

Port State Control Memorandums of Understanding: The Opportunity of an Integrated Regional Regime

Prepared By

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المستخلص

تتناول هذه الورقة درجة الموائمة والتناغم بين مذكرة تفاهم باريس لرقابة دولة الميناء (Paris MoU) ومذكرة تفاهم البحر المتوسط (Med MoU). ورغم أن النظامين يستندان إلى نفس الصكوك الصادرة عن المنظمة البحرية الدولية (IMO) ومنظمة العمل الدولية (ILO)، فإن التطبيق يختلف بين الأقاليم، بما يؤثر في قابلية التنبؤ والموثوقية في إنفاذ المتطلبات.

تم اعتماد تصميم بحثي مختلط يشمل: (١) تحليلاً وثائقياً وكمياً لإحصاءات مذكرات التفاهم الرسمية للفترة ٢٠٢١-٢٠٢٣ (التفتيشات، الحجوزات، معدلات الحجز، العيوب، وأدوات الإنفاذ)، و(٢) تحليلاً موضوعياً لإجابات استبيان مفتوحة لخبراء ومهنيين مرتبطين بأنشطة رقابة دولة الميناء (N=122). تُظهر النتائج وجود فجوات مستمرة في حجم التفتيش ومخرجات الإنفاذ؛ إذ سجلت مذكرة تفاهم باريس ١٧,٢٨٩-١٥,٤٠١ عملية تفتيش سنوياً بمعدلات حجز تراوحت بين ٣.٤٩-٤.١٨٪، بينما سجلت مذكرة تفاهم البحر المتوسط ٤,٩٥٤-٦,١٣٢ عملية تفتيش بمعدلات حجز بين ٢.١٢-٢.٦٠٪. كما تختلف أنماط العيوب؛ حيث تُظهر مذكرة تفاهم باريس تركيزاً أعلى في مجالات السلامة من الحريق وفق اتفاقية SOLAS والهيكل/المحركات، في حين تُظهر مذكرة تفاهم البحر المتوسط تكراراً أكبر لمشكلات الوثائق والملاحة، مع تفاهم مسألة عدم مواءمة ترميز العيوب. وتبرز الأدلة النوعية خمس أولويات متكررة: تدريب وكفاءة مفتشي رقابة دولة الميناء (PSCOs)، التناغم في الإجراءات، التحول الرقمي وعدم تكافؤ نظم تقنية المعلومات (THETIS مقابل THETIS-Med)، عدالة التفتيش، والتنشيط القانوني والمؤسسي.

تقترح الورقة مساراً عملياً مرحلياً للتناغم والتكامل يركز على توحيد ترميز العيوب، ومواءمة نطاق الاتفاقيات، واعتماد مؤشرات أداء مشتركة، وبناء القدرات بدعم منصات رقمية قابلة للتشغيل البيئي. وكخطوة إضافية نحو التقارب العالمي، تعرض الدراسة إطاراً مرحلياً لمواءمة مذكرات التفاهم فيما بينها (MoU-to-MoU) يقوم على معايير بيانات مشتركة، والاعتراف المتبادل بنتائج التفتيش، تنظيم تقييمات دورية مشتركة (بما يشمل مراجعات متبادلة وحملات تفتيش منسقة). وضمن هذه الخارطة، تُعد الأولويات الأساسية إنشاء قاعدة بيانات إقليمية مركزية لمنع/الحظر، وتوحيد التدريب الفني لمفتشي رقابة دولة الميناء (PSCOs)، وتعزيز قابلية التشغيل البيئي الرقمية بين الأنظمة، بما يحد من فجوات الإنفاذ ويقضي على "الملاذات السالمة" للسفن دون المستوى، دون اشتراط دمج مؤسسي فوري.

Abstract

This study examines the degree of harmonization between the Paris Memorandum of Understanding on Port State Control (Paris MoU) and the Mediterranean Memorandum of Understanding (Med MoU) as they relate to the International Maritime Organization and the International Labor Organization (IMO/ILO). Even though both agreements were developed from the same international instruments, they are applied differently in each jurisdiction; therefore, the way each jurisdiction applies them results in an unequal level of predictability and credibility when enforced.

