

**ΠΑΝΕΠΙΣΤΗΜΙΟ ΠΕΙΡΑΙΩΣ**



**ΤΜΗΜΑ ΝΑΥΤΙΛΙΑΚΩΝ ΣΠΟΥΔΩΝ**

**ΠΡΟΓΡΑΜΜΑ ΜΕΤΑΠΤΥΧΙΑΚΩΝ**

**ΣΠΟΥΔΩΝ ΣΤΗΝ ΝΑΥΤΙΛΙΑΚΗ**

**ΔΙΟΙΚΗΤΙΚΗ**

**THE ROLE OF FLAG STATES**

**ADMINISTRATION IN SHIPPING**

**INDUSTRY**

*Αθηνά Χαζίζα*

*Διπλωματική Εργασία*

που υποβλήθηκε στο Τμήμα Ναυτιλιακών Σπουδών του Πανεπιστημίου Πειραιώς ως  
μέρος των απαιτήσεων για την απόκτηση του Μεταπτυχιακού Διπλώματος  
Ειδίκευσης στην Ναυτιλιακή Διοικητική

Πειραιάς

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«Η παρούσα Διπλωματική Εργασία εγκρίθηκε ομόφωνα από την Τριμελή Εξεταστική Επιτροπή που ορίστηκε από την ΓΣΕΣ του τμήματος Ναυτιλιακών Σπουδών Πανεπιστημίου Πειραιώς σύμφωνα με τον Κανονισμό Λειτουργίας του Προγράμματος Μεταπτυχιακών Σπουδών στην Ναυτιλιακή Διοικητική .

Τα μέλη της επιτροπής ήταν :

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Η έγκριση της Διπλωματικής Εργασίας από το Τμήμα Ναυτιλιακών Σπουδών του Πανεπιστημίου Πειραιώς δεν υποδηλώνει αποδοχή των γνώμων του συγγραφέα .»

## ΠΕΡΙΛΗΨΗ

Η ναυτιλία έχει μια πολύ δυναμική θέση στην παγκόσμια βιομηχανία και ένας από τους σημαντικότερους θεσμικούς οργανισμούς που τη στηρίζουν είναι τα κράτη σημαίας. Η πρωταρχική ευθύνη των κρατών σημαίας είναι η ασφάλεια της ναυτιλίας και δευτερευόντως η κατά γράμμα εφαρμογή των καθηκόντων τους. Παρά τις προσπάθειες βελτίωσης της εφαρμογής του κράτους σημαίας, η συμμόρφωση με τα διεθνή πρότυπα επιτυγχάνεται κατά κύριο λόγο μέσω της πίεσης που ασκούν οι λιμενικές αρχές στην βιομηχανία. Οι λιμενικές αρχές αποτελούν επίσης ένα μέσο αποτελεσματικότητας για την επίτευξη εφαρμογής των διαφόρων διεθνών συμβάσεων που καλύπτουν την ασφάλεια, τις συνθήκες εργασίας και την πρόληψη της ρύπανσης σε εμπορικά πλοία. Τα πιστοποιητικά είναι η απόδειξη ότι το σύστημα λειτουργεί με βάση τους κανονισμούς. Κατ'ακολουθία η ανάπτυξη των σημαιών ευκαρίας, ενός νέου συστήματος κατά το οποίο, τα εμπορικά πλοία καταγράφονται σε χώρες με ανοικτά μητρώα χωρίς αυτά να συνδέονται με τα κράτη σημαίας στα οποία έχουν κάνει την εγγραφή τους, παίζουν σπουδαίο ρόλο στην διατήρηση ή μη των απαιτούμενων συμμορφώσεων. Τέλος, οι ειδικής φύσεως σημαίες (δεύτερα μητρώα) αποτελούν ένα αναπόσπαστο κομμάτι στην λειτουργία του συστήματος.

## ABSTRACT

Shipping has a very dynamic place in the global industry and one of the most important institutions supporting it, is the flag state. The primary responsibility of the flag states is the safety of the shipping and secondarily the implementation of their duties. Despite efforts to improve the implementation of the flag state, the compliance with international standards is largely achieved through the pressure exerted by the port authorities on industry. Port authorities are also an instrument of effectiveness in achieving the implementation of various international conventions covering safety, working conditions and pollution prevention on merchant ships. Certificates are proof that the system operates under regulations. Subsequently, the development of flags of convenience, a new system in which merchant ships are registered in countries with open registrations without being linked to the flag states in which they are registered. Those do play an important role in maintaining or not the required compliances. Finally, special flags (second registries) are an integral part of the system's operation.

## CONTENTS

## CHAPTER I :

- Introduction (ΕΙΣΑΓΩΓΗ)
- Introduction to ships Nationality
- The duties of the Flag State
- The correlation of flag states with the IMO

## CHAPTER II :

- The FSI subcommittee
- The Conventions & the related certificates (SOLAS ,MARPOL ,STCW, ILO)
- The correlation of flag states with the Classification Society
- The correlation of flag states with the SMS

## CHAPTER III :

- The Port State Control
- Flag of Convenience and the Open Registries
- Historical Data of Registration Development

## CHAPTER IV

- The Liberian Registry
- The Panamanian Registry
- The Memorandum of Understanding
- The Second & the Closed Registry (NIS,DIS,NOR,UK)

## CONCLUSIONS

## BIBLIOGRAPHY

## 1.ΕΙΣΑΓΩΓΗ

Το αντικείμενο της διπλωματικής Εργασίας είναι ο ρόλος των κρατών σημαίας σε κάθε πτυχή της ναυτιλίας .Αρχικά , γίνεται μια μικρή αναφορά στην εθνικότητα των караβιών και στα καθήκοντα που έχουν να αναλάβουν τα κράτη σημαίας έχοντας ως στόχο την εύρυθμη λειτουργία του συστήματος.Οι στόχοι της εργασίας εστιάζονται γύρω από την σφαίρα αυτών των αρμοδιοτήτων .Για την καλύτερη κατανόηση του συστήματος η ανάλυση προχωρά στην συσχέτιση των κρατών σημαίας με τον Διεθνή Ναυτιλιακό Οργανισμό ( IMO ) ,τις συμβάσεις ( CONVENTIONS ) σε συνδυασμό με τα απαιτούμενα πιστοποιητικά που εκδίδονται από αυτούς .Η συσχέτιση με την κλάση ( classification society) και του συστήματος διαχείρισης ασφάλειας ( SMS) μας βοηθά να αντιληφθούμε περισσότερο την σπουδαιότητα αυτών των δραστηριοτήτων.Στην πορεία θα μελετηθούν οι λιμενικές αρχές και η αλληλεπίδρασή τους με τους ελέγχους των караβιών ή και των ενδεχόμενων σεναρίων κράτησης ( detention) των караβιών καθώς επίσης και με τα μνημόνια ( memorandum of understanding) τα οποία καθορίζουν την συχνότητα των επιθεωρήσεων και αξιολογούν την επικινδυνότητα του πλοίου .Παρακάτω θα παρουσιαστούν ζητήματα μητρώων πλοίου ,όπως τα ανοικτά μητρώα ,και οι σημαίες ευκαιρίας ( open registries & flags of convenience) , το μητρώο της Λιβερίας ( Liberian Registry) και του Παναμά ( Panamanian Registry) ως παραδείγματα , καθώς ακόμη και τα κλειστά μητρώα (closed registries ) , τα ‘δεύτερα μητρώα’(second registries) ,εστιάζοντας στα πλεονεκτήματα και μειονεκτήματά ,όντας μέλη τους .

## 1.1 INTRODUCTION TO SHIPS NATIONALITY

The Flag administration is a maritime authority responsible for the registry of a vessel's country. The flag indicates the regulatory frame to which it is subject. Another interpretation of the above definition is the nationality of a ship, received by the Flag State (country) to which the ship is registered. The operations of a vessel should comply with the laws of its flag state and that is mainly for admiralty purposes. As soon as the ship registry is completed the flag state to which the vessel belongs, has to issue the certificates, which afterwards should be placed on board. In other words, the dominant reason that Flag Administration exists, is to provide the compliances regulated by issuing these certificates.

The ship's nationality plays a significant role in the maritime law and in the shipping business. The decision about which flag a vessel will fly is taken by the shipowner who takes into his consideration factors such as the tax, inspection and maritime law. In conflict situations of a vessel with another one, the first thing will be applied is what the ship's nationality regulations stated and so the court during its judgement will be based on them (The Nationality of ships, Martinus Nijhoff, The Hague 1967).

## 1.2. THE DUTIES OF THE FLAG STATE

Among the duties of the flag state we distinguish the way it has to highlight the international law and to make use of it on board. More specifically, in terms of safety at sea the ship must follow some requirements as given by the flag ,like the manual with regard to life saving instructions on board the ship. Another "duty" is to provide the responsibility to the Master as their representative in order to fulfil works like maintenance issues, issues related with the crew and wherever he thinks is necessary to be involved .What concerns mostly the flag state organs is the " users of the property " and if their carried out activities are compatible with the international maritime law .Furthermore , there must be observed by flag state organs side the application of due diligence ,a ship during its voyage, flies only one flag and does not exist any change or transfer of it .Based on the aforementioned , we conclude to the below basic areas that flag states undertake : promoting safety ,piracy, slave trade ,pollution prevention of sea-water, breaking of cables or pipelines.

In more detail and based on UNCLOS (United Nations Convention on the Law of the Sea ), under Article 94 are obligated to perform the following duties(The Nationality of ships, Martinus Nijhoff ,The hague 1967, The duties of the flag state ,page 108) :

- Assumption and effective exercise of jurisdiction over administrative, technical and social matters aboard its ships both at sea through regular inspections
- Maintenance of a ship register . For each state is beneficial to have under its registry a large number of vessels, as its position becomes more powerful and simultaneously the owner of the ship remains active in the marketplace.
- Conformity with international regulations : A large number of instruments have been put in place to arrange systematically the international regulations that flag states and the crews of their ships have to understand and follow them. A requirement might be the prevention of collision or the appropriate number of the qualified crew or labour conditions and the instruments are the Conventions for which we are going to analyze below. IMO is the starting



point for these developments (Flag State Responsibility ,John N.K. Mansell ,Historical Development and Contemporary Issues ,2009)

- Investigation of all reports of lack of proper jurisdiction and control by that flag state (Tina Shaughnessy & Ellen Tobin ,page 12) . A state (port or coastal state control) when is unhappy with the jurisdiction and control exercised by a flag state ,it is allowed to report its concern to that state (Flag State Responsibility ,John N.K. Mansell ,Historical Development and Contemporary Issues ,2009)
- Inquiries into all casualties and incidents on the high seas involving one of its ships and cooperation with inquiries held by other states regarding such incidents (Tina Shaughnessy & Ellen Tobin ,page 12) . The purpose, is the observance of the safety at sea ,the construction ,equipment and seaworthiness regulations . The only duty of the flag state which has not been systematized by an IMO (International Maritime Organization) instrument ,is the requirement for a survey before registration . Most propably , that occurred since the nature of the registration is deemed to be tacit. The Convention of SOLAS (Safey of Life at Sea) has clear and detailed requirements for a survey before a newly built ship starts its service and this would normally be conducted before the ship is initially registered .If the ship changes its flag ,there is no requirement for a survey by the “ winner “ flag state , then the vessel will normally receive the complete set of valid certificates issued by the “loser” flag state and these certificates must be accepted by the other states as compliance proof. It should also noted that not all states combine the compliance and statutory certification with their registration process. The general aspect of the survey done in prior of registration is for the purposes of tonnage measurement and for getting the verification of the navigational equipment .The flag state usually determines whether will proceed into fixing certain conditions before granting its nationality to a vessel and whether is required the initial survey (Flag State Responsibility ,John N.K. Mansell

,Historical Development and Contemporary Issues ,2009/Chapter 3.3  
Registration and Survey ).

