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Republic of Latvia

Cabinet

Regulation No. 1164

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Procedures for Port State Control

*Issued pursuant to
Section 15, Paragraph three of the
Maritime Administration and Marine Safety Law*

I. General Provisions

1. This Regulation prescribes the procedures for port State control.

2. Terms used in this Regulation:

2.1. conventions - the following Conventions, with the Protocols and amendments thereto, and related codes of mandatory status, in their up-to-date version:

2.1.1. the International Convention on Load Lines, 1966 (LL 66);

2.1.2. the International Convention for the Safety of Life at Sea, 1974 (SOLAS Convention);

2.1.3. the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Convention);

2.1.4. the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW Convention);

2.1.5. the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG Convention);

2.1.6. the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage Convention);

2.1.7. the Merchant Shipping (Minimum Standards) Convention No. 147 of International Labour Organisation, 1976 (ILO Convention No 147);

2.1.8. the International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC Convention);

2.2. Paris Memorandum of Understanding - the Memorandum of Understanding on Port State Control, signed in Paris on 26 January 1982, in its up-to-date version;

2.3. Voluntary IMO Member State audit - audit determined in the International Maritime Organisation (IMO) Assembly Resolution A.974(24) of 1 December 2005 "Framework and Procedures for the Voluntary IMO Member State Audit Scheme";

2.4. Paris Memorandum of Understanding region - the area in which the signatories to the Paris Memorandum of Understanding conduct inspections in the context of the referred to memorandum;

2.5. ship - means any seagoing vessel to which one or more of the Conventions apply, flying a flag other than that of Latvia;

2.6. priority I ship - ship which is inspected in accordance with Paragraph 21 of Annex 1 to this Regulation;

2.7. priority II ship - ship which is inspected in accordance with Paragraph 22 of Annex 1 to this Regulation;

2.8. ship and port interface - means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons or goods or the provision of port services to or from the ship;

2.9. anchorage - location within the jurisdiction of a port, but not at berth, which is used for ship anchorage;

2.10. Maritime Safety Inspectorate - the Maritime Safety Inspectorate of the State joint stock company Maritime Administration of Latvia;

2.11. port State control inspector - the inspector of the Maritime Safety Inspectorate, authorised to carry out ship inspections and other measures referred to in this Regulation for the implementation of port State control;

2.12. night time - means - the period between 22.00 and 6.00;

2.13. inspection - an inspection in order to check the conformity of the ship, its equipment and crew, as well as the living and working conditions of the crew with the conventions and other regulatory enactments:

2.13.1. initial inspection - an inspection during which at least the operations referred to in Paragraph 34 of this Regulation are performed;

2.13.2. more detailed inspection - an inspection where the ship, its equipment, crew, living and working conditions of the crew, as well as compliance of the ship with the requirements regarding the performance of on-board operational procedures, are subjected, in the circumstances specified in Paragraph 36 of this Regulation, to an in-depth examination;

2.13.3. expanded inspection - an inspection, which covers at least the risk areas listed in Annex II to this Regulation;

2.14. complaint - a report or any information submitted by the master of a ship, a member of the crew, a professional maritime association, a trade union or any other legal or natural person with an interest in the safety of the ship (including an interest in the safety or health hazards to its crew) and the prevention of pollution;

2.15. ship detention - the prohibition of a ship to proceed to sea due to deficiencies established during the inspection which (individually or together) make the ship unseaworthy;

2.16. refusal of access - the prohibition for a ship to have access to all ports and anchorages of the European Union;

2.17. stoppage of an operation - the prohibition for a ship to continue an operation due to deficiencies established during the inspection which (individually or together) would render the continued ship operation hazardous;

2.18. shipping company - the owner of the ship or any other legal or natural person (such as the manager, or the bareboat charterer) who has assumed the duties and responsibility for operation of the ship from the owner of the ship, including all the duties and responsibilities imposed by the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM) Code;

2.19. recognised organisation - a commercial company, carrying out statutory tasks on behalf of a flag State administration;

2.20. statutory certificate - a certificate issued by a flag State or by another person on behalf of a flag State in accordance with Conventions;

2.21. classification certificate - a document confirming compliance with SOLAS Convention, Chapter II-1, Part A-1, Regulation 3-1;

2.22. inspection database - the database maintained by the European Commission containing the information referred to in Annex 3 to this Regulation and thus contributing to the implementation of the port State control system;

2.23. SSN system - vessel traffic monitoring and data exchange system in compliance with the regulatory enactments regarding vessel traffic monitoring and data exchange system; and

2.24. *Equasis* information system - system containing navigation safety-related information regarding ships.

3. This Regulation shall apply to any foreign ship and its crew calling at a port or anchorage of Latvia to engage in a ship and port interface.

4. If a port State control inspector performs an inspection of a foreign ship in waters within jurisdiction of Latvia, other than at a port or anchorage, the requirements of this Regulation shall be applied to such inspection.

5. In respect of control of ship security requirements, this Regulation shall apply only to those ships to which the security requirements in accordance with regulatory enactments regarding implementation and supervision of functions for ship and shipping companies, port and port facility security apply.

6. Where the gross tonnage of a ship is less than 500, the requirements of a relevant Convention shall be applied. If the requirements of the Convention are not applied, such actions shall be taken which ensure that the ship is not hazardous to navigation safety, human health or the environment. In applying this Paragraph, Annex 1 *Port State Control Procedures* to the Paris Memorandum of Understanding shall be taken into account.

7. When inspecting a ship flying the flag of a State which is not a party to a Convention, a port State control inspector shall ensure that the treatment of such ship and its crew is not more favourable than that of a ship flying the flag of a State party to that Convention.

8. This Regulation shall not be applied to fishing vessels, warships, naval auxiliaries, wooden ships of a primitive build, government ships used for non-commercial purposes (for example, harbour master's service boats, pilot boats), as well as pleasure yachts not engaged in trade.

9. A port State control shall be performed by the Maritime Safety Inspectorate appointing the relevant port State control inspectors.

10. Port State control inspectors shall use public and private databases related to ship inspections, as well as *Equasis* information system.

11. The National Armed Forces shall, using technical means, navigation means or aircraft of the National Armed Forces, ensure conveyance of the port State control inspectors to a ship which is located at anchorage of the ports of Latvia for the performance of port State control measures.

II. Inspection System and Annual Inspection Commitment

12. Inspections shall be carried out in accordance with the selection scheme referred to in Chapter VIII of this Regulation in compliance with the provisions of Annex 1 to this Regulation.

13. In order to ensure inspection commitment, the Maritime Safety Inspectorate shall each year inspect the following:

13.1. all priority I ships; and

13.2. in addition to priority I ships, at least such number of priority II ships as corresponds to the proportionate share of Latvia of the total number of inspections specified in the inspection database to be carried out within the European Union and the Paris Memorandum of Understanding region.

14. If all priority I ships calling at ports and anchorages of Latvia are not inspected in accordance with Sub-paragraph 13.1 of this Regulation, it shall be considered that the commitment determined in this Sub-paragraph is fulfilled if such missed inspections do not exceed:

14.1. 5 % of the total number of priority I ships with a high risk profile;

14.2. 10 % of the total number of priority I ships other than those with a high risk profile.

15. Notwithstanding the specified in Paragraph 14 of this Regulation, priority shall have inspection of such ships, which, according to the information provided by the inspection database, call at ports within the European Union infrequently.

16. Notwithstanding the specified in Paragraph 14 of this Regulation in respect of priority I ships calling at anchorages, priority shall have inspection of ships with a high risk profile, which, according to the information provided by the inspection database, call at ports within the European Union infrequently.

III. Modalities Allowing a Balanced Inspection Share within the European Union

17. If the total number of priority I ships calling at ports and anchorages of Latvia exceeds proportionate share of Latvia specified in the inspection database of the total number of inspections carried out within the European Union and Paris Memorandum of Understanding region, it shall be regarded that the commitment referred to in Sub-paragraph 13.2 of this Regulation is fulfilled, if a number of inspections on priority I ships carried out is not less than proportionate share of Latvia and if the amount of missed inspections is not more than 30 % of the total number of priority I ships

calling at ports and anchorages of Latvia.

18. If the total number of priority I and II ships calling at ports and anchorages of Latvia is less than proportionate share of Latvia specified in the inspection database of the total number of inspections carried out within the European Union and Paris Memorandum of Understanding region, it shall be regarded that the commitment referred to in Sub-paragraph 13.2 of this Regulation is fulfilled, if all priority I ships are inspected in accordance with Sub-paragraph 13.1 of this Regulation and at least 85 % of the total number of priority II ships calling at ports and anchorages of Latvia are inspected.

IV. Postponement of Inspections and Cases when It Is Not Considered that Inspection Is Not Carried out

19. The Maritime Safety Inspectorate may postpone the inspection of a priority I ship in the following circumstances:

19.1. if the inspection of a ship may be carried out at the next call of the ship at port or anchorage of Latvia provided that the ship does not call at any other port in the European Union or the Paris Memorandum of Understanding region in between and the inspection is not postponed for more than 15 days; or

19.2. if the inspection may be carried out in another port of call within the European Union or the Paris Memorandum of Understanding region within 15 days, provided the State in which such port of call is located has agreed in advance to perform the inspection.

20. If an inspection of a priority I ship is postponed in accordance with Paragraph 19 of this Regulation and it is recorded in the inspection database, an inspection shall not be counted as a missed inspection.

21. An inspection shall not be counted as a missed inspection, provided that the priority I ship located at the port of Latvia is not inspected due to the following reasons:

21.1. in the judgement of the Maritime Safety Inspectorate the conduct of the inspection would create a risk to the safety of port State control inspectors, the ship, its crew or to the port, or to the marine environment and the reason for missing the inspection is recorded in the inspection database;

21.2. the ship call at port of Latvia takes place during night time and the reason for missing the inspection is recorded in the inspection database.

