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16 March 1998

All Owners, Managers
and Representatives of Ships
under the Cyprus flag**Subject: Detention of Cyprus Ships by Port State Control Authorities -
Actions to be taken in order to improve performance**

We notice with deep concern that the ratio of Cyprus flag ships detained on account of deficiencies, at ports of States participating in the Paris Memorandum of Understanding on Port State Control (Paris MoU), the Far Eastern Memorandum as well as in the United States of America remains consistently high, above the overall average. As a result, the Cyprus flag is included in the target lists of those States and Cyprus ships are given priority for inspection by port State control authorities. This treatment tarnishes the image of the Cyprus flag, causes undue harassment to the great majority of Cyprus ships which maintain high safety standards and impede the further development of Cyprus Merchant Shipping.

Improvement of this situation requires the concerted effort of all involved. However, as the focus of control is the ship itself and its crew, owners and operators have a prime responsibility to ensure that their ships are maintained in full compliance with the applicable international conventions. For this purpose, they should establish all necessary procedures to monitor the condition of their ships on a continuous basis. This is also a requirement of the International Safety Management Code which will become mandatory for most ships from the 1 July 1998.

In order to enable this Department to monitor more closely the situation, whenever a vessel is detained by a Port-State Control Authority, the master/owner/operator have an obligation to inform immediately by fax the nearest maritime office of the Department (Piraeus, Rotterdam, London, New York) as well as the Department's Headquarters in Limassol and to submit a copy of the detention order as well as a copy of the report on deficiencies.

It is well known that in the majority of cases where ships are detained by Port State Control Authorities, the nature of deficiencies is such that they can be rectified before the completion of the operations of the ships at the port, so the ships' schedule is not affected. However, it should

be realized that, all detentions add to the negative score of the flag State, irrespective of the severity of the deficiencies.

Another practice of Port State Control Authorities which has been observed in several cases, is to detain ships on account of deficiencies and to record all detentions, irrespective of whether those were not due to negligence or were scheduled to be rectified at the particular port. Such cases occur usually following a casualty, after encountering heavy weather during the last voyage or when the ship is scheduled for repairs and surveys at the particular port. It is therefore imperative that the master notifies before or upon arrival, the relevant Port State Control Authorities accordingly, explaining the specific deficiencies, the circumstances these deficiencies occurred and his intention to rectify them or to undergo surveys and repairs at the port of call. In the case of the United States, in particular, such notification should be given (usually through the agent) well in advance of the ship's entry into U.S. waters, as Port State Control functions commence, in many instances, at the time the vessel enters US waters.

When your ship is detained by Port State Control Authorities on account of deficiencies which should not warrant a detention (e.g when the ship is scheduled for repairs and surveys at the particular port, or the ship had encountered heavy weather during the last voyage which caused damage or the ship had a collision, stranding or other casualty), especially when due notification was given before or upon arrival to the Port-State Control Authorities, you are urged to submit immediately a written protest to the Port State Control Authorities stating the specific circumstances, by giving relevant instructions to the master of the ship or otherwise, as you deem fit. A copy of the protest together with the report of deficiencies, must be communicated at the same time by fax, to the nearest maritime office of this Department (Piraeus, Rotterdam London, New York) as well as to the Department's Headquarters in Limassol.

The same procedure should be followed whenever the master, owners and operators feel that the deficiencies identified are of minor importance and the detention imposed is unreasonable or unjustified. Our effort will be to have these detentions excluded from the detention statistics and to avoid the imposition of fines or other penalties. To assist you to this end, we attach herewith ANNEX I with a list of deficiencies which warrant the vessel's detention.

If the protest is not successful, which means that the Port-State Control Authorities deny your request to drop the detention, you are advised to follow the complain and appeal procedures which each port-State has established. The master of the vessel should be able to obtain from the Port State Control officer information about the complain and appeal procedures. In the case of the Paris MoU and of the United States of America, written information to this end is provided by the attending Port State Control officer when he issues an order of detention. The Department will appreciate it to be immediately informed when the attending Port State Control officer is unable to provide the Master with information about complain or appeal procedures or when the port State has not established such procedures.

On the part of the Government, certain measures have been deemed necessary in order to restore the good image of the Cyprus flag. Among other steps, a continuous dialogue and communication with the recognized Classification Societies is maintained, while specific instructions were given to them aiming at a more effective control of Cyprus ships and for improved reporting. In addition a network of flag inspectors is being set up for additional control. Already 11 inspectors have been appointed at 9 key ports worldwide and there is a plan to increase their number to about 50 by the end of this year. (please see ANNEX II)

Certain punitive measures have also been introduced by law, ranging from the imposition of monetary fines to the revocation of the nationality and the deletion of a ship from the Cyprus Register of Ships. Details of the latter were given to you in circular no 13/96 dated 17 July 1996.

