

**Circular 148 / 2017**

**To: Deputy Registrars, Owners, Managers, DPA, Masters**

**Subject: New FSI regime and PSC assistance program for vessels trading in Paris MoU and Tokyo MoU.**

**Date: 24 February 2017**

**Summary**

**This circular repeals: MCI Circular 116/2015 - Cook Islands Vessels Calling at Ports Identified as High Risk**

**Background**

From 1 March 2017, Maritime Cook Islands (MCI) will implement the Flag State Inspection (FSI) Regime and PSC Assistance program for all the vessels regularly trading in either Paris or Tokyo MoUs.

The aim is to reduce the number of deficiencies found on board and the number of detentions experience by the CI fleet.

In particular the FSI Regime aims to prepare the vessel for PSC inspection, while the PSC assistance aims to provide further support to vessels that are deemed to require additional assistance.

The two programs are interrelated and built around the Paris and Tokyo PSC inspection cycles.

FSI Window	Priority II	Priority I	Vessel not in range
45 days  FSI will be arranged for a suitable port.  Managers to supply Agent details.	Period of PII varies depending on ship risk and MoU  Vessel <b>may</b> be inspected.  If a vessel experiences any "overriding factors" she will be moved automatically to PI  See details for overriding factors in documents Annex 8 (Paris MoU)  PSC assistance will be offered to vessel that may require additional help	Period of PI varies depending on ship risk and MoU  Vessel <b>will</b> be inspected at the first port of call.  PSC assistance will be offered to vessel that may require additional help	Even if a vessel is not in range, it is possible for a vessel to be moved to PII or PI if the vessel experiences any of the  "Unexpected factors" (PII) or "overriding factors" (PI)  See details in documents Annex 8 (Paris MoU)  <b>In these cases, the vessel will be required to notify MCI immediately.</b>

**New FSI regime**

From 1 March 2017, Maritime Cook Islands (MCI) will implement the Flag State Inspection (FSI) schedule for all the vessels regularly trading in either Paris or Tokyo MoUs.

The window for an FSI will be 45 days (approx. 6 weeks) before the vessels becomes eligible for PSC inspection in Paris MoU or Tokyo MoU. For further information on when a vessel will become eligible for inspection please see below

The FSI Window may be extended on a case-by-case basis; a request for an extension should be made in writing to [technical@maritimecookislands.com](mailto:technical@maritimecookislands.com)

MCI will notify vessels representatives prior to the FSI window opening to arrange a suitable port at which the FSI may be carried out.

Vessels not trading in these areas will maintain the annual FSI cycle –

**FSI Cycle**

1. Vessel must have FSI carried out annually.
2. FSI anniversary date will be 6 months after the normal survey anniversary.
3. The FSI anniversary date will operate with a 3-month window either side, allowing the vessel a total of 6 months during which the FSI must be conducted

**PSC assistance**

Further to the FSI regime, MCI will implement PSC Assistance; The aim of the PSC Assistance program is to provide further assistance to vessels in PII and PI that may require additional support.

The need for additional support, is determined by –

- o Results of the previous FSI
- o Whether any unexpected / overriding factors have occurred to trigger a PSC inspection
- o Request from the vessels technical manager for additional support
- o MCI internal risk evaluation of the vessel

When MCI retain that PSC Assistance is required arrangements will be made for MCI's attendance at a designed Port.

**Reference documents**

**Paris MoU**

Annex 8 (Paris MoU) – (attached below)

contains *inter alia* information on the following

- o Detailed information on PI and PII cycles
- o Unexpected and overriding factors that will trigger a PSC inspection

Ship Risk profile - (<https://www.parismou.org/inspections-risk/ship-risk-profile>), will help you to assess the duration of PI and PII.