22. The Maritime Safety Inspectorate shall take the necessary measures in order to ensure that ships which call at port of Latvia only during night time on regular basis shall be appropriately inspected.

23. An inspection shall not be counted as a missed inspection, provided that the ship located at anchorage is not inspected due to the following reasons:

23.1. the ship is inspected in another port or anchorage within the European Union or the Paris Memorandum of Understanding region in accordance with Annex I to this Regulation not later than within 15 days;

23.2. the ship call at anchorage takes place during night time or its duration at anchorage is too short for the inspection to be carried out in accordance with the procedures specified in regulatory enactments, and the reason for missing the inspection is recorded in the inspection database; or

23.3. in the judgement of the Maritime Safety Inspectorate the conduct of the inspection would create a risk to the safety of port State control inspectors, the ship, its crew or to the port, or to the marine environment and the reason for missing the inspection is recorded in the inspection database.

V. Notification of Arrival of Ships at Port or Anchorage of Latvia

24. The master of a ship or agent or a shipping company shall, before a ship, which in accordance with Chapter X of this Regulation is eligible for an expanded inspection, calls at port or anchorage of Latvia, notify the information referred to in Annex 4 to this Regulation in accordance with the procedures specified in Paragraph 25 of this Regulation and Annex 4 to this Regulation.

25. The information referred to in Paragraph 24 of this Regulation shall be notified entering it in the national SSN system, in accordance with the regulatory enactments on the vessel traffic monitoring and data exchange system.

VI. Ship Risk Profile

26. All ships calling at a port or anchorage of Latvia shall, in the inspection database, be attributed a ship risk

profile which determines their respective priority for inspection, the intervals between the inspections and the scope of inspections.

27. The risk profile of a ship shall be determined by a combination of generic and historical risk parameters as follows:

27.1. generic parameters - the type of a ship, age of a ship, flag State operation, recognised organisations involved and shipping company performance in accordance with Sub-chapter 1.1 of Annex 1 and Annex 5 to this Regulation;

27.2. historical parameters - the number of deficiencies and detentions of a ship during a given period in accordance with Sub-chapter 1.2 of Annex 1 and Annex 5 to this Regulation.

VII. Frequency of Inspections

28. A ship calling at port or anchorage of Latvia shall be subject to a periodic inspection or to an additional inspection.

29. Ships shall be subject to periodic inspections at predetermined intervals depending on their risk profile in accordance with Chapter 1 and Sub-chapter 2.1 of Annex 1 to this Regulation.

30. Ships shall be subject to additional inspections in accordance with Sub-chapter 2.2 of Annex 1 to this Regulation regardless of the period since their last periodic inspection.

VIII. Selection of Ships for Inspection

31. The Maritime Safety Inspectorate shall select the ships for inspection on the basis of their risk profile in accordance with Chapter 1 of Annex 1 to this Regulation, and when overriding or unexpected factors arise in accordance with Sub-chapter 2.2 of Annex 1 to this Regulation.

32. The Maritime Safety Inspectorate:

32.1. shall select priority I ships for inspection which are due for a mandatory inspection in accordance with Paragraph 21 of Annex 1 to this Regulation;

32.2. may select priority II ships for inspection which are eligible for inspection in accordance with Paragraph 22 of Annex 1 to this Regulation.

IX. Initial and More Detailed Inspections

33. A ship which is selected for inspection in accordance with Chapter VIII of this Regulation is subject to an initial inspection or a more detailed inspection.

34. On each initial inspection, the port State control inspector shall carry out at least the following operations:

34.1. checks the certificates and other documents listed in Annex VI to this Regulation required to be kept on board in accordance with Conventions and European Union maritime legislation;

34.2. verifies, where appropriate, whether outstanding deficiencies found during the previous inspection carried out by a Member State of the European Union or the Paris Memorandum of Understanding have been rectified; and

34.3. satisfies himself of the overall condition of the ship, including the hygiene of the ship, (including engine room and accommodation).

35. When, after a previous inspection, deficiencies to be rectified at the next port of call have been recorded in the inspection database, the Maritime Safety Inspectorate may decide not to carry out the verifications referred to in Sub-paragraphs 34.1 and 34.3 of this Regulation.

36. If after the inspection referred to in Paragraph 34 of this Regulation there are clear grounds to consider that a ship, its equipments or its crew living and working conditions fail to comply with the requirements of the Conventions, the port State control inspector shall carry out a more detailed inspection.

37. If after the inspection referred to in Paragraph 34 of this Regulation there are clear grounds to consider that the security system of a ship fails to comply with the security plan or security requirements, a port State control inspector shall immediately inform the Ship and Port Security Inspectorate of the State joint stock company Maritime Administration of Latvia which carries out the expanded control of the relevant ship on security aspects in accordance with regulatory enactments regarding implementation and supervision of functions for ship and shipping companies,

port and port facility security.

38. Clear grounds shall exist when the port State control inspector finds evidence which in his or her professional judgement warrants a more detailed inspection specified in Paragraph 36 of this Regulation or the expanded control of ships on security aspects specified in Paragraph 37 of this Regulation. Examples of clear grounds are set out in Annex 7 to this Regulation.

X. Expanded Inspection

39. The following ships are eligible for an expanded inspection:

39.1. in accordance with Chapter 3 of Annex 1 to this Regulation:

39.1.1. ships with a high risk profile;

39.1.2. passenger ships, oil tankers, gas or chemical tankers or bulk carriers with a standard risk profile, older than 12 years of age;

39.1.3. ships with a high risk profile or passenger ships, oil tankers, gas or chemical tankers or bulk carriers with a standard risk profile, older than 12 years of age, in cases of overriding or unexpected factors; and

39.2. ships subject to a re-inspection following a refusal of access determined for a ship in accordance with Chapter XI of this Regulation.

40. If the ship is eligible for an expanded inspection in accordance with Paragraph 39 of this Regulation, the master of the ship or shipping company shall ensure that sufficient time is available in the operating schedule to allow the expanded inspection to be carried out. Without prejudice to control measures required for security purposes, the ship shall remain in the port until the expanded inspection is completed.

41. If the Maritime Safety Inspectorate on receipt of a notification referred to in Chapter V of this Regulation takes a decision not to carry out the expanded inspection of the relevant ship, the Maritime Safety Inspectorate shall inform the ship thereof.

42. The scope of an expanded inspection and the risk areas to be covered are set out in Annex 2 to this Regulation.

43. More detailed inspection may also be carried out within the framework of the expanded inspection, if in accordance with Paragraphs 36 and 38 of this Regulation there are clear grounds for it.

XI. Safety and Security Guidelines and Procedures

44. Port State control inspectors shall follow the guidelines and procedures referred to in Annex 8 to this Regulation.

45. Chapter X of this Regulation shall be also applied to ro-ro ferries and high-speed passenger craft.

46. When the Maritime Safety Inspectorate has carried out initial specific survey or regular specific survey of a foreign ship in accordance with regulatory enactments regarding ro-ro ferries and high-speed passenger craft safety, such specific survey shall be recorded as a more detailed or an expanded inspection in the inspection database and taken into account when applying Chapter VI, VII and VIII of this Regulation.

47. Without prejudice to a prevention of operation of a ro-ro ferry or a high-speed passenger craft determined in accordance with regulatory enactments regarding ro-ro ferries and high-speed passenger ship safety, the provisions of this Regulation concerning rectification of deficiencies, detention of a ship, refusal of access and follow-up to inspections shall be applied to such ships.

XII. Refusal of Access

48. The following ships shall be refused access to port or anchorage of Latvia (except for the cases referred to in Paragraph 86 of this Regulation):

48.1. a ship which flies the flag of a State included into the black list, published in an annual report of the Paris Memorandum of Understanding, and which has been detained more than twice in the course of the preceding 36 months or to which a prevention of operation has been determined more than twice in the course of the preceding 36 months in accordance with regulatory enactments regarding ro-ro ferries and high-speed passenger craft safety in a port or anchorage of a Member State or of the Paris Memorandum of Understanding region and to which a document

regarding refusal of access has been issued;

48.2. a ship which flies the flag of a State included into the grey list, published in an annual report of the Paris Memorandum of Understanding, and which has been detained more than twice in the course of the preceding 24 months or to which a prevention of operation has been determined more than twice in the course of the preceding 24 months in accordance with regulatory enactments regarding ro-ro ferries and high-speed passenger craft safety in a port or anchorage of a Member State or of the Paris Memorandum of Understanding region and to which a document regarding refusal of access has been issued.

49. The Maritime Safety Inspectorate shall take a decision regarding refusal of access, if a port or anchorage of Latvia is the third place where the ship has been detained or where prevention of operation has been determined for it as referred to in Paragraph 47 of this Regulation. Refusal of access shall take effect as soon as the ship leaves the port or anchorage of Latvia.

50. The decision regarding cancellation of refusal of access shall be taken if a period of three months has passed from the date of taking of the referred to decision and when the conditions determined in Paragraph 106 of this Regulation and Paragraphs 3, 4, 5, 8, 9 and 10 of Annex 9 to this Regulation are met.

51. If refusal of access is determined for the second time for a ship, a decision regarding cancellation of refusal of access shall be taken if a period of 12 months has passed from the date of taking of the referred to decision and when the conditions determined in Paragraph 106 of this Regulation and Paragraphs 3, 4, 5, 8, 9 and 10 of Annex 9 to this Regulation are met.