It is not an objective or an intention of this Department to apply punitive measures to Cyprus ships. Our objective is to offer our best services to international shipping while fulfilling all our obligations emanating from international conventions to which Cyprus is a contracting party.

We are obliged, however, in the interest of the majority of the owners and operators of Cyprus Ships, to take corrective and punitive action whenever a Cyprus ship is found to contravene unjustifiably the provisions of international regulations, including the deletion of the ship from the Cyprus Register, whenever it is found in such an unseaworthy state that evidences negligence and neglect on the part of the owner or the operator. Negligence may also be evidenced from the extent and nature of the deficiencies identified by either port or flag State inspectors, if a vessel is detained more than once within a short period of time.

When a report of deficiencies or a detention notification is reviewed by the Department, only documented evidence will be considered, attesting that the owner or the operator of the particular vessel has exercised the right to protest, complain or appeal against the nature or extent of any deficiencies identified during a port State control inspection or against any detention order, on the basis of its merits, as being acts or action in favour of the owner and a demonstration of an interest to contribute to the overall efforts of the Cypriot Government. Therefore, failure to exercise such a right promptly and to inform accordingly this Department, could only be construed as that the reported deficiencies existed or the ship was justifiably detained by the port State control Authorities and the deficiencies/detention will count against the vessel.

It is, therefore, imperative for all owners and operators of Cyprus flag ships, to take all necessary steps for the proper maintenance and crewing of their ships, notify promptly this Department of any detentions, and to cooperate fully with us in our efforts to have them excluded from the detention statistics.



S.S. Serghiou
Director
Department of Merchant Shipping

cc Permanent Secretary, Ministry of Communications and Works
Permanent Secretary, Ministry of Foreign Affairs
Maritime Offices of the Department of Merchant Shipping abroad
Diplomatic and Consular Missions of the Republic
Honorary Consular Officers of the Republic
Cyprus Shipping Council
Cyprus Shipping Association (Sea Rovers) Ltd
Union of Cypriot Shipowners
Cyprus Bar Association
Authorised Classification Societies

SSS/CHK

Resolution A.787(19)
Adopted on 23 November 1995
(Agenda item 12)

Appendix 1

Guidelines for the detention of ships

1 Introduction

1.1 When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention the PSCO should assess whether:

- .1 the ship has relevant, valid documentation;
- .2 the ship has the crew required in the minimum Safe Manning Document.

1.2 During inspection the PSCO should further assess whether the ship and/or crew, throughout its forthcoming voyage, is able to:

- .1 navigate safely;
- .2 safely handle, carry and monitor the condition of the cargo;
- .3 operate the engine-room safely;
- .4 maintain proper propulsion and steering;
- .5 fight fires effectively in any part of the ship if necessary;
- .6 abandon ship speedily and safely and effect rescue if necessary;
- .7 prevent pollution of the environment;
- .8 maintain adequate stability;
- .9 maintain adequate watertight integrity;
- .10 communicate in distress situations if necessary; and
- .11 provide safe and healthy conditions on board.

1.3 If the result of any of these assessments is negative, taking into account all deficiencies found, the ship should be strongly considered for detention. A combination of deficiencies of a less serious nature may also warrant the detention of the ship.

2 General

The lack of valid certificates as required by the relevant instruments may warrant the detention of ships. However, ships flying the flag of States not a Party to a convention or not having implemented another relevant instrument, are not entitled to carry the certificates provided for by the convention or other relevant instrument. Therefore, absence of the required certificates should not by itself constitute a reason to detain these ships; however, in applying the "no more favourable treatment" clause, substantial compliance with the provisions and criteria specified in this document must be required before the ship sails.

3 Detainable deficiencies

To assist the PSCO in the use of these guidelines, there follows a list of deficiencies, grouped under relevant conventions and/or codes, which are considered to be of such a serious nature that they may warrant the detention of the ship involved. This list is not considered exhaustive but is intended to give examples of relevant items.

Areas under the SOLAS Convention

- 1 Failure of proper operation of propulsion and other essential machinery, as well as electrical installations.
- 2 Insufficient cleanliness of engine-room, excess amount of oily-water mixture in bilges, insulation of piping including exhaust pipes in engine-room contaminated by oil, and improper operation of bilge pumping arrangements.
- 3 Failure of the proper operation of emergency generator, lighting, batteries and switches.
- 4 Failure of proper operation of the main and auxiliary steering gear.
- 5 Absence, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft and launching arrangements.
- 6 Absence, non-compliance or substantial deterioration to the extent that it cannot comply with its intended use of fire detection system, fire alarms, fire-fighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers, and quick-closing devices.
- 7 Absence, substantial deterioration or failure of proper operation of the cargo deck area fire protection on tankers.
- 8 Absence, non-compliance or serious deterioration of lights, shapes or sound signals.
- 9 Absence or failure of the proper operation of the radio equipment for distress and safety communication.
- 10 Absence or failure of the proper operation of navigation equipment, taking the relevant provisions of SOLAS regulation V/12(o) into account.
- 11 Absence of corrected navigational charts, and/or all other relevant nautical publications necessary for the intended voyage, taking into account that electronic charts may be used as a substitute for the charts.
- 12 Absence of non-sparking exhaust ventilation for cargo pump-rooms.
- 13 Serious deficiency in the operational requirements listed in 3.5.1 to 3.5.69.
- 14 Number, composition or certification of crew not corresponding with safe manning document.

