventions respectively, for compliance with Commission Regulation (EEC) No.2158/93 concerning the application of amendments to the SOLAS 74 and MARPOL 73/78 Conventions for the purpose of Council Regulation (EEC) No.613/91 and with Council Directive 93/75/EEC as amended concerning reporting requirements for ships bound for or leaving Community ports and carrying dangerous or polluting goods.

- In April 2001 the Merchant Shipping (Recognition and Authorisation of Organisations) Law of 2001 (Law No.46 (I)/2001) was enacted by the House of Representatives, in order to achieve compliance with Council Directive 94/57/EC (as amended by Commission Directive 97/58/EC) on common rules and standards for ship inspection and survey organisations. The said legislation shall enter into force by virtue of a Decision of the Council of Ministers.

In April 2001 the Merchant Shipping (Port State Control) Law of 2001(Law No.47(I)/ 2001) was enacted by the House of Representatives, which incorporates all the provisions of EU Council Directive 95/21/EC (as amended by Directives 98/25/EC, 98/42/EC and 99/97/ EC) on Port State Control. The said legislation shall enter into force by virtue of a Decision of the Council of Ministers.

Accompanying and preparatory measures:

- Three Bills are currently undergoing drafting and legal vetting, aiming to achieve compliance with Council Directive 96/98/EC (as amended by Directive 98/85/EC) on marine equipment, Council Directive 97/70/EC on setting up a harmonised safety regime for fishing vessels of 24 metres in length and over and Council Directive 98/18/EC on safety rules and standards of passenger ships. The drafting and the legal vetting of these Bills has been completed and they will be submitted to the Council of Ministers for approval and the House of Representatives for enactment.
- On July 1st 2001 a contract was signed, with an expert, for the drafting of two Bills aiming to achieve compliance with Council Directive 99/35/EC on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services and Council Directive 98/41/EC on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community. The drafting of these Bills has been completed and they will be submitted for approval.

Measures for the Improvement of the Safety Record of the Cyprus Fleet.

Cyprus has prepared a comprehensive sectoral Harmonisation Programme (Action Plan), covering the period 2000-2002, targeting at the harmonisation of the Merchant Shipping sector. The main objectives of the said Action Plan are strengthening of the capacity of the Department of Merchant Shipping (DMS), expanding the global network of ship inspectors and improving the safety record of the Cyprus fleet. In this respect the following measures were pursued:

- With regard to the close follow up and monitoring of ships targeted for inspection, the DMS, having considered the inherent problems of overage bulk-carriers, (>23 years old and >14500GT) decided to conduct inspections of more than 100 ships of this type. The inspections are underway and the current situation with regard to the priority list for inspection of the aforementioned overage bulk-carriers is as follows:

	Number of vessels
Inspected	12
Deleted	18
In process of deletion	6
Arrested	2
Towards scrap yard	2
Pending for inspection	63

It should be noted that for the above mentioned 12 overage bulk carriers inspected at dry dock, any deficiencies found during the inspection were rectified before the intermediate or

special survey was completed (i.e. before the vessel's departure). The deletion of a number of ships from the Cyprus Register of Ships was due to the fact that owners were not willing to submit their ships to the DMS scrutiny, thus they opted to either reflag or scrap them. It is anticipated that the number of ships on the DMS target list that will be deleted from the Cyprus Register of Ships will increase, as the date for their inspection by the DMS approaches.

- The DMS has imposed very serious restrictions regarding the transfer of ships to the Polish (Polish Register of Ships - PRS) and the Greek (Hellenic Register of Ships - HRS) Classification Societies. The said Classification Societies are not allowed to take up any other Cyprus ships in their class without the DMS 's express permission.

In particular, the criteria for approval of the applications for the transfer of class to any of the aforementioned Societies are the age of the ship (applications for ships over 15 years of age are normally rejected), the size of the ship (applications for ships of more than 10000GT are normally rejected), the type of the ship (due consideration is given to the inherent problems of ships of certain type) and the due date of special and intermediate surveys (applications for ships, the forthcoming date of the special or intermediate survey of which is within six months from the time such applications are submitted, are normally rejected).

This policy resulted in a significant reduction of applications for class transfers. Since July 2000, no such transfers have been allowed by the DMS . In addition, whenever the DMS assesses that the transfer of class even between International Association of Classification Societies (IACS) members is likely to have been decided for the purpose of avoiding or deferring compliance with the requirements of the losing Society, the DMS requires joint surveys with the gaining Society.

- In those cases where the shipowners systematically fail to comply with obligations imposed by the international conventions on maritime safety, the Government of Cyprus does not hesitate to take drastic action. In two cases, the nationality of the Cyprus ships was revoked, by a decision of the Minister of Communications and Works and the ships were deleted from the Cyprus Register of Ships on account of repeated detentions by foreign port State control authorities for serious deficiencies related to the safety of the ship.
- Significant measures have been introduced since the beginning of 2001 in order to upgrade the level of control of passenger and ro-ro passenger ships. The vessel's Classification Society is no longer allowed to issue a passenger ship's safety certificate unless an inspection of the ship by DMS surveyors is conducted and any deficiencies and non- conformities found are satisfactorily dealt with.
- A new policy has also been introduced (for vessels other than passenger or ro-ro passenger ships which are subject to the ISM Code) which requires that whenever the two year rolling detention rate of the Cyprus flag fleet managed by a company exceeds the average detention rate of the Cypriot fleet, that fleet will be subject to mandatory annual audits instead of the usual intermediate (2½ years) and renewal (5 years) audits required by the ISM Code so far.