The research study employed a mixed methods methodology to gather data and respond to the research questions from an evidence based data analysis methodology. The authors analyzed the data using two forms of data analysis: a quantitative analysis of 2021-2022 last MOU official statistics (documentary) and a thematic analysis of open ended questionnaire responses from 122 PSC professional participants; this created the data set used to answer the study objective. Of interest is the difference in the number of inspections performed and the number of enforcement actions taken from those inspections. For instance, the Paris MoU inspection numbers ranged from a high of 17,289 inspections to a low of 15,401 inspections conducted between 2021 to 2023, with the average detention rates per inspection between 3.49% and 4.18%. In comparison; the Mediterranean MOU's numbers of inspections were a low of 4,954 inspections to a high of 6,132 inspections conducted over the same three years' timeframe, with average detention rates per inspection between 2.12% - 2.60%. In addition to the discrepancies in numbers of inspections performed and types of enforcement actions taken, the findings also indicate differences in deficiency profiles and enforcement focus between MoUs related to their potential definitions of deficiencies caused by SOLAS fire protection, structural integrity, and others (i.e. documentation, navigation, and safety). The interview data also indicated that there are five recurring issues with the continuing fragmentation of the PSC system. These include: (1) A lack of competence or training for the PSCO; (2) a need for procedural harmonization, (3) the status of digital technologies (THETIS versus THETIS-Med), (4) fairness in the inspection process, and (5) legal/institution fragmentation.

A phased plan for integrating and unifying varying regulation types consists of a standard series of deficiency coding; a clearly defined scope of conventions to be adhered to; shared performance indicators and the provision of capacity building programs utilizing interoperability of digital technology networks will be created. Additionally, the Phased Approach outlines a series of steps that can be taken in order to assist with global convergence which also includes the creation of common data standards for aligning MoUs to each other and mutual recognition of inspection results and the periodic calibrated inspections as well as concentrated campaigns. Some of the major areas of concern that have been identified that will be integral in achieving these objectives as part of the roadmap are as follows: (1) creating a centralized regional database of banned ships; (2) standardizing technical training for Port State Control officers; (3) identifying innovative digital methods to reduce the disparity between methods of enforcement for both types of regimes;

and (4) eliminating the ability for substandard vessels to utilize "safe havens" to conduct their operations without requiring an immediate merging of the MoUs.

Keywords: Port State Control (PSC); Paris MoU; Mediterranean MoU (Med MoU); Harmonization; Deficiency Coding; Digital Interoperability (THETIS/THETIS-Med)

1. INTRODUCTION

Ensuring safety & protecting our oceans is not one or the other but both are global priorities reliant on a multitude of international regulations. The "flag states" would primarily be accountable for ensuring their vessels are compliant with global standards, however, there are now too many international open registries without sufficient administration and oversight leading to the requirement for a second line of defense for compliance with international conventions through PSC (port state control), giving port states the opportunity to perform inspections of foreign-flagged vessels at their respective ports to confirm compliance with the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL), as well as other vital instruments.

The world is now divided by regional MoUs as a result of the establishment of the first regional agreement, the 1982 Paris Memorandum of Understanding (MoU). There is much benefit in this division because of the ability to share information/resources and cooperate in targeting, however; regionalization of PSC has created an important challenge; namely, fragmentation. If the inspection regimes in one region are rigorous and the neighboring area's inspection regime is lenient, non-compliant vessels can participate in so called "port shopping", using their international trade routes as their method of avoiding detection.

This study analyzed how closely the Paris MoU and the Mediterranean (Med) MoU are aligned. Due to the maturity of its risk based targeting and the sophistication of its transparency instruments and digital technology/infrastructure, the Paris MoU is frequently used as a point of reference for comparison. The Med MoU has had a long standing history of containing a strategically significant maritime transit corridor; however, historically, it has varied in inspection capacity, the amount of inspection conducted, and has lagged in developing digital technology. Recently, the launch of THETIS-Med, which was inspired by the Paris MoU THETIS model, provides an opportunity to reduce the operational differences between the two organizations and more effectively support regional cooperation.