52. If refusal of access is determined for the third time for a ship, a decision regarding cancellation of refusal of access shall be taken, if a period of 24 months has passed from the date of taking of the referred to decision and the ship complies with the following requirements:

52.1. the ship flies the flag of a State which is not included in the black list referred to in Sub-paragraph 48.1 of this Regulation nor the grey list referred to in Sub-paragraph 48.2 of this Regulation;

52.2. the statutory and classification certificates of the ship are issued by an organisation or organisations recognised under Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (recast);

52.3. the ship is managed by a shipping company with a high performance according to Annex 5 to this Regulation; and

52.4. the conditions referred to in Paragraph 106 of this Regulation and Paragraphs 3, 4, 5, 8, 9 and 10 of Annex 9 to this Regulation are met.

53. Any ship for which refusal of access is determined for the third time, but which after a period of 24 months from the day of taking of the referred to decision fails to meet the requirements specified in Paragraph 52 of this Regulation, permanent refusal of access to any port and anchorage within the European Union shall be determined.

54. Any subsequent detention after the third refusal of access shall result in the ship being permanently refused access to any port and anchorage within the European Union.

55. Operations of the Maritime Safety Inspectorate related to application of refusal of access shall be performed in accordance with the procedures referred to in Annex 9 to this Regulation..

XIII. Report of Inspection

56. On completion of an initial inspection, a more detailed inspection or an expanded inspection, the port State control inspector shall draw up a report of inspection in accordance with Annex 10 to this Regulation.

57. The ship's master shall be provided with a copy of the report of inspection.

XIV. Complaints

58. The Maritime Safety Inspectorate shall perform initial assessment of complaints determining whether a complaint is justified.

59. Where the Maritime Safety Inspectorate deems that a complaint is justified, it shall take further measures related to the complaint, at the same time ensuring that anyone concerned by that complaint can make their views known.

60. Where the Maritime Safety Inspectorate deems the complaint to be manifestly unfounded, it shall inform the

complainant thereon specifying the justification.

61. The identity of the complainant shall not be revealed to the master of the ship or the shipping company. The Maritime Safety Inspectorate shall ensure confidentiality during any interviews of crew members.

62. The Maritime Safety Inspectorate shall inform the flag State administration regarding complaints which are not manifestly unfounded and regarding further measures in examination of such complaints. If the complaint refers to the competence of the International Labour Organisation, the copies of the relevant documents shall be sent to the International Labour Organisation.

XV. Rectification and Detention of a Ship

63. The Maritime Safety Inspectorate shall supervise that any deficiencies confirmed or revealed by the inspection are rectified in accordance with the requirements of the Conventions.

64. If deficiencies are detected during inspection which are hazardous to navigation safety, human health or the environment, the Maritime Safety Inspectorate shall take a decision regarding detention of the ship or stoppage of an operation.

65. When taking a decision regarding detention of a ship, the port State control inspector shall apply the criteria referred to in Annex 11 to this Regulation.

66. The implementation of a decision regarding the detention of a ship or the stoppage of an operation shall be ensured by such harbour master, in which the ship is located. The oral indication of the port State control inspector regarding the ensuring of the relevant safety control measures or release of the ship shall also be binding upon the harbour master. In order to detain a ship, the port State control inspector shall:

66.1. complete A and B forms of the Paris Memorandum of Understanding report regarding the inspection of the ship, where the information shall be provided in accordance with the Paris Memorandum of Understanding; and

66.2. complete the notification to the master regarding the detention of the ship specified in the Paris Memorandum of Understanding, attach the completed forms referred to in Sub-paragraph 66.1 of this Regulation thereto and submit a notification to the master of the ship to be detained, but the copy thereof - to the harbour master.

67. When on board the ship, which has been detained or the operation of which has been stopped, all the deficiencies determined during the survey have been rectified, the ship master shall inform the Maritime Safety Inspectorate thereof in order to carry out the re-inspection.

68. If after the re-inspection referred to in Paragraph 67 of this Regulation the port State control inspector establishes that the ship can proceed to sea or the operation be resumed without risk to the navigation safety and human health or the environment, the port State inspector shall take a decision regarding release of the ship.

69. When releasing a detained ship, the port State control inspector shall complete the notification regarding the ship release specified in the Paris Memorandum of Understanding. The notification shall be submitted to the master of the ship, and the copy thereof - to the harbour master.

70. If the inspection reveals that the ship is not equipped with a functioning voyage data recorder, when use of such recorder is compulsory, the Maritime Safety Inspectorate shall detain such ship. If such deficiency cannot be readily rectified in the port of detention, the Maritime Safety Inspectorate may either allow the ship to proceed to the appropriate repair yard nearest to the port of detention where it may be readily rectified or require the deficiency to be rectified within a maximum period of 30 days, as provided for in the guidelines developed by the Paris Memorandum of Understanding. For these purposes, the procedures laid down in Chapter XVII of this Regulation shall apply.

71. Where the overall condition of a ship is obviously substandard, the Maritime Safety Inspectorate may, in accordance with the procedures specified in the Paris Memorandum of Understanding, suspend the inspection of that ship until the responsible parties of the ship take the steps necessary to ensure that it complies with the relevant requirements of the Conventions.

72. The Maritime Safety Inspectorate shall immediately inform (in writing and including the report of inspection) the flag State administration or, when this is not possible, the Consul or, in his or her absence, the nearest diplomatic representative of that State. In addition, a relevant inspector or recognised organisation responsible for the issue of classification certificates or statutory certificates shall be notified, if the reason of detention of the ship is deficiency for which the relevant inspector or relevant recognised organisation is responsible. The information shall be sent also to the International Labour Organisation, if the reason of detention of the ship refers to the competence of the International Labour Organisation.

73. This Regulation shall be without prejudice to the additional requirements of the Conventions concerning notification and reporting procedures related to port State control.

74. When port State control is exercised, the Maritime Safety Inspectorate shall ensure that no ship being unduly detained or delayed. If a ship is unduly detained or delayed, the shipping company shall be entitled to compensation for any loss or damage suffered. In any instance when a shipping company deems that detention or delay is unduly, the burden of proof shall lie with the shipping company in accordance with the Maritime Administration and Marine Safety Law.

75. A detained ship may move to another part of the port if the appropriate permit of the Maritime Safety Inspectorate is received. The Maritime Safety Inspectorate shall allow to move the detained ship to another part of the port, if it is safe to do so and it is necessary for alleviation of port congestion. The risk of port congestion shall not be a basis for not taking a decision regarding a detention of a ship or taking a decision regarding release of a ship. Port authorities shall cooperate with the Maritime Safety Inspectorate with a view to facilitating the accommodation of detained ships.

XVI. Right of Appeal

76. The shipping company may contest a decision regarding detention of a ship or a decision regarding refusal of access by the Maritime Safety Inspectorate and appeal it in accordance with the procedures specified in the Maritime Administration and Marine Safety Law. In accordance with the Maritime Administration and Marine Safety Law the contestation and appeal of the decision of the Maritime Safety Inspectorate shall not suspend the detention of a ship or refusal of access.

77. When a decision regarding detention of a ship or refusal of access is revoked or amended, the Maritime Safety Inspectorate shall perform the relevant amendments in the inspection database without delay, at the same time ensuring that within 24 hours of revocation of the relevant decision or making amendments therein the European Commission could make the relevant amendments in the information published previously.

XVII. Follow-up to Inspections and Detentions

78. Where deficiencies referred to in Paragraph 64 of this Regulation cannot be rectified in the port of inspection, the Maritime Safety Inspectorate may allow the ship concerned to proceed without undue delay to the appropriate repair yard nearest to the port of detention, where it is possible to rectify the deficiencies and as chosen by the master and the authorities concerned, provided that the conditions determined by the administration of the flag State and agreed by the Maritime Safety Inspectorate are complied with, so as the proceeding of a ship would not cause any risk to the navigation safety and human health, as well as unreasonable threat of harm would not be caused to the marine environment.

79. Where the decision to send a ship to a repair yard is due to a lack of compliance with IMO Resolution A. 744(18), either with respect to a ship's documentation or with respect to a ship's structural deficiencies, the Maritime Safety Inspectorate may require that the necessary thickness measurements of ship's hull or other structures be carried out in the port of detention before the ship is allowed to sail.

80. In the circumstances referred to in Paragraph 78 of this Regulation, the Maritime Safety Inspectorate shall notify the competent authority of the State where the repair yard is situated, the parties mentioned in Paragraph 72 of this regulation and any other authority as appropriate of all the conditions for the voyage.

81. If the Maritime Safety Inspectorate receives the information from another State that a ship has been sent to a repair yard in Latvia after a port State control inspection, the Maritime Safety Inspectorate shall control the arrival of the ship in Latvia and implementation of repair works, as well as shall notify the State, which has sent the ship, regarding the action within the framework of this control.

82. The following ships shall be refused to have access to a port or anchorage of Latvia:

82.1. which proceed to sea without complying with the conditions determined by the competent authority of any State in the port of inspection; or

82.2. which refuse to comply with the applicable requirements of the Conventions by not calling into the indicated repair yard.

83. The refusal referred to in Paragraph 82 of this Regulation shall be maintained until the shipping company provides evidence to the satisfaction of the competent authority of the State where the ship was found defective, demonstrating that the ship fully complies with all applicable requirements of the Conventions.

84. If the ship referred to in Paragraph 78 of this Regulation proceeds to sea without taking into account the provisions of the Maritime Safety Inspectorate, the Maritime Safety Inspectorate shall immediately alert the competent authorities of all the other Member States of the European Union.