Furthermore, whenever a vessel is detained by Port State Control Authorities for serious deficiencies, instructions to the ship's classification society are issued, to conduct additional surveys in the scope of renewal surveys in respect of the corresponding certificate affected, instead of just verifying the rectification of the deficiencies identified.

- With regard to the effective implementation of the International Safety Management (ISM) Code, the DMS does not hesitate to withdraw the Document of Compliance (DOC) of companies, the Safety Management System of which does not comply with the applicable requirements. During July 2000 - May 2001, the Cyprus authorities revoked the Documents of Compliance required by the ISM Code of 6 companies, managing 15 Cyprus flag vessels in total. The certification of 11 of these vessels has been restored after thorough joint verification of their Safety Management System by the DMS Marine Surveyors and the

respective classification societies involved and rectification of the non-conformities found.

Enhancement of the administrative capacity to implement the acquis.

- With regard to the strengthening of the administrative capacity of the DMS, 25 new posts were created for the DMS (11 Marine Surveyors, 4 Merchant Shipping Officers and 10 Clerks/ Merchant Shipping Assistants), and approved by the House of Representatives.
- The global network of ship inspectors has been strengthened significantly with additional appointments at various ports all over the world, whereas additional ship inspectors are in the process of being appointed.
- The implementation of the project for full computerisation of the DMS, which commenced in October 2000, is progressing as originally planned and without delays. The installation of equipment began in 2001 and by March 2002 the applications will be ready for testing. Official operation of the system will commence in December 2002.

As a result of the continuous enhancement of the administrative capacity of the DMS and the various measures taken to improve the safety record of the Cyprus fleet, the DMS statistical data regarding Flag State Control, International Safety Management Code (ISM Code), Port State Control and reported marine accidents show considerable signs of improvement as follows:

- With regard to Flag State Control, the number of inspections carried out by the DMS Marine Surveyors and the global network of Flag State inspectors during 1999 and 2000 has increased significantly. In 2000 the DMS Marine Surveyors and the global network of Flag State inspectors carried out 527 inspections as compared to 369 in 1999 and 166 in 1998.
- With regard to the detention of Cyprus vessels in foreign ports, according to the relevant tables of the 1999 and 1998 United States Port State Control Reports, the rate of Cyprus flagged vessel detentions in US waters declined by 50% in 1999 as compared to the 1998 figures. Improved figures have also been recorded for the year 2000 as the number of Cyprus ships detained by the US Coast Guard between 1.1.2000 and 31.12.2000 has dropped to 13 as compared to 23 in 1999 and 50 in 1998. It is also noted that the detention rate of the Cyprus fleet according to the Tokyo MOU is below the 3-year rolling average detention rate.

With regard to the Paris MOU, Cyprus has committed itself to improve the safety standards of ships flying its flag and has set as its objective the removal of the Cyprus Flag from the black list of the Paris MOU.

Further data and analyses regarding PSC by these Authorities are shown in the following section.

6.6 Port State Control by foreign Authorities

The following data relate to Port State Control inspections by the U.S. Coast Guard, the Paris MoU and the Tokyo MoU during the year 2000:

U.S. Coast Guard

- The total number of vessels visiting U.S. ports rose slightly from 1999 to 2000 and the number of detained ships declined. During the year 51.871 port calls were made by 7657 individual vessels (from 95 different Flag States) and 11.767 examinations were conducted resulting in 193 detentions. Overall Flag State performance improved, indicating that the quality of vessels is improving. The three-year rolling detention ratio (detentions to individual vessels inspected) dropped from 5% to 3,6%. Flag States which exhibit an average detention ratio for the last three years which is higher than this figure will be examined more frequently

in 2001. Cyprus has a ratio of 5,42% and falls into this category, despite the marked improvement in recent years and the low detention ratio in 2000 (2,59%).

- International Safety Management (ISM) Code deficiencies increased. The Coast Guard will increase its control in this area and as from 1.1.2002 vessels will be required to report the status of their ISM Code Certification prior to arrival in a U.S. port . As from 1.7.2002 vessels that are not properly certificated will be denied entry into U.S. waters.
- It is generally believed that charterers exert considerable influence on the quality of shipping, but are not being held accountable by any of the PSC regimes. The Coast Guard is currently in the process of amending its regulations such that vessels will be required to provide the name of the charterer before arriving in U.S. waters. Those vessels that are chartered by Companies frequently associated with substandard shipping will be targeted for more PSC examinations.

