

## THE MERCHANT SHIPPING (PORT STATE CONTROL) NOTIFICATION OF 2015 (P.I. 411/2015) <sup>1</sup>

Notification by virtue of sections 2, 4, 6, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22  
and 36 of the Merchant Shipping (Port State Control) Laws of 2011 to 2015 <sup>2</sup>

For the purposes of harmonisation with the Community act titled “Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control”, as amended lastly by the Community act titled “Directive 2013/38/EU of the European Parliament and of the Council of 12 August 2013 for the amendment of Directive 2009/16/EC on port State control” and by “Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015, on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport and amending Directive 2009/16/EC”

For the better implementation of Article 28 of Regulation (EU) No. 1257/2013 of the European Parliament and of the Council of 20 November 2013 for the Recycling of ships and the amendment of Regulation (EC) No 1013/2006 and of Directive 2009/16/EC;

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<sup>1</sup> Editorial Note: Published in the Official Gazette of the Republic of Cyprus No. 4909, Supplement III (I), dated 4.12.2015. This is an “unofficial” translation into English prepared by the Department of Merchant Shipping and does not intend to replace any translation prepared by the Law Commissioner’s Office.

*According to Article 3 of the Constitution of the Republic of Cyprus, the official languages of the Republic of Cyprus are Greek and Turkish and therefore the present translation into English is not the authentic version. The authentic and therefore legally binding version, is the Greek version of this Law.*

**Disclaimer: This translated document is intended for use as a documentation tool and the Department of Merchant Shipping of the Republic of Cyprus does not assume any liability for its content.**

<sup>2</sup> Editorial Note: These Laws (Law 95(I) of 2011, as amended by Law 155(I) of 2015), transpose into the Cyprus legal order European Union **Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control**, as **amended lastly** by **Directive 2013/38/EU of the European Parliament and of the Council of 12 August 2013** and by **Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015, on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport.**

95(I) of 2011  
155(I) of 2015.

The Director of the Department of Merchant Shipping of the Ministry of Transport, Communications and Works, in exercising the powers vested upon him under sections 2, 4, 6, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 22 of the Merchant Shipping (Port State Control) Laws of 2011 to 2015, issues the following Notification:

Short title.

**1.** This Notification shall be cited as the Merchant Shipping (Port State Control) Notification of 2015.

Interpretation.

**2.-(1)** In this Notification —

“Equasis System” means the European information system providing information on the quality and safety of ships and their operators.

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20.2.2004  
(P.I. 94/2004)

“ISPS Code” means the International Code for the Security of Ships and of Port Facilities of the International Maritime Organization, which Code was adopted by the Republic of Cyprus by virtue of a Council of Ministers decision, issued under section 4 of the Convention on the International Maritime Organization (Ratification) and for Matters Connected Therewith Laws of 1973 to 1996, and of its amendments in their up- to -date version .

95(I) of 2011  
155(I) of 2015.

“Law ” means the Merchant Shipping (Port State Control) Law of 2011 and any other laws that amend or replace the same;

(2) Any other terms, which are included in this Notification and are not otherwise defined shall have the meaning attributed to such terms by the Law.

Paragraph regarding section 2 of the Law.

**3. - (1)** The scope of an expanded inspection , as referred to in section 2 of the Law which is prescribed from time to time by a Notification, is the one prescribed in the *First Schedule* of this Notification.

First  
Schedule

(2) Subject to subparagraph (3), the International Conventions, Protocols and Codes mentioned in the definition of the term «Conventions» in section 2 of the Law to be prescribed, from time to time, by a notification, are the International Conventions that follow, as well as the Protocols and amendments to such conventions and the relevant mandatory Codes, in their up to date version, the text of which is deposited with the Department of Merchant Shipping of the Ministry of Transport, Communications and Works and to which the public has access:

- 39 of 1969*  
*24 of 1973*  
*17 of 1974*  
*43 of 1977*  
*7 of 1982*  
*53 of 1984*  
*90 of 1986*  
*25(III) of 1997.*
- (a) The International Load Lines Convention, 1966 (LL 66), hereafter referred to as “LL Convention”, ratified by the International Load Lines Convention, 1966 (Ratification) and for Matters Connected Therewith Laws of 1969 to 1997;
- 77 of 1985*  
*32 of 1989*  
*24(III) of 1997*  
*10(III) of 2001*  
*52(III) of 2004*  
*24(III) of 2006*  
*9(III) of 2009.*
- (b) The International Convention for the Safety of Life at Sea, 1974 (SOLAS 74), hereafter referred to as “SOLAS Convention”, ratified by the International Convention for the Safety of Life at Sea, (Ratification) and for Matters Connected Therewith Laws of 1985 to 2009;
- 57 of 1989*  
*11(III) of 1995*  
*11(III) of 2001*  
*38(III) of 2003*  
*46(III) of 2004*  
*36(III) of 2005.*
- (c) The International Convention for the Prevention of Pollution from Ships of 1973 and its related Protocol of 1978 (MARPOL 73/78), hereafter referred to as “MARPOL Convention”, ratified by the International Convention for the Prevention of the Pollution of the Sea from Ships and for Matters Connected Therewith Laws of 1989 to 2005;
- 8 of 1985*  
*1(III) of 1998.*
- (d) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78), hereafter referred to as “STCW Convention”, ratified by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 and 1995 (Ratification) and for Matters Connected Therewith Laws of 1985 and 1998;
- 18 of 1980*  
*8 of 1981*  
*66 of 1982*  
*4 of 1989*  
*14(III) of 2009.*
- (e) The Convention on International Regulations for Preventing Collisions at Sea, 1972 (Colreg 72), hereafter referred to as “Colreg Convention”, ratified by the Convention on International Regulations for Preventing Collisions at Sea, 1972 (Ratification) and for Matters Connected Therewith Laws of 1980 to 2009;

- 11 of 1986.*
- (f) The International Convention on Tonnage Measurement of Ships, 1969 (ITC 69), hereafter referred to as “ITC Convention”, ratified by the International Convention on Tonnage Measurement of Ships, 1969 (Ratification) and for Matters Connected Therewith Law of 1986;
- 6(III) of 2012.*
- (g) The Maritime Labour Convention (MLC 2006) of the International Labour Organization, hereafter referred to as “MLC 2006”, ratified by the Maritime Labour Convention 2006 (Ratification) and for Matters Connected Therewith Law of 2012;
- 63 of 1989  
185 of 1991  
14(III) of 1997  
47(II) of 2005.*
- (h) International Convention on Civil Liability for Oil Pollution Damage of 1992 (CLC 92), hereafter referred to as “CLC Convention”, ratified by the International Convention on Civil Liability for Oil Pollution Damage of 1969 and its Protocols of 1976 and 1992 (Ratification) and for Matters Connected Therewith Laws of 1989 to 2005.
- 13(III) of 2005.*
- (i) The International Convention on the Control of Harmful Anti-fouling Systems on Ships of 2001 hereafter referred to as “AFS 2001” ratified by The International Convention on the Control of Harmful Anti-fouling Systems on Ships of 2001 (Ratification) and for Matters Connected Therewith Law of 2005;
- 19(III) of 2004.*
- (j) The International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001 hereafter referred to as “Bunkers 2001”, ratified by The International Convention on Civil Liability for Bunker Oil Pollution Damage of 2001 (Bunkers Convention) (Ratification) and for Matters Connected Therewith Law of 2004;
- (3) The amendments to the international instruments referred to in subparagraph (2) do not include the amendments which are excluded from the scope of application of Directive 2009/16/EC, exclusion which is effected under Article 5 of the Community act titled “Regulation (EC) no. 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships, (OJ L 324 of 29.11.2002, p.1) as this act is amended from time to time. The text of the abovementioned international instruments which under subparagraph (2) is deposited with the Department of Merchant Shipping and to which the public has access, is accompanied by copies of the relevant Community acts by virtue of which the abovementioned exclusion is being performed.

*Paragraph regarding section 4 of the Law.*

**4.** Guidelines which, under the second sentence of section 4(3) of the Law, are prescribed, from time to time, by a notification and by which each surveyor shall be guided in implementing the said section, are those provided in Annex 1 to the Paris MOU.