85. If the ship fails to observe the requirements of the relevant Conventions by not calling into the repair yard at the

port or anchorage of Latvia specified by the Member State of the European Union or of the Paris Memorandum of Understanding, the Maritime Safety Inspectorate shall immediately alert the competent authorities of all the other Member States of the European Union.

86. Before taking a decision regarding refusal of access in accordance with Paragraph 82 of this Regulation the Maritime Safety Inspectorate is entitled to consult with the flag administration of the ship concerned.

87. By way of derogation from the provisions of Paragraphs 82 and 83 of this Regulation, the Maritime Safety Inspectorate is entitled to allow access to a port or anchorage of Latvia in the event of *force majeure* or overriding safety considerations, or to reduce or minimise the risk of pollution or to have deficiencies rectified, provided that adequate measures to the satisfaction of the Maritime Safety Inspectorate have been implemented by the shipping company or the master of the ship to ensure safe entry of a ship at port or anchorage.

XVIII. Professional Profile of Inspectors

88. Port State control shall be carried out by port State control inspectors whose qualification complies with the minimum requirements specified in Annex 12 to this Regulation.

89. If the port State control inspector needs a consultation in a specific field (for example, regarding the atomic energy in relation to the inspection of such ship, which carries dangerous substances), the Maritime Safety Inspectorate shall invite a competent person in the relevant field (for example, an instructor of an institution of higher education) for the provision of consultations. The invited person has a duty to provide a consultation in compliance with the competence thereof.

90. A person consulting port State control inspectors in accordance with Paragraph 89 of this Regulation shall be applied the same restrictions in respect of prevention of the conflict of interests which are applied to port State inspectors in accordance with Section 11 and 12 of the Law on Prevention of Conflict of Interest in Activities of Public Officials.

91. The right of the port State control inspector to carry out port State control shall be approved by the Certificate of the Port State Control Inspector. The information to be included in the Certificate is specified in Annex 13 to this Regulation.

92. The State joint stock company Maritime Administration of Latvia shall ensure that the competence and compliance of the port State control inspector with the minimum requirements referred to in Annex 12 to this Regulation is verified before authorising him or her to carry out functions of a port State control inspector, and thereafter - periodically.

XIX. Reports from Pilots and Public Officials or Officials of the Port Authority

93. If a pilot engaged on the berthing or unberthing of ships or engaged on ships bound for a port of Latvia or in transit within Latvia immediately inform the Maritime Safety Inspectorate, whenever they learn in the course of his or her normal duties that there are apparent anomalies which may prejudice the safe navigation of the ship, or which may pose a threat of harm to the marine environment.

94. If public officials or officials of port authority, in the course of their normal duties, learn that a ship within their port has apparent anomalies which may prejudice the safety of the ship or poses an unreasonable threat of harm to the marine environment, he or she shall immediately inform the Maritime Safety Inspectorate thereof.

95. Pilots and public officials or officials of the port authority shall, in accordance with Paragraphs 93 and 94 of this Regulations, report at least the following information (in electronic format whenever possible):

95.1. ship information - name, IMO identification number, call sign and flag;

95.2. sailing information - last port of call, port of destination; and

95.3. description of apparent anomalies found on board.

96. The Maritime Safety Inspectorate shall perform proper follow-up action on apparent anomalies notified by pilots and public officials or officials of the port authority. The Maritime Safety Inspectorate shall record the details of action taken.

XX. Inspection Database

97. The inspection database shall contain all the information required for the implementation of the inspection system set up under this Regulation. The information referred to in Annex 3 to this Regulation shall be included in the

inspection database.

98. Coast Guard Service of the National Armed Forces shall, using automatic identification system module of Latvia, ensure that the information on the actual time of arrival and the actual time of departure of any ship, together with an identifier of the port concerned, is automatically transferred to the inspection database through the SSN system.

99. If the ship is not equipped with an automatic identification system or the referred to system is out of order, a master of the ship or agent, or a shipping company shall inform the service of the harbour master at least 24 hours before the intended arrival of the ship at port. In such case the master of a ship or agent, or a shipping company shall notify the actual time of arrival and the actual time of departure to the service of the harbour master. The service of the harbour master shall send it together with the identifier of the port concerned to the inspection database through the SSN system.

100. If the ship is in the roadstead, the master of a ship or agent, or a shipping company shall inform the service of the harbour master regarding the planned ship and port interface and actual starting and end time of the ship and port interface. The service of the harbour master shall send the relevant information together with the identifier of the port concerned to the inspection database through the SSN system.

101. The Maritime Safety Inspectorate shall ensure that the information related to inspections performed in accordance with this Regulation is entered to the inspection database as soon as the inspection report is completed or a decision regarding release of a ship is taken.

102. The Maritime Safety Inspectorate shall, within 72 hours after entering of the information referred to in Paragraph 101 of this Regulation in the inspection database, validate such information for publication purposes.

XXI. Exchange of Information and Co-operation

103. The port authority, the Coast Guard Service of the National Armed Forces and other involved authorities shall provide the Maritime Safety Inspectorate with the following information in their possession:

103.1. concerning ships which have failed to notify any information in accordance with:

103.1.1. the requirements referred to in this Regulation;

103.1.2. regulatory enactments regarding formalities related to ships arriving in and departing from port;

103.1.3. regulatory enactments regarding the procedures by which notifications regarding dangerous and polluting ship cargoes are to be provided;

103.1.4. regulatory enactments regarding reception and handling of ship-generated waste and cargo residues;

103.1.5. regulatory enactments regarding implementation and supervision of functions for ship and shipping companies, port and port facility security;

103.2. concerning ships which have proceeded to sea without having complied with the requirements in respect of the voyage data recording system and regulatory enactments regarding procedures for the use of Latvian waters and the navigation regime thereof in respect of navigation within the boundaries of the ship traffic management and information system;

103.3. concerning ships which have been denied entry or expelled from port in accordance with regulatory enactments regarding implementation and supervision of functions for ship and shipping companies, port and port facility security; and

103.4. on apparent anomalies in accordance with Chapter XIX of this Regulation.

104. The Maritime Safety Inspectorate shall provide the European Commission with the information referred to in Annex 14 to this Regulation within the specified time limits. The Maritime Safety Inspectorate shall not provide the information specified in Sub-paragraph 1.2 and 2.1 of Annex 14 to this Regulation, if the information in accordance with Paragraphs 98, 99 and 100 of this Regulation is sent to the inspection database.

XXII. Reimbursement of Costs

105. Should the inspections referred to in Chapter IX and X of this Regulation reveal deficiencies warranting the detention of a ship, all costs relating to the inspections shall be covered by the shipping company or by the representative thereof in Latvia.

106. All costs relating to inspections carried out by the Maritime Safety Inspectorate under the provisions of

Chapter XI and Paragraph 83 of this Regulation shall be charged to the shipping company or the representative thereof in Latvia.

107. All costs relating to the staying of a ship in port due to detention shall be borne by the shipping company or the representative thereof in Latvia.

108. The Maritime Safety Inspectorate shall take a decision regarding release of a ship when the payments specified in this Chapter and regarding which the Maritime Safety Inspectorate has the information are fully made, or a sufficient guarantee is given for reimbursement of the relevant costs.

XXIII. Closing Provisions

109. Cabinet Regulation No. 197 of 14 March 2006, Procedures for Port State Control (*Latvijas Vēstnesis*, 2006, No. 47) is repealed.

110. Paragraph 41 of Annex 6 to this Regulation shall come into force on 1 January 2012.

111. Paragraph 42 of Annex 6 to this Regulation shall come into force when the Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents (in accordance with the specified in Section 12 of this Regulation) has come into force.

112. This Regulation shall come into force on 1 January 2011.

Informative Reference to European Union Directives

This Regulation contains legal norms arising from:

1) Commission Directive 96/40/EC of 25 June 1996 establishing a common model for an identity card for inspectors carrying out port State control;

2) Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports;

3) Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC; and

4) Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (Recast).

Prime Minister,
Minister for Regional Development
and Local Government V. Dombrovskis

Minister for Transport U. Augulis

Annex 1
Cabinet Regulation No. 1164
21 December 2010

Elements of the Port State Control System

1. Ship risk profile

1.1. Generic parameters

1.1.1. Type of ship

1. Passenger ships, oil and chemical tankers, gas carriers and bulk carriers shall be considered as posing a higher risk.

1.1.2. Age of ship

2. Ships of more than 12 years old shall be considered as posing a higher risk.

1.1.3. Flag State performance

3. Ships flying the flag of a State with a high detention rate within the European Union and the Paris Memorandum of Understanding region shall be considered as posing a higher risk.

4. Ships flying the flag of a State with a low detention rate within the European Union and the Paris memorandum of Understanding region shall be considered as posing a lower risk.

5. Ships flying the flag of a State for which the voluntary IMO Member State audit has been completed and, where relevant, a corrective action plan submitted, shall be considered as posing a lower risk.

1.1.4. Recognised organisations

6. Ships which have been delivered certificates from recognised organisations having a low or very low performance level in relation with their detention rates within the European Union and the Paris Memorandum of Understanding region shall be considered as posing a higher risk.

7. Ships which have been delivered certificates from recognised organisations having a high performance level in relation with their detention rates within the European Union and the Paris Memorandum of Understanding region shall be considered as posing a lower risk.

8. Ships with certificates issued by organisations recognised under the terms of Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations shall be considered as posing a lower risk.

1.1.5. Shipping company performance

9. Ships of shipping companies with a low or very low performance as determined by their ships' deficiency and detention rates within the European Union and the Paris Memorandum of Understanding region shall be considered as posing a higher risk.

10. Ships of shipping companies with a high performance as determined by their ships' deficiency and detention rates within the European Union and the Paris Memorandum of Understanding region shall be considered as posing a lower risk.

