

PORT STATE CONTROL COMMITTEE INSTRUCTION 55/2022/12

RULES OF PROCEDURE FOR PORT STATE CONTROL COMMITTEE *

1. Main objective.

- 1.1 The Port State Control Committee, hereinafter referred to as “the Committee”, is the executive body under the Paris Memorandum of Understanding on Port State Control (Paris MoU), established in accordance with the provisions of paragraph 7.1 of the Paris MoU for the purpose of carrying out the tasks set out in paragraph 7.3 of the Paris MoU.

2. Composition of the Committee.

- 2.1 The Committee consists of members, co-operating maritime authorities and observers.
- 2.2 Members are representatives of the Authorities signatories to the Paris MoU and of the European Commission.
- 2.3 Co-operating maritime authorities are representatives of the authorities to which the Committee has granted this status.
- 2.4 Observers are representatives of the organizations referred to in paragraph 7.1 of the Paris MoU and of organizations to which the Committee has granted this status.

3. Meetings.

- 3.1 The Committee will, in principle, meet at intervals of nine months to one year in one of the countries the Authorities of which are signatories to the Paris MoU. The sequence of countries normally follows the alphabetical order.
- 3.2 The meetings of the Committee may take up to 5 working days.
- 3.3 Unless extraordinary circumstances resulting in travel restrictions require the Committee to meet virtually, Committee meetings are held face-to-face. Such a determination to be made by MAB.

4. Delegations to the Committee.

- 4.1 Heads of delegations to the Committee meetings representing members must have sufficient responsibility for port State control in their Administration to allow for effective policy making at the Committee.

Heads of delegations of co-operating maritime authorities must comply with similar qualifications.

- 4.2 The qualifications and function(s) of delegates to meetings of the Committee will be recorded upon their registration and will be reflected in the list of participants to the meeting.

5. Chairman and Vice-Chairman of the Committee.

- 5.1 The Chairman of the Committee will be elected from the members of the Committee for a term of office of 3 meetings of the Committee.
- 5.2 The term of office of the Chairman includes the inter-sessional periods between meetings, commencing with the inter-sessional period immediately preceding the first meeting in which the Chairman will be acting as such.
- 5.3 After the election of a Chairman, the resigning Chairman will continue his office until the Committee has completed the meeting in which the election took place.
- 5.4 The Vice-Chairman will be elected by the Committee. The vice-Chairman will be selected from the Member State members of the Committee. If the chairman is from an EU member State the vice-chairman will be from a non-EU member of the Committee. If the chairman is from a non-EU member State the vice-chairman will be from an EU member of the Committee.
- 5.5 The term of office of the vice-chairman will coincide with the term of office of the chairman.
- 5.6 In the event that the Chairman of the Committee has to leave his or her office, the vice-chairman will chair the next meeting of the Committee following the event. At that Committee meeting a new chairman will be elected and will assume his or her office at the end of that meeting.
- 5.7 The Chairman of the Committee is an ex officio member of the MAB.
- 5.8 The Vice-chairman is an ex officio member of the MAB (if not already a member of MAB). In case the vice-chairman is required to act as chair and is already a MAB member, he/she should arrange a replacement MAB representative for his/her member State.
- 5.9 In the event the chairman is unable to attend a Committee meeting the Vice-Chairman will chair the Committee meeting.

6. Secretariat and the Information system manager.

- 6.1 The Secretariat, guided by the MAB, acts upon the instructions of the Committee and will carry out the tasks set out in paragraph 7.5 of the Paris MoU.
- 6.2 The Secretariat keeps notes of the meetings of the Committee and prepares and circulates the reports of the meetings of the Committee.
- 6.3 The Chairman of the meeting may, if necessary, request the Secretariat to prepare a written briefing to assist in the proceedings of the meeting.
- 6.4 The Information system manager has a standing invitation to participate in the meetings of the Committee.

7. Proceedings of the meetings.

- 7.1 The Chairman is responsible for the effective proceedings of the meetings of the Committee.