*Paragraph regarding section 6 of the Law. Second Schedule.*

**5.** The qualification criteria of the surveyors, referred to in section 6 (1) and 6(4) of the Law as being specified from time to time by a notification, are the qualification criteria referred to in the *Second Schedule*.

*Paragraph regarding section 8 of the Law. Third Schedule.*

**6.** The selection scheme for carrying out inspections referred to in section 8(1) of the Law as being specified from time to time by a notification, is the selection scheme referred to in the *Third Schedule*.

*Paragraph regarding section 11 of the Law. Third Schedule.*

**7.** Matters referred to in section 11(4)(a) of the Law as being specified from time to time by a notification, are those referred to in the *Third Schedule*.

*Paragraph regarding section 12 of the Law. Fourth Schedule.*

**8.** The information to provide on ship arrival and the time limit for the provision of such information referred to in section 12(1) of the Law as being specified from time to time by a notification, is the information and time limit referred to in the *Fourth Schedule*.

*Paragraph regarding section 13 of the Law. Third & Fifth Schedule.*

**9.** -(1) The generic parameters for determining the risk profile of a ship, referred to in section 13(2)(a) of the Law as being specified from time to time by a notification, are the generic parameters referred to in Part I.1 of the Third Schedule and in the *Fifth Schedule*.

*Third &  
Fifth  
Schedule.*

(2) The historical parameters for determining the risk profile of a ship, referred to in section 13(2)(b) of the Law as being specified from time to time by a notification, are the generic parameters referred to in Part I.2 of the Third Schedule and in the *Fifth Schedule*.

*Paragraph  
regarding  
section 14  
of the Law.  
Third  
Schedule.*

**10.-** (1) The risk profile of a ship for the purposes of periodic inspections referred to in section 14(a) of the Law as being specified from time to time by a notification, is the risk profile referred to in Part I of the *Third Schedule*.

*Third  
Schedule.*

(2) The overriding factors applying to ships for the purposes of additional inspections referred to in section 14(b)(i) of the Law as being specified from time to time by a notification, are the factors referred to in Part II 2A of the *Third Schedule*.

*Third  
Schedule.*

(3) The unexpected factors applying to ships for the purposes of additional inspections referred to in section 14(b)(ii) of the Law as being specified from time to time by a notification, are the factors referred to in Part II 2B of the *Third Schedule*.

*Paragraph  
regarding  
section 15  
of the Law.  
Third  
Schedule.*

**11.-**(1) The process for the selection of ships for inspection on the basis of their risk profile referred to in section 15(1) of the Law as being specified from time to time by a notification, is the process referred to in Part I and Part II 2A and 2B of the *Third Schedule*.

*Third  
Schedule.*

(2) The selection scheme regarding the inspection of “priority I” ships referred to in section 15(2)(a) of the Law as being specified from time to time by a notification, is the scheme referred to in Part II 3A of the *Third Schedule*.

*Third  
Schedule.*

(3) The selection scheme regarding the inspection of “priority II” ships referred to in section 15(2)(b) of the Law as being specified from time to time by a notification, is the scheme referred to in Part II 3B of the *Third Schedule*.

Paragraph  
regarding  
section 16  
of the Law.  
Sixth  
Schedule.

**12.** -(1) The certificates and documents which are referred to in section 16(1)(a) of the Law as being prescribed from time to time by a notification, are those referred to in the *Sixth Schedule*.

Seventh  
Schedule.

(2) The examples of clear grounds which are referred to in section 16(3)(b)(ii) of the Law as being prescribed from time to time by a notification, are those referred to in the *Seventh Schedule*.

Paragraph  
regarding  
section 17  
of the Law.  
Third  
Schedule.

**13.**- (1) The scope of an expanded inspection referred to in section 17(1) of the Law as being prescribed from time to time by a notification, is the scope referred to in Part II 3A and 3B of the *Third Schedule*.

First  
Schedule.

(2) The scope of an expanded inspection referred to in section 17(4) of the Law as being prescribed from time to time by a notification, is the scope referred to in the *First Schedule*.