1.2. Historical parameters

11. Ships which have been detained more than once shall be considered as posing a higher risk.

12. Ships which, during inspection carried out within the period referred to in Paragraph 6 of Annex 6 to Cabinet Regulation No 1164 of 21 December 2010, Procedures for Port State Control (hereinafter - Regulation) have had less than the number of deficiencies referred to in Paragraph 6 of Annex 5 to this Regulation, shall be considered as posing a lower risk.

13. Ships which have not been detained during the period referred to in Annex II of this Regulation, shall be considered as posing a lower risk

1.3. Determining the ship risk profiles

14. The risk parameters referred to in Sub-chapter 1.1 and 1.2 of this Annex shall be combined by using a weighting which reflects the relative influence of each parameter on the overall risk of the ship in order to determine the following ship risk profiles:

14.1. high risk;

14.2. standard risk;

14.3. low risk.

15. In determining these risk profiles greater emphasis shall be given to the parameters for type of ship, flag State performance, recognised organisations and shipping company performance.

2. Inspection of ships

2.1. Periodic inspections

16. Periodic inspections shall be carried out at predetermined intervals. Their frequency shall be determined by the ship risk profile. The interval between periodic inspections of high risk ships shall not exceed six months. The interval between periodic inspections of ships of other risk profiles shall increase as the risk decreases.

17. Port State control inspectors shall carry out a periodic inspection on:

17.1. any ship with a high risk profile which has not been inspected in a port or anchorage within the European

Union or of the Paris Memorandum of Understanding region during the last six months. High risk ships become eligible for inspection as from the fifth month since the last inspection;

17.2. any ship with a standard risk profile which has not been inspected in a port or anchorage within the European Union or of the Paris Memorandum of Understanding region during the last 12 months. Standard risk ships become eligible for inspection as from the 10th month since the last inspection;

17.3. any ship with a low risk profile which has not been inspected in a port or anchorage within the European Union or of the Paris Memorandum of Understanding region during the last 36 months. Low risk ships become eligible for inspection as from the 24th month since the last inspection.

2.2. Additional inspections

18. Ships, to which overriding factors referred to in Paragraph 19 of this Annex or unexpected factors referred to in Paragraph 20 of this Annex apply, are subject to an inspection regardless of the period since their last periodic inspection. However, the need to undertake an additional inspection on the basis of unexpected factors is left to the professional judgement of the port State control inspector.

19. Ships to which the following overriding factors apply shall be inspected regardless of the period since their last periodic inspection:

19.1. ships which have been suspended or withdrawn from their class for safety reasons since the last inspection in the European Union or in the Paris Memorandum of Understanding region;

19.2. ships which have been the subject of a report or notification by another European Union or Paris Memorandum of Understanding region Member State;

19.3. ships which cannot be identified in the inspection database;

19.4. ship which:

19.4.1. have been involved in a collision, grounding or stranding on their way to the port;

19.4.2. have been accused of an alleged violation of the provisions on discharge of harmful substances or effluents, or

19.4.3. have manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigation practices and procedures have not been followed.

20. Ships to which the following unexpected factors apply may be subject to inspection regardless of the period since their last periodic inspection:

20.1. ships which have not complied with the applicable version of IMO Recommendation on navigation through the entrances to the Baltic Sea;

20.2. ships carrying certificates issued by a formerly recognised organisation whose recognition has been withdrawn since the last inspection in the European Union or in the Paris Memorandum of Understanding region;

20.3. ships which have been reported by pilots or public officials or officials of port authority as having apparent anomalies which may prejudice their safe navigation or pose a threat of harm to the environment in accordance with Chapter XIX of this Regulation;

20.4. ships which have failed to comply with the following notification formalities:

20.4.1. notification in accordance with Chapter V of this Regulation;

20.4.2. notification regarding entering of a ship into the port in accordance with regulatory enactments regarding formalities related to entering of a ship into the port;

20.4.3. notification regarding dangerous and polluting cargoes in accordance with regulatory enactments regarding the procedures by which notifications regarding dangerous and polluting ship cargoes are provided;

20.4.4. notification regarding ship-generated waste and cargo residues in accordance with regulatory enactments regarding reception and handling of ship-generated waste and cargo residues;

20.4.5. provision of security information in accordance with Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security;

20.5. ship which has been the subject of a complaint, unless the Maritime Safety Inspectorate deems such complaint to be manifestly unfounded;

20.6. ship has been detained previously for more than three months ago;

20.7. ship which has been reported with outstanding deficiencies, except such for which deficiencies had to be rectified within 14 days after departure, and for deficiencies which had to be rectified before departure;

20.8. ship which has been reported with problems concerning its cargo, in particular noxious and dangerous cargo;

20.9. ship which has been operated in a manner posing a danger to persons, property or the environment;

20.10. ship where information from a reliable source became known, to the effect that its risk parameters differ from those recorded and the risk level is thereby increased.

3. Selection scheme

21. Priority I ships shall be inspected as follows:

21.1. an expanded inspection shall be carried out on:

21.1.1. any ship with a high risk profile not inspected in the last six months;

21.1.2. any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 12 months;

21.2. an initial or a more detailed inspection, as appropriate, shall be carried out on any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 12 months;

21.3. in case of an overriding factors specified in Paragraph 19 of this Annex:

21.3.1. a more detailed or an expanded inspection, according to the professional judgement of the port State control inspector, shall be carried out on any ship with a high risk profile and on any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age;

21.3.2. a more detailed inspection shall be carried out on any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age.

22. The following shall apply to Priority II ships (where the Maritime Safety Inspectorate decides to inspect a Priority II ship):

22.1. an expanded inspection shall be carried out on:

22.1.1. any ship with a high risk profile not inspected in the last five months;

22.1.2. any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 10 months;

22.1.3. any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age, with a low risk profile not inspected in the last 24 months;

22.2. an initial or a more detailed inspection shall be carried out on:

22.2.1. any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 10 months, or

22.2.2. any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age, with a low risk profile not inspected in the last 24 months;

22.3. in case of an unexpected factor specified in Paragraph 20 of this Annex:

22.3.1. a more detailed or an expanded inspection, according to the professional judgement of the port State control inspector, shall be carried out on any ship with a high risk profile and on any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age; or

22.3.2. a more detailed inspection shall be carried out on any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age.

Minister for Transport U. Augulis

Expanded Inspections of Ships

An expanded inspection concerns in particular the overall condition of the following risk areas:

1. Documentation.
2. Hull and construction condition.
3. Weathertight condition - leakproofness.
4. Emergency systems.
5. Radio communication.
6. Cargo operations.
7. Fire safety.
8. Alarms.
9. Living and working conditions.
10. Navigation equipment.
11. Life saving appliances.
12. Dangerous goods.
13. Propulsion and auxiliary machinery.
14. Pollution prevention.

Minister for Transport U. Augulis

Annex 3
Cabinet Regulation No. 1164
21 December 2010

Information Included in the Inspection Database

1. Inspection data of Member States of the European Union and of the Paris Memorandum of Understanding.
2. Data on the ship risk profile and on ships due for inspections.
3. Data on the inspection commitments for each Member State.
4. Data on flag States included in the grey and black list, as referred to in Paragraph 48 of Cabinet Regulation No. 1164 of 21 December 2010, Procedures for Port State Control, as well as in the white list.
5. Data on the performance of shipping companies.
6. Information regarding the items in risk areas to be checked at each inspection.

Minister for Transport U. Augulis

Annex 4
Cabinet Regulation No. 1164
21 December 2010

Notification Regarding Entering of a Ship

1. If an expanded inspection is to be performed for a ship, the master or agent of a ship or a shipping company

shall provide the following information:

1.1. ship identification (name, call sign, IMO identification number or Maritime Mobile Service Identity (MMSI) number);

1.2. planned duration of the call in a port or anchorage;

1.3. for tankers:

1.3.1. configuration (single hull, single hull with SBT, double hull);

1.3.2. condition of the cargo and ballast tanks (full, empty, inerted);

1.3.3. volume and nature of the cargo;

1.4. planned operations at the port or anchorage of destination (loading, unloading, other);

1.5. inspections specified in regulatory enactments, substantial maintenance and repair work to be carried out whilst in the port of destination; and

1.6. date of last expanded inspection in the Paris Memorandum of Understanding region.

2. The information shall be entered in the SSN system at least three days before the expected time of arrival in the port or anchorage or before leaving the previous port if the voyage is expected to take fewer than three days.