- THE CORRELATION OF FLAG STATES WITH THE IMO  
(INTERNATIONAL MARITIME ORGANIZATION)

IMO is a precious supporter of all maritime governments of the world and it handles their affairs by ensuring the cooperation among these nations. The instruments IMO uses to succeed smooth operations at sea are the Conventions , Protocols, Amendments , Recommendations /codes /guidelines ,Resolutions. The Conventions are written agreements with several parts and IMO organizes these different conventions , looks after the ratifications by its members and publishes them .Conventions uses measures like length or gross tonnage of a ship or the type of a ship, they determine the inspection intervals of the vessel for that convention .Despite all conventions and regulations ,disaster still happens. Protocols are used by the IMO in order to introduce changes to the Conventions. The ending part of the Protocols are the Amendments which are the actual reforms. The Recommendations/codes /guidelines are informal recommended practices which are to be accepted by IMO in the long term or in the short . The Resolutions result from an agreement ,amendment or a recommendation and they are the final accepted documents by IMO. The main organs of IMO is the Assembly, a Council and five Committees( the Maritime Safety Committee, the Marine Environment Protection Committee ,Legal Committee, Technical co-operation Committee and a Facilitation Committee ) and the Secretariat .

Among the purposes of the Organization is provision of governmental regulation for technical matters which usually affect the international trade. Also, it provides the

highest standards in terms of maritime safety for the efficiency of navigation and prevention of marine pollution. The Organization's involvement reaches to legal matters associated with the above purposes. In more detailed, this legislative body has as its main pillars the Conventions SOLAS, STCW (Standards of Training Certification and Watchkeeping), MARPOL (for the Prevention of Pollution from ships) which will be analysed below.

### 1. THE SUBCOMMITTEE'S WORK ON FLAG STATE IMPLEMENTATION

Following the shipping accidents occurred in the 1980s the Maritime Safety Committee imposed stricter rules and that fact, subsequently, brought the need of the flag state compliance. A new group was established then named as a subcommittee which helped a lot to succeed a stable and effective implementation of IMO instruments in the globe. The most remarkable achievement of the FSI subcommittee was the assistance it provided to the Flag States. The instruments that this subcommittee managed to develop was :

- guidelines for the approval of agencies acting on behalf of the administration
- a template of agreement of the above approval
- guidelines to assist flag states in implementing IMO instruments
- specifications for the inspection and certification functions of recognized organizations
- formal instructions on the implementation of the ISM code by administrations
- flag state performance self assessment and the criteria

After some Resolutions drafts, the subcommittee concluded to the below criteria when a State selects the self assessment :

- The legal framework existence and the publishing of the maritime rules emerging the satisfaction of the obligations a State has

- The proof of the complete validity of the acts in force to which the Flag State is a party
- The responsibility should have any recognized organization (RO) acting on behalf of the administration
- The ability to promote the safety and environmental culture at work by its policy
- The ability to ensure that a ship complies with the applicable requirements
- The ability of taking the appropriate remedies when findings such as personal injuries ,accidents ,pollution incidents ,are noted

The database effectiveness depends on the below three levels of information :

1<sup>st</sup> level: the database should provide and collect mandatory information from Member States so that the Organization receives the reply on whether the IMO instruments are implemented effectively

2<sup>nd</sup> level: the database should supply information in order for any possible problem to be easily identifiable. Of particular relevance to the matter of effective flag state performance is the delegation of flag state statutory functions to RO's as mandatory instruments under SOLAS .Apart from this Resolution ,another one was included for the Implementation of Mandatory IMO instruments 2007 which provides the standards are required for effective flag ,coastal and port state implementation.

3<sup>rd</sup> level : the database should enable the Organization to find gaps or failures, flowing from the way the instrument is administered by the States.

- THE CONVENTIONS AND THE CERTIFICATES

Some of the basic elements ,for the promotion of the credibility of the vessels , are the International Conventions of the IMO .The provisions for the control of ships originate from the introduction of the regulations in SOLAS (Safety of Life at Sea) Convention, in MARPOL (for the Prevention of Pollution from ships) Convention

and in STCW (Standards of Training ,Certification and Watchkeeping for Seafarers) Convention .In reference with the control requirements ,all these Conventions defends the right of the ships for not delaying or being unduly detained during the exercising control. In order to motivate a wider participation ,the Convention State that the ships which are not parties to them ,will not be given to them any favourable treatment .

## THE SOLAS CONVENTION & THE ISPS CODE

It is one of the most important international treaty concerning the safety of merchant ships. SOLAS job is to specify the minimum standards as per construction ,equipment and operation of ships with regards to their safety .The flag states are accountable for ensuring that the ships comply with the requirements of their flag and the proof of that done are the certificates prescribed in the SOLAS Convention .The range of measures the Convention undertakes to cover is :the lifesaving appliances, safety of navigation ,carriage of dangerous goods ,radiotelephony. It applies to all passenger ships no matter the size they have and all cargo ships of 500 GT and over .

### CERTIFICATES :

**-Exemption certificate** : when an exemption is given to a ship in accordance with the SOLAS provisions ,it shall be issued but additionally with other certificates. Based on Chapter I ,the General Provisions of SOLAS , the administrator may exempt a vessel which is not normally dealt with an international voyage but that exceptionally is required to undertake it ,given the fact that the vessel complies with the safety requirements (14<sup>th</sup> of December ,2010 ,Cornell Law School ,Legal Information System )

**-Coating Technical File** : it contains specifications respecting the coating system applied. This file shall contain items such as the product name /identification number ,materials relating to the coating system, shipyard work records of coating application (such as the method of surface preparation ) , shipyard's verified inspection report (on this report could be stated the result of inspection), procedures for maintenance and repair of coating system . (Annex II , International Maritime Information , 2 June ,2006)

**-Emergency Towing procedure:** it shall be kept on board and used in emergency situations. These procedures should be considered as part of the emergency preparedness required by the International Safety Management Code .Not all ships have the same degree of shipboard equipment so that there may be limits to possible towing procedures and the intention is to provide all the information to the crew , via a booklet or a plan. (IMO ,Circular 1255, 27<sup>th</sup> of May ,2008)

**-Construction Drawings :**all the plans related with the construction of the ship shall be carried onboard the ship .An additional set of the ship's drawings shall be kept ashore by the Company (IMO ,SOLAS consolidated edition 2009)

**-Ship Construction File :** in condition that the type of the ship is an oil tanker or bulk carriers of 150 meters length and above and some other specification requirements.

**-Noise Survey Report :** it is applicable to new ships of 1.600 gross tonnage and above exempting fishing vessels, mobile offshore drilling units and others.

**-Stability Information :** it is applied on every passenger ship

**-Damage Control Plans and Booklets :**these booklets shall be expendable to the officers of the ship .These are applicable to passenger and cargo ships and they are showing for each deck and hold the boundaries of the watertight compartments ,the openings therein with the means of closure and position of any controls ,and the arrangements for the correction of any list due to flooding (SOLAS 1974, regulations II-1/23, 23-1, 25-8; MSC/Circ.919 )

**-Manoeuvring Booklet:** it shall be available to the Master of the vessel. It is referred to the ability of the ship to navigate

**-Fire Safety training manual :** it shall be provided to each crew room. The manual shall contain instructions and should be written in the working language of the ship (SOLAS 1974, 2000 amendments ,regulation II-2/15.2.3)

**-Fire Control plan :**The general arrangement plans shall be permanently exhibited for the guidance of the ship's officers showing clearly for each deck the control stations ,the various fire sections together with particulars fire detection and fire alarm

systems and the fireextinguishing appliances (SOLAS 1974, 2000 amendments ,regulation II-2/15.2.4)

**-Fire safety operational booklet** :it contains guidances for the safe of operation of the ship and the cargo. The booklet shall be written in the working language of the ship and be provided in each crew mess room and recreation room or in each crew cabin (SOLAS 1974, 2000 amendments ,regulation II-2/16.2)

**-Document of Compliance:** It is a document on which are stated : the identity of the ship (name ,IMO identification number and port registry or home port) ,the name - address and principal place of business of the shipowner ,the identity of the verifier , the date of issue of the document (the validity and the reporting period )

And other certificates such as : the Maintenance Plans which include the basic information in case of fire, the Onboard Training and Drills record , the Operations manual for helicopter facility, Statement of acceptance of the installation of replacement release and retrieval system to an existing lifeboat, Muster list and emergency instructions ,Ship specific plans and procedures for recovery of persons from water ,training manual ,radio record, minimum safe manning document ,voyage data recorder system /certificate of compliance ,AIS test report, Nautical charts and nautical publications ,LRT conformance test report ,International code of signals and a copy of international aeronautical and maritime search and rescue ,Records for pilot ladders used for pilot transfer ,Records of navigational activities, Cargo securing manual ,Material Safety data sheets, Safety Management certificate, Continuous Synopsis Record ,Ship security plan and associated records, ISSC (International or Interim Ship Security Certificate , Passenger Ship Safety Certificate , Decision Support System for masters, Search and rescue cooperation plan, List of operational Limitations ,Cargo Ship Safety construction certificate ,Cargo ship safety equipment certificate, Cargo ship safety radio certificate , cargo ship safety certificate ,Ship structure access manual ,Cargo information ,Bulk carrier booklet, Document of authorization for the carriage of grain and grain loading manual, Enhanced survey report file ,Special purpose ship safety certificate ,Nuclear passenger or cargo ship safety certificate ,Operating manual for nuclear power plant ,Dangerous goods manifest or stowage plan ,Transport Information ,High speed craft safety certificate .

