

Exh. KJM-3
Docket TP-220513
Witness: Kathy J. Metcalf

**BEFORE THE STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

Docket No. TP-220513

**EXHIBIT TO TESTIMONY OF
Kathy J. Metcalf
ON BEHALF OF
PACIFIC MERCHANT SHIPPING ASSOCIATION**

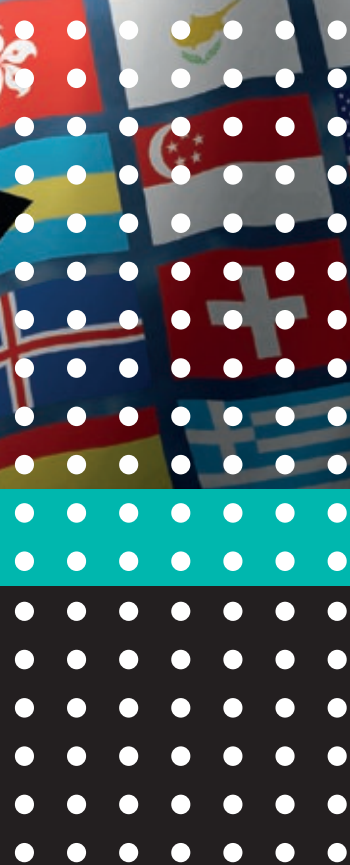
**2022/2023 International Chamber of Shipping, “Shipping Industry Flag State
Performance Table” Report**

FEBRUARY 10, 2023

Shipping Industry Flag State Performance Table

2022/2023

Supported by



Shipping Industry Flag State Performance Table 2022/2023

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The International Chamber of Shipping (ICS) is the global trade association representing national shipowners' associations from Asia, Africa, the Americas and Europe and more than 80% of the world merchant fleet.

Established in 1921, ICS is concerned with all aspects of maritime affairs particularly maritime safety, environmental protection, maritime law and employment affairs.



ICS enjoys consultative status with the UN International Maritime Organization (IMO) and International Labour Organization (ILO).

Purpose

There is nothing inherently unusual in an international ship registry system in which the owner of a ship may be located in a country other than the State whose flag the ship flies. However, a balance has to be struck between the commercial advantages of selecting a particular flag and the need to discourage the use of flags that do not meet their international obligations.

The purpose of this Flag State Performance Table is two-fold:

- To encourage shipowners and operators to examine whether a flag State has sufficient substance before using it.
- To encourage shipowners and operators to put pressure on their flag Administrations to affect any improvements that might be necessary, especially in relation to safety of life at sea, the protection of the marine environment, and the provision of decent working and living conditions for seafarers.

-  GREEN squares suggest positive performance indicators
-  RED squares highlight potentially negative performance (although individual indicators should be considered within the context of the Table as a whole).

How to use the Table

This Table summarises factual information in the public domain that might be helpful in assessing the performance of flag States. Sources are shown in the footnotes at the end of this report.

Positive performance indicators are shown as green squares on the Table.

Like all datasets, the Table needs to be used with care. Where a flag State is missing a single positive indicator, in itself this does not provide a reliable measurement of performance. For example, a flag State might be unable to ratify a Convention due to conflict with domestic law but might nevertheless implement its main requirements. Equally, a flag State may not be listed on a Port State Control 'white list' because it does not make any port calls in that PSC region.

However, if a large number of positive indicators are shown as being absent, this might suggest that performance is unsatisfactory and that shipping companies should ask further questions of the flag State concerned.

The Flag State Table and its criteria are **not intended to be used for commercial purposes or assessments of the performance of individual ships that may elect to use a particular flag**. It is only intended to encourage shipowners and operators to maintain an open dialogue with their flag Administrations about potential improvements, which may be necessary for enhancement of safety and security of life at sea, protection of the marine environment and provision of decent working conditions for seafarers.

Methodology

The Flag State Performance Table is based on the most up-to-date data available as of January 2023

Port State Control

A simple means of assessing the effective enforcement of international rules is to examine the collective Port State Control record of ships flying a particular flag.

The three principal Port State Control (PSC) authorities are the countries of the Paris Memorandum of Understanding (MOU), the Tokyo MOU and the United States Coast Guard (USCG). All three authorities target particular flags on the basis of deficiencies and detentions recorded for ships flying that flag. The Table identifies flag States that feature on the Paris and Tokyo MOUs' white lists and that have fully qualified for the USCG's Qualship 21 program, and those which do not appear on their respective black lists/target lists. Ships whose flag States do not appear on PSC white lists tend to be subject to a greater likelihood of inspections.

