



भारत सरकार / GOVERNMENT OF INDIA
पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

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Subject: Implementation of Additional Measures to improve Port State Control Performance of Indian Vessels.

1. Background:

- a) The United Nations Convention on the Law of the Sea (UNCLOS) mandates the 'Flag State' as the prime authority for the implementation and enforcement of the international maritime regulations. By registering the ship, a State grants the ship its nationality, which is the basic requirement before the ship undertakes any maritime navigation/operation. Further, as per UNCLOS, the grant of nationality makes the State responsible to **effectively** exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.
- b) There have been no clear documented mechanism on parameters to evaluate **effectiveness** (a word used in UNCLOS) of a Flag state responsibility; however, various stakeholders assess effectiveness of a Flag State by analyzing the port state control statistics (Risk rating of a Flag in Regional Port State Control MOU's) among other factors such as casualty statistics and IMSAS audit reports.
- c) In various Regional Port State Control MOU's, the flag performance is calculated based on the past three-year's history in the number of inspections and detentions in a particular MOU. This performance is being assessed every year and remains fixed for next one year even though number of inspections and detentions keep on changing due to continuing inspections. **Some Regional MOU's such as Paris and Tokyo MOU publicly display flag performance in the form of White/Grey/Black list.** If a flag is included in the Black List of say Paris MOU, all its flagged vessels are inspected frequently, that is, whenever (each time) they visit the ports of countries that are members of Paris MOU's.
- d) Indian Flag performance is accordingly being judged by stakeholders based on its risk rating in various MOU's such as Paris, Tokyo and USCG. India was in White list of Paris MOU and Grey List of Tokyo MOU in 2014. However, a sudden drop in performance of Indian Ships in Paris MOU after 2014 has resulted the Indian Flag moving to Grey list of PARIS MOU and continued to be in grey list in 2016 & 2017 Flag performance list published by Paris MOU. The continual drop in performance has also resulted in Indian Flag on the verge of being shifted to Black list of Paris MOU in 2017. In TOKYO MOU, Indian Flag continued to be in the Grey List in all the calendar years mentioned above.