U.S. Coast Guard Vessel Detention Statistics

Year	Vessel Detentions	Vessel Arrivals (> 300 GT)	Ratio	3-yr average
1995	514	7846	6,55%	
1996	476	7608	6,26%	
1997	547	7686	7,12%	6,64%
1998	373	7880	4,73%	6,04%
1999	257	7617	3,37%	5,07%
2000	193	7657	2,52%	3,55%

U.S. Coast Guard Examinations in 2000

	Examinations	Vessel Arrivals	Detentions	2000 Detention Ratio %	1998 -2000 Detention Ratio %
TOTAL	11767	7657	193	2,52	3,55
Cyprus	823	502	13	2,59	5,42

Deficiencies on Detained Vessels

Category	Frequency of deficiencies on detained vessels
Accident Prevention	6
Accommodation	7
Alarm Signals	1
Cargo	3
Certificates/Logbooks	15
Crew	18
Fire Fighting Appliances	104
Food and Catering	1
ISM Related Deficiencies	60
Life Saving Appliances	93
Load Lines	29
MARPOL, Annex I	32
MARPOL, Related (Operational)	1
Mooring Arrangements	1
Navigation	7
Propulsion and Auxiliary Machinery	43
Radio	5
Safety In General	75
SOLAS Related Operational Deficiencies (Fire and Abandon Ship Drills)	79
Tankers	12

Paris MoU

- During the year several initiatives were taken by the Paris MoU in its efforts to eradicate substandard shipping. An enhanced targeting system was introduced resulting in more inspections of high priority ships (ships registered with Flag States considered as very high risk) and in a greater number of detentions. Flags are ranked in the Black, Grey and White list, according to risk.
- The number of deficiencies recorded during Port State Control inspections in 2000 (67.735) increased by 12% compared to 1999. Ships older than 15 years show over 13 times as many operational deficiencies as ships less than 5 years old.
- Standards of training, safety management and operational performance are key factors in the improvement of shipping standards. It is considered that the human element is the weak link in safety on board and should remain a focus of attention for Port State Control.
- In 22% (390 cases) of the total number of detentions (1.764 cases) the classification society was held responsible for one or more detainable deficiencies. The development of a performance list of classification societies so that societies with a consistently poor performance may be targeted is currently being contemplated.
- Several concentrated inspection campaigns were held focusing on a particular area of compliance with international regulations. Such campaigns in 2000 were the inspection of the structural condition of large bulk carriers, which has been a growing cause for concern, and the structural and operational safety of oil tankers more than 3000 GT and more than 15 years old. The campaign revealed a lot of deficiencies such as lack of structural maintenance and defects in fire fighting equipment, but also highlighted the difficulties and limitations of the inspections and the importance of providing the right training to the surveyors. It is notable that all detained ships had been surveyed by members of the International Association of Classification Societies (IACS) and in one fifth of the cases the detention involved items for which class is responsible.
- During 2000, 18.559 inspections were carried out on 11.358 foreign ships (overall inspection rate 28.6% compared to 27.6% in 1999). The number of ships detained in 2000 were 1.764 (9,50% of inspections).
A total of 67.735 deficiencies were recorded. SOLAS and MARPOL related deficiencies increased by 14% compared to the previous year (MARPOL related deficiencies increased from 546 in 1999 to 618 in 2000).

Paris MoU Examinations in 2000

	Inspections	Detentions	Inspections with Deficiencies	Detention %	Inspection % with deficiencies
TOTAL	18.559	1.764	10.746	9,50	57,9
Cyprus	1.401	136	858	9,70	61,2

Based on the results of the last three years Cyprus remains on the lower end of the Black list with medium risk, because of a detention rate slightly above the average.

Major categories of deficiencies in relation to inspections/ships (Paris MoU)

	NUMBER OF DEFICIENCIES	DEF.IN % OF TOTAL NUMBER	ratio of def. to inspections x 100	ratio of def. to ind.ships x 100
Ship's certificates and documents	3465	5,1%	18,8%	30,8%
Training certification and watchkeeping for seafarers	1179	1,7%	6,4%	10,5%
Crew and Accommodation (ILO147)	1963	2,9%	10,7%	17,5%
Food and catering (ILO147)	1031	1,5%	5,6%	9,2%
Working space (ILO147)	678	1,0%	3,7%	6,0%
Life saving appliances	10942	16,2%	59,5%	97,3%
Fire Safety measures	8789	13,0%	47,8%	78,1%
Accident prevention (ILO147)	1506	2,2	8,2%	13,4%
Safety in general	9243	13,7%	50,2%	82,2%
Alarm - signals	330	0,5%	1,8%	2,9%
Carriage of cargo and dangerous goods	836	1,2%	4,5%	7,4%
Load lines	3816	5,6%	20,7%	33,9%
Mooring arrangements (ILO147)	878	1,3%	4,8%	7,8%
Propulsion & aux machinery	3671	5,4%	20,0%	32,6%
Safety of navigation	8055	11,9%	43,8%	71,6%
Radio communication	2638	3,9%	14,3%	23,5%
MARPOL - annex I	4875	7,2%	26,5%	43,3%
Oil tankers, chemical tankers and gas carriers	212	0,3%	1,2%	1,9%
MARPOL - annex II	71	0,1%	0,4%	0,6%
SOLAS related operational deficiencies	1132	1,7%	6,2%	10,1%
MARPOL related operational deficiencies	618	0,9%	3,4%	5,5%
MARPOL - annex III	31	0,0%	0,2%	0,3%
MARPOL - annex V	742	1,1%	4,0%	6,6%
ISM	929	1,4%	5,0%	8,3%
Bulk carriers - Additional safety measures	9	0,0%	0,0%	0,1%
Other def. clearly hazardous safety	44	0,1%	0,2%	0,4%
Other def. not clearly hazardous	52	0,1%	0,3%	0,5%
TOTAL	67735			