The objective of this paper is to provide an evidence-based comparison of the two regimes (2021-2023) and to integrate practitioner perceptions, thereby identifying concrete, implementable measures that can support deeper harmonization.

Although previous studies have addressed PSC harmonization in general terms, fewer studies combine recent official comparative data with practitioner evidence to assess harmonization specifically between the Paris and Mediterranean MoUs.

2. METHODOLOGY

A mixed method strategy was used in this study where both quantitative statistical data and qualitative data collected, through surveys with participants, were utilized to provide the foundation for triangulated results produced from the research.

2.1 Quantitative Data Collection

The official Annual Reports from both the Paris and Mediterranean Memoranda of Understanding (MoU) were compiled in accordance with the most recent years reported for these documents (i.e., 2021, 2022, and 2023). The extracted data that will be utilized in this analysis include the following variables related to the number of inspections performed on foreign flag vessels:

- The volume of inspections performed was measured in terms of the number of initial inspections conducted.
- The detention rate will be calculated as the percent of inspections resulting in detention.
- The categorization of deficiencies (e.g., Fire Safety vs. Documentation).
- Statistics representing the frequency of refusal of access orders issued will contribute to determining frequency and severity of deficiencies overall.
- Data was also cross-referenced with the IMO Global Integrated Shipping Information System (GISIS) and Equasis to verify trends.

2.2 Qualitative Survey Design

To analyze the "why" behind the patterns in the statistics, an online structured questionnaire was sent to maritime professionals. The questionnaire targeted maritime professionals engaged in PSC related practice within the Euro-Mediterranean context, including PSCOs, ship owners and managers, seafarers, and other maritime professionals.

- Sample Size: The number of valid responses was 122.
- Demographics: The respondent pool consisted of 27% PSCOs, 26% Ship Managers, 20% Seafarers, and 27% Other Maritime Professionals.
- Instrument: The survey was composed of 20 items measured by Likert-type (1-5) scales measuring various topics including perception of effectiveness, perceptions of fairness, and perceptions of harmonization, in addition to providing open ended questions.

2.3 Data Analysis

Descriptive statistics were used to identify comparative trends across the two regimes, while open-ended responses were coded thematically to identify recurring patterns related to harmonization and enforcement.

The qualitative component was intended to interpret the operational reasons behind observed statistical differences rather than to generate statistically generalizable findings.

3. RESULTS

3.1 Quantitative comparison of inspection activity and enforcement outcomes

Table (1) Paris MoU inspection activity (2021-2023)

Year	Inspections	Detentions	Detention rate (%)	Deficiencies	Detainable deficiencies	Banning
2021	15401	537	3.49	36272	3352	11
2022	17289	723	4.18	47167	4873	10
2023	16769	639	3.81	47510	4809	11

Table (2) Med MoU inspection activity (2021-2023)

Year	Inspections	Detentions	Detention rate (%)	Deficiencies
2021	4954	104	2.12	10087
2022	6132	132	2.2	16065
2023	5976	157	2.6	14449

Paris MoU inspection activity rebounded after the COVID-19 slowdown, increasing from 15,401 inspections in 2021 to 17,289 in 2022, then stabilizing at 16,769 in 2023. Detentions peaked at 723 (4.18%) in 2022 before declining to 639 (3.81%) in 2023. In parallel, the number of deficiencies remained high, exceeding 47,000 in both 2022 and 2023, with detainable deficiencies remaining above 4,800 in 2023.

Med MoU inspection volume was substantially lower, ranging from 4,954 to 6,132 inspections. Detention rates increased gradually from 2.12% (2021) to 2.60% (2023), with 157 detentions recorded in 2023. The scale difference is structurally linked to membership size, port network coverage, and PSCO availability.