After the introduction of the FSI and the crucial amendments of SOLAS respecting the acts of terrorism against the ships, a new extension control tool was developed to assist the Port State Control audit task and is named ISPS (International Ship and Port facility Security) Code. The key targets of ISPS Code are:

- the establishment of an international policy involving cooperations between governments and agencies, shipping and port facilities for detecting threats of terrorism and taking precautionary measures for their protection

- to establish duties of responsibilities for ensuring maritime security

- to ensure the immediate collection and exchange of security related data

- to establish security plans for the assessment of the Code

From the side of ships, the requirements involve the ship security plan, ship security officers, company security officers, onboard equipment. The port facilities are to hold port facility security plans, port facility security officers and security equipment. For both ships and port facilities the requirements include the observation and controlling of the access, the activities of people or cargo and the high level in the availability of security communication. "There are three security levels: the first one means the level for which appropriate protective security measures shall be maintained at all times. In other words, these are the normal, every day security measures and at this level the threat of an unlawful act against a vessel is possible, but not likely. Concerning the second security level, it means the level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident. This risk level indicates that a particular segment of the industry may be in jeopardy, but that no specific target has been identified. Finally, the third security level is the level for which further specific protective security measures shall be maintained for a limited period of time when security incident is probable or imminent. It may not be possible to identify the specific target." (ABS Academy, ISPS Code CSO/Internal Auditor). The answer to a possible question may arise about selecting to apply a specific security level, is given by the contracting governments, the flag state in cooperation with the classification society and the port state.



MARPOL (International Convention for the Prevention of Pollution from Ships)

MARPOL Convention covers the technical matters of pollution from ships excluding the disposal of waste into the sea .It applies to all tankers over 150 GN and all other vessels over 400 GN .The Convention also includes regulations targeting to prevent and minimize pollution (for the accidental pollution and for the pollution occurred by the operations of the ship).

THE CERTIFICATES :

**-International Oil Pollution Prevention Certificate:** it shall be issued to any oil tanker of 150 gross tonnage and above and any other ship of 400 gross tonnage and above . It concerns vessels engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to MARPOL 73/78. Complementary to that , a Record for Construction and equipment for ships is included (MARPOL 73/78 ,ANNEX I ,regulation 5 ).

**-Oil Record Book :** Every oil tanker of 150 gross tonnage and above and every ship of 400 gross tonnage and above other than an oil tanker shall be provided with an Oil Record Book (part I ,machinery space operations ) and in part II ,of cargo ballast operations ,is included every oil tanker of 150 gross tonnage and above (MARPOL 73/78 ,ANNEX I ,regulation 20 ).

**-Shipboard Oil Pollution Emergency Plan :**Every oil tanker of 150 gross tonnage and above and every ship other than an oil tanker of 400 gross tonnage and above shall carry on board a Shipboard Oil Pollution Emergency Plan approved by the Administration (MARPOL 73/78, ANNEX I ,regulation 26).

**-International Sewage Pollution Prevention Certificate :**It shall be issued after an initial or renewal survey in accordance with the provisions of regulation 4 of Annex IV of MARPOL 73/78 ,to any ship which is required to comply with the provisions of that Annex and is engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention (MARPOL 73/78, Annex IV ,regulation 5 /MEPC ,Circ.408) .

### **-Document of approval for the rate of sewage discharge**

**-Garbage Record Book** : Every ship of 400 gross tonnage and above and every ship which is certified to carry 15 persons or more engaged in voyages to ports or offshore terminals under the jurisdiction of other parties to the convention and every fixed and floating platform engaged in exploration and exploitation of the sea-bed shall be provided with a Garbage Record book (MARPOL 73/78, ANNEX V ,Regulation 9)

**- Subdivision and Stability Information** :Every oil tanker to which regulation 25 of Annex I of MARPOL 73/78 applies shall be provided in an approved form with information relative to loading and distribution of cargo necessary to ensure compliance with the provisions of this regulation and data on the ability of the ship to comply with damage stability criteria as determined by this regulation (MARPOL 73/78,ANNEX I ,regulation 25).

### **-International Energy Efficiency Certificate**

And other certificates such as: Ozone –depleting substances record book, Fuel Oil Changeover procedure and Logbook , Manufacturer’s Operating Manual for Incinerators, Bunker Delivery Note and Representative Sample ,Ship Energy Efficiency Management Plan ,Dedicated Clean Ballast Tank Operation Manual (MARPOL 73/78,ANNEX I/ regulation 13A), Condition Assessment Scheme , International Air Pollution Prevention Certificate ,Record of Oil discharge monitoring and control system for the last ballast voyage ( MARPOL 73/78 ANNEX I ,Regulation 15,3a ), Oil discharge Monitoring and Control Operational Manual (MARPOL 73/78,ANNEX I /regulation 15,3c ),Crude Oil Washing Operation and Equipment manual .In addition to the above, there are also certificates with regard to any ship carrying noxious liquid chemical substances in bulk .

STCW (Standards of Training, Certification and Watchkeeping for seafarers)

STCW as amended in 2010, is the international treaty that regulates the training and certification of maritime personnel as well as the standards of competence, watch-keeping arrangements on board ,including minimum rest periods .The Convention

stipulates responsibilities of companies ,to ensure that the maritime personnel they employ meet minimum international standards of competence and hold the necessary certification. It places obligations on companies to ensure that maritime personnel have received appropriate refresher training as part of their continuing competence .During the audits verify ,we consider that the standards are met if STCW applies regulations as regards training ,if follows IMO model courses ,if applies flag requirements as regards STCW training and certification and if the industry standards are followed like OCIMF,TMSA. The responsibility of the flag state on this Convention is the implementation of STCW requirements and the issue certificates only to seafarers who meet the minimum competency requirements.

### TRAINING REGULATIONS

-The relevant familiarization should be ensured too. Seafarers are to become familiarized with their specific duties and with all arrangements ,equipment ,procedures and ship characteristics in reference with their routine and emergency duties.

-The assessment has to do with the combination of knowledge ,skills and proficiency and those are the elements involved to the competences of the seafarers.

-The assessors are to be qualified in the task for which the training is being conducted and have relevant operational experience.

The new requirements include:

- the application of Quality Standards System to training

-hours of work and rest

-prevention of drug and alcohol abuse

-medical fitness standards

-competency requirements for personnel on all types of tankers

-improved measures to prevent fraudulent practices associated with certificates of competence

-the qualifications of instructors and assessors

## THE CERTIFICATES :

-Certificates for masters, officers or ratings: these issued certificates are to meet the requirements for service, training , age, medical fitness ,qualifications in accordance with the provisions

-Records of daily hours of rest

## ILO (INTERNATIONAL LABOUR ORGANIZATION ) / MLC (MARITIME LABOUR CONVENTION)

ILO aims at establishing the minimum standards of a safety working and labour conditions. It applies to all seagoing ships of 500 GT and above on international voyages or operating between a port in one country and ports in another country ,excluding the sailing and fishing vessels.

## REQUIREMENTS

- **Accommodation and Recreational Facilities :** this requirement covers the size of rooms and other accommodation spaces , the heating and ventilation system, the noise and vibration , the sanitary and related facilities , lighting , the hospital accommodation ,occupational safety and health, accident prevention and the laundry facilities

### 2. **Good Quality of Food and Catering**

3. **Medical Care on Board Ship and Ashore :** this requirement covers the health protection and medical care , the standard medical report form , the hospital and medical care facilities on board , the medicine chest ,qualified medical doctor and the medical equipment and guide

## CERTIFICATES

-Records of daily hours of rest

-Maritime Labour Certificate and Declaration of Maritime Labour Compliance (of validity not exceeding five years may be issued) and shall cease to be valid if the relevant inspections are not completed within the specified periods ,when a ship

changes flag , when a vessel changes company and when substantial changes have been made to the structure or equipment . Also , an Interim MLC of six months validity may be issued to new ships on delivery when a ship changes flag or when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner .

- THE CORRELATION OF THE FLAG STATES WITH THE CLASSIFICATION SOCIETY

Classification Societies are specialized in the certification of ships,marine equipment and offshore structures and their basic role is to built rules and guides for technical issues.They are mandatory by SOLAS Convention .Due to a lack of expertise States are not such efficient to the implementation of their national legislation .That has led to the requirement of additional external sources such as the class societies and the flag states rely on them especially on matters relating to the design of ships, the operation and the construction. In terms of safety on ships and on seas ,the IACS (International Association of Classification Societies ) is to be mentioned at this point .On this Association are members twelve Member Societies and those are :DNV GL, INDIAN REGISTER OF SHIPPING ,KOREAN REGISTER ,LLOYD'S REGISTER, CLASS NK, PRS ,RINA ,RUSSIAN MARITIME REGISTER OF SHIPPING ,BUREAU VERITAS, ABS, CCS , CRS .These organizations work with the port State inspectors with regard to compliance with safety,security and environmental requirements and they act on behalf of the flag state.

"IACS Societies are authorized by more than 100 IMO member states to perform statutory international and national regulation compliance surveys and to issue the necessary certification on their behalf."(page 54,)

Each ship has to be maintained ,built and designed in accordance with the rules of the classification society ,approved by the flag state of the ship ,so the classification of ships depends on the classification society's rules for classification and survey and of course on the construction rules relating to the type of the ship. Upon completion of the classification process the society issues a class certificate .A class surveyor can perform surveys for class inspections and audits for the flag .The surveyor may issue

a provisional class certificate .That happens usually because of the high cost of having a ship at anchor for inspection purposes and that might occurred if for example the shipowner cannot provide all the documents readily but simultaneously the inspection did not reveal any defect or damage of the ship. Then ,these temporary certificates must be confirmed by the head office of the classification society and under normal condition the class certificate is issued by the classification society.

The criteria by which the shipowner selects a society are complex .Based on the fact that the primary responsibility as per safety operation of the vessel lies with the operator, the owner and the flag state and that results to the requirement of complying with the regulations ,as soon as enter the society. The first international requirement should be met is the structural integrity by which its ensured the ship maintenance and surveys and the state grants this job to the society. The second requirement concerns safety equipment by which the international conditions are to be followed and through it to become ensured the equipment is under safety conditions by undertaking the annual audits of every vessel on its registry. The third one has to do with the personnel qualifications relative to the ship manning levels. The shipowner has to consider in prior of selecting the political aspects ,if for example the administration has a concise regulatory frame to implement ,if the flag state has a recognized system of casualty investigation, the existence of a law identifying the link between the ship and the flag state, if the flag state has a decision maker available 24 hours per day for the ships on its registry, if the flag state provides the IMO with annual details of all personnel injury records ,pollution incidents and casualties ,the existence of a current list of all ships registered in its flag ,if the flag state is a signatory to the international conventions must have for the maritime safety and protection of the environment (Elements of Shipping ,8<sup>th</sup> Edition ,Alan E. Branch,2008 /Flags of convenience 22.2)

- THE CORRELATION OF FLAG STATES WITH THE SAFETY MANAGEMENT SYSTEM (SMS)

The Safety Management System is based on the International Safety Management (ISM CODE).The main elements of a SMS are :the establishment of commitment for taking appropriate action, the establishment of a plan in order for the company to

fulfil its policy , to ensure capability to perform in support of objectives and the continuous evaluation ,learning and improvement. The concept exists behind the SMS is a deming wheel and follows the Act ,Plan ,Do, Check/Study and by that way SMS proves its efficiency. The system works properly when audits are due to become performed. The first party includes the internal audits ,the second party includes the vetting and the business relationship whereas the third one has to do with the external audits which are performed by the Flag and the ROS ,Recognised Organisations which are appointed by the Flag for inspections and certificates purposes. By the audits ,can be diagnosed if the cases we meet on board are more serious or not and that is being stated by the auditor as just an **observation** which is a statement referring to a weakness or potential deficiency on the SMS. Another statement could become appeared is **non conformity** and it is being observed when there is an objective evidence and it does not fulfil a specific requirement of the Company's SMS or ISM Code . In cases where the personnel ,the ship's safety or a serious risk of the environment are threatened is judged as a **major non conformity** . An observation may lead to a non conformity in the future ,if not corrected.