Paragraph  
regarding  
section 18  
of the Law.  
Eight  
Schedule.

**14.** - (1) The relevant procedures and guidelines referred to in section 18(1) and 18(2) of the Law as being prescribed from time to time by a notification, are those referred to in the *Eight Schedule*.

First  
Schedule.

(2) The items that must be covered by the inspection referred to in section 18(3)(b) of the Law as being prescribed from time to time by a notification, are those referred to in the *First Schedule*.

Paragraph  
regarding  
section 19  
of the Law.  
Ninth  
Schedule.

**15.**-(1) The conditions and procedure for the lifting of a refusal of access order referred to in section 19(4) of the Law as being prescribed from time to time by a notification, are those referred to in paragraphs 3-9 of the *Ninth Schedule*.

*Third  
Schedule.*

(2) The interpretation of the term “ high performance” referred to in section 19(5)(c) of the Law as being prescribed from time to time by a notification, is the one referred to in Part I.1 of the *Third Schedule*.

*Ninth  
Schedule.*

(3) The conditions to be met referred to in section 19(5)(d) of the Law as being prescribed from time to time by a notification, are those referred to in paragraphs 3-9 of the *Ninth Schedule*.

*Ninth  
Schedule.*

(4) The procedures referred to in section 19(8) of the Law as being prescribed from time to time by a notification, are those referred to in paragraphs 3-9 of the *Ninth Schedule*.

*Paragraph  
regarding  
section 20  
of the Law.  
Tenth  
Schedule.*

**16.** - (1) The content of the report of inspection referred to in section 20 of the Law as being prescribed from time to time by a notification, is the content referred to in the *Tenth Schedule*.

*Seventh  
Schedule.*

(2) Matters referred to in section 20(2) of the Law as being specified from time to time by a notification, are those referred to in Part A Point 19 of the *Seventh Schedule*.

*Paragraph  
regarding  
section 22  
of the Law.  
Twelfth  
Schedule.*

**17.** The detention criteria referred to in section 22(3) of the Law as being prescribed from time to time by a notification, are those referred to in the *Twelfth Schedule*.

*Repeal of  
Notification.  
P.I. 308/2011.*

**18.** This Notification repeals the Merchant Shipping (Port State Control) Notification of 2011.

**FIRST SCHEDULE**  
( Paragraphs 3(1), 13(2) and 14(2) )

**EXPANDED INSPECTIONS OF SHIPS**

(referred to in sections 2 , 17(4) and 18(3)(b) of the Law )

An expanded inspection concerns in particular the overall condition of the following risk areas:

- Documentation.
- Structural condition.
- Weathertight condition.
- Emergency systems.
- Radio communication.
- Cargo operations.
- Fire safety.
- Alarms.
- Living and working conditions.
- Navigation equipment.
- Life saving appliances.
- Dangerous goods.
- Propulsion and auxiliary machinery.
- Pollution prevention.

In addition, subject to their practical feasibility or any constraints relating to the safety of persons, the ship or the port, an expanded inspection shall include the verification of specific items of risk areas depending on the type of vessel inspected, as established in accordance with **section 17(4)** of the Law.

## SECOND SCHEDULE

(Paragraph 5 )

### MINIMUM CRITERIA FOR SURVEYORS

(referred to in section 6(1) and (4) of the Law)

1. The surveyors must have appropriate theoretical knowledge and practical experience of ships and their operation. They must be competent in the enforcement of the requirements of Conventions and of the relevant port State control procedures. This knowledge and competence in enforcing international and Community requirements must be acquired through documented training programmes.

2. Surveyors must, as a minimum, have either:

- a) appropriate qualifications from a marine or nautical institution and relevant seagoing experience as a certificated ship officer holding or having held a valid STCW II/2 or III/2 certificate of competency not limited as regards the operating area or propulsion power or tonnage; or
- b) passed an examination recognised by the Competent Authority as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least five years; or
- c) relevant university degree or equivalent and have properly trained and qualified as ship safety inspectors.