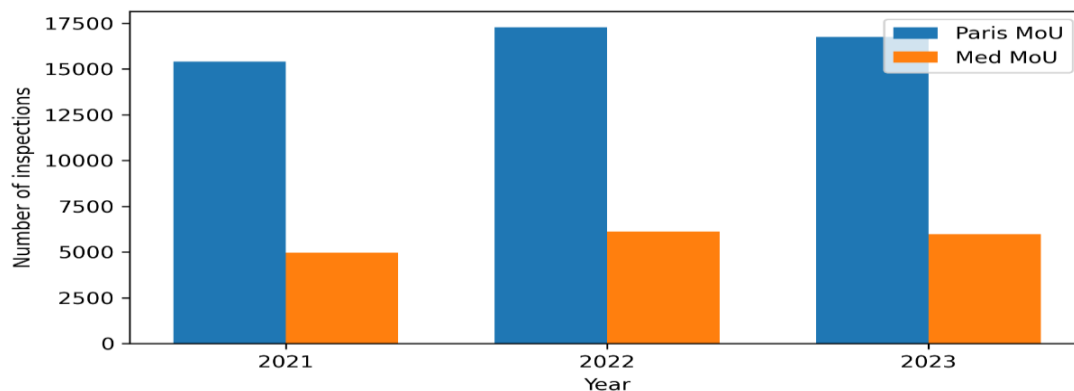


Figure (1) Inspections (Paris vs Med MoU, 2021-2023)

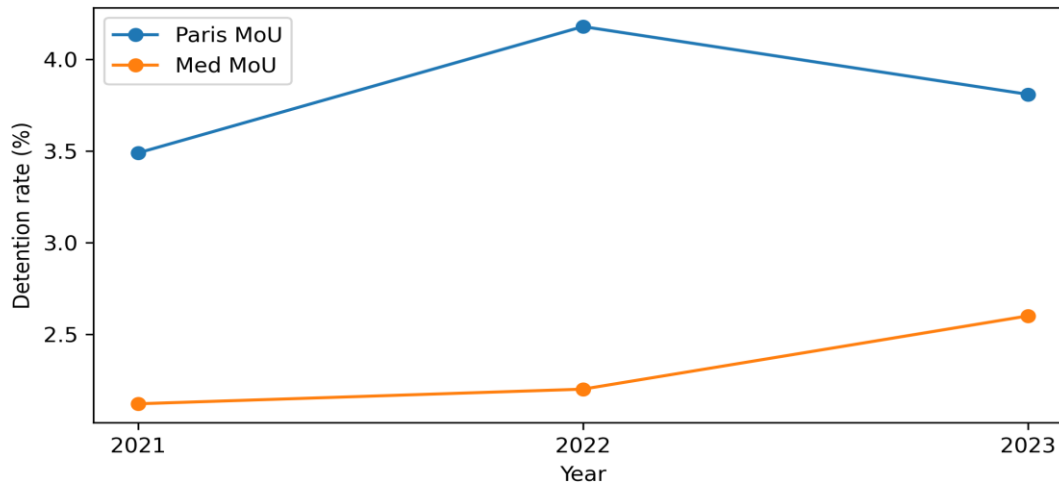


Figure (2) Detention rate (Paris vs Med MoU, 2021-2023)

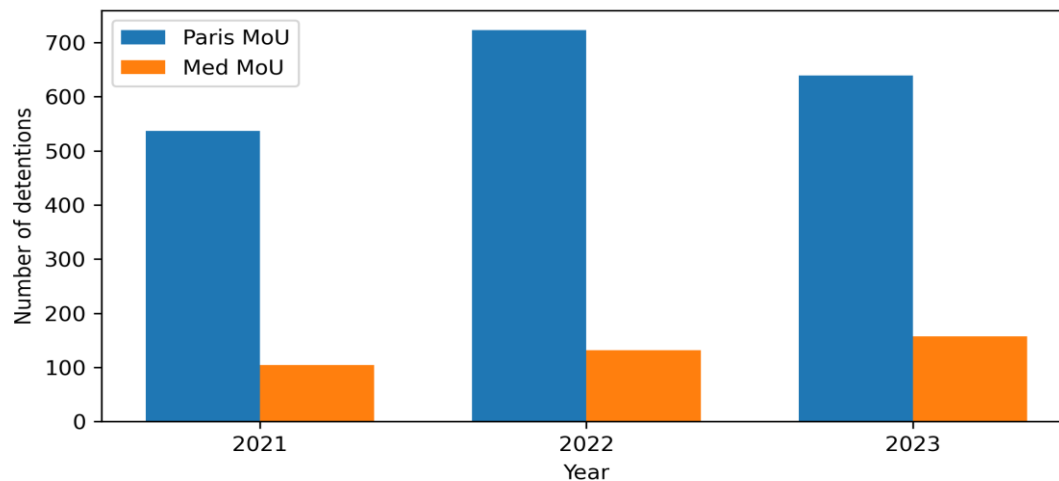


Figure (3) Detentions (Paris vs Med MoU, 2021-2023)