Tokyo MoU_

- The declared ultimate objective of the Port State Control Committee of the Tokyo MoU and the member Authorities is to eliminate the operation of substandard ships so as to improve maritime safety and protection of the marine environment. This will be pursued through enhancing Port State Control activities (in the Asia - Pacific region) and promoting harmonisation on PSC procedures by strengthening training, exchange and co-operation programmes.
- In 2000, 16.034 inspections were carried out and 10.628 ships were found with deficiencies. The inspection rate is estimated to have reached 65% of all ships operating in the region. A total of 1.101 detentions were made (6,87% of inspections).

Tokyo MoU Examinations in 2000

	No of Inspections	No.of ships with deficiencies	No. of deficiencies	No. of detentions	Detention percentage
TOTAL	16.034	10.628	58.435	1.101	6,87%
Cyprus	621	389	2.085	31	4,99%

- Unlike the US Coastguard and the Paris MoU, detentions of ships under the Cyprus Flag are below the average rate of detentions in the Asia - Pacific region. Furthermore the 3-year rolling average for the Cyprus flag is below the average for the region (5,33% compared to 7,11%) and it does not figure on the target list of high risk flags.
- The results of Port State inspections by individual Authorities in the region show a significant variation in the average rate of detention (detention rates by Authorities with more than 100 inspections vary from 0,88% to 43,61%). This shows the subjectivity of the decision to detain a ship or not and, perhaps, the non-uniform standards applied by different Authorities in different countries for the ship inspections.

Other relevant points from the Tokyo MOU report are the following:

- A Port State Control Manual has been prepared and is used as a guide by the surveyors in the region. During the year the PSC Committee decided to revise the Manual so as to incorporate the amended IMO Port State Control procedures and other recent developments.
- A new computerised information system commenced operation on 1.1.2000 (APCIS2000) which will provide an effective and efficient means for exchanging information in the region and will store full details of Port State inspections conducted in the region. Exchange of data between the APCIS system and the European Quality of Shipping Information System (EQUASIS) and the SIRENaC system of the Paris MoU will be promoted.
- Emphasis is given towards training and technical co-operation of Port State Control officers in the region and the PSC committee organises various seminars across the region for this purpose.
- Recently steps have been taken, through the IMO, to promote co-operation between the regional Port State Control agreements and harmonisation of Port State Control procedures. At present a contact group has been established to explore the possibility of

harmonising the PSC coding system.

- On 3.2.2000 the harmonised system of survey and certification adopted under the SOLAS, Load Lines and MARPOL 73/78 Conventions, became effective. This introduced unified types and intervals of surveys.
- The IMO is in the process of developing measures aimed at eliminating substandard ships. These include uniform and effective implementation of rules and regulations, introduction of technical requirements regarding ship design, construction, repairs and surveys and improvement of Port State Control. Moreover, the ISM Code will come into full effect on 1.7.2002.

Deficiencies by categories - Tokyo MoU

Nature of deficiencies	No. of deficiencies
Ship's certificates and documents	2.602
Certification and watchkeeping for seafarers	739
Crew and Accommodation (ILO147)	695
Food and catering (ILO147)	410
Working space (ILO147)	251
Life saving appliances	11.774
Fire Safety measures	8.758
Accident prevention (ILO147)	472
Stability, structure and related equipment	7.331
Alarm - signals	179
Carriage of cargo and dangerous goods	523
Load lines	4.381
Mooring arrangements (ILO147)	603
Propulsion & aux machinery	1.602
Safety of navigation	7.066
Radio communications	2.573
MARPOL - annex I	3.784
Oil, chemical tankers and gas carriers	119
MARPOL - annex II	35
SOLAS related operational deficiencies	1.991
MARPOL related operational deficiencies	967
MARPOL - annex III	15
MARPOL - annex V	75
ISM related deficiencies	719
Other deficiencies	771
TOTAL	58.435

Inspections by foreign Authorities reported to the DMS

During 2000 the DMS received 213 reports from foreign Authorities regarding inspections of Cyprus registered ships found to have deficiencies and/or being detained. A total of 2.913 deficiencies were reported including 253 deficiencies (8,68%) relating to MARPOL:

	<u>No.</u>	<u>%</u>
Marine Pollution - Annex I	218	7,48
Marine Pollution - Annex II	8	0,27
MARPOL related operational deficiencies	26	0,89
Marine Pollution - Annex III	<u>1</u>	<u>0,04</u>
	<u>253</u>	<u>8,68</u>

All the cases were investigated and the prescribed fines were imposed on the shipowners in accordance with the relevant regulations. The DMS has an established procedure for dealing with reports by foreign Authorities and a step by step investigation is carried out before a decision is taken as to the fine that should be imposed. The ship's file is reviewed to assess its past record and ensure its certificates are in order. The deficiencies report is sent to the shipowner/ charterer and to the classification society for their comments and explanations. Once these have been received and considered carefully a suggestion as to the appropriate fine is made by the investigating officer to the Senior Marine Surveyor. The fine has to be finally approved by the Director of the Department. The shipowner/charterer is notified about the decision and the reporting Authority is also notified about the outcome of the investigation carried out by the Department. The aim is to complete the whole procedure within 45 days which is not however always achieved. If the deficiencies involve the classification society the necessary representations are made by the Department. In some cases however, the foreign Authorities do not provide all the necessary details regarding the deficiencies and the investigation cannot be carried out. It is also likely that a number of examinations involving deficiencies and/or detentions are never reported to the Department.