3. The surveyor must have:

- completed a minimum of one year's service as a flag-State inspector either dealing with surveys and certification in accordance with the Conventions or involved in the monitoring of the activities of recognised organisations to which statutory tasks have been delegated, or
- gained an equivalent level of competence by following a minimum of one year's field training participating in Port State Control inspections under the guidance of experienced Port State Control Officers.

4. The surveyors mentioned under 2(a) must have gained a maritime experience of at least 5 years, including periods served at sea as officers in the deck- or engine-department respectively, or as a flag State inspector or as an assistant port State control inspector. Such experience shall include a period of at least two years at sea as a deck or engine officer.

5. The surveyors must have the ability to communicate orally and in writing with seafarers in the language most commonly spoken at sea.

6. Surveyors not fulfilling the above criteria are also accepted if they are employed by the Competent Authority for port State control on the 28<sup>th</sup> May 2009.

7. Where in a member state inspections referred to in section 18(1) and (2) of the Law are performed by port State control inspectors-surveyors; those surveyors shall have appropriate qualifications, which shall include sufficient theoretical and practical experience in maritime security. This shall normally include:

- a) good understanding of maritime security and how it is applied to the operations being examined;
- b) good working knowledge of security technologies and techniques;
- c) knowledge of inspection principles, procedures and techniques;
- d) working knowledge of the operations being examined.

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### **THIRD SCHEDULE**

(Paragraph 6, 7, 9(1) (2), 10(1)(2)(3), 11(1)(2)(3), 13(1) and 15(2) )

## ELEMENTS OF THE COMMUNITY PORT STATE INSPECTION SYSTEM

(referred to in sections 8(1), 11(4)(a), 13(2)(a) and (b), 14(a), 14(b)(i) and (ii), 15(1) , 15(2)(a) and(b), 17(1) and 19(5)(c) of the Law)

The following elements shall be included in the Community Port State Inspection System:

### **I. Ship risk profile**

The risk profile of a ship shall be determined by a combination of the following generic and historical parameters:

#### *1. Generic parameters*

##### (a) Type of ship

Passenger ships, oil and chemical tankers, gas carriers and bulk carriers shall be considered as posing a higher risk.

##### (b) Age of ship

Ships of more than 12 years old shall be considered as posing a higher risk.

##### (c) Flag State performance

- (i) Ships flying the flag of a State with a high detention rate within the Community and the Paris MOU region shall be considered as posing a higher risk.
- (ii) Ships flying the flag of a State with a low detention rate within the Community and the Paris MOU region shall be considered as posing a lower risk.
- (iii) Ships flying the flag of a State for which an audit has been completed and, where relevant, a corrective action plan submitted, both in accordance with the Framework and procedures for the Voluntary IMO Member State Audit Scheme shall be considered as posing a lower risk. As soon as the measures referred to in Article 10(3) of Directive 2009/16/EC are adopted, the flag State of such a ship shall demonstrate compliance with the Code for the implementation of mandatory IMO instruments.

(d) Recognised organisations

- (i) Ships which have been delivered certificates from recognised organisations having a low or very low performance level in relation with their detention rates within the Community and the Paris MOU region shall be considered as posing a higher risk.
- (ii) Ships which have been delivered certificates from recognised organisations having a high performance level in relation with their detention rates within the Community and the Paris MOU region shall be considered as posing a lower risk.
- (iii) Ships with certificates issued by organisations recognised under the terms of Regulation (EC) No 391/2009 of the European Parliament and the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations.

(e) Company performance

- (i) Ships of a company with a low or very low performance as determined by its ships' deficiency and detention rates within the Community and the Paris MOU region shall be considered as posing a higher risk.
- (ii) Ships of a company with a high performance as determined by its ships' deficiency and detention rates within the Community and the Paris MOU region shall be considered as posing a lower risk.

2. Historical parameters

- (i) Ships which have been detained more than once shall be considered as posing a higher risk.
- (ii) Ships which, during inspection(s) carried out within the period referred to in the *Fifth Schedule* have had less than the number of deficiencies referred to in *Fifth Schedule*, shall be considered as posing a lower risk.
- (iii) Ships which have not been detained during the period referred to in *Fifth Schedule*, shall be considered as posing a lower risk.