3.2 Deficiency patterns and comparability constraints

The two regimes display different deficiency profiles and enforcement emphases, which limits direct comparability. Deficiency counts were substantial in both regimes, but category structures and coding practices complicate direct comparison. Numbers from the Paris MoU in 2023 showed that they found 48,000 deficiencies with 17% related to fire safety, 12% to hull/machinery, and 10% for living and working conditions (MLC title 4). In the Med MoU, 14,449 deficiencies were reported, and showed a stronger concentration in documentation and navigation related issues.

The absence of fully harmonized deficiency coding results in analytical restrictions for comparisons between the two regimes due to limitations on the ability to map categories directly and analyze trends across categories. This will cause an inequivalent level of enforcement focus

between the two regimes, increasing the difficulty of establishing a common baseline of risk indicators.

3.3 Qualitative themes from practitioner responses

Thematic analysis was performed on the answers from an open ended survey (N=122) which identified multiple trends and themes within participant responses in regards to human and institutional variables impacting harmonization. Five themes overall were revealed from this analysis, which were: (i) quality and training of PSCOs; (ii) perceived harmonization of MoUs; (iii) digitalization and IT asymmetry (THETIS vs THETIS-Med); (iv) fairness and consistency during inspections; and (v) legal/institutional fragmentation.

Table (3) Summary of qualitative themes derived from questionnaire responses (N=122)

Theme	Responses (n)	Indicative prevalence	Representative view
Training and competence of PSCOs	~75	High	There is a huge lack of qualified PSCOs.
Harmonization between MoUs	~68	High	Procedures are similar in theory but not in enforcement.
Digitalisation and THETIS / THETIS-Med	~60	Medium-High	The system is useful but more training is needed.
Inspection effectiveness and fairness	~55	Medium	Criteria vary between ports.
Legal and institutional fragmentation	~40	Medium-Low	Each State applies rules differently.

4. Discussion

The comparative evidence indicates partial convergence at the level of legal foundation, but continuing divergence in operational intensity, transparency, and enforcement practice. While both share a common base of conventions upon which to establish inspection and detention models, they are very different with respect to enforcement intensity, enforcement transparency tools, and level of maturity in their operational capabilities. By the number of inspections occurred at each MoU, Paris MoU was inspecting approximately 3 times more than was the Med MoU from 2021 - 2023, and likewise, the Paris MoU detention rates were consistently higher than those of the Med MoU. By the qualitative perspective of the respective stakeholder communities; stakeholders agree

that the processes used by each MoU to enforce convention occurrences are similar in concept, but differences exist in enforcement outcomes resulting from differing levels of PSCO training, differing degrees of port level discretion, and differing levels of digitalization maturity.

The main reason that Digitalization serves as a major convergence lever is through the use of traceable histories, risk based targeting, and transparency outputs found within the Paris MoU's THETIS. The launch of THETIS-Med in 2022 improves the ability to close the information technology gap between inspectors; however, it was expressed by all of the survey respondents that digital tools do not serve to replicate standardized human level competencies, consistent deficiency coding, or the establishment of mutually aligned follow up protocols.

In addition, the enforcement environment also has differences in terms of a more openly stated prohibition of access (in other words banning) enforcement in the case of the Paris MOU facilitating higher levels of deterrence and reducing chances of repeat non compliance. The lack of transparency and performance benchmarking for the Med MOU means that there is less external pressure for accountability and may provide less incentive for both underperforming flags and recognized organizations to take action to improve their standards.