Minister for Transport U. Augulis

Annex 5
Cabinet Regulation No. 1164
21 December 2010

Ship Risk Profile

Generic parameters			High risk ship		Standard risk ship	Low risk ship	
			criteria	weighting points	criteria	Criteria	
1.	Type of ship		Chemical tankship, gas carrier, oil tankship, bulk carrier, passenger ship	2	Neither a high risk nor a low risk ship	All types	
2.	Age of ship		All types > 12 y	1		All ages	
3a	Flag	Black list, grey list and white list	Black - very high risk, high risk, medium to high risk	2		White	
			Grey - medium risk	1			
3.b	IMO-audit		-	-		Yes	
4.a	Recognised organisation	Performance	High	-		-	High
			Medium	-		-	-
			Low	Low		1	-
			Very low	Very low			-
4.b	EU recognised		-	-		Yes	
5.	Company	Performance	High	-	-	High	
			Medium	-	-	-	
			Low	Low	2	-	
			Very low	Very low		-	
Historical parameters							
6.	Number of deficiencies recorded in each inspections within previous 36 months	Deficiencies	Not eligible	-		≤ 5 (and at least one inspection carried out in	

						previous 36 months)
7.	Number of detentions within previous 36 months	Detained	Detained ≥ 2 times	1		No detention
<p>High risk ships are ships which meet criteria to a total value of 5 or more weighting points. Low risk ships are ships which meet all the criteria of the Low Risk Parameters. Standard risk ships are ships which are neither high risk nor low risk ships.</p>						

Minister for Transport U. Augulis

Annex 6
Cabinet Regulation No. 1164
21 December 2010

List of Certificates and Other Documents

1. International Tonnage Certificate.
2. Ship Safety Certificates:
 - 2.1. Passenger Ship Safety Certificate;
 - 2.2. Cargo Ship Safety Construction Certificate;
 - 2.3. Cargo Ship Safety Equipment Certificate;
 - 2.4. Cargo Ship Safety Radio Certificate;
 - 2.5. Exemption certificate, including, where appropriate, the list of cargoes; and
 - 2.6. Cargo Ship Safety Certificate.
3. International Ship Security Certificate.
4. Continuous Synopsis Record.
5. Certificates of Fitness for Carriage of Liquefied Gases in Bulk:
 - 5.1. International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk; and
 - 5.2. Certificate of Fitness for Carriage of Liquefied Gases in Bulk.
6. Certificates of Fitness for the Carriage of Dangerous Chemicals in Bulk:
 - 6.1. International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk; and
 - 6.2. Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk.
7. International Oil Pollution Prevention Certificate.
8. International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk.
9. Load Line Certificate:
 - 9.1. International Load Line Certificate;
 - 9.2. International Load Line Exemption Certificate.
10. Oil record book, parts I and II.
11. Cargo record book.
12. Minimum Safe Manning Certificate.
13. Certificates or any other documents in accordance with the provisions of the STCW Convention.
14. Medical certificates.
15. Table of shipboard working arrangements.

16. Records of hours of work and rest of seafarers.
17. Stability information.
18. Copy of the Document of Compliance and the Safety Management Certificate issued, in accordance with the ISM Code.
19. Certificates as to the ship's hull strength and machinery installations issued by the recognised organisation in question (only to be checked by the inspector if the ship maintains its class with a recognised organisation).
20. Document of compliance with the special requirements for ships carrying dangerous goods.
21. High speed craft safety certificate and permit to operate high speed craft.
22. Dangerous goods special list or manifest, or detailed stowage plan.
23. Ship's log book with respect to the records of tests and drills, including security drills, and the log for records of inspection and maintenance of lifesaving appliances and arrangements and of fire fighting appliances and arrangements.
24. Special purpose ship safety certificate.
25. Mobile offshore drilling unit safety certificate.
26. For oil tankers - the record of oil discharge monitoring and control system for the last ballast voyage.
27. The muster list, fire control plan, and for passenger ships - a damage control plan.
28. Shipboard oil pollution emergency plan.
29. Survey report files (in case of bulk carriers and oil tankers).
30. Reports of previous port State control inspections.
31. For ro-ro passenger ships - information on the A/A-maximum ratio.
32. Document of authorisation for the carriage of grain.
33. Cargo securing manual.
34. Garbage management plan and garbage record book.
35. Decision support system for masters of passenger ships.
36. The plans for co-operation between the search and rescue services and passenger ships trading on fixed routes.
37. List of operational limitations for passenger ships.
38. Bulk carrier booklet.
39. Loading and unloading plans for bulk carriers.
40. A document which attests insurance or any other financial security in respect of civil liability for oil pollution damage in accordance with the CLC Convention.
41. Certificates required under regulatory enactments on the insurance of shipowners for maritime claims.
42. Certificate required under Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents.
43. International Air Pollution Certificate.
44. International Sewage Pollution Certificate.

Minister for Transport U. Augulis

Examples of Clear Grounds

I. Clear grounds for a more detailed inspection

1. A ship complies with the conditions referred to in Paragraph 19 or 20 of Annex 1 to Cabinet Regulation No. 1164 of 21 December 2010, Procedures for Port State Control.
2. The oil record book has not been properly kept.
3. During examination of the certificates and other documentation, inaccuracies have been revealed.
4. Indications that the crew members are unable to comply with the requirements related to on-board communication set out in regulatory enactments on the minimum level of training of seafarers.
5. The ship has a master, officer or rating holding a competence certificate obtained fraudulently or the holder of a certificate is not the person to whom that certificate was originally issued.
6. The ship has a master, officer or rating holding a competence certificate issued by a country which has not ratified the STCW Convention.
7. Evidence of cargo and other operations not being conducted safely, or in accordance with IMO guidelines (e.g. the content of oxygen in the inert-gas main supply to the cargo tanks is above the prescribed maximum level).
8. Failure of the master on an oil tanker to produce the record of the oil discharge monitoring and control system for the last ballast voyage.
9. Absence of an up-to-date muster list, or crew members not aware of their duties in the event of fire or an order to abandon the ship.
10. The emission of false distress alerts not followed by proper cancellation procedures.
11. The absence of principal equipment or arrangements required by the Conventions.
12. Excessively unsanitary conditions on board the ship.
13. Observations of the port State control inspector indicates that serious hull or structural deterioration or other deficiencies exist that may place at risk the structural integrity and leakproofness of the ship.
14. Information or evidence that the master or crew is not familiar with essential shipboard operations relating to the safety of ships or the prevention of pollution, or that such operations have not been carried out.
15. The absence of a table of shipboard working arrangements or of records of hours of work or rest of seafarers.
16. Complaint or observations of the inspector that the seafarers are extremely tired (cannot concentrate on the performance of duties).

II. Clear grounds for the expanded control of ships on security aspects*

17. International Ship Security Certificate is not valid, including the term of validity of the Certificate has expired.
18. The ship is at a lower security level than the port or port facility security level.
19. Drills related to the security of the ship have not been carried out.
20. Records for the last 10 ship and port or ship and ship interfaces are incomplete.
21. Evidence that crew members cannot communicate with each other.
22. Evidence that serious deficiencies exist in security arrangements.
23. Information from third parties (such as a report or a complaint) concerning security-related information.
24. The ship holds a subsequent, consecutively issued Interim International Ship Security Certificate and in the professional judgement of the port State control inspector one of the purposes of the ship or shipping company in requesting such a certificate is to avoid full compliance with the requirements specified in Chapter XI-2 of SOLAS Convention and Part A of the International Ship and Port Facility Security Code, beyond the period of the initial Interim International Ship Security Certificate.

* Clear grounds other than those referred to in this Chapter in order to perform expanded control of ships on security

aspects shall be decided in accordance with regulatory enactments regarding implementation and supervision of functions for ship and shipping companies, port and port facility security.

Minister for Transport U. Augulis

Annex 8
Cabinet Regulation No. 1164
21 December 2010

Guidelines and Procedures for the Control of Ships

1. Annex 1, *Port State Control Procedures*, to the Paris Memorandum of Understanding.
2. The following instructions from the Paris Memorandum of Understanding, in their up-to-date version:
 - 2.1. Instruction 33/2000/02: Operational Control on Ferries and Passenger Ships;
 - 2.2. Instruction 35/2002/02: Guidelines for PSCOs on Electronic Charts;
 - 2.3. Instruction 36/2003/08: Guidance for Inspection on Working and Living Conditions;
 - 2.4. Instruction 37/2004/02: Guidelines in Compliance with STCW 78/95 Convention as Amended;
 - 2.5. Instruction 37/2004/05: Guidelines on the Inspection of Hours of Work/Rest;
 - 2.6. Instruction 37/2004/10: Guidelines for Port State Control Officers on Security Aspects;
 - 2.7. Instruction 38/2005/02: Guidelines for PSCOs Checking a Voyage Data Recorder (VDR);
 - 2.8. Instruction 38/2005/05: Guidelines on MARPOL 73/78 Annex I;
 - 2.9. Instruction 38/2005/07: Guidelines on Control of the Condition Assessment Scheme (CAS) of Single Hull Oil Tankers;
 - 2.10. Instruction 39/2006/01: Guidelines for the Port State Control Officer on the ISM-Code;
 - 2.11. Instruction 39/2006/02: Guidelines for Port State Control Officers on Control of GMDSS;
 - 2.12. Instruction 39/2006/03: Optimisation of Banning and Notification Checklist;
 - 2.13. Instruction 39/2006/10: Guidelines for PSCOs for the Examination of Ballast Tanks and Main Power Failure Simulation (black-out test);
 - 2.14. Instruction 39/2006/11: Guidance for Checking the Structure of Bulk Carriers;
 - 2.15. Instruction 39/2006/12: Code of Good Practice for Port State Control Officers;
 - 2.16. Instruction 40/2007/04: Criteria for Responsibility Assessment of Recognised Organisations (R/O);
 - 2.17. Instruction 40/2007/09: Guidelines for Port State Control Inspections for Compliance with Annex VI of MARPOL 73/78.

Minister for Transport U. Augulis

Annex 9
Cabinet Regulation No. 1164
21 December 2010

Refusal of Access

1. If the conditions described in Paragraph 48 of Cabinet Regulation No. 1164 of 21 December 2010, Procedures for Port State Control (hereinafter - Regulation) are met and the ship is detained for the third time in the port or anchorage of Latvia, the Maritime Safety Inspectorate shall inform the master of the ship in writing that a refusal of access decision will be taken which will take effect immediately after the ship has left the port or anchorage.

2. The Maritime Safety Inspectorate shall issue a decision taken regarding refusal of access to the master of the ship. A copy of the decision shall be sent to the flag State administration, the recognised organisation concerned, the other Member States of the European Union and of the Paris Memorandum of Understanding, the European Commission and the Paris Memorandum of Understanding Secretariat. The Maritime Safety Inspectorate shall also update the inspection database with information on the refusal of access without delay.