The Table now also identifies those flags whose ships suffered no detentions within a particular PSC region over the previous three years, but did not meet the relevant minimum requirement of inspections or arrivals to be included in the MOU white lists/ Qualship 21 program. In order to be identified in this way with respect to the Paris and Tokyo MOU white lists, a flag must have undergone at least one inspection in the previous three years. With respect to the Qualship 21 program, a flag must have made at least three distinct arrivals in each of the previous three years. As regards the USCG Target List, flags which are listed as 'Medium Risk' on the list are identified with a neutral indicator. This is in alignment with the way in which the three PSC authorities present this information.

NB: Flags which do not qualify for Qualship 21 have not been given red squares, as the list of flag States which qualify varies considerably from year to year and non-inclusion is currently not regarded by ICS as an indicator of potentially negative performance.

The full criteria for PSC are explained in the footnotes to the Table.

Ratification of major international maritime treaties

Ratification of international maritime Conventions does not necessarily confirm whether the provisions of these global instruments are being properly enforced. However, a flag State should be able to provide good reason for not having ratified any of the instruments referred to in the Table.

The Table refers to those 'core' Conventions, relevant to flag State responsibilities, which already enjoy widespread ratification and enforcement. The full criteria for the Conventions listed are shown in the footnotes to the Table.

Use of Recognized Organizations in compliance with the IMO RO Code

The IMO Code for Recognized Organizations (RO Code) requires flag States to establish controls over ROs conducting survey work on their behalf, and to determine if these bodies have adequate resources for the tasks assigned. The RO Code also requires flag States to submit data to IMO on the ROs authorised to act on their behalf.

The Annual Reports released by the Paris and Tokyo MOUs on Port State Control contain 'Performance Lists of Recognized Organizations', which rank each RO into high-, medium-, low- and very low-performing. Using a combined list of high-performing ROs from the Paris and Tokyo MOU lists, the table positively identifies flag States which employ as many or more high-performing ROs, as they do non-high-performing ROs, and which have submitted their RO related data to the IMO in line with the RO Code.

Age of fleet

A high concentration of older tonnage under a particular flag does not necessarily mean that this tonnage is in any way substandard. However, a flag which has a concentration of younger ships may be more likely to attract quality tonnage than a flag State with a high concentration of older vessels.

Calculations of 'Average age' are conducted through the UNCTAD Stat Database, which is publicly available at <http://unctadstat.unctad.org>. The average age is determined based on analysis of aggregated data of ships registered under a particular flag State.

As a positive indicator, the Table therefore shows the 90% of flags (among those listed) that have the lowest average fleet age (the bottom 10% of those listed having the highest average age). Nevertheless, it is strongly emphasised by ICS that the age of an individual ship is not an indicator of quality, and that the condition of an individual ship is ultimately determined by how it is maintained.

Reporting requirements

There are various reporting requirements concerning the submission of information by flag States to IMO and ILO. Information covering the extent to which flag States actually comply with these reporting requirements is not always available in the public domain.

However, as an indicator, the Table positively identifies flags that are in compliance with ILO reporting obligations, as well as flags confirmed by IMO to have communicated information demonstrating that full and complete effect is given to the relevant provisions of the STCW Convention (as amended in 2010) and included within the latest STCW white list, as approved by the IMO Maritime Safety Committee.

Attendance at IMO meetings


Although in itself not an indicator of their safety and environmental record, flag States that attend the major IMO meetings (Maritime Safety Committee, Marine Environment Protection Committee and Legal Committee) are thought more likely to be seriously committed to the implementation and enforcement of IMO rules.


Attendance at these meetings is also important to keep abreast of regulatory developments. The Table identifies flag States that have been represented at all meetings of these three major IMO committees, plus the biennial meeting of the IMO Assembly, during the two years previous to 1 January 2023.

IMO Member State Audit

When governments accept to be bound by an IMO Convention they tacitly agree to incorporate it into their national law, implement it and enforce its provisions. The IMO Audit Scheme determines how effectively audited States adhere to all applicable mandatory IMO instruments covered by the Scheme. These audits became mandatory in 2016 and the Table positively indicates flag States reported to have already been audited.


