



# National Union of Rail Maritime and Transport Workers



Sir Alan Massey  
Chief Executive  
Maritime & Coastguard Agency  
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Tuesday 24<sup>th</sup> May 2016

Dear Alan

## **RMT response to MCA Consultation on Port State Control (PSC) and Flag State Control (FSC) regulations**

Further to the consultation documents issued 22<sup>nd</sup> April 2016 regarding the consultation exercise on the above, this letter is the RMT's formal response.

Firstly, the union is concerned at the open ended nature of the consultation, particularly the questionnaire. For example, the reference to 'confidence' in question 1(b) is clearly designed to accommodate the demand from sections of the maritime industry for further deregulation and the targeting of so-called 'gold-plated' maritime legislation; in this case European legislation on PSC and FSC inspections.

The annual statistics for PSC inspections carried out from Marine Offices reveal<sup>1</sup> that the number of PSC inspections carried out by MCA surveyors has significantly fallen in recent years. The figures show that between 2013-14 and 2015-16, the number of PSC inspections carried out by MCA surveyors fell from 779 to 406 – a fall of over 47%. By comparison, the figure for 2010-11, the last year before the new regulations came into force was 880.

The union is clear, however, that the recent fall in PSC inspections do not represent an accurate measure of improvements or otherwise in the safety of internationally flagged ships visiting UK ports. In our view, the recent fall is what the PSC regulations themselves were intended to achieve through implementing a 'risk based' system of regulation.

In fact, the PSC figures for the last full year before the regulations came into force in November 2011 show that MCA surveyors carried out 880 PSC surveys in 2010-11 – more than double the number (406) of PSC surveys carried out in 2015-16. We do not think that the safety record of the industry over this period and going forward would justify the PSC regulations being diluted. In fact, we believe that they should be strengthened to ensure that more PSC surveys are carried out of Open Register/Flag of Convenience vessels.

<sup>1</sup> Written Answer of 19 April 2016 to PO33598

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The MAIB investigation and report into the 2<sup>nd</sup> January 2015 loss of the Cypriot-flagged Cemfjord and its entire crew confirms the dangers inherent to 'risk based' regulation. The Cemfjord case alone should provide sufficient evidence for the MCA's findings from this consultation to prioritise the safety of seafarers over operators' costs.

Regular, non-fatal cases over recent years, such as the Hoegh Osaka, Sea Breeze and Nagato Reefer also demonstrate the need for the MCA to conduct robust and regular PSC survey and inspection work amongst the international fleet working from UK ports. Again, we believe that this supports our contention for the PSC and FSC regulations to be strengthened.

RMT supports high safety standards and the UK Ship Register remaining a quality flag. We do not think that there is a tension between these two objectives and call on the MCA to resist the overtures of the shipping industry and resist paring back PSC and FSC regulations to the international minimum.

Finally, it is something of a risk for the MCA to conduct a review of its transposition of European Directives into UK law ahead of the referendum on EU membership on 23<sup>rd</sup> June this year. Whatever the result of the referendum, it will have implications for the MCA and the Survey and Inspection Transformation Programme in particular.

We await the outcome of the consultation (and the EU Referendum) with considerable interest.

Yours sincerely



**Mick Cash**  
**General Secretary**