6.7 The International Safety Management (ISM) Code

[IMO Assembly Resolution A.741(18) - 1993]

The ISM Code was adopted by the 34th session of the IMO Assembly on the recommendation of the Organisation's Marine Safety and Marine Environment Protection Committees. The Assembly strongly urged Government to implement the Code on a national basis as soon as possible but not later than 1.6.1998. The Code is based on general principles and objectives as it is recognised that every shipping company or shipowner is different, and ships operate under a wide range of different conditions. It is expressed in broad terms so as to have a widespread application. It is furthermore recognised that good safety management largely depends on commitment from the top and that safety and pollution prevention depend on the commitment, competence, attitudes and motivation of people at all levels. The purpose of the Code is to provide an international standard for the safe management and operation of ships and for pollution prevention. In this framework shipping companies should, inter alia :

- provide for safe practices and a safe working environment on board their ships
- establish safeguards against all identified risks
- continuously improve safety management skills
- ensure compliance with mandatory rules and regulations.

At a functional level they should:

- adopt a safety and environment protection policy
- issue instructions and design procedures to ensure safe operation of ships and protection of the environment in compliance with national and international legislation
- define levels of authority and lines of communication between, and amongst, personnel on board and at shore
- establish procedures for reporting accidents
- establish procedures for emergency situations
- design procedures for internal audits and management reviews
- provide adequate resources to enable it to fulfil these obligations.

The company should confer on the master overriding authority and responsibility to make decisions with respect to safety and pollution prevention. It should ensure that all seafarers are properly qualified in accordance with national and international regulations and that those involved in the Safety Management System (SMS) are conversant with the relevant rules, codes, guidelines, etc.

The company should carry out proper maintenance of the ship and equipment. It should also carry out internal safety audits to ensure the SMS works properly. A Document of Compliance is issued to the company to certify adherence to the Code.

A Certificate (Safety Management Certificate) should be issued by the Administration once it is verified that the ship is managed in accordance with approved SMS.

The DMS implemented the ISM Code for tankers, bulk carriers and passenger ships in 1998. This will be extended to cover all ships with a gross tonnage greater than 500 on 1.7.2002.

The implementation of the ISM Code will provide an additional tool in the prevention of pollution to the environment as it will increase the pressure on the ship owners and charterers to comply with the international laws and regulations. In one incident the DMS withdrew the Document of Compliance of a shipping company (operating 11 ships) because one of its ships was found to be poorly maintained and it was detained under the MARPOL Convention. This caused significant disruption to its operations as this certificate is a pre-requisite for securing shipping contracts.

With regard to audits carried out on the Safety Management System (SMS) of companies and ships, there has been an increase in the number of such audits during the year 2000. With

regard to the ISM Code, Cyprus has authorised a number of E.U. recognised classification societies to conduct inspections on companies and ships in accordance with the ISM Code and issue relevant certificates on behalf of the Cyprus Government. In cases, however, of ships that are detained on account of serious deficiencies, the DMS proceeds to conduct its own additional inspection or instructs the classification society concerned to conduct an additional inspection in the presence of Marine Surveyors of the DMS, who are also, qualified maritime inspectors. During 1999 the DMS carried out initial and annual inspections on 10 companies. It has also instructed classification societies to conduct occasional inspections on 6 companies and 1 ship with the participation of qualified maritime inspectors of the DMS. During 2000, the DMS carried out annual, additional and unscheduled inspections on the Safety Management System (SMS) of 19 companies and initial, intermediate and unscheduled inspections on 17 ships.

6.8 Marine Pollution incidences and action by DFMR

The Department of Fisheries and Marine Research is responsible for taking measures in accordance with the provisions of the Barcelona Convention and other relevant regulations, to combat pollution. It is also responsible for tracing, prosecuting and punishing offenders and is making continuous efforts to improve its ability to fulfil these tasks, upgrade its equipment and provide the necessary training. Staff training is effected through participation in various courses and through regular exercises and drills to test the effectiveness of the contingency plans.

During the last few years several minor and medium pollution incidences occurred on the coasts of Cyprus and they were successfully handled. The offenders were identified in the majority of cases, they were prosecuted and paid fines plus the cost of the cleaning operations. In all cases they co-operated with the department and agreed to pay the fines and expenses imposed by the Director and no further legal prosecutions were necessary. In accordance with national legislation, the Director of the Department may impose an out of court fine of up to £10.000. If the case goes to court a fine of up to £30.000 may be imposed and if the offence is repeated a prison sentence of up to 6 months.