2022/2023 Flag State Performance Table


 indicates that flag State has an ICS member national shipowners association

 squares suggest positive performance indicators

	Port State Control					Ratification of Conventions							RO Code	Age	Reports		IMO		
	Paris MOU White List	Not on Paris MOU Black List	Tokyo MOU White List	Not on Tokyo MOU Black List	USCG Qualship 21	USCG Target List (safety)	SOLAS 74 (and 88 Protocol)	MARPOL including Annexes I - II	MARPOL Annexes III - VI	LL 66 (and 88 Protocol)	STCW 78	ILO MLC	CLC/FUND 92	Recognized Organizations	Low Average Age (Ship Numbers)	On latest STCW 95 White List	Completed full ILO Reports	IMO Meetings Attendance	IMO Audit Scheme
Albania	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Algeria	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Antigua & Barbuda	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Argentina	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Australia	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Bahamas	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Bahrain	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Bangladesh	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Barbados	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Belgium	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Belize	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Bolivia	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Brazil	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Bulgaria	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Canada	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Chile	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
China	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Colombia	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Comoros	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Cook Islands	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Costa Rica	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Cote d'Ivoire	■	■	■	■		■	■	■	■	■	■	■	■	N/S	■	■	■	■	■
Croatia	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Cuba	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Cyprus	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Dem. People's Rep. Korea	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Dem. Rep. of the Congo	■	■	■	■		■	■	■	■	■	■	■	■	N/S	■	■	■	■	■
Denmark	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Dominica	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Egypt	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Estonia	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Faroe Islands	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Finland	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
France	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Georgia	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Germany	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Ghana	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Greece	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Honduras	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Hong Kong (China)	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Iceland	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
India	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Indonesia	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Iran	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Ireland	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Israel	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Italy	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Jamaica	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Japan	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Jordan	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Kenya	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Kiribati	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Kuwait	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Latvia	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Lebanon	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Liberia	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Libya	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Lithuania	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■
Luxembourg	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

■ - Indicates where a flag Administration suffered no detentions within the particular PSC region, but did not meet the relevant minimum requirement of inspections/arrivals, as set by the PSC authorities, to be included in an MOU white list or the Qualship 21 program. In order to be identified in this way with respect to the Paris and Tokyo MOU white lists, a flag must have undergone at least one inspection in the previous three years. With respect to the Qualship 21 program, a flag must have made at least three distinct arrivals in each of the previous three years. This is in alignment with the way in which the PSC authorities present this information. For the target list criteria, this denotes a flag Administration which is listed as 'Medium Risk' (as opposed to 'High Risk') according to the USCG target list methodology.

 indicates that flag State has an ICS member national shipowners association

 squares suggest positive performance indicators

	Port State Control					Ratification of Conventions							RO Code	Age	Reports		IMO		
	Paris MOU White List	Not on Paris MOU Black List	Tokyo MOU White List	Not on Tokyo MOU Black List	USCG Qualship 21	USCG Target List (safety)	SOLAS 74 (and 88 Protocol)	MARPOL including Annexes I - II	MARPOL Annexes III - VI	LL 66 (and 88 Protocol)	STCW 78	ILO MLC	CLC/FUND 92	Recognized Organizations	Low Average Age (Ship Numbers)	On latest STCW 95 White List	Completed full ILO Reports	IMO Meetings Attendance	IMO Audit Scheme
Malaysia																			
Malta																			
Marshall Islands																			
Mauritius																			
Mexico																			
Mongolia																			
Morocco																			
Myanmar																			
Netherlands																			
- Curacao							NL	NL	NL	NL	NL	NL				NL			
New Zealand																			
Nigeria																			
Norway																			
Pakistan																			
Palau																			
Panama																			
Papua New Guinea																			
Philippines																			
Poland																			
Portugal																			
Qatar																			
Republic of Korea																			
Republic of Moldova																			
Romania																			
Russian Federation																			
St. Kitts & Nevis																			
St. Vincent & Grenadines																			
Sao Tome & Principe																			
Saudi Arabia																			
Sierra Leone																			
Singapore																			
South Africa																			
Spain																			
Sri Lanka																			
Sweden																			
Switzerland																			
Syrian Arab Republic														N/S					
Tanzania														N/S					
Thailand																			
Togo																			
Tonga														N/S					
Trinidad & Tobago																			
Tunisia																			
Türkiye																			
Tuvalu																			
Ukraine																			
United Arab Emirates																			
United Kingdom																			
- Bermuda							UK	UK	UK	UK	UK	UK					UK		
- British Virgin Islands							UK	UK	UK	UK	UK	UK					UK		
- Cayman Islands							UK	UK	UK	UK	UK	UK					UK		
- Gibraltar							UK	UK	UK	UK	UK	UK					UK		
- Isle of Man							UK	UK	UK	UK	UK	UK					UK		
United States of America					N/A	N/A													
Uruguay														N/S					
Vanuatu																			
Venezuela														N/S					
Viet Nam																			

UK - Indicates where a dependent territory's entry is based on the ratification, reporting or IMO meeting attendance of the UK 'mainland' flag.
NL - Indicates where a dependent territory's entry is based on the ratification, reporting or IMO meeting attendance of the Netherlands 'mainland' flag.
N/S - No data submitted to IMO - can be regarded as negative indicator.
N/A - Data not applicable - US not eligible for Qualship 21 or USCG target listing.