3. In order to have the refusal of access lifted, the shipping company must address a relevant submission to the Maritime Safety Inspectorate. This submission must be accompanied by a document from the flag State administration issued following an on-board visit by an authorised inspector of the flag State, showing that the ship fully conforms to the applicable provisions of the Conventions. The flag State administration shall provide evidence to the Maritime Safety Inspectorate that a visit on board has taken place.

4. The request for the lifting of the refusal of access must also be accompanied, where appropriate, by a document from the classification society which has the ship in class following an on-board visit by an inspector from the classification society, showing that the ship conforms to the class standards stipulated by that society. The classification society shall provide evidence to the Maritime Safety Inspectorate that a visit on board has taken place.

5. The refusal of access decision may be lifted only after the periods referred to in Paragraphs 50, 51 and 52 of this Regulation have elapsed and following a re-inspection of the ship at an agreed port. In such cases, no cargo operations shall take place at the port until the refusal of access decision has been lifted.

6. If the port of destination is located in the Member State of the European Union, the Maritime Safety Inspectorate shall request a permit from the competent authority of such state for entry of the ship in the port of destination for re-inspection of the ship.

7. If the competent authority of other Member State of the European Union requires a permit for access in the port of destination of Latvia in order such competent authority could re-inspect the ship, the Maritime Safety Inspectorate shall issue the relevant permit.

8. If the detention which led to the issue of a refusal of access decision included deficiencies in the ship's structure, the Maritime Safety Inspectorate may require that certain spaces, including cargo spaces and tanks, are made available for examination during the re-inspection.

9. The re-inspection shall be carried out by the competent authority of the state that has taken the refusal of access decision, or by the competent authority of the port of destination (with the agreement of the competent authority of the state that has taken the refusal of access decision). The competent authority may require up to 14 days' notice for the re-inspection. Evidence shall be provided to the satisfaction of this state that the ship fully complies with the applicable requirements of the Conventions.

10. The re-inspection shall consist of an expanded inspection.

11. If the results of the expanded inspection are positive, the Maritime Safety Inspectorate shall lift refusal of access decision and send it to the shipping company. A copy of the decision shall be sent to the flag State administration, the classification society concerned, the other Member States of the European Union and of the Paris Memorandum of Understanding, the European Commission and the Paris Memorandum of Understanding Secretariat. The Maritime Safety Inspectorate shall also update the inspection database with information on the removal of refusal of access without delay.

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Annex 10
Cabinet Regulation No. 1164
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Inspection Report

The inspection report must contain at least the following items:

1. General information:
 - 1.1. competent authority that wrote the report;
 - 1.2. date and place of inspection;
 - 1.3. name of the ship inspected;
 - 1.4. the flag State;

- 1.5. type of ship (as indicated in the Safety Management Certificate);
 - 1.6. IMO identification number;
 - 1.7. call sign;
 - 1.8. tonnage (gt);
 - 1.9. deadweight tonnage (where relevant);
 - 1.10. date of built indicated in the Ship Safety Certificate;
 - 1.11. one or several classification societies, as well as any other organisation, where relevant, which has/have issued to the relevant ship the classification certificates (if any);
 - 1.12. one or several recognised organisations, as well as any other party which has/have issued to the relevant ship certificates in accordance with the applicable Conventions on behalf of the flag State;
 - 1.13. name (or given name and surname) and address of the shipping company;
 - 1.14. name and address of the charterer responsible for the selection of the ship and type of charter in the case of ships carrying liquid or solid cargoes in bulk;
 - 1.15. final date of writing the inspection report; and
 - 1.16. indication that detailed information on an inspection or a detention may be subject to publication.
2. Information relating to inspection:
 - 2.1. certificates issued in application of the relevant Conventions, authority or organisation that issued the certificates in question, including the date of issue and expiry;
 - 2.2. parts or elements of the ship that were inspected (in the case of more detailed or expanded inspection);
 - 2.3. port, where the last intermediate or annual or renewal survey was carried out, and date when the survey was carried out, and the organisation which carried out the survey;
 - 2.4. type of inspection (initial inspection, more detailed inspection, expanded inspection);
 - 2.5. nature of the deficiencies; and
 - 2.6. measures taken.
 3. Additional information in the event of detention:
 - 3.1. date when detention decision is taken;
 - 3.2. date when a decision regarding release of the ship is taken;
 - 3.3. nature of the deficiencies warranting the detention (references to Conventions, if relevant);
 - 3.4. indication, where relevant, of whether the recognised organisation or any other private body that carried out the survey has a responsibility in relation to the deficiencies which, alone or in combination, led to detention; and
 - 3.5. measures taken.

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Annex 11
Cabinet Regulation No. 1164
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Criteria for the Detention of a Ship

1. Before taking a decision regarding the detention of a ship, the port State control inspector shall apply the criteria referred to in Paragraphs 3 and 4 of this Annex.
2. Where the ground for detention is the result of accidental damage suffered on the ship's voyage to a port, no decision regarding the detention of the ship shall be taken, provided that:

2.1. the requirements contained in Regulation I/11(c) of SOLAS Convention have been duly fulfilled;

2.2. prior to entering a port, the master or shipowner has submitted to the Maritime Safety Inspectorate details on the circumstances of the accident and the damage suffered, as well as informed what information has been provided to the flag State administration;

2.3. appropriate remedial actions, to the satisfaction of the Maritime Safety Inspectorate, are being taken by the ship; and

2.4. the Maritime Safety Inspectorate has ensured, having been notified of the completion of the remedial actions, that deficiencies which were clearly hazardous to safety, human health or the environment have been rectified.

3. In taking a decision regarding the detention of a ship, the port State control inspector shall take into account the following main criteria:

3.1. ships which are unsafe to proceed to sea must be detained upon the first inspection irrespective of how much time the ship will stay in port; and

3.2. the ship shall be detained if its deficiencies are sufficiently serious to merit the port State control inspector returning to satisfy himself that they have been rectified before the ship sails. The need for the port State control inspector to return to the ship is a measure of the seriousness of the deficiencies. It implies that the authority must verify one way or another (preferably by a further visit) that the deficiencies have been rectified before departure.

4. When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention, the port State control inspector shall assess whether:

4.1. the ship has relevant, valid documentation;

4.2. the ship has the crew required in the Minimum Safe Manning Certificate;

4.3. the ship and crew thereof is able to:

4.3.1. navigate safely throughout the forthcoming voyage;

4.3.2. safely handle, carry and monitor the condition of the cargo throughout the forthcoming voyage;

4.3.3. operate the engine room safely throughout the forthcoming voyage;

4.3.4. maintain proper propulsion and steering throughout the forthcoming voyage;

4.3.5. fight fires effectively in any part of the ship if necessary during the forthcoming voyage;

4.3.6. abandon ship speedily and safely and effect rescue if necessary during the forthcoming voyage;

4.3.7. prevent pollution of the environment throughout the forthcoming voyage;

4.3.8. maintain adequate stability throughout the forthcoming voyage;

4.3.9. maintain adequate watertight integrity throughout the forthcoming voyage;

4.3.10. communicate in distress situations if necessary during the forthcoming voyage;

4.3.11. provide safe and healthy conditions on board throughout the forthcoming voyage; and

4.3.12. provide the maximum of information in case of accident.

5. If the answer to any of the assessments referred to in Paragraph 4 of this Annex is negative, taking into account the dangerousness of all deficiencies found, the port State control inspector shall consider, whether the ship shall be subject to detention. A combination of several deficiencies of a less serious nature may also warrant the detention of the ship, if the combination thereof poses a risk to maritime safety, marine environment protection or the seafarers' living or working conditions.

6. Samples of deficiencies due to which the ship may be detained:

6.1. deficiencies of a general nature: the lack of valid certificates or documents required by the Conventions or other regulatory enactments in the field of maritime safety, marine environment protection and seafarers' living and working conditions. However, ships flying the flag of States not party to the relevant Conventions or not having implemented another regulatory enactment in the field of maritime safety, marine environment protection and seafarers' living and working conditions, do not have a duty to receive the certificates intended in the Conventions or other regulatory enactments, therefore, the absence of the referred to certificates may not by itself constitute the reason to detain such ships. However, in applying the "no more favourable treatment" clause, substantial compliance with the requirements of

the referred to documents is required before the ship sails;

6.2. areas under the *SOLAS* Convention (references are given in brackets):

6.2.1. failure of the proper operation of the propulsion and other essential machinery, as well as electrical installations;

6.2.2. insufficient cleanliness of the engine room, an excess amount of oily-water mixtures in the bilges, insulation of the piping including the exhaust pipes in the engine room contaminated by oil products, improper operation of the bilge pumping arrangements;

6.2.3. failure of the proper operation of the emergency generator, lighting, batteries and switches;

6.2.4. failure of the proper operation of the main and auxiliary steering gear;

6.2.5. absence of personal life-saving appliances, collective survival craft and the launching arrangements thereof, an insufficient number of survival craft or the serious deterioration thereof;

6.2.6. absence of the fire detection system, fire alarms, fire fighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers and quick-closing devices, they do not comply with the requirements or they are substantially deteriorated and cannot fulfil the functions thereof;

6.2.7. absence, substantial deterioration or failure of proper operation of the cargo deck area fire protection on tankers;

6.2.8. absence, non-compliance with the requirements or substantial deterioration of the navigation lights, shapes or sound signals;

6.2.9. absence or failure of the proper operation of the radio equipment for distress and safety communication;

6.2.10. absence or failure of the proper operation of the navigation equipment, taking Regulation V/12(o) of *SOLAS* Convention into account;