4.1 The "Two-Tier" Safety Regime

Taken together, the quantitative and qualitative findings suggest the emergence of a two-tier enforcement environment within the Euro-Mediterranean space.

- **Tier 1 (Northern Tier):** High Levels of Transparency, Rigorous Technical Inspections, and a Credible Deterrent (Banning).
- **Tier 2 (Southern Tier):** Characterized by lower detention rates, administrative focus, and limited transparency.

The creation of this bifurcation has produced a market distortion which is referred to as "Regulatory Arbitrage." Substandard vessel operators can use these differences by sending their ships to ports with less statistical chance of being detained. This situation harms the overall safety of the entire maritime industry.

4.2 Institutional Isomorphism vs. Reality

Institutional Theory suggests that organizations try to resemble their successful peers. The Med MoU has attempted this by adopting the form of the Paris MoU (e.g., adopting THETIS-Med software). However, the results show that adopting the tool without the culture (transparency, strictness) leads to "decoupling." The software exists, but the rigorous data entry and follow up required to make it effective are lagging.

4.3 The Role of the Human Element

The study identifies the "Competence Gap" as the primary transmission mechanism for harmonization. Legal texts (conventions) are identical, but their interpretation relies on the

individual inspector. Without standardized, rigorous technical training, a PSCO in the south may interpret a "corroded fire main" differently than a PSCO in the north. Harmonization depends not only on common legal texts but also on calibrated inspector judgment, standardized training, and consistent follow up practices.

5. Conclusion and Recommendations

5.1 Conclusions from quantitative evidence (2021 - 2023)

From comparing the data, we can see that the Med MoU is being developed and more consistently established as a tool in every member to this MoU. Meanwhile, the Paris MoU has achieved a level of maturity and has developed a well structured PSC regime.

- i. There are two different kinds of capacity which pertain to the maturity of a system as well as its respective capacity.** When the inspections carried out by PSC in Paris MoU and Mediterranean MoU were compared with each other, we found a significant differences in numbers where 15,401 vs 4,954 in 2021, 17,289 vs 6,132 in 2022, and 16,769 vs 5,996 in 2023, as shown in Tables 1 and 2. Total figures of PSC inspections in each region provide obvious evidence into variations in maturity (quality & discipline) within institutions that have contributed to the establishment & implementation of their country's particular regional agreement.
- ii. The intensity of operational enforcement varies substantially.** The Paris MoU has relatively high rates of detention as indicated in the data contained within Tables 4-1 & 4-2 and Figure 4-2 (3.49%, 4.18% and 3.81% respectively compared to 2.12%, 2.20% and 2.60%;) although higher rates of detention may not produce better results than lower rates. When comparing qualitative aspects of varying methods of enforcement that escalate, The Paris MoU demonstrates a more structured escalation framework, which likely strengthens deterrence and follow up consistency.
- iii. The deficiencies in these systems correspond to different styles of review, or types of depth and focus, for material.** A review of deficiency categories indicates the two systems are deficient in different categories when being evaluated and inspected. For example, the inspection system would have deficiencies identified that have more to do with document than deficiencies related to the technical or safety aspects. Whereas, the other system would have deficiencies identified more related to the safety of a ship than to documents.
- iv. Transparency and escalation tools are one of the primary differences between these two structures.** One of the major distinctions between the Paris and Med MoUs is associated with transparency and escalation. The PSCO policies in the Paris MoU define a number of actions regarding escalation, such as when to refuse access and to apply formal bans. The established notification procedures for the public provide a greater level of deterrence, which allows for consistent enforcement of the maritime regulations. On the other hand, the Med MoU operates under a general principle of transparency but currently does not have any established procedures for escalation or transparency, and consequently will likely continue to be perceived as less reliable, from an enforcement standpoint, than the Paris MoU.

The findings suggest uneven enforcement intensity across the Euro-Mediterranean space, creating conditions that may enable regulatory arbitrage.

5.2 Conclusions from qualitative evidence (survey, N = 122)

The results of the survey show that stakeholders generally believe there is a common legal base for shipping operations (SOLAS, MARPOL, STCW, MLC, etc) within their respective jurisdictions. However, there are also serious reservations about the consistency, effectiveness and fairness of the outcomes of the various jurisdictions.