Shipboard audits consists of following :

Audit for issuing an Interim SMC (for a ship which the flag has been changed or for a ship which has not operated )

Initial Audit (for issuing an SMC for the first time)

Intermediate Audit which shall be conducted between the second and the third anniversary date (within twelve months )

Renewal or Annual Audit which shall be conducted within three months before the expiry date of the existing SMC

Additional Audit which shall be conducted to verify effective actions are taken for MNC as necessary and whenever needed.

When a company commences to manage a ship under a new Flag State ,should apply an additional Audit providing the following documents :

- A copy of Registry Certificate of new Flag State or evidence to show the Registry of that State was obtained .

- If the ship's registered owner is not same as the Company it has to be submitted a copy of document to the new flag state ,in compliance with the ISM Code.
- Any evidence to show that the company dispose the necessary national regulations of that new State.

### CHAPTER III

- THE PORT STATE CONTROL

The Port State Control is a mechanism makes controls and inspections on the foreign ships which enter to ports other than those of the flag state .The Port State control officers investigate if the international conventions such as SOLAS,MARPOL ,STCW,MLC meet the compliance requirements. Numerous seems to be the references on the conventions as per the ships which should be inspected for the criteria of IMO to become fulfilled .These inspections were initially intended to be supportive of the implementation of the flag state but later on was proved to be an efficient mechanism worth standing by itself.

A Port State Officer checks the certificates on board and in case that it he has clear grounds that something might be wrong, he has the jurisdiction to check even further by conducting a more detailed inspection . A severe reason for the clear grounds to exist might be the absence of principal equipment ,having an evidence that serious hull or structural deterioration or deficiencies exist , having an evidence of invalid certificates , an evidence that the master or crew are not familiar with the operations relating to the safety of the ship or the pollution prevention. Based on the level of severity an observation might be ,the officer might report and proceed to a detention of the ship ,an action



which will affect the normal schedule of the departure of the vessel. Another intervention action taken by the officer could be the stoppage of operation .Since detention of the ship is a grave matter ,involving many issues, it may be in the best interests of Port State Control Officer to act in cooperation with other interested parties .For example, the officer might ask for proposals from the owner's representatives .The officer also might act together with the flag state administration's representatives for issuing the relevant certificates and consulting for the possible additional requirements or regarding the owner's proposal. When a detention case occur the flag state requires clarifications and more detailed information and that serves the improvement of communication between the port states and flag states .

The applied general rule is that the prime responsibility for ships standards belongs to the flag state but the Port State Control provides security to catch the subcutaneous vessels. After some accidents occurred ,the need of a better controlling system became obvious .The flag state proved to be somehow helpless ,especially the flags of convenience, as the job of inspections was basically undertaken by the classification societies and that caused the agreement of the Paris Memorandum of Understanding –Paris MOU .Later on were signed other agreements such us TOKYO MOU, Caribbean MOU, Mediterranean MOU, Indian Ocean MOU et cetera . Below we will make a reference to the way these contracts evaluate the system .

- FLAGS OF CONVENIENCE AND THE OPEN REGISTRIES

The existence of the link between a ship and a State has welcomed another system which aims at upgrading more the globalisation of the shipping sector. And that is called Flag of Convenience or sometimes it might be referred as open registries .These kind of flags allow to a shipowner to proceed the registry of his vessel in a foreign country. The main concept behind the evolution of flags of convenience has to do with the benefits and the protection which in most of the cases shipowners enjoy

.There are some criteria by which we recognize a ship is registered under Flag of Convenience ." <<Based on Rochdale Report of 1970 these criteria are listed below:

- Registration by non-citizens is allowed .
- Easy registry access, usually with foreign consulates available and unrestricted transfer from the registry .
- Minimal to non existent taxes.
- The registry country is small and tonnage charges may produce substantial effects on national income.
- Ships are free to use non national labour.
- The country of registry has neither the power nor the administrative framework to effectively impose domestic or international regulations ,nor does it wish to exert control over the companies.">> (Tina Shaughnessy & Ellen Tobin ,page 14)

From the ship owners point of view ,the benefits acquiring from FOC (flag of convenience) are :the avoidance of tax ,lower costs of crew due to the fact that he is not under control as per wages provided and due to the unlimited choice of crew in the International market .Also, the non existence of strict controlling regulations and the uncertainty of the beneficial ownership of the vessel (anonymity) are among those advantages .In 2004 ,35 countries accounted for 90% of the total tonnage of the 12 open registry fleets .Ownership is focused on countries which control 76% of the deadweight of vessels registered in these open registry countries ,while the top five countries control the 60 % . Japan was ranked first in 2004 with the largest share (22% )of the open registry fleets and has the largest foreign flag ownership (19.2%) of the total world tonnage ,followed by Greece at 19%. The six major open registries are :Panama ,Liberia ,Bahamas ,Malta ,Cyprus and Bermuda (Elements of shipping ,8<sup>th</sup> Edition ,Alan E. Branch ,2008/Flags of Convenience ,22.2 )Although , there are many things to be considered by the shipowner before the choice of the flag, such as,

if the chosen flag will be acceptable by the potential charterers, the period of time will take for the enforcement action on that country, if there will be restrictions on trading and if there are political risks, the competition in the market by minimizing the costs , remains a strong motive by itself for a maritime entity.

The existence of the disadvantages though creates complexity to the operation of the system and that may lead to incidents in terms of safety or pollution prevention .The arguments against the FOC can be classified to the below areas:

### **Labour, Economic deformation and safety**

A large number of US ships were transferred to Panama flags and that as a fact triggered oppositions to flags of convenience . The first opponent to this idea was the ITF (International Transport Workers Federation) .In practice ,seafarers who are hired to work on flags of convenience vessels are often forbidden to make a contact with the ITF . It is deemed that many seafarers working under FOC receive low wages ,live in bad conditions (onboard) ,work overtime without the required rest and in most of the cases the provision of medical treatment is inadequate .

The economical benefits the shipowners receive are somehow equalized with the bad performance of their ships which are not in compliance with the rules and standards .A study by the Economic Cooperation and Development Agency has showed that these benefits can average at least 15% of the operating costs of the vessel with a negative return to that a very low level of compliance.

### **Pollution**

The FOC is considered to be an obstacle to tone down the problem of maritime pollution due to the lack of regulatory imposition and untrained crews (Prestige case was caused by the non existence of the double hull which is required in order to prevent oil spills ).

### **Maritime and Land Security**

The carriage of dangerous goods or the transportation of weapons , terrorists is a severe threat among the states.In such cases the Master if has grounds for suspecting

dangerous goods are concealed on board then he has the right to open the box or package and he exonerate himself by any liability. More practically ,it is believed that in containers the access is difficult as those are stacked high and tight together and so security is threatened.

Under the regime of the open registries unfortunately we witness also a high rate of fatality and mortality .Most open registries countries are small nations having as their main purpose the revenue they receive by the registration and they deal in a second degree with the management of these ships or the maintenance of the effective control. Overall ,the true nationalities are appeared behind the open registries and on the top of these nationalities remain Greece and Japan.

The FPC (Fair Practices Committee) as an instrument of ITF keeps a list of the countries which offer flag of convenience facilities and based on period of times ,adds new countries or deletes others. Then the ITF decides whether a register is a flag of convenience or not .The FPC will define a registry as flag of convenience if the majority of the vessels on the registry are foreign owned and the shipowner is not related somehow with that flag . The ITF also investigates how the ship registers perform against the criteria will follow. National registers which do not meet the criteria of ownership , may be listed to the flag of convenience ,if they divulge serious failings with regard to their ability to enforce the international social standards on their vessels, including respect for basic human rights. Also , in case ,the national registers reveal a serious deficiency with regard to the social record as decided by the enforcement of the ILO (International Labour Organization ) and with regard to the safety and environmental record as showed by the enforcement of IMO Conventions, then these registries will become new entries-countries to the list of the flags of convenience.

The supporters of the idea of flagging flags of convenience ,argue that these have brought social benefits due to the fact that the low freight rates helped the deployment of the dry cargo and tanker markets. Also ,the flag of convenience countries have more employment opportunities. However , the reverse results were seen in Europe, as it caused losses in tax and so the benefits of the shipping industry were lost. Politicians tried to stop the flagging out but without a positive effect. Then an attempt

to create a European flag of convenience began and in order to retain national owners from flagging out fully ,were created these Second Maritime Registries: ISR (Germany with the International Ship Register ) , DIS (Denmark with the Danish International Register) , KER (France with the Kerguelen Island Register ) , NIS (Norway with the Norwegian International Register )

The situation is getting more complicated when ITF have to consider and take measures for ships who have multinational crews ,owned by multinational companies ,registered in one country ,mortgaged in another and managed from a third country .The ITF failed to bring back the national registries but managed to make agreements with the 30% of approximately twenty thousands flag of convenience ships.

On 2002 ,the FPC declared the below countries as flags of convenience registries: Antigua and Barbuda ,Barbados,Bahamas, Beliz ,Bermuda (UK), Burma/Myanmar, Bolivia, Cambodia ,Cayman Islands (UK) ,Comoros ,Cyprus ,Equatorial Guinea , German International Ship Register ,Gibraltar (UK) , Honduras ,Jamaica ,Lebanon ,Liberia ,Malta ,Marshall Islands (UK) ,Mauritius ,Netherlands Antilles ,Panama, Sao Tome e Principe , St Vincent and the Grenadines ,Sri Lanka ,Tonga ,Vanuatu .

- HISTORICAL DATA OF REGISTRATION DEVELOPMENT


The development of the registers will be detected through British national Law .Due to the dominance of war and piracy wine ships had to take their journeys under accompany measures ,from Europe to England and in order to cover the costs occurred by these escorts ,increased the taxes known as ‘tunnage ’ .That ,later on was linked with the register of the ships because it was recovered the need of the tonnage measurement which brought the vessel’s measuring internal volume to 100 cubic feet to the tone and because the gross tonnage is connected with the records of quantities which are kept by the ship’s register . On 1650, England had gained colonies in North America and West Indies and that period was enforced for the foreign flagged ships not to trade in England and a substantial prerequisite was that the master and the crew should be English. The navigation Act of 1660 required the register of ships and the proof of English shipowner’s nationality with the amount of money the ship was purchased and the supplier’s data ,in case of a foreign ship . After that a certificate

was due to be issued and the book which includes all these certificates was kept by the Customs in London. These requirements were the beginning of the ships registration system . After further Acts, the new requirements involved the ownership, marking of the ship's name and port of registry ,transfer of ownership ,proof of location of build ,changes of master (Flag State Responsibility ,John N.K. Mansell ,Historical Development and Contemporary Issues ,2009/ Chapter 3 Registration of Ships).