**Tokyo MoU**

NIR (Tokyo MoU) – (attached below)

contains *inter alia* information on the following

- o Ship Risk profile
- o Company performance
- o Detailed information on PI and PII cycles

Tokyo New Inspection Regime webpage ([http://www.tokyo-mou.org/inspections\\_detentions/NIR.php](http://www.tokyo-mou.org/inspections_detentions/NIR.php)) provides additional information

For further enquiries, please contact Maritime Cook Islands at [Technical@maritimecookislands.com](mailto:Technical@maritimecookislands.com)

# ANNEX 8 (PARIS MoU)

*Annexes to Memorandum*

*Paris Memorandum of Understanding on Port State Control*

## **Annex 8      Inspection and Selection Scheme**

- 1**      Based on a ship's Risk Profile the Inspection and Selection Scheme determines the scope, frequency and priority of inspections.
- 2**      Periodic Inspections are carried out at intervals determined by the ship risk profile.
- 3**      Overriding or unexpected factors might trigger an inspection in between periodic inspections. This category of inspection is referred to as an Additional Inspection.
- 4**      Ships become due for periodic inspection in the following time windows:  
  
For HRS – between 5-6 months after the last inspection in the Paris MoU region.  
For SRS – between 10-12 months after the last inspection in the Paris MoU region.  
For LRS – between 24-36 months after the last inspection in the Paris MoU region.
- 5**      Periodic Inspections and Additional Inspections count equally. Therefore the time span for the next periodic inspection re-starts after an additional inspection.
- 6**      The selection scheme is divided into two priorities:  
  
Priority I: ships must be inspected because either the time window has closed or there is an overriding factor  
  
Priority II: ships may be inspected because they are within the time window or the port State considers an unexpected factor warrants an inspection
- 7**      If a Priority II periodic inspection is not performed the ship remains Priority II until the time window closes and the ship becomes Priority I.
- 8**      In the case of Unexpected Factors the need to undertake an additional inspection is left to the discretion of the Authority. If such a Priority II inspection is not performed it remains a Priority II ship if and when it arrives in another MoU port unless the Authority judges that any relevant information that it has received does not warrant being passed on.
- 9**      The priority and the level of selection will be shown for each ship in the information system.
- 10**     The category and type of inspection carried out is determined by the matrix in Table 3 below:

Table 3 Selection Scheme

Priority	Level	Category of inspection
<b>I</b> <b>Ship must be inspected</b>	Overriding factor	Additional
	HRS not inspected in last 6 months	Periodic
	SRS not inspected in last 12 months	Periodic
	Ship not inspected in last 36 months	Periodic
<b>II</b> <b>Ship may be inspected</b>	HRS not inspected in last 5 months	Periodic
	Ship with unexpected factors	Additional
	SRS not inspected in last 10 months	Periodic
	LRS not inspected in last 24 months	Periodic

Overriding and Unexpected Factors

## Overriding Factors

- 11** The overriding factors listed below are considered sufficiently serious to trigger an additional inspection at Priority I:
- Ships reported by another Member State or the secretariat excluding unexpected factors,
  - Ships involved in a collision, grounding or stranding on their way to port,
  - Ships accused of an alleged violation of the provisions on discharge of harmful substances or effluents,
  - Ships which have been manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigational practices and procedures have not been followed,
  - Ships which have been suspended or withdrawn from their Class for safety reasons after last PSC inspection,
  - Ships which cannot be identified in the database.

## Unexpected Factors

- 12** Unexpected factors could indicate a serious threat to the safety of the ship and the crew or to the environment but the need to undertake an additional inspection is for the professional judgement of the Authority. These factors include:
- Ships reported by pilots or relevant authorities which may include information from Vessel Traffic Services about ships' navigation,
  - Ships which did not comply with the reporting obligations,
  - Ships reported with outstanding deficiencies (except those with code 16 (within fourteen days) and code 17 (before departure))
  - Previously detained ships (3 months after the detention),
  - Ships which have been the subject of a report or complaint by the master, a seafarer, or any person or organization with a legitimate interest in the safe operation of the ship, ship

on-board living and working conditions or the prevention of pollution, unless the Member State concerned deems the report or complaint to be manifestly unfounded,

- Ships operated in a manner to pose a danger,
- Ships reported with problems concerning their cargo, in particular noxious or dangerous cargo,
- Ships where information from a reliable source became known, that their risk parameters differ from the recorded ones and the risk level is thereby increased,
- Ships carrying certificates issued by a formerly Paris MoU recognized organization whose recognition has been withdrawn since the last inspection in the Paris MoU region.