Areas under the IBC Code

- 1 Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information
- 2 Missing or damaged high pressure safety devices.
- 3 Electrical installations not intrinsically safe or not corresponding to the Code requirements.
- 4 Sources of ignition in hazardous locations.
- 5 Contravention of special requirements.
- 6 Exceeding of maximum allowable cargo quantity per tank.
- 7 Insufficient heat protection for sensitive products.

Areas under the IGC Code

- 1 Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.
- 2 Missing closing devices for accommodations or service spaces.
- 3 Bulkhead not gastight.
- 4 Defective air locks.
- 5 Missing or defective quick-closing valves.
- 6 Missing or defective safety valves.
- 7 Electrical installations not intrinsically safe or not corresponding to the Code requirements.
- 8 Ventilators in cargo area not operable.
- 9 Pressure alarms for cargo tanks not operable.
- 10 Gas detection plant and/or toxic gas detection plant defective.
- 11 Transport of substances to be inhibited without valid inhibitor certificate.

Areas under the Load Line Convention

- 1 Significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull effecting seaworthiness or strength to take local loads, unless properly authorized temporary repairs for a voyage to a port for permanent repairs have been carried out.
- 2 A recognized case of insufficient stability.
- 3 The absence of sufficient and reliable information, in an approved form, which by rapid and simple means, enables the master to arrange for the loading and ballasting of the ship in such a way that a safe margin of stability is maintained at all stages and at varying conditions of the voyage, and that the creation of any unacceptable stresses in the ship's structure are avoided.
- 4 Absence, substantial deterioration or defective closing devices, hatch closing arrangements and watertight/weathertight doors.
- 5 Overloading.
- 6 Absence of, or impossibility to read, draught marks and/or load line marks.

Areas under the MARPOL Convention, Annex I

- 1 Absence, serious deterioration or failure of proper operation of the oily-water filtering equipment, the oil discharge monitoring and control system or the 15 ppm alarm arrangements.
- 2 Remaining capacity of slop and/or sludge tank insufficient for the intended voyage.
- 3 Oil Record Book not available.
- 4 Unauthorized discharge bypass fitted.

Areas under the MARPOL Convention, Annex II

- 1 Absence of P and A Manual.
- 2 Cargo is not categorized.
- 3 No Cargo Record Book available.
- 4 Transport of oil-like substances without satisfying the requirements.

- 5 Unauthorized discharge bypass fitted.

Areas under the STCW Convention

- 1 Failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the Administration.
- 2 Failure to comply with the applicable safe manning requirements of the Administration.
- 3 Failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the Administration.
- 4 Absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radiocommunications or the prevention of marine pollution.
- 5 Inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty.

Areas which may not warrant a detention, but where, for example, cargo operations have to be suspended

Failure of the proper operation (or maintenance) of inert gas system, cargo related gear or machinery will be considered sufficient grounds to stop cargo operation.

Appendix 2

Guidelines for investigations and inspections carried out
under Annex I of MARPOL 73/78

Part 1

Inspection of IOPP Certificate, ship and equipment

1 Ships required to carry an IOPP Certificate

- 1.1 On boarding and introduction to the master or responsible ship's officer, the PSCO should examine the IOPP Certificate, including the attached Record of Construction and Equipment, and the Oil Record Book.
- 1.2 The certificate carries the information on the type of ship and the dates of surveys and inspections. As a preliminary check it should be confirmed that the dates of surveys and inspections are still valid. Furthermore it should be established if the ship carries an oil cargo and whether the carriage of such oil cargo is in conformity with the certificate (see also 1.11 of the Record of Construction and Equipment for Oil Tankers).
- 1.3 Through examining the Record of Construction and Equipment, the PSCO may establish how the ship is equipped for the prevention of marine pollution.
- 1.4 If the certificate is valid and the general impression and visual observations on board confirm a good standard of maintenance, the PSCO should generally confine the inspection to reported deficiencies, if any.
- 1.5 If, however, the PSCO from general impressions or observations on board has clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate, a more detailed inspection should be initiated.

ANNEX II

INSPECTORS OF CYPRUS SHIPS

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