- THE LIBERIAN REGISTRY

The Liberian Registry as a member of IMO is undeniably the fastest growing open registry .It provides efficient and a low cost certification services to shipowners with the option of a program which includes the Annual Flag Inspection and requirements of the ISM. During the years of its establishments ,Liberian Registry has promoted the maritime safety ,security and the environmental protection. The Liberian Registry is one of the world's largest registry .Liberia gives the permission for registration to vessels which are less than twenty years of age ,to ships which are under construction, newbuildings and those transferring from other flags.Also ,to vessels involved in international ,coastal or domestic trade.The offshore vessels and the vessels in lay up are permitted too.

RLM-101A

	<p><b>The Republic of Liberia</b> <b>Liberia Maritime Authority</b></p>	<p>THIS SPACE FOR OFFICIAL USE ONLY</p> <p>OFFICIAL NO. _____</p> <p>CALL SIGN _____</p>
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**APPLICATION FOR VESSEL REGISTRATION, OFFICIAL NUMBER,  
CALL SIGN, TEMPORARY AUTHORITY RADIO STATION LICENSE AND WAIVERS**

**PART 1. TYPE AND DATE OF REGISTRATION** *(Check as appropriate)*

<input type="checkbox"/> Newbuilding	<input type="checkbox"/> Transfer from another flag	<input type="checkbox"/> Re-registration	<input type="checkbox"/> Bareboat Charter Registration	<input type="checkbox"/> Laid up
Estimated Registration Date	yyyy / mm / dd	/	/	

**PART 2. VESSEL AND OWNER(S) PARTICULARS** *(Follow guidelines below)*

01. NEW NAME			02. IMO NUMBER		03. PRESENT NAME			04. PRESENT FLAG	
05. VESSEL TYPE			06. YEAR BUILT		07. BUILDER/SHIPYARD			08. COUNTRY BUILT	
09. HULL MATERIAL		10. DECKS	11. MASTS	12. CLASSIFICATION SOCIETY			13. DATE AND PLACE OF CONVERSION		
14. LENGTH - LOA		15. LENGTH REGISTERED		16. BREADTH	17. DEPTH	18. NET TONS	19. GROSS TONS	20. DEADWEIGHT	
21. PROPELLING POWER		22. NUMBER AND TYPE OF ENGINES				23. ENGINE MAKER			
KW									
24. NAME OF OWNER(S)			25. OWNER IMO ID.		26. RESIDENCE		27. CITIZENSHIP		28. OWNERSHIP %
					80 Broad Street, Monrovia, Liberia				
					80 Broad Street, Monrovia, Liberia				
								TOTAL	100%

*(If more than two Owners, please attach extra sheet, signed and notarized)*

**Guidelines:**

- |  |   |  |
|--|---|--|
| <p>Box 01 - Name vessel will use under Liberian Flag<br/>                 Box 02 - Vessel IMO ID number issued by DHS-Fairplay<br/>                 Box 03 - Name under the current flag or Hull Number (newbuilding)<br/>                 Box 04 - Flag the Vessel is transferring from or 'Newbuilding' if applicable<br/>                 Box 05 - As per Class Certificate, Class Statement or Confirmation of Class<br/>                 Box 06 - Year delivered from shipyard (not keel laid year)<br/>                 Box 09 - E.g. STEEL (covers also High Tensile or SS etc.)<br/>                 Box 10 - Number of continuous decks only<br/>                 Box 12 - Must be a full IACS member<br/>                 Box 13 - Applies only if confirmed by classification documents</p> | <p>Box 14 - Length Overall (LOA)<br/>                 Box 15 - As per International Tonnage Cert. (ITC)<br/>                 Box 16, 17, 18, 19 - As per ITC<br/>                 Box 20 - DWT SSW (Seawater Salt Water)<br/>                 Box 21 - Maximum power. Combined Main Propulsion Units only (Gen-sets do not apply).<br/>                 (PS or BHP must be converted into Kilo Watts)<br/>                 Box 22 - Can be exact model/type or a general description e.g. One Sulzer 4RTA58 or One Diesel Engine<br/>                 Box 23 - Name only. Address is not required</p> | <p>Box 24 - Name of Liberian Corporation or Foreign Maritime Entity (FME) as registered in Liberian Corporate Registry. Note: if BCR - it is the bareboat charterer registering the Vessel in Liberia (not the name of Owner registered in the underlying registry).<br/>                 Box 25 - Owning Company IMO ID number issued by DHS-Fairplay<br/>                 Box 26 - Registered office (also for FME) at 80 Broad Street, Monrovia, Liberia c/o The LISCK Trust Company acting as agent<br/>                 Box 27 - If FME, country of the original jurisdiction<br/>                 Box 28 - Proportion of Ownership</p> |
|--|---|--|

**PART 3. RADIO COMMUNICATIONS /Radio Accounting Authority**

A contract has been (or will be) entered into with the following Radio Accounting Authority (RAA): AAIC (code): \_\_\_\_\_, Name: \_\_\_\_\_, which Accounting Authority will be responsible for all communications accounts. Pending the effective date of such contract, responsibility for payment of accounts and correspondence relative to the radiotelegraphy/telephony service of the vessel is hereby assumed by applicant Owner(s).

**(!) Note: Temporary Authority Radio Station License issued based on RLM-101A will be valid for 3 months. The Owner must submit the Radio License Application (RLM-104) prior to expiration of the temporary license to obtain a full term Liberian Radio Station License.**

**PART 4. MORTGAGE**

Mortgage to be recorded at vessel registration  check as appropriate:  YES or  NO or  TBD

**RLM 101A**

**PART 5. CORRESPONDENCE AND BILLING AGENT**

General Correspondence and Billing including annual tax invoices should be sent to the following address(s):

*Full name and address of the responsible company(s) - (not an individual's name)*

1. General Correspondence:		2. Billing/Annual Tonnage Fees:		Phone	
Address:		Address:		Fax	
				Email	
Phone		3. Billing/Miscellaneous Invoices:		Phone	
Fax		Address:		Fax	
Email				Email	

**PART 6. WAIVERS**

Declaration and Affidavit of the need for waiver of Liberian Requirements with regard to Ownership and/or Age and/or Tonnage under respective Sections of the Liberian Maritime Law;

<b>OWNERSHIP</b> <i>(not a Liberian Entity)</i>	Waiver of Section 51(2)	Under Section 51(5)	<i>Check as appropriate</i>	<input type="checkbox"/>	<b>YES</b>	or	<input type="checkbox"/>	<b>N/A</b>
<b>AGE</b> <i>(above 20 years)</i>	Waiver of Section 51(4)	Under Section 51(6)	<i>Check as appropriate</i>	<input type="checkbox"/>	<b>YES</b>	or	<input type="checkbox"/>	<b>N/A</b>
<b>TONNAGE</b> <i>(less than 500 net tons)</i>	Waiver of Section 51(2)	Under Section 51(2)(a)	<i>Check as appropriate</i>	<input type="checkbox"/>	<b>YES</b>	or	<input type="checkbox"/>	<b>N/A</b>

The application for waiver(s) is made because the Owner and/or the Vessel does not meet requirements of Ownership and/or Age and/or Tonnage as described in the Liberian Maritime Law, however the Owner desires to fly the Liberian flag and declare that all other requirements to register the vessel will be met.

**OATH OF APPLICANT OWNER and AFFIRMATION OF SURRENDER OF FOREIGN DOCUMENTS AND MAKING OF MARKINGS**

I do hereby swear and affirm, as required by Section 57 of the Liberian Maritime Law, that I am duly authorized in writing by the Owner(s) [bareboat charterer] or prospective Owner(s) [bareboat charterer] of the Vessel as described in Part 2 "Vessel and Owner(s) Particulars" of this Application, that all information and particulars of the Vessel and the Owner(s) [bareboat charterer] or prospective Owner(s) [bareboat charterer] contained herein are true and correct and that the present or prospective Master of the said Vessel has been ordered or will be ordered and instructed, upon receipt of the vessel's Liberian Certificate of Registry and other Liberian Documents, to surrender the vessel previous documents issued by the Government of the Flag State as declared in Box 4 and to make the Vessel Markings required by Section 75 (1), (2) and (4), of the Liberian Maritime Law, as amended.

Submitted by:

Full Name <i>(Print)</i>	
Citizen of	
Residing at <sup>1</sup>	
Title <sup>2</sup>	

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

**ACKNOWLEDGEMENT**

Subscribed and Sworn Before me

this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (Year)

at \_\_\_\_\_

\_\_\_\_\_  
*Signature and Seal of Notary Public or other Officer authorized by Liberian Law to administer oaths*

**Notes:**

1. Enter street address, city and country of residence or place of business.
2. Enter President, Vice-President, Director, Secretary, Attorney-in-Fact, etc whichever title applies.

<https://www.liscr.com/>

Furthermore the Liberia law permits the dual flag registration .

The responsibilities of this Registry are:

- The registration by keeping safe the ocean going ships



- The establishment of the identification details for ships
- The enforcement of maritime conventions (SOLAS , MARPOL , STCW etc)

When compared with the other registries ,their benefits outnumber.

**Vessel Construction:** There is no requirement for the vessels to be constructed by a particular nation. Without this , shipowners would not gain the benefits of getting a more competence price.