6.8.1 National Contingency Plan

The DFMR has organised a contingency plan to facilitate the timely, smooth and effective combating of accidental oil spills in such a way to minimise adverse effects on the marine environment. The plan covers all the coastal and territorial waters of the Republic of Cyprus, which are under Government control.

The plan consists of two independent but integrated Parts:

Organisation and Operational Part

Information Part.

1. Organisation plan

The National Authority responsible for Oil Control and Response is the Ministry of Agriculture, Natural Resources and the Environment. The responsible Department is the Department of Fisheries and Marine Research.

Emergency Response Centres have been set up at Headquarters and District Offices. ERC's are activated according to the location and the scale of pollution incidences.

Staff hierarchy and functions are as follows:

(a) National On-Scene Commander (NOSC)

The Director of the Department will act as the National On-Scene Commander(NOSC), in a case of a major oil spill.

(b) Command Team

A Command Team consisting of officers of the Department including also any other person(s) whose assistance might be necessary in the NOSC's opinion will support the NOSC.

The functions of the Command Team will include the following:

Surveillance

Spill Assessment

Communications

Decisions on Spill control methods

Decisions on Disposal of collected oil and material(s)

Scientific follow up effects on the environment

Co-ordination with other Departments and/or organisations

Liaison with Government and other Parties of Subregional Contingency Plan

Record Keeping

Legal advice

Preparation of indemnification claims

Public Relations

(c) Response Team(s)

The Response Teams consist of the Operational Team(s) and the Support Team(s)

Operational Team(s)

The functions of the Operational Team(s) will include the following:

Oil spill Containment

Oil Recovery

Oil Dispersion

Shore Clean -up

Final Disposal of collected oil and materials

Diving Operations

Support Team(s)

The functions of the Support Team(s) will include the following:

Transportation of collected oily material

Chemicals supply and transportation

Fuels supply and transportation

Equipment supply and transportation

Manpower recruiting

Manpower transportation

Maintenance of Equipment and Vessels

Catering

Accommodation

Co-operation and services by other Government Departments and Services

If in the NOSC's opinion the services of Department and/or Services listed in the plan are necessary, they will act in accordance with his guidance, and Government Internal Rules and Procedures will be followed.

Co-operation with non-Government Organisations

Certain non-government organisations are obliged to co-operate with the NOSC and his Command Team if they are involved in the response operations. These are the Cyprus Ports Authority, Cyprus Petroleum Refinery, Vassiliko and Moni Cement Factories (they are adjacent to the Vasiliko port), the Electricity Authority, Oil Companies (BP, Mobil, Petrolina, Esso, Shell), seaside Municipalities and other private companies contracted to provide specialist services.

International Co-operation

If in the NOSC's opinion outside assistance is needed, such assistance can be requested through the Sub-regional Contingency Plan (agreement with Egypt and Israel).

Training

All designated oil Spill response personnel are regularly trained in the field of oil pollution according to the level of involvement i.e.: decision taking level, co-ordination level, operational level - handling of equipment .

The officer at DFMR in charge of marine pollution is responsible for following up new developments in the field and keeping all personnel concerned informed of such developments.

Specific instructions for the use of equipment and technical information on the equipment to be used is prepared.

Exercises

Local exercises and full-scale simulation exercises are organised in order to test all the components of the Plan (Alerting, communications maintenance, co-ordination of various Departments and Organisations).

2. Operation plan

The operation plan describes in detail the procedures for the best response to an oil spill:

Notification and Initial Response

This shows the flow through of the information after the report of an accident. The first information of an oil spill may come from any one of a number of sources. This information during office hours will come to Headquarters or to one of the District Office(s), while if it is outside office hours it will come to the stand-by staff.

In case of major accident the information is passed to the Pollution Officer and the Director of the Department.

The pollution Officer proceeds to the evaluation of the accident, following standard procedures prepared in advance and consults the Director who activates the plan.

In case of a small accident , immediate combating starts by the district officers or if outside hours by the groups of the stand-by and on call staff. In all cases pollution incidences are notified to the Pollution Officer. The Director of the Department informs the Permanent Secretary of the Ministry of all incidences as soon as possible.

Operations

This shows the staff involved and the response actions at three levels: executive decision level, co-ordination level, operational level.

Detailed functions and responsibilities of the staff are described in the plan:

The NOSC Activates the Plan and he has the overall responsibility of the operations.

Personnel who have certain duties at the decision-making level will undertake additional duties on the co-ordination and operational level whenever it is necessary.

At the operational level designation of duties is not permanent and duties are interchangeable between staff involved in the operations as the needs may dictate.

The on Scene Co -ordinator (O.S.C) supervises the actions of operational teams

The Executive Team, who decide for further actions, evaluate the situation from time to time.

The combating methods (techniques) have the following sequence/priority:

- 1) Elimination of the source of the pollution
- 2) Confinement and recovery of the spilt oil with mechanical means.
- 3) Dispersion of oil using dispersants.
- 4) Clean up of beaches of any oil residues(May be priority item depending on circumstances).

