

# MARINE SAFETY AND SECURITY MANAGEMENT SYSTEM

## TIER I – POLICY

### INSPECTION OF NON-CANADIAN COMMERCIAL VESSELS UNDER PORT STATE CONTROL PROGRAM

Effective Date	Date of Revision
05/31/2021	

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## TIER I – POLICY

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#### 1 Policy Objective

- 1.1 The objective of this policy is to implement a robust Port State Control program that will fulfil Canada's obligations under various international Conventions and the Paris and Tokyo Memoranda of Understanding (MoUs) on Port State Control.

#### 2 Policy Statement

- 2.1 Transport Canada Marine Safety and Security will work to implement a robust port state control inspection program as required by several international conventions.
- 2.2 Port state control inspections will be conducted according to the instructions, guidelines and procedures set by Transport Canada Marine Safety and Security, the International Maritime Organization, the International Labour Organisation and the Paris and Tokyo Memoranda of Understanding.
- 2.3 Transport Canada Marine Safety & Security will use the "No more favourable treatment" principle to deal with non-Canadian commercial vessels that enter Canadian waters.
- 2.4 Transport Canada Marine Safety and Security will use a risk-based approach to target vessels for inspection based on criteria in the MoUs as reflected in the National Oversight Plan.
- 2.5 Port state control inspections will only be conducted by authorized and qualified Marine Safety Inspectors who have been designated as Port State Control Officers (PSCOs). This will be done according to the requirements of the MoUs and Transport Canada's *Marine Safety and Security Policy for Professional Development Scheme (PDS), and Training for Paris MOU Port State Control Officers*.
- 2.6 PSCOs and persons assisting them should be free from any commercial, financial, and other pressures. They also shouldn't have any commercial interest, either in the port of inspection or in the ships inspected, in ship repair facilities or in any support services in the port or elsewhere. Persons or organizations external to the port State shall not influence the results of port state inspection and control carried out.

- 2.7 All inspections must be recorded in the Canadian Port State Control System (CPSCS). Transport Canada Marine Safety and Security maintains a detention list that can be searched for vessels, their inspection history, and information on port state control detentions.

### **3 Scope**

- 3.1 The policy applies to inspections of non-Canadian vessels under the Port State Control Program.

### **4 Authority**

- 4.1 This policy comes under the overall administrative authority of the Director General of Marine Safety and Security. It has been approved by the Marine Safety and Security Executive (MSSE) committee for general application.
- 4.2 The Marine Safety and Security Executive Committee has authorized this policy in accordance with the inspection authority set by the [Canada Shipping Act, 2001, Section 211](#).

### **5 Responsibility/ further information**

- 5.1 The Executive Director, Navigation Safety and Environmental Programs is responsible for the development, implementation, maintenance, and continuous improvement of the policy.
- 5.2 The Manager Port State Inspections and Cargoes is responsible for the development, maintenance and continuous reviewing and amending this policy as required.
- 5.3 Regional Directors are responsible for ensuring the implementation of the policy.
- 5.4 Comments or queries related to this policy and its application should be addressed to:

Manager, Port State Inspection and Cargoes  
Marine Safety and Security  
Transport Canada  
Place de Ville, Tower C, 10th floor  
330 Sparks St  
Ottawa ON K1A 0N8

**Email:** [TC.PSCCanada-CNEPCanada.TC@tc.gc.ca](mailto:TC.PSCCanada-CNEPCanada.TC@tc.gc.ca)

### **6 Related Documents**

- 6.1 [Policy for Professional Development Scheme and Training for Paris MOU Port State Control Officers](#) (RDIMS# 5066835)
- 6.2 [IMO Procedures for Port State Control \(Resolution A.1138\(31\)\), as amended](#)

- 6.3 [Paris Memorandum of Understanding](#)
- 6.4 [Tokyo Memorandum of Understanding](#)
- 6.5 [The Canadian Port State Control Detention list](#)

## **7 Background**

- 7.1 Port State Control is a ship inspection program whereby foreign vessels entering a sovereign state's waters are boarded and inspected to ensure compliance with various major international maritime conventions.
- 7.2 Port State Control programs are regional in nature. Several countries sharing common waters group together under a Memorandum of Understanding (MOU). The MOU is designed to ensure that vessels trading in the region are not substandard.
- 7.3 Canada has signed two MOUs : the Paris MOU and the Tokyo MOU
  - Canada became an associate member of the Paris MOU in 1988 and was accepted as a full member in 1994 (the first non-European member)
  - Canada was a driving force in the creation of the Tokyo MOU and has been a member since its inception in 1993
- 7.4 Port State Control inspections are carried out at all major Canadian ports by Marine Safety inspectors. An inspection database and a list of detained ships are maintained, and the same information is provided to the two MOU databases.

## **8 Date of Application**

- 8.1 Marine Safety and Security Executive approved this policy on 05/31/2021  
This policy comes into effect on 05/31/2021.

## **9 Date for Review or Expiry**

- 9.1 This policy will be reviewed twelve (12) months from the effective date and every five (5) years thereafter.

## **10 RDIMS Reference**

- 10.1 The English version of this document is saved in RDIMS under reference number 17113727. The applied naming convention is (PUBLICATION – TP 13585 – POLICY - INSPECTION OF NON-CANADIAN COMERCIAL VESSELS UNDER PORT STATE CONTROL PROGRAM).
- 10.2 La version française du présent document est dans le SGDDI et porte le numéro de référence 17321574. La règle d'affectation des noms est (PUBLICATION – TP

13585 - POLITIQUE - Inspection des navires commerciaux étrangers dans le cadre du programme de contrôle par l'état du port).

## 11 **Keywords**

- Paris MOU
- Tokyo MOU
- Port State Control
- Inspection
- Non-Canadian vessels