6.2.11. absence of corrected navigational charts, or all other relevant nautical publications necessary for the intended voyage, taking into account that a type approved electronic chart display and information system operating on official data may be used as a substitute for the charts;

6.2.12. sparking exhaust ventilation for cargo pump rooms (Regulation II-2/59.3.1 of *SOLAS* Convention);

6.2.13. serious deficiencies in the organisation of the ship exploitation specified in Section 5.5 of Annex 1 to the Paris Memorandum of Understanding;

6.2.14. number, composition or qualification of crew not corresponding with the Minimum Safe Manning Certificate;

6.2.15. failure to carry out the enhanced survey programme in accordance with Chapter XI, Regulation 2 of *SOLAS* Convention;

6.3. areas under the International Bulk Chemical (IBC) Code (references are given in brackets):

6.3.1. transport of a substance not mentioned in the Certificate of Fitness or missing cargo information (16.2);

6.3.2. missing or damaged high-pressure safety devices (8.2.3);

6.3.3. electrical installations not intrinsically safe or not corresponding to code requirements (10.2.3);

6.3.4. sources of ignition in hazardous locations (11.3.15);

6.3.5. contraventions of special requirements (15);

6.3.6. exceeding of maximum allowable cargo quantity per tank (16.1); and

6.3.7. insufficient heat protection for sensitive products (16.6.);

6.4. areas under the International Gas Carrier Code (IGC) (references are given in brackets):

6.4.1. transport of a substance not mentioned in the Certificate of Fitness for the Carriage of Liquefied Gases in Bulk, the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk, the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk or missing cargo information (18.1);

6.4.2. missing closing devices for the accommodations or service spaces (3.2.6);

6.4.3. bulkheads not gastight (3.3.2);

- 6.4.4. defective air locks (3.6);
- 6.4.5. missing or defective quick-closing valves (5.6);
- 6.4.6. missing or defective safety valves (8.2);
- 6.4.7. electrical installations not intrinsically safe or not corresponding to code requirements (10.2.4);
- 6.4.8. ventilators in cargo area not operable (12.1);
- 6.4.9. pressure alarms for cargo tanks not operable (13.4.1);
- 6.4.10. gas detection plant or toxic gas detection plant defective (13.6); and
- 6.4.11. transport of substances to be inhibited, slow down, if the ship does not have a valid inhibitor certificate (17/19);
- 6.5. areas under the LL 66 Convention;
 - 6.5.1. significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull affecting seaworthiness or strength to take local loads, unless proper temporary repairs for a voyage to a port for permanent repairs have been carried out;
 - 6.5.2. a recognised case of insufficient stability;
 - 6.5.3. the absence of sufficient and reliable information, which by rapid and simple means enables the master to arrange for the loading and ballasting of the ship in such a way that a safe margin of stability is maintained at all stages and at varying conditions of the voyage, and that the creation of any unacceptable stresses in the ship structure are avoided;
 - 6.5.4. absence, substantial deterioration or defective closing devices, hatch closing arrangements and watertight doors;
 - 6.5.5. the ship is overloaded; and
 - 6.5.6. absence of draft mark or draft mark impossible to read;
- 6.6. areas under the *MARPOL* Convention, Annex 1 (references are given in brackets):
 - 6.6.1. absence, serious deterioration or failure of the proper operation of the oily-water filtering equipment, the oil discharge monitoring and control system or the 15 ppm alarm arrangements;
 - 6.6.2. remaining capacity of slop or sludge tank insufficient for the intended voyage;
 - 6.6.3. Oil Record Book not available (20 (5));
 - 6.6.4. unauthorised discharge bypass fitted;
 - 6.6.5. survey report file missing or not in conformity with Regulation 13G(3)(b) of *MARPOL* Convention.
- 6.7. areas under the *MARPOL* Convention, Annex II (references are given in brackets):
 - 6.7.1. absence of the procedures manual in accordance with Regulation 5, Annex II to the *MARPOL* Convention (P&A Manual);
 - 6.7.2. cargo is not categorised (3 (4));
 - 6.7.3. no cargo record book available (9 (6));
 - 6.7.4. transport of oil-like substances without satisfying the requirements or without an appropriately amended certificate (14); and
 - 6.7.5. unauthorised discharge bypass fitted;
- 6.8. areas under the *STCW* Convention and national regulatory enactments on the minimum level of training of seafarers:
 - 6.8.1. the crew members do not have appropriate certificates, valid interim permits or they cannot provide any documentary proof that an application for endorsement has been submitted to the flag State administration;
 - 6.8.2. evidence that a certificate has been fraudulently obtained or the holder of a certificate is not the person to whom that certificate was originally issued;

6.8.3. failure to comply with the applicable safe manning requirements of the flag State administration;

6.8.4. failure of the navigational or engineering watch arrangements to conform to the requirements specified for the ship by the flag State administration;

6.8.5. absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution;

6.8.6. failure to provide proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of pollution; and

6.8.7. inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty; and

6.9. areas under the International Labour Organisation Conventions:

6.9.1. insufficient food for voyage to next port;

6.9.2. insufficient potable water for voyage to next port;

6.9.3. excessively unsanitary conditions on board;

6.9.4. no heating in accommodation of a ship operating in areas where temperatures may be excessively low;

6.9.5. insufficient ventilation in accommodation of a ship;

6.9.6. excessive garbage non-complying with the hygiene norms, blockage by equipment or cargo or otherwise unsafe conditions in the passageways and accommodations; and

6.9.7. evidence that the crew members, who shall ensure the first watch, are too tired (for example, cannot concentrate on the performance of duties).

7. Ship shall not be detained, if the inert gas system or cargo-related gear or machinery fail to operate or are not maintained in accordance with the operating instructions thereof. It shall be considered as sufficient grounds for stopping cargo operations.

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Annex 12

Cabinet Regulation No. 1164

21 December 2010

Minimum Requirements for the Port State Control Inspectors

1. A port State control inspector must have appropriate theoretical knowledge and practical experience of ships' structure and their operation. He or she must be competent in the enforcement of the requirements of Conventions and of the relevant port State control procedures. This knowledge and competence in enforcing international and European Union requirements must be acquired through documented training programmes.

2. In order to ensure the fulfilment of the provisions referred to in paragraph 1 of this Annex, a port State control inspector must, as a minimum, have:

2.1. acquired at least one of the following qualifications:

2.1.1. acquired a certificate of competency of ship officer in accordance with the requirements of Regulation II/2 or III/2 of Annex to STCW Convention not limited as regards tonnage, propulsion power or operating area;

2.1.2. passed examination for a naval architect, mechanical engineer or an engineer related to the maritime fields and work experience in that capacity for at least 5 years;

2.1.3. acquired a relevant university degree or equivalent, as well as have properly trained and qualified as a ship safety inspector;

2.2. acquired at least one of the following work experience:

2.2.1. completed a minimum of one year's service as a flag-State control inspector either dealing with surveys and certification in accordance with the Conventions or involved in the monitoring of the activities of recognised organisations;

2.2.2. a minimum of one year's field training participating in port State control inspections under the guidance of experienced port State control inspectors;

2.3. the inspector whose qualification complies with the requirements specified in Sub-paragraph 2.1.1 of this Annex must have gained a maritime experience of at least five years, including periods served at sea as an officer in the deck- or engine-department respectively, or as a flag State inspector or as an assistant port State control inspector. Such experience shall include a period of at least two years at sea as a deck or engine officer;

2.4. ability to communicate with seafarers in English orally and in writing.

3. If a person has been employed in the position of a port State control inspector before 23 April 2009 and fails to comply with the requirements referred to in Paragraph 2 of this Annex, he or she may continue to fulfil the duties of the inspector.

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Annex 13

Cabinet Regulation No. 1164
21 December 2010

Certificate of the Port State Control Inspector

1. Certificate of the Port State Control Inspector shall include the following:

1.1. name of the issuing authority;

1.2. given name and surname of the certificate holder;

1.3. a photograph of the certificate holder not older than five years;

1.4. signature of the certificate holder;

1.5. a notation that the certificate holder is authorised to perform port State control in accordance with the relevant regulatory enactments.

2. Entries in the Certificate of the Port State Control Inspector shall be in Latvian and English.

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Annex 14

Cabinet Regulation No. 1164
21 December 2010

Data to be Provided to the European Commission

1. The Maritime Safety Inspectorate shall provide the European Commission with the following data for the preceding year every year by 1 April:

1.1. number of inspectors acting on their behalf in the framework of port State control. This information shall be communicated completing the following table:

Port/area	Number of full-time inspectors	Number of part-time inspectors	Conversion of the number of part-time inspectors to full-time	Total
Port X/or Area X ...				
Port Y/or Area Y ...				
Total				

1.2. the number of individual ships that entered the ports of Latvia.

Specify only those ships to which this Regulation applies.

Each such ship shall be considered as one unit regardless of the number of times the referred to ship has entered the ports of Latvia.

2. The Maritime Safety Inspectorate shall provide the European Commission:

2.1. every six months with a list of calls at port of individual ships (other than regular passenger and freight ferry services), that entered ports of Latvia, containing ship's IMO identification number, its date of arrival and the port. The list shall be provided in the form of a spreadsheet programme enabling an automatic retrieval and processing of the abovementioned information. The list shall be provided within four months from the end of the period to which data pertained;

2.2. with separate lists of regular passenger ferry services and regular freight ferry services, containing for each ship its IMO identification number, its name and the route covered by the ship - not later than by 1 July 2011, and thereafter each time changes take place in such services. The list shall be provided in the form of a spreadsheet programme enabling an automatic retrieval and processing of the abovementioned information.

Minister for Transport U. Augulis

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