Footnotes

Port State Control

Paris MOU Annual Report 2021 (published in 2022); Tokyo MOU Annual Report 2021 (published in 2022); USCG Qualship 21 Qualified Flag Administrations 2022 and USCG List of Targeted Flag Administrations 2022, as recorded in USCG Port State Control Annual Report 2021.

Paris and Tokyo MOU data relate to their 'white lists' and 'black lists' but not their 'grey lists'. Many flag States which are on neither the MOU white list or black list are included in the grey list.

However, flag States whose ships have been inspected less than 30 times in the last three years do not appear in any of the MOU lists. This principle applies in both the Paris MOU and Tokyo MOU regions.

The USCG methodology for evaluating PSC detention ratios (USCG target list and Qualship 21) uses the formula of detentions/distinct vessel arrivals, rather than detentions/inspections as used by the Paris and Tokyo MOUs. In order to be considered for Qualship 21 status, a flag State's ships must have made at least ten distinct arrivals per calendar year for the previous three years.

The Table also identifies those flags whose ships suffered no detentions within a particular PSC region over the previous three years, but did not meet the relevant minimum requirement of inspections or arrivals to be included in the MOU white lists or Qualship 21 program.

In order to be identified in this way with respect to the Paris and Tokyo MOU white lists, a flag must have undergone at least one inspection in the previous three years. With respect to the Qualship 21 program, a flag must have made at least three distinct arrivals in each of the previous three years. This is in alignment with the way in which the PSC authorities present this information. Some flag States may therefore not receive a positive indicator despite having experienced zero detentions.

There are various other regional and national PSC regimes worldwide, but in the interests of simplicity this Table only uses data from the three principal regional PSC authorities.

Ratification of Conventions

Source: IMO report 'Status of Conventions', IMO website (www.imo.org), ILO website (www.ilo.org) (all as at January 2023).

The criteria for the Conventions listed in the Table are:

International Convention for the Safety of Life at Sea, 1974 as amended (SOLAS 74) – includes the 1988 Protocol.

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended (STCW 78) including the 2010 amendments.

International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL 73/78) – the Table includes one column for the ratification of MARPOL and its mandatory Annexes I (oil) and II (bulk chemicals); and a second column for the remaining Annexes III (dangerous packaged goods), IV (sewage), V (garbage) and VI (atmospheric pollution).

International Convention on Load Lines, 1966 (LL 66) – includes the 1988 Protocol.

ILO Maritime Labour Convention, 2006 (ILO MLC).

International Convention on Civil Liability for Oil Pollution Damage, 1992 and the **International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992** (CLC/Fund 92) – includes the 1992 Protocols.

Recognized Organizations

Source: Recognized Organization Performance Tables as published in both Paris MOU Annual Report 2021 (published in 2022); Tokyo MOU Annual Report 2021 (published in 2022).

Average Age

Source: UNCTAD Stats Database (available at <http://unctadstat.unctad.org/wds/TableViewer/tableView.aspx?ReportId=93>).

Second register ships are incorporated under main national register. Includes trading ships over 100 gross tonnage.

Reports

Sources: Report of the ILO Committee of Experts on the Application of Conventions and Recommendations 2022; MSC.1-Circ.1163-Rev.13

IMO Attendance

Source: IMODOCS 'List of Participants' for the following meetings: MEPC 76, 77, 78 and 79; MSC 103, 104, 105 and 106; LEG 108 and 109; Assembly 32.

IMO Audit Scheme

Source: IMO GISIS 'Member States Audit' module.



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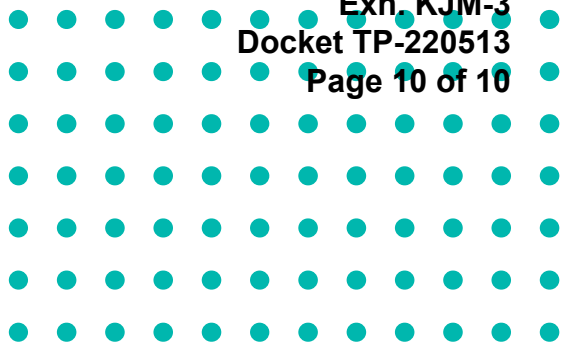
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