- 13** Ships with unexpected factors which have not been inspected may be reported to the information system and remain eligible for inspection in subsequent ports as Priority II.
- 14** The provisions of the Memorandum apply to a ship covered by a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services if the Memorandum applies to the ship. However a survey of a ship which is carried out by an Authority (not being the flag Administration of the ship) in accordance with on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services will be considered as an expanded inspection, or more detailed inspection as relevant. If the ship is not indicated as Priority I in the Information System the survey will be recorded as a Priority II inspection.

# NIR (TOKYO MoU)

## INFORMATION SHEET OF THE NEW INSPECTION REGIME (NIR)

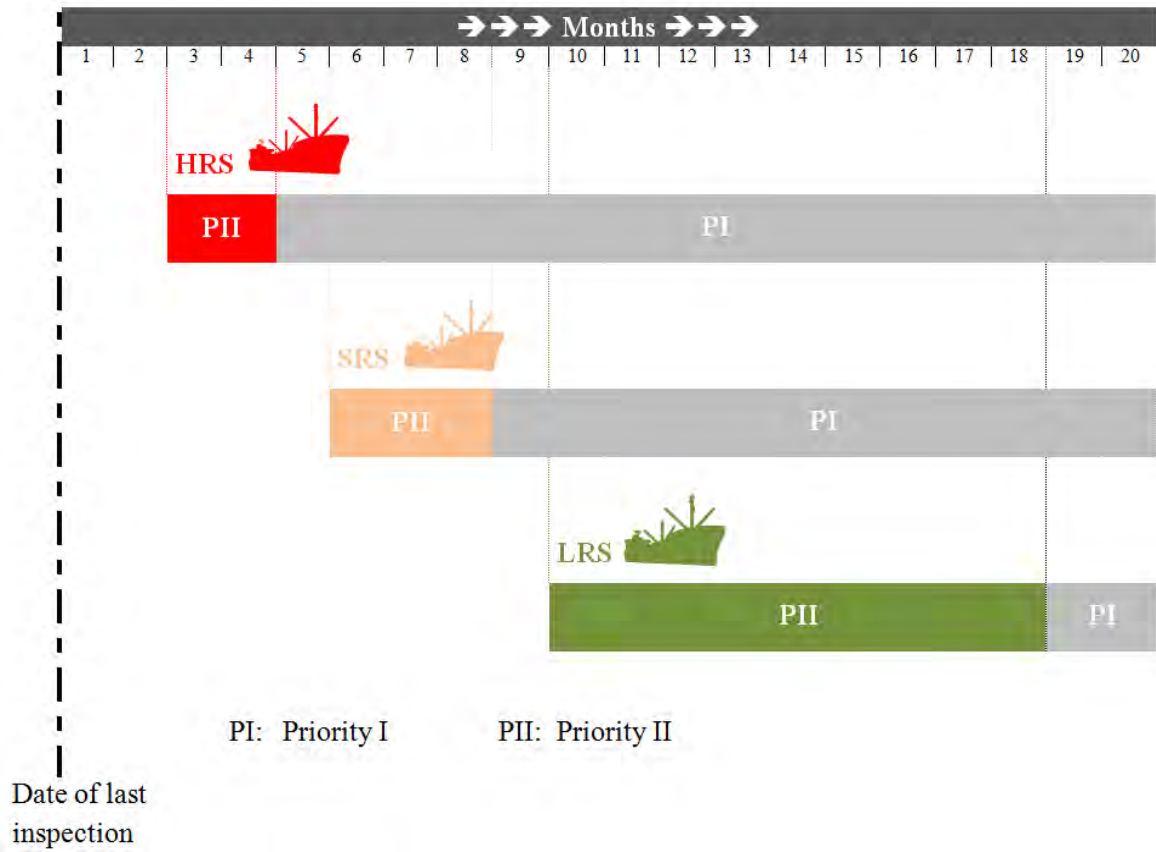
### 1. SHIP RISK PROFILE

Parameters		Profile			
		High Risk Ship (HRS) (When sum of weighting points $\geq 4$ )		Standard Risk Ship (SRS)	Low Risk Ship (LRS)
		Criteria	Weighting points	Criteria	Criteria
Type of Ship		Chemical tanker, Gas Carrier, Oil tanker, Bulk carrier, Passenger ship	2	Neither LRS nor HRS	-
Age of Ship		All types > 12y	1		-
Flag	BGW-list <sup>1)</sup>	Black	1		White
	VIMSAS <sup>2)</sup>	-	-		Yes
Recognized Organization	RO of Tokyo MOU <sup>3)</sup>	-	-		Yes
	Performance <sup>4)</sup>	Low Very Low	1		High
Company performance <sup>5)</sup>		Low Very Low	2		High
Deficiencies	Number of deficiencies recorded in each inspection within previous 36 months	How many inspections were there which recorded over 5 deficiencies?	No. of inspections which recorded over 5 deficiencies		All inspections have 5 or less deficiencies (at least one inspection within previous 36 months)
Detentions	Number of Detention within previous 36 months	3 or more detentions	1		No detention

1) The Black, Grey and White list for flag State performance is established annually taking account of the inspection and detention history over the preceding three calendar years and is adopted by the Tokyo MOU Committee as published in the Annual Report.