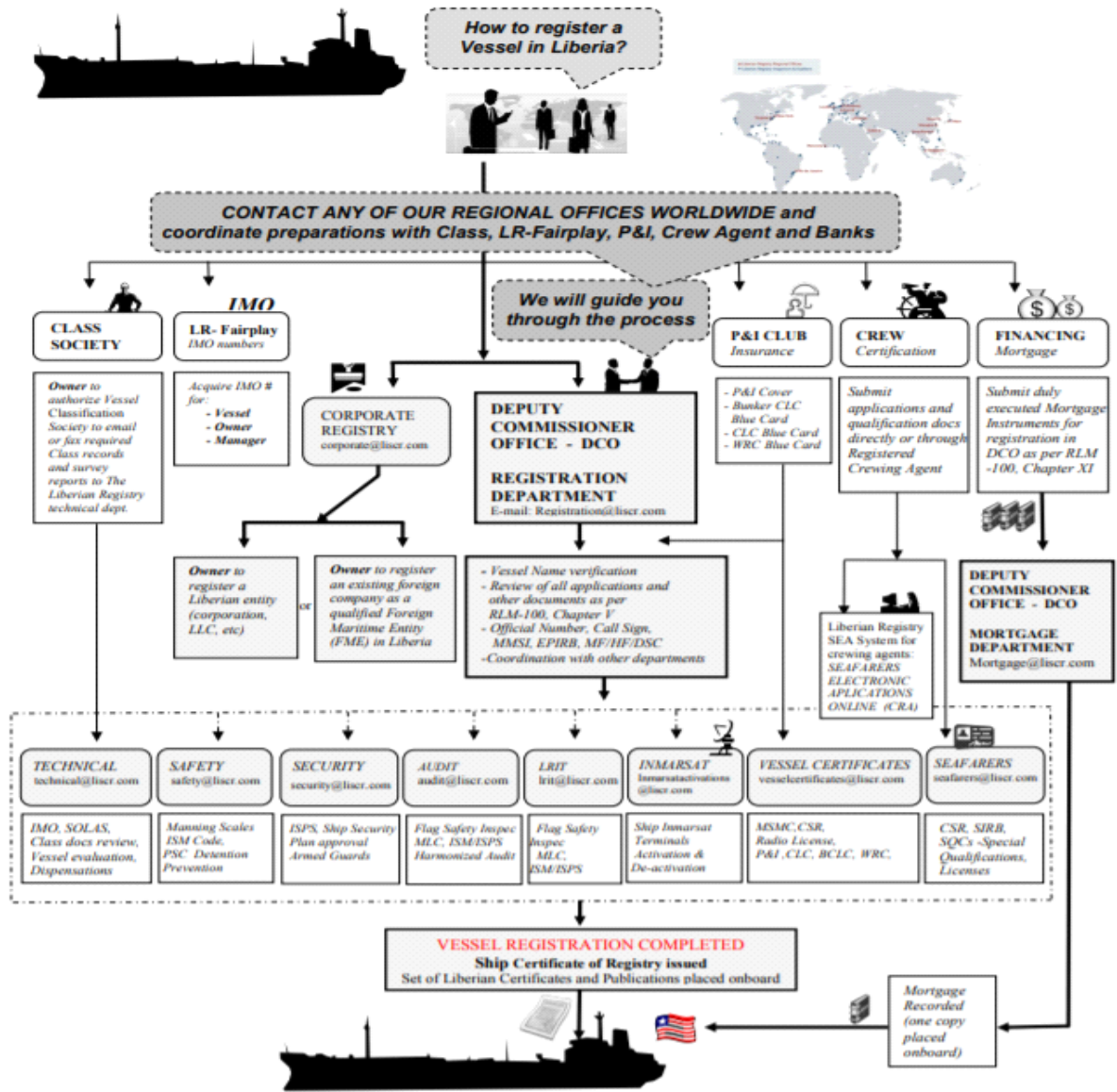
**Vessel Manning :** Manning requirements specified by the Liberian Registry are based on safety operation. Most of the national registries require manning by citizens of the country of registry. But this promotes higher wages, inflated labour costs, general expenses and much more bureaucratic behaviour.

**Ship Financing :** The recognition of the mortgage-recording regime promotes the acceptability of the banks , allowing the best opportunity to obtain the most favourable financing.

**Ease of Registration :** The pre-registration formalities are designed to meet immediately the international standards in relation to safety and documentation .The appropriate assistance is been provided by the Registry staff .

**Innovative Services :** The Liberian Registry provides a set of unique tools which allow greater operational flexibility for shipowners in comparison to other Flag States. Shipowners find that these additional services, save them time, money and personnel

## VESSEL REGISTRATION IN LIBERIA – FLOWCHART



In terms of inspection ,survey and certification ,classification societies (the list of the approved members of IACS ,as mentioned in chapter one ) play their role and they are delegated by the Liberian Government .The validity of the certificates range from twelve months to five years .The marine accidents could not be missing ,so the investigation procedures provided by the Liberian Maritime Law and Regulations .On this aspect it is required by the owner or Master of a Liberian vessel ,in case of an accident, to submit a formal report to the Commissioner ,an officer attending at a port of entry .All persons involved by the side of Liberian vessel must be helpful during the collection of evidence and generally to cooperate with the investigating officer.

Liberia is a party of STCW code and under it there are issued two forms of certificates .The first one is the Original Certificate under Bureau's authorization and the second one is the Endorsement certificate, which is used equivalently to the original certificate for up to the expiration date of the original one .Both of these certificates make acquaint the extent of the seafarers responsibility. Furthermore, there are some conditions must be satisfied for acquiring the Safe Manning Certificate .Below ,will be presented the minimum safe manning requirements for Liberian vessels:

1.All ships over 8000 GT /3000 KW

#### BASIC MANNING

Master / Chief Mate / Second Mate /Third Mate /Radio Officer /GMDSS/3 Able Seamen / 3 Ordinary Seamen/ Chief Engineer / First Assistant /Second Assistant /Third Assistant / three Oiler Motormen

2. Vessels over 5000 GT but under 8000 GT

#### MANNING

Master / Chief Mate / Second Mate / Third Mate / Radio Officer / GMDSS /two Able Seamen / two Ordinary Seamen

3. Vessels over 3000 GT but under 5000 GT

#### MANNING

Master / Chief Mate / Second Mate / Third Mate / Radio Officer / GMDSS /two Able Seamen / two Ordinary Seamen

4. Vessels under 3000 GT but over 500 GT & vessels under 50 GT on passages of less than 72 hours ,over 72 hours

### MANNING

Master / Chief Mate / Second Mate / Third Mate / Radio Operators / GMDSS /two Able Seamen / one Ordinary Seaman

(Source :Marine Notice 10-292-1 chapter 3.3.4 ,World Maritime Univeristy ,The Maritime Commons :Digital Repository of the World ,Dissertations ,1999 ,Christian Gbogboda Herbert,Table 1 )

### THE SMS ELEMENTS OF LIBERIAN SHIPS

A Liberian ships SMS is required to consist of a :

Safety and Environmental Policy . This policy provides safe practical instructions to the operations of the ship and to the personnel ashore and aboard ships.

Responsibility and Authority of the Company .The owner of the Liberian flag vessel has to furnish to the Bureau all the data of communication of the company which is responsible for the operation of the vessel .

Designated Person(s). This requirement must also be followed because the Designated Persons ashore act with independency .Their basic job is to make direct contact between the Bureau and the Company and such thing enables them to report to the highest level of administration.

Master's Responsibility and Authority .It refers to the duties of the Master in terms of the administrative power and accountability.

Resources and Personnel. These requirements are referred to the qualifications of the seafarers ,the special qualification certificates ,the record books and training in response to the safety performance .

Plans of Shipboard Operations. The plans include procedures exploited for the preparations in relevance with the tasks assigned to the personnel.

Emergency Preparedness. The establishment of plans regarding the exercises and drills for being alert to accidents and emergency situations.

Reports and Analysis of Non conformities ,accidents and hazardous occurrences.

Maintenance of the ship and equipment. Ensuring that the international safety standards are being followed ,the inspections are carried out ,non conformities are reported and mendable actions are taken.

Documentation. Holding on board a Safety Management Manual which should comprise proceedings of the Safety Management System .

Company Verification ,Review and Evaluation. Carrying out internal safety audits to verify the efficiency of the SMS and ensure that the defects arising are corrected by the personnel involved.

- THE PANAMANIAN REGISTRY

Panama has also a great tonnage amount of registered vessels which are subject to an Annual Safety Inspection (ASI).

The history behind the Panamanian registry of ships started with the pretext of the political , military reasons and actually the open registries were developed between the two World wars .In this period a number of United States passenger ships were transferred to the Panamanian registry to avoid the prohibited laws. With the passage of time , the owners of European ships started to flag to Panama too.

#### REQUIREMENTS

- a completed application form
- a legalized copy of a Power of attorney by notary
- a payment of governmental fees
- a document of title (which is proved by a builder's certificate or by a bill of sale)
- a valid copy of a current Safety Management Certificate
- other technical flag documents such us :ITC ,MSMC ,SCR,BCC etc

## REQUIREMENTS FOR THE PERMANENT REGISTRATION

-a proof of ownership

-an original Power of attorney

-deletion certificate (the evidence that the previous registry has been cancelled)

-Radio application forms

-International Tonnage Certificate

Then the Panama Maritime Authority proceeds to the issue of the Statutory Navigation Patente and Statutory Radio License (which are valid for five years )

In cases of vessels of new construction the requisites are :

- a request form for registration under Panamanian Flag and a request form for Radio License
- certification of a new construction
- a Power of attorney

The advantages are :

With regards to ownership ,there is no withholding taxes payable when the income results from the operation of the vessel in international trade. Any person or a company can select to register under Panama. It is noted that there is no minimum tonnage requirement but in case of 20 years old vessels and above a special inspection is given for the receipt of the Permanent Navigation Patent. Additionally , if a vessel is due to be transferred under Panamanian Registry there is no need to renew the valid tonnage and safety certificates already possess .This has as a consequence ,the shipowner to save expenses.

All in all ,the traditional type of registry (national) is not the only way , the open registries considered to be a second option but this dualism approach does not allow us to have a clear understanding of the dynamism exists in the market. Taking into consideration the changes in the structure of ship registration ,the necessity of

administrative changes are conceivable. Although, the requirements of the Panamanian and Liberian registries are deemed to be rational, the system can easily be led to unreliability. The FOC is the scene under which these new entrants are protected by the international regulation.

- MEMORANDUM OF UNDERSTANDING

The lack of controls by the flag states has helped the creation of some contracts. These contracts are called Memorandum of Understanding (MoU) and their purpose is the fulfilment of international safety rules on foreign flag vessels entering their territorial waters. The Port State Control as it was mentioned above, has a supplementary role to the flag states. Evaluating the results of inspections, the MoU has established the black list, the grey list and the white list. According to this categorization, we are presented the full spectrum of quality flags and poor performance flags that are considered high or very high risk. With the passing of time the process of controlling ships became more and more difficult as the number of boats entering certain ports increased. This led to the foundation of Paris MOU, in order to have a harmonized control system. The following countries belong to it: Belgium, Canada, Croatia, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Netherlands, Norway, Poland, Portugal, Russia, Slovenia, Spain, Romania, Cyprus, Estonia, Latvia, Lithuania, Malta, Sweden, United Kingdom. After Paris MOU, another quite large grouping states, known as Tokyo MOU, was founded. If a vessel is inspected in a country and is in full compliance with all conditions covered by Paris MOU, then there is no need for the same vessel to be inspected again in the next country. The Paris MOU has been recognized as one reliable contract due to its interest on the quality upgrade of the ships and on the greater safety at sea. On this organization are members many ports and each year, there are been conducted more than twenty thousands control of ships, which are under foreign flags and they enter to Paris MOU's ports.