The practical explanation for the reason behind the numbers, as provided by the survey results:

- Some of the most common themes in the responses rotate around competencies and training, such as professionalizing and enhancing multi-discipline inspector groups/teams. Approximately 75 responses for additional training were submitted along with requests for professionalization of multi inspectors vs reliance on single inspectors and making improvements to the inspection processes.
- There is a significant discrepancy between how ports are perceived as having similar procedures and how these procedures are actually implemented. Examples of this discrepancy include the degree of coordination among port or administrative procedures, and the similarities in procedures recorded at ports that actually have similar administrative procedures. (~ 68)
- A considerable number of respondents (~60) have provided responses with a relatively strong correlation between the digitalization asymmetry (both established/enabling vs. transitional/developing) as represented on the THETIS Platform and the maturity of the THETIS-Med system (i.e., how far THETIS-Med has been developed).
- Several stakeholders (~55 responses) who evaluated inspection effectiveness and fairness found no clarity as the admins appeared to only focus on the following two indicators of effectiveness: (1). meeting target coverage (i.e., coverage of inspections) and; (2). whether the data produced through inspections (e.g. monthly reports) showed any evidence of effectiveness. Conversely, the resources and industries within the shipboard industry were also concerned with safety outcomes, i.e. if accidents occur; providing predictability, and consistent inspections (i.e. they should happen the same way every time).
- Although some of the responses referred to integrity concerns based on perception (i.e., bribery or non-technical influence), they were only regarded as being based on perception rather than being attested to as factual. However, it is important to note that damaged credibility and compliance culture could have occurred due solely to perception.

5.3 Recommendation set

The following recommendations have been written clearly to include a responsible person, implementation timeframe, and intended outcome.

Table 4 – Prioritized Recommendations Matrix

Priority	Recommendation	Owner(s)	Timeframe	Expected effect
High	Regional interpretation & detention guidance compendium + annual calibration workshops	MoU Secretariats + member States	0-12 months	Reduces variability; increases predictability and fairness
High	Regional competence framework with documented refreshers and specialization tracks	MoUs + maritime administrations + MET partners	0-12 months	Improves inspection depth and technical consistency
High	THETIS-Med minimum data standards + user certification + periodic data quality audits	Med MoU Secretariat + members	0-12 months	Improves targeting reliability; reduces loopholes
Medium	Structured enforcement escalation alignment (including refusal of access mechanisms and follow-up)	MoUs + member States	1-3 years	Strengthens deterrence; limits repeat offenders
Medium	Cross-regime interoperability layer (standard deficiency coding + cross-alerts)	Paris/Med + IMO facilitation	1-3 years	Improves cross-region continuity and risk tracking
Medium	Public reporting template harmonization (selected indicators first)	MoUs	1-3 years	Builds credibility and accountability
Long	Global interoperability principles under IMO (without removing MoU autonomy)	IMO + MoUs	3-5 years	Scales integration toward global consistency

5.3 Recommendations by stakeholder group

- The MoU secretariats are not paying enough attention to how regulations are implemented and interpreted on the ground. Significant differences across regimes continue to exist; regular calibration of the different regulations would assist with these discrepancies. Also, greater clarity regarding digital governance and transparency, would increase the predictability of implementing them.

- The competence of PSCOs should not be viewed as an item that can be validated once and then discarded. PSCOs need to receive refresher training frequently and, therefore, it is important to maintain an effective record of PSCO competencies
- In some instances, PSCOs may need to have a greater level of technical expertise when inspecting complicated vessels. In addition, working with others versus being viewed on their own may assist in lessening the level of personal judgment differences.
- Shipowners / Operators also can assist with enhancing this process by performing internal self assessments regarding the most commonly identified deficiencies; thus, improving predictability where possible and employing a more open approach to correcting those deficiencies.
- The IMO may help with these initiatives by improving the availability of information about how to work together cooperatively, the sharing of data, and how to enhance the capacity of the parties working together. In addition, the structured interactions that result from cooperative agreements, as well as the harmonization of those cooperative agreements, will help to reduce the various current jurisdictional differences.

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