- 2) The status on completion of VIMSAS will be based on updated information obtained by the Tokyo MOU.
- 3) Recognized Organizations of Tokyo MOU are those recognized by at least one member Authority of the Tokyo MOU, a list of which is provided on the web-site.
- 4) The performance of all Recognized Organizations is established annually taking account of the inspection and detention history over the preceding three calendar years and is adopted by the Tokyo MOU Committee as published in the Annual Report.
- 5) Company performance takes account of the detention and deficiency history of all ships in a company's fleet while that company was the ISM company for the ship. Companies are ranked as having a "very low, low, medium or high" performance. The calculation is made daily on the basis of a running 36-month period. There is no lower limit for the number of inspections needed to qualify except a company with no inspections in the last 36 months will be given a "medium performance". (see the last page)

## 2. SHIP RISK PROFILE INSPECTION WINDOW



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

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



### 3. COMPANY PERFORMANCE

Company performance is determined based on the deficiency index and the detention index.

$$\text{Deficiency ratio} = \frac{\text{No. of ISM deficiencies} * 5 + \text{No. of non-ISM deficiencies} * 1}{\text{No. of inspections}}$$

$$\text{Detention ratio} = \frac{\text{No. of detentions}}{\text{No. of inspections}}$$

Deficiency Index	Deficiency points per inspection
Above average	> 1 above Tokyo MOU average
Average	Tokyo MOU average +/- 1
Below average	> 1 below Tokyo MOU average

Detention Index	Detention rate
Above average	> 1% above Tokyo MOU average
Average	Tokyo MOU average +/- 1%
Below average	> 1% below Tokyo MOU average

#### Company Performance Matrix

Detention Index	Deficiency Index	Company Performance
Above average	Above average	Very Low
Above average	Average	Low
Above average	Below average	
Average	Above average	
Below average	Above average	
Average	Average	Medium
Average	Below average	
Below average	Average	
Below average	Below average	High