**BASIC PRINCIPLES :**

By participating in the Paris Memorandum ,the member states are committed to specify the implementation efforts related with the Port State Control .First of all , we take as granted that responsible for the compliance is the operator of the vessel and the ensuring of the compliance is originated by the flag state .Each maritime authority acts according the provisions of Paris MoU and has to ensure that the foreign flag's ships follow the relevant standards and Conventions. The member states have agreed the 25 per cent of the number of ships that enter their ports during one year. The basic material is provided by IMO and ILO Conventions and in general the ships will be inspected within six months unless there are clear grounds of an immediate or more frequent inspection . To avoid unjustified detention or delay in the ship ,there will not exist a discrimination as to the flag , inspections will be more or less unexpected and each authority will take consulting measures and will cooperate with the other authorities for proacting the aims of Paris MoU . The Paris MoU does not set any new norms or standards and under it ,certain ships shall be considered as an imperative priority for inspection .These are ships :

- that have been reported by port authorities or pilots as having deficiencies which might threat the safety on navigation and the marine environment
- that carry dangerous goods and those have not been reported to the port authority
- that might have been notified by another port
- that have been a subject of a report or a complaint by the master ,a crew member or by any other person who has an interest in the safe operation of the ship
- that have been involved to collision or grounding cases
- on which their function is suspended from their class for security reasons
- which cannot be identified in the Sirenac Information System

#### EXAMPLE OF DETENTION UNDER THE PARIS MOU

- The Ramaz case :

The vessel flied Togo flag ,the date of detention took place on October 4 ,2002 and the place of detention was Las Palmas ,Spain .The ship had anchored for a undetermined period of time off the coast of Mauretania with no maintenance at all.



The master informed authorities about a shortage of bunkers and water and then the ship took the permission to enter Las Palmas port. The most problematic deficiencies described on board were the following :

- there were no papers ,documents on board
- as per navigation the only thing used to fix the positions were some old charts
- the ship's generator in the engine room were out of order
- steering could only be performed from a position in the steering gear room
- decks corrosion
- bad condition of the cargo gear
- broken down equipments
- the ship was not in class
- the crew of the ship had no certification

All the aforementioned ,led to the ship remanence in the port for over two months.

#### TOKYO MOU

Another Memorandum of agreement is TOKYO MOU ,which has been established by the maritime authorities in the Asia –Pacific region and it has similar practices with the Paris MoU. Both MOU's are in close cooperation in order to eliminate the substandardization in shipping. The Tokyo MoU states that the formal responsibility is based upon the administrations under whose flag a ship is entitled to sail but apart from , it also highlights the Port state Control ,as a main instrument responsible for the acceptability of the ships .

Under the Tokyo MoU ,the below ships characteristics are able to draw the authorities attention and to be selected for the inspection:

- passenger ships, ro-ro ships and bulk carriers
- ships that may present a hazard ,including oil tankers ,gas carriers , chemical tankers and ships carrying harmful substances
- when a port authority is a signatory to the Memorandum for the first time and a ship is visiting that port of State .

-ships flying the flag of a state appearing in the annual report of the Memorandum and they are of above average for delays and detentions

-ships that have been reported by pilots or port authorities for having deficiencies

-ships carrying polluting or dangerous goods and they have failed to report it to the port authority

-ships that took the authorization to leave the visited port , on condition that the deficiencies were noted ,those should be corrected in prior the expiry date ,of the period was given

-ships that have been suspended from their class ,for safety reasons, during the preceding six months

-ships that do not sail according the compliances are set by the Port state

## DETENTION

With regards to detention under the Tokyo MoU the criteria for such serious thing to occur are:

-the deficiencies may be found must be hazardous to safety ,health or the environment .The immediate procedure will be followed is the notification of the flag state by the authority .In cases that the deficiency cannot be cured in the port of inspection ,the inspector may advise the ship to reach at the nearest repair yard available. The next notification party will be the authorities of the ship's next port of call . The purpose of this notification by the inspector or the yard ,is to ensure that this ship is denied entry throughout the region of Tokyo MoU and in case the ship proceeds to the sea without complying with the conditions agreed to by the authority of the port of inspection ,then the authority will alert the next ports and the flag state immediately and the ship will be detained up to the proofs that the company will provide will be sufficient for the ship to be declared that it has fully complied with all requirements .

The detention information are published under Tokyo MoU are : the IMO number ,ship's name, flag ,year of built ,type of ship ,classification society ,owner/operator ,place of detention ,date of detention ,date of release ,nature of deficiencies and port

authority .These are data been included to APCIS (Asia Pacific Computerized Information System ) , a convention protocol of Tokyo and among the above job it undertakes ,there are also included :the tracking of the substandard ships ,the exchange of inspection data between the states, the keeping record of all inspection details, the rejection of the unjustified or repetitive inspections and to help the authorities to select the vessels for inspections.

The results of all inspections have been conducted ,within a few years, pass to the evaluation stage of MOU's by issuing the annual report of the Black Lists, Grey Lists, and the White Lists. The lists depict the performance of each flag state concerning the detentions took place on ships ,by foreign Port State Control. From those lists can easily become identified the quality flags and the flags with a bad performance which are deemed of high or very high risk. We also ,elicit the information for the ship ,if it is considered a candidate for inspection. It is obvious that if the ship bears a flag located in a black area it is subject to more inspections and therefore delays than any other country .The countries that are on the white list they are more attractive when it comes to their ship delays.

#### THE CARIBBEAN MOU

The Caribbean MoU has under its umbrella the following states: Anguilla, Antigua and Barbuda, Aruba, Bahamas, Barbados, Bermuda, British Virgin Islands, Cayman Islands, Dominica, Grenada, Guyana, Jamaica, Montserrat, Netherlands Antilles, St Kitts and Nevis, Saint Lucia, St Vincent and the Grenadines, Suriname, Trinidad and Tobago, Turks and Caicos Islands. The minimum targeted number of inspection should each maritime authority reach is the 15% of the estimated number of foreign ships that entered the ports within a period of twelve months . In general ,they avoid to proceed a survey of ships which have been inspected by any other authority the previous six months unless they have clear grounds for conducting an inspection. All the criteria for the selection of ships which are going to be inspected are the same as the aforementioned on Paris MoU and Tokyo MoU .The only criterion differentiates the Caribbean MoU is the attention they pay on passenger ships, ro-ro ships, bulk carriers, ships of traditional build and ships below 500 gt.

## THE MEDITERRANEAN MOU

The member states of Mediterranean MoU are :Algeria , Cyprus , Egypt ,Israel, Lebanon , Malta ,Marocco , Tunisia, Turkey and the Palestinian Authority .The authorities have to achieve ,within a maximum three year term from the date of enforcement of this agreement , a survey minimum of 15% of the estimated number of foreign ships that entered the ports within a period of twelve months. In cases of detention ,all costs relating to the second part of inspection ,shall be covered by the shipowner or the operator and the detention will not be lifted until the payment is made fully or if the guarantee given is sufficient .

## THE INDIAN OCEAN MOU

The Indian Ocean MoU is followed by these member states :Eritrea, Australia ,Bangladesh, Djibouti, Ethiopia, India , Iran , Kenya ,Maldives ,Mauritius , Mozambique ,Myanmar ,Oman ,Seychelles, South Africa , Sri Lanka ,Sudan , Tanzania and Yemen . .The minimum targeted number of inspection should each maritime authority reach is at least the 10% of the estimated number of foreign ships that entered the ports within a period of twelve months .The authorities will give priority in selecting ships for inspection based more or less on the criteria were referred to Paris MoU and Tokyo MoU .

## THE BLACK SEA MOU

The Black Sea MoU was signed by six maritime authorities in the region and these are :Bulgaria ,Georgia, Romania , Russian Federation , Turkey and the Ukraine .The minimum targeted number of inspection should each maritime authority reach is the 15% of the estimated number of foreign ships that entered the ports within a period of twelve months . It seems that the criteria for the selection of ships to be inspected are more or less similar to the previous MoU's .The equivalent of APCIS is used on Tokyo MoU, here it is used the BSIS (Black Sea Information System ) .

## THE ABUJA MOU

The Abuja MoU was agreed by the following maritime authorities :Cape Verde ,Benin, Congo ,Gabon, Côte d'Ivoire , Gambia, Ghana, Guinea ,Liberia ,Mauretania, Namibia, Nigeria, Senegal ,Sierra Leone , South Africa and Togo .The minimum targeted number of inspection should each maritime authority reach is the 15% of the estimated number of foreign ships that entered the ports within a period of twelve months

- THE SECOND & THE CLOSED REGISTRY

#### THE NIS REGISTRY

In the 1980s the only applicable practice of ships registration was the national registry but due to the developing countries such as Panama and Liberia ,the appearance of the open registries did not delay that much .This situation caused the reaction of some other registries which were set up as a kind of counter measure by countries which have their national registry but were losing out their ships to other countries with open registries or FOC . These are called second registrars and exist in parallel with the national registry, such as the NIS Registry . The Norwegian International Ship Register allows the certifications of these types of ships : hovercraft, cargo and self propelled ships, movable platforms and installations.



**CIRCULAR no. 3/2002**

Category		Jrn. number: A2002/00593_JKA
<input type="checkbox"/> Operational	<input type="checkbox"/> Nautical	Date: 28 May 2002
<input type="checkbox"/> Technical	<input checked="" type="checkbox"/> Other	Sign.:

Issue:  
**ISM certification of cargo ships registered in NIS.**

This circular is valid from 1 June 2002 and supersedes NIS Circular no. 4/2000.

The purpose of this circular is to clarify some matters related to ISM certification of cargo ships registered in NIS for which the classification societies have been authorized according to Annex I of the Agreement.

1. Any of the recognized classification societies may carry out ISM certification (initial, intermediate and renewal) on any cargo ship registered in NIS without the owner having to submit an application to the Norwegian Maritime Directorate.
2. Further, no copy of SMC and DOC should be forwarded to the Norwegian Maritime Directorate for cargo ships registered in NIS. Such information should however be made available to the Norwegian Maritime Directorate by the classification societies upon request.
3. ILO Convention 178 has been ratified by Norway and implemented in regulations of 6 August 1996 No. 822 concerning a safety management system for cargo ships. As such, the convention applies to ships registered in NIS with a gross tonnage equal to, or greater than, 500. Since this convention is implemented in our regulations concerning ISM, the classification societies should ensure that this convention's requirements regarding seafarers working and living conditions is implemented in the safety management system when certifying and auditing the system.
4. If the entity (Company) who is responsible for the operation of the ship is other than the owner, the classification societies should verify that the owner has reported the full name and details of such entity to the Norwegian International Ship Register (postal address: P.O: Box 1013 Sentrum, N-5808 Bergen, Norway. Internet: <http://www.nis-nor.no>). A standardised form for reporting this ("Notification of assignment of responsibilities imposed by the ISM-Code") can be found on the Norwegian International Ship Register internet page (<http://www.nis-nor.no/kr/index.htm>).
  - 4.1. In addition, neither the owner nor the classification societies are to forward information to the Norwegian Maritime Directorate concerning change of Company. Such information should be made available to the Norwegian Maritime Directorate by the classification societies upon request.

<https://www.sdir.no/en/shipping/registration-of-commercial-vessels-in-nisnor/new-registration-nis/>

The main limitation of the NIS is that the ships under the Norwegian flag are not allowed to carry passengers or cargo from one Norwegian port to another port of Norway. Moreover, tactical transportation of passengers between foreign and Norwegian ports is not allowed either. The foreign ownership of the vessel is

permitted but owners are obliged to have a Norwegian representative. The foreign crew of the vessel is not allowed to conduct all the technical maintenance operations but a Norwegian Company is authorized to undertake these operations .Hence, the crew cannot make a choice of their own so this matter can be characterized as a limitation. These limitations can be considered though ,as the disadvantages of the system in a way that may dissuade a new candidates seeking a registry.