6.8.2 Subregional Contingency Plan

The Government of Cyprus signed an agreement with the Governments of Egypt and Israel in 1995 for mutual assistance in case of major marine pollution incidents in the Mediterranean, within the framework of the Emergency Protocol to the Barcelona Convention. The risk of a major accident in the Mediterranean Sea is considered to be high due to the density of the traffic in the area. Under this agreement the competent national Authorities in the three countries will co-operate in order to co-ordinate and integrate their response to marine pollution incidents affecting the territorial sea, coasts and related interests of one or more of these countries, or to incidents surpassing the available response capacity of each of these countries alone. Joint exercises are organised regularly in order to strengthen the co-operation between the respective authorities and identify weaknesses in the plan and requirements for additional equipment. Such an exercise took place in Cyprus on 2-5 November 1998 and it provided valuable experience regarding the leading role in case of a major incident. The exercise was supervised by experts from the International Tanker Owners Pollution Federation who made several recommendations regarding the command and control structure , communications and response equipment. Subsequent exercises were carried out in the other two countries.

INTERNATIONAL CONVENTION FOR THE PREVENTION
OF POLLUTION FROM SHIPS, 1973/78

[London 2.11.1973]

Main provisions of the Convention:

Article

1. The Parties to the Convention undertake to give effect to the provisions of the Convention in order to prevent the pollution of the marine environment by the discharge of harmful substances or effluents.
6. Parties to the Convention shall co-operate in the detection of violations and the enforcement of the provisions of the Convention.
8. Incidences involving harmful substances should be reported without delay and with sufficient detail.
 - The Master of the ship involved in an incident should report immediately and to the fullest extent possible.
 - The report should be made to an appropriate officer or agency who should notify the Administration of the ship and any State that may be affected.
14. Annexes III, IV and V to the Convention are optional and the Parties to the Convention may not ratify them.

Annex I - Regulations for the Prevention of Pollution by Oil

Annex II - Regulations for the Control of Pollution by Noxious Liquid Substances in Bulk

Annex III - Regulations for the Prevention of Pollution by Harmful Substances carried by Sea in Packaged Forms or in Freight Containers, Portable Tanks or Road and Rail Tank Wagons

Annex IV- Regulations for the Prevention of Pollution by Sewage from ships

Annex V - Regulations for the Prevention of Pollution by Garbage from ships

Annex VI- Air Pollution

Note: Cyprus has ratified Annex III in 2001 (Law No II(III)/ 2001).

17. The Parties to the Convention shall promote technical co-operation (training, supply of equipment, means for combating pollution, encouragement of research) to further the aim of the Convention

Main provisions of Annex I (Oil)

Regulation

4. Every oil tanker of gross tonnage above 150 tons and every other ship of gross tonnage above 400 tons shall be subject to :
 - (a) an initial survey before it is put in service or before issuing the I.O.P.P. Certificate to ensure that its structure, equipment, fittings, arrangements and material fully comply with the requirements of this Annex.

- (b) periodical surveys at intervals not exceeding 5 years for the same purpose
- (c) intermediate surveys at intervals not exceeding 30 months to ensure that the equipment and associated pump and piping systems, including oil discharge monitoring and control systems, oily-water separating equipment and oil filtering systems fully comply with the requirements of this Annex and are in good working order.

The Administration shall establish appropriate measures to ensure smaller ships that are not subject to the above surveys comply with the provisions of this Annex.

5. An International Oil Pollution Prevention Certificate (73/78) shall be issued after a survey.
8. The I.O.P.P. Certificate shall be issued for a period specified by the Administration not exceeding 5 years.
9. Any discharge into the sea of oil or oily mixtures from ships which are subject to the provisions of this Annex is prohibited except in exceptional circumstances and under strict conditions. The oil residues shall be retained on board or discharged to reception facilities.
10. Discharge of oil or oily mixture in Special Areas is prohibited in any circumstances save for the purpose of securing the safety of a ship or saving life at sea. Special Areas are the Mediterranean Sea, the Baltic Sea, the Black Sea, the Red Sea and the Gulfs area.

Reception facilities within Special Areas:

The Government of each Party to the Convention should ensure that all oil loading terminals and repair ports within the special area have facilities to receive and treat all the dirty ballast and tank washing water from oil tankers. Additionally all ports within the special area shall have reception facilities for other residues and oily mixtures from all ships.

12. The Government of each Party undertakes to ensure that oil loading terminals, repair ports and other ports have adequate reception facilities for oily residues.
15. Oil tankers of 150 tons gross tonnage and above shall make the necessary arrangements to provide adequate means for the retention of dirty ballast residue and oily waste on board.
16. Any ship of 400 tons gross tonnage and above shall be fitted with an oily-water separating equipment or filtering system. Large ships of 10.000 tons gross tonnage and above shall also be fitted with an oil discharge monitoring and control system.
20. Every ship of 400 tons gross tonnage and above and every oil tanker of 150 tons gross tonnage and above shall have an Oil Record Book in the prescribed form for the purpose of recording all the details of loading, unloading or transferring oil, cleaning of tanks, discharge of ballast, disposal of residues, etc.