- 7.2 All delegations to the Committee, the Secretariat and the Information system manager have the right of speech at the meeting, although the Chairman has the power to limit speaking time of delegations not being a member to the Committee, to intervene in excessive elaborations by any speaker, which may include actions to curtail or to deny further speaking time.
In principle, only one member of each delegation is expected to speak on each separate subject.
- 7.3 Each delegation has the right to request a secluded session of the Committee for member delegations only, if, in the view of such delegation, the nature of the subject justifies a secluded session. In the event of a secluded session, co-operating maritime authorities and observers will be requested to refrain from attending the meeting for the duration of the secluded session.
- 7.4 A request for a secluded session should be submitted to the Secretariat, preferably prior to the meeting, indicating precisely the subject that should be dealt with in the secluded session. However, this does not exclude that the course of discussions at the meeting may warrant a request for continuation at a secluded session. In all events where a request for a secluded session is made, it is left to the discretion of the Chairman to determine the timing of the secluded session in order not to disrupt the effective proceedings of the meeting.
- 7.5 Members of the Committee as referred to in paragraph 2.2 have a right to vote, unless expressly determined otherwise in sections 8 and 9 of the Paris MoU. Each member has one vote. The Chairman, the Secretariat, the Information system manager, co-operating maritime authorities and observers are excluded from voting.
- 7.6 Unless expressly determined otherwise in sections 8 and 9 of the Paris MoU, proposals which are put to a vote are adopted by a majority of the members as referred to in paragraph 2.2, present and voting in the Committee.
A proposal is deemed to be rejected in the event of an equal vote.
- 7.7 Voting will be practised by raising hands, unless the proposal relates to persons in which case voting will be exercised in writing in accordance with procedures to be determined by the Chairman.
- 7.8 Views expressed during the Committee should be made verbally during the meeting itself. Written comments, expressing a position on documents submitted to the meeting, will not be considered.
- 7.9 Only if official travel restrictions imposed by governments make it impossible for the Member Authorities and the EC, the Secretariat and the Information system manager to physically attend the Committee taking place physically, a virtual connection will be set up to facilitate the online participation of the respective delegations. Such a determination to be made by MAB.

8. Submission of papers.

- 8.1 The draft agenda for the meetings of the Committee will be set by the MAB, twelve weeks prior to the scheduled meeting dates.

- 8.2 The draft agenda of the meetings of the Committee, together with a convocation, will be delivered by the Secretariat to the parties referred to in paragraph 2.1, not later than twelve weeks prior to the scheduled meeting dates.
- 8.3 All delegations to the Committee, the MAB, the Secretariat and the Information system manager have a right to submit papers for meetings of the Committee. Submissions must be received by the secretariat, not later than ten weeks prior to the scheduled meeting dates. However, the MoU Advisory Board may decide that documents for which the 10-week deadline is not feasible for practical reasons must be submitted no later than 6 weeks before the start of the meeting. Such a decision will be reflected in the draft agenda for the meeting.
Papers will be numbered in accordance with the order of their submission. Papers received after the deadline will, in principle, be deferred to the next meeting of the Committee.
- 8.4 Meeting documents shall, in principle, be no longer than 2 pages, comprising a clear summary of the issue together with a list of all decisions the Committee is asked to take. Any supporting information must be submitted as an annex to this short paper.
- 8.5 Meeting documents will be made electronically available as soon as possible to the parties referred to in paragraph 2.1, but not later than eight weeks prior to the scheduled meeting dates for those document for which the 10-week deadline is applicable, and not later than five weeks for those document for which the 6-week deadline is applicable.
- 8.6 Meeting documents concerning technical work, agreed and endorsed at TEG should, in principle, be deemed as finalized and not be revisited at PSCC level.

9. Final provisions.

- 9.1 Nothing in these Rules of Procedure will be construed as restricting the competence of the Committee to take measures as it deems necessary. A decision of the Committee not to apply these Rules of Procedure is subject to the provisions of paragraphs 7.5, 7.6 and 7.7.
- 9.2 In all cases the provisions of the Paris MoU prevail over these Rules of Procedure.

* These Rules of Procedure have been adopted by the Port State Control Committee at its 30th session, in Saint Petersburg, on 15 May 1997, and last amended by PSCC55 in Bucharest, Romania on 20 May 2022.