## ADVANTAGES

- Norwegians are recognised worldwide for their experience in maritime sector
- The income of the crews is not taxed by the Norwegian authorities
- It provides a large number of service stations which are easy to apply for technical and financial support or management
- The NIS's implementation of the international standards grows the uniformity of their legislation
- It has a good reputation in foreign ports ,which eliminates further inspection
- Their trial system is deemed to be predictable to maritime business
- Their taxation system is more tolerant than other European taxation regulations

## REQUIREMENTS

The main concept behind the development of the NIS is true connection between the ship and the flag state so the first prerequisite in management terms is that the ship ‘has to be managed by a Norwegian Shipping Company with its head office in Norway ‘ (Management of foreign-owned ships on Norwegian International Ship Registry ,In Shipping Law News, 4.01.2018).Something that is unclear in the matter itself though, is the fact that it remains unknown which are the specific activities should be managed by the head office in Norway . Actually ,the requirement is met if a substantial part of those activities( technical issues ,maintenance, employment ,chartering) takes place in Norway and this has as a result administration issues can be undertaken by foreign companies ,abroad .

Another requirements concerning the external parties ,for transaction or financing purposes , are the contractual structures .For instance , a leasing house has to terminate the contract between a foreign owner and a Norwegian Company ,if the owner does not change the ship's place registration or if does not enlist a Norwegian manager . The contractual structures may complex the issues also for mortgages. More specifically ,the banks or the investors who are the entities directly involved ,should know that most probably ,the ownership of a ship may need to be transferred from a Norwegian to a foreign company .So, the mortgagee will have to provide adequate documentation or to ensure as much as possible the Norwegian management of the ship. Apart from , another solution to that could be the change of the ship's flag ,a difficult thing ,particularly when a ship ,under chartering regime ,is already restricted with that change .

#### NORWEGIAN ORDINARY REGISTER (NOR)

The NOR has a lot of similarities with the NIS and the main discrepancy is seen in the class of the register. NOR is classified to the national types of register and that means the true connection between the owner and the host country exists. The two major areas these differ from each other is that the NIS enables direct registration by foreign shipowning companies and also NIS legislation allows employment of foreign seafarers on local /national wages ,established through collective wage agreements between an employer's federation ,i.e Norwegian Shipowner's Association. The International Transport Workers' Federation (ITF) has not listed NIS registry ,considered to be flags of convenience ,whereas Norwegian owned and controlled NIS registered vessels are considered wholly national ,NIS vessels controlled by non Norwegian owners may be classified as FOC unless covered by the ITF approved collective agreement (Elements of Shipping ,8<sup>th</sup> Edition ,Alan E.Branch /8.18 Norwegian International Ship Register ). The NOR is considered the reverse of the open registry and its legislation provides two options for registration :the mandatory one , which is required from vessels having a length of 15 meters and above and the optional one ,which is applied to ships of 7 up to 15 meters in length. In case that a ship belongs to the mandatory category and has already been registered to another



country, the NOR is not necessary to be applied . In addition to , all ships used for commercial purposes ,such as the fishing vessels ,are compulsory to proceed under NOR basis ,whereas the cranes ,aircrafts ,installations and moving platforms may be registered voluntarily. Norwegian Shipowners have been the masters in maritime business worldwide for more than a century .The country is ranked to the first ten largest commercial trade fleet in the world and there are 200 Norwegian shipping companies having more than 1.600 ships in foreign trade. The Norwegian Shipowners' Association is a special interest organization which serves the Norwegian shipping businesses and protects the interests of member companies and owners within the Norwegian shipping and offshore industry in relation to issues where collective representation is more possible to achieve success than companies act individually .The Association conducts its activities in conjunction with the industry and an important part of these activities is operated by committees with board member company representation.(Elements of Shipping ,8<sup>th</sup> Edition ,Alan E.Branch /8.19 Norwegian Shipowners' Association )

The limitation of the NOR system is the prerequisite it has, for solely national activities .Apart from ,the EEA ownership requirement ,the crew members should be EEA citizens too .As per the support on technical or economical issues ,this should be given exclusively and only by a Norwegian technical officer or by a company which belongs to Norway. In the view of the above , can be attributed the disadvantages of this kind of registry. Concerning , the pros of this system ,these are the benefits the shipowners of the country gain from the possibility of choosing either the national or the international type of registry .Also,the internal market can provide a high quality of support and the experience on maritime tradition this country has ,allows the development of plethora types of vessels to operate.

#### THE DANISH INTERNATIONAL REGISTER (DIS)

The Danish International Register has taken the advantage of the opportunities caused by increasing demand for bulk shipping and has helped to strengthen Danish

shipowner's competitiveness worldwide .This is achieved by the Danish merchant fleet which is constantly growing, by the good terms are provided to the shipowner ,by maintaining the employment in Denmark and by gaining the tax revenues ,which normally ,were due to be paid to the ship personnel. The DIS is well known by the Port State Control as is ranked among the highest European registers in spite of the fact that accidents have occurred too. More specifically , a shipowner may want to change to Danish flag because there is no registration fee required , the procedure of changing the flag is easy , the inspections and certificates are fully assigned to RO (Danish Maritime Authority ,06/08/2018, Come fly the Danish flag ,Information to ship owners Cargo ships) . A substantial difference between DIS and Norwegian registry is that the former was also open to foreign shipowning companies but at least the 20 % of the foreign company had to be owned by a Danish citizen or company (Farthing on International Shipping ,WMU Studies in Maritime Affairs ,Proshanto K Mukherjee ,Mark Brownrigg ,1997)

According to a research (Occupational accidents in the Danish merchant fleet and the nationality of the seafarers ,published on 23th of October ,2014 ) it seems that the nationality and the attitude to the workplace of a seafarer ,are directly connected with the risk of getting injured on board. The study refers to the period of 2010 to 2012 and makes correlations to the ships registered in the Danish International ship Register with those of other registries. One reason of conducting this research is that Denmark has one of the largest merchant fleets in the world and despite the fact that maritime workplace safety is improving there are still high rates of occupational accidents. The sources of the study are basically coming from the Danish Maritime Authority reports and secondly by the Radio Medical Denmark . The study covers only the non passenger ships which were categorised to those of above 3000 gross tonnage and those below. The categorization on nationalities was done to those of Western European countries (Germany ,Italy , Greece , Cyprus) having a majority of Danish seafarers ,to those of Eastern European countries (with a majority of seafarers from Poland), to those from South East Asian (Philippines ,Vietnam, Singapore ,Indonesia ) having a majority of Philipino employees and to those from India. The investigation during the three years showed that the rate was high among Western European seafarers but later on was decreased .The same steps seem to be followed also by the Eastern European seafarers but with a lower rate of injuries than the Western ,

whereas the rate for South East Asia appeared unclear and with a lower risk rate than the above mentioned. Indian seafarers were injured as often as Western European. On Danish ships, the majority of the officers are Danish while Asian employees usually have lower positions. It is demonstrated with certainty that factors such as nationality differences may affect the occupational safety a lot and that does not eliminate the issue by itself so that's why the root causes are to be probed.

### THE UNITED KINGDOM REGISTER (UK)

The UK Register is part of the Maritime and Coastal Agency which records all the marine activity in the UK. It is classified to the traditional type of registration. This type of registration undertakes to register ships which are administered by an individual country as a national registry of their own ships flying their own flag, owned, operated and manned by nationals of that country. Official numbers show that the UK registered merchant fleet grew by 7% in gross tonnage up to the end of December 2017 (Statistical Release, 28<sup>th</sup> of March 2018, Department for transport, Shipping Fleet Statistics 2017).

### THE ADVANTAGES

First of all, in the Paris MoU list is one of the most well-performed flags in the world and it is categorized on the White list. The members of the UK register are rewarded with low annual renewal fees and attaches great importance to the contribution of the crew, as they provide a significant amount of their costs in order to make a better system for the crew members. Furthermore the ISPS plan approvals and verifications are provided the owners without be charged and also it offers certification to ISO 9001 and ISO 14001 with audits been conducted in concordance with the ISM code. The registration, survey and statutory certification costs are among the lowest available and no annual renewal fees are required. The reputation of the UK, all over the world, about the capital role it has at the IMO and at the Quality Shipping Committees is a strong benefit by itself.

### THE DISADVANTAGES

Unfortunately ,the MAC in the last years does not operate as it did initially and so the surveys it conducts for checking the quality of the ships does not meet all the targets .The worrying fact on this is that MAC needs more resources and the revenue is gained by the shipowner is not sufficient to cover these surveys costs. Also ,the audit has found , more and more UK flag ships are being detained .Statistically the numbers might appear large but we have to take into account one more criterion ,which is the fact that the quality of the other flags is increasing simultaneously with this situation.

From the time was introduced by the Government a new regulatory for charging on the tonnage of the vessels instead of charging based on the profits from the activities of the vessel, was noted a growth in registered ships.

## CONCLUSIONS

To be successful a shipowner must be professional at all times and well qualified . The constantly changing market place presents more and more opportunities but the ability to respond to changes are the key elements in the shipper entrepreneur strategy. It can safely be said that the central theme of the present work is the role of flag states in all aspects of shipping .The word ship is often used as are the words nationality ,jurisdiction ,flag ,registration ,documents/certificates ,genuine link etc and the exact meaning of these words depends upon the sphere of maritime affairs (the organizations or conventions) .The FOC sector is an interesting example of the maritime shipping because the bargaining outcomes have an immediate and significant real world impact in terms of worker welfare and labour cost . As per the

second registries which have been developed by the countries in order to compete with those were offered by the developing countries . The closed registers examined still prevail in size however the difference is not very large. Each of the registers offer to their members a lot of benefits .It has been found that the UK Register is much bigger in size than NOR and despite the deteriorating ability to meet its survey targets is still ranked at one of the highest places in the MOU whitelist . Finally ,it can be argued that the less the probabilities are for the vessels to be detained overseas due to deficiencies ,the more ability for making profit will exist .

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21a](https://s3.amazonaws.com/academia.edu.documents/36278514/FOCpaperlillie.pdf?response-content-disposition=inline%3B%20filename%3DGlobal_collective_bargaining_on_flag_of.pdf&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIWOWYYGZ2Y53UL3A%2F20191021%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Date=20191021T144524Z&X-Amz-Expires=3600&X-Amz-SignedHeaders=host&X-Amz-Signature=d37480bac16b0bb4623677fe4920d3aecff21af9d892a94c2da733a0877fe21a)

- NOTES FROM REPRESENTATIVES SPEAKERS BY THE CLASSIFICATION SOCIETY OF ABS (AMERICAN BUREAU OF SHIPPING)