The Oil Record Book should be duly completed promptly and be kept in such a place as to be readily available for inspection at all reasonable times. It must be kept for a period of 3 years after the last entry has been made.

Main provisions of Annex II (Noxious liquid substances)

Regulation

3. Noxious liquid substances are categorised as follows:
Category A - major hazard · stringent anti-pollution measures
Category B - hazard · special anti-pollution measures
Category C - minor hazard · special operational conditions
Category D - recognisable hazard · attention in operational conditions
5. Discharge of substances in Category A is prohibited. Discharge of substances in Categories B,C,D is prohibited except when certain specified conditions are met.
6. Regulation 5 shall not apply to discharge of noxious liquid substances necessary for reasons of safety and saving life at sea.
7. The Government of each Party shall ensure the provision of reception facilities according to the needs of ships using its ports, terminals or repair ports.
9. Every ship which is subject to the provisions of this Annex shall have a Cargo Record Book for the purpose of recording all loading, unloading and transfer operations, cleaning of tanks, etc.
10. Ships which are subject to the provisions of this Annex shall undergo an initial survey and intermediate and periodical surveys in the manner prescribed in Regulation 4 of Annex I.
11. An International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (1973) shall be issued by the Administration.

Main Provisions of Annex III (harmful substances in packaged forms)

Regulation

1. Carriage of harmful substances in packaged forms, or in freight containers, portable tanks or road and rail tank wagons is prohibited except in accordance with the provisions of this Annex.
2. Packages must be properly marked and labelled with the correct technical name indicating that the contents are harmful.
5. Harmful substances shall be properly stored and secured.
7. Discharge of harmful substances shall be prohibited.

Main provisions of Annex IV (Sewage)

Regulation

8. Discharge of sewage into the sea is prohibited within a distance of 12 nautical miles from the nearest land except when the ship is equipped with an approved sewage treatment plant.
10. The Government of each Party undertakes to ensure the provision of facilities at ports and terminals for the reception of sewage.

Main provisions of Annex V (Garbage)

Regulation

3. Disposal of garbage is prohibited except for certain substances under specified conditions.
4. Special Areas designated where stricter requirements apply for the discharge of garbage (Mediterranean Sea, Baltic Sea, Black Sea, Red Sea, Gulf)
7. The Government of each Party undertakes to ensure the provision of facilities at ports and terminals for the reception of garbage.

MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL
IN THE MEDITERRANEAN REGION
(Mediterranean MoU)

Third preparatory meeting on regional co-operation on Port State Control in the Mediterranean, Malta July 1997.

Signed by: Algeria, Cyprus, Egypt, Israel, Lebanon, Malta, Morocco, Tunisia, Turkey, Palestinian Authority.

Main provisions:

Article

- 1.3 Each Authority will achieve an annual total of inspection corresponding to 15% of the estimated number of ships entering state ports. The Committee established in the Memorandum (one representative from each Authority which is party to the Memorandum and a representative from the IMO and the European Commission) will monitor the overall inspection activity and its effectiveness throughout the region.
- 1.4 Each Authority will consult, co-operate and exchange information with other Authorities in order to further the aims of the Memorandum.
- 3.1.1 The Authorities will carry out inspections to check the validity of the certificates and other documents, the condition of the ship, its equipment and crew and the living and working conditions of the crew.
- 3.2.1 Whenever there are clear grounds for believing that there are significant deficiencies as to the condition of a ship its equipment or its crew, a more detailed inspection shall be carried out.
- 3.2.2 'Clear grounds' is a matter of professional judgement. These would include, inter alia :
 - (a) a report or notification by another Authority
 - (b) a report or complaint by the master, a crew member, or any other person or organisation connected with the ship
 - (c) evidence of deficiencies during routine PSC procedures
 - (d) evidence of cargo and procedures not conducted safely
 - (e) involvement of the ship in incidences due to failure to comply with operational requirements
 - (f) evidence of crew not being familiar with essential procedures
 - (g) indication of inadequate communication among the members of the crew and of the ship with the Authorities .
- 3.3 Priority for inspection should be given to high risk ships
 - (a) ships visiting for the first time or after an absence of twelve months or more
 - (b) ships noted to have deficiencies and allowed to leave port on condition to rectify them within a specified period.
 - (c) ships whose statutory certificates are not in order
 - (d) ships carrying dangerous or polluting goods
 - (e) ships suspended from their class for safety reasons during the last six months.
- 3.4 The Authorities will seek to inspect ships not having been inspected during the previous six months by other Authorities.

- 3.5.1 The surveyor should be duly authorised by his Authority to carry out port state inspections and must have the requisite qualifications.
- 3.5.3 The surveyor must be independent (no commercial interest either in the port of inspection or the ship inspected).
- 3.6.1 On completion of an inspection a document giving the results, details of any decision taken by the inspector and corrective action to be taken is given to the master of the ship.
- 3.6.2 The Authority shall be satisfied that any deficiencies are rectified.
- 3.6.3 In the case of deficiencies which are clearly hazardous to safety, health or the environment the Authority will detain the ship.
- 4.1 Each Authority will report on its inspection and their results to the Secretariat on a regular basis (direct, computerised input on a daily basis). A standardised 'report of inspection' is provided for this purpose.