The risk parameters shall be combined by using a weighting which reflects the relative influence of each parameter on the overall risk of the ship in order to determine the following ship risk profiles:

- high risk,
- standard risk,

— low risk.

In determining these risk profiles greater emphasis shall be given to the parameters for type of ship, flag State performance, recognised organisations and company performance.

## **II. Inspection of ships**

### **1. Periodic inspections**

Periodic inspections shall be carried out at predetermined intervals. Their frequency shall be determined by the ship risk profile. The interval between periodic inspections of high risk ships shall not exceed six months. The interval between periodic inspections of ships of other risk profiles shall increase as the risk decreases.

The Competent Authority shall carry out a periodic inspection on:

- Any ship with a high risk profile which has not been inspected in a port or anchorage within the Community or of the Paris MOU region during the last six months. High risk ships become eligible for inspection as from the fifth month;
- Any ship with a standard risk profile which has not been inspected in a port or anchorage within the Community or of the Paris MOU region during the last 12 months. Standard risk ships become eligible for inspection as from the 10th month;
- Any ship with a low risk profile which has not been inspected in a port or anchorage within the Community or of the Paris MOU region during the last 36 months. Low risk ships become eligible for inspection as from the 24th month.

### **2. Additional inspections**

Ships, to which the following overriding or unexpected factors apply, are subject to an inspection regardless of the period since their last periodic inspection. However, the need to undertake an additional inspection on the basis of unexpected factors is left to the professional judgement of the inspector.

#### **2A. *Overriding factors***

Ships to which the following overriding factors apply shall be inspected regardless of the period since their last periodic inspection:

- Ships which have been suspended or withdrawn from their class for safety reasons since the last inspection in the Community or in the Paris MOU region.

- Ships which have been the subject of a report or notification by another member state.
- Ships which cannot be identified in the inspection database.
- Ships which:
  - have been involved in a collision, grounding or stranding on their way to the port,
  - have been accused of an alleged violation of the provisions on discharge of harmful substances or effluents, or
  - have manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigation practices and procedures have not been followed.

## *2B. Unexpected factors*

Ships to which the following unexpected factors apply may be subject to inspection regardless of the period since their last periodic inspection. The decision to undertake such an additional inspection is left to the professional judgment of the Competent Authority:

- Ships which have not complied with the applicable version of IMO Recommendation on navigation through the entrances to the Baltic Sea;
- Ships carrying certificates issued by a formerly recognised organisation whose recognition has been withdrawn since the last inspection in the Community or in the Paris MOU region;
- Ships which have been reported by pilots or port authorities or bodies as having apparent anomalies which may prejudice their safe navigation or pose a threat of harm to the environment in accordance with section 7 of the Law.
- Ships which have failed to comply with the relevant notification requirements referred to in section 12 of the Law, in Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues, Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC and if appropriate in Regulation (EC) No 725/2004;
- Ships which have been the subject of a report or complaint, including an onshore complaint, by the master, a crew member, or any person or organisation with a legitimate interest in the safe operation of the ship, on-board living and working conditions or the prevention of pollution, unless

the Competent Authority deems the report or complaint to be manifestly unfounded;

- Ships which have been previously detained more than three months ago;
- Ships which have been reported with outstanding deficiencies, except those for which deficiencies had to be rectified within 14 days after departure, and for deficiencies which had to be rectified before departure;
- Ships which have been reported with problems concerning their cargo, in particular noxious and dangerous cargoes;
- Ships which have been operated in a manner posing a danger to persons, property or the environment;
- Ships where information from a reliable source became known, to the effect that their risk parameters differ from those recorded and the risk level is thereby increased;
- Ships for which a plan of action to rectify deficiencies as referred to in section 22(2a) of the Law has been agreed but in respect of which the implementation of that plan has not been checked by an inspector.

### 3. Selection scheme

3A. Priority I ships shall be inspected as follows:

- (a) An expanded inspection shall be carried out on:
  - any ship with a high risk profile not inspected in the last six months;
  - any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 12 months.
- (b) An initial or a more detailed inspection, as appropriate, shall be carried out on:
  - any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 12 months.
- (c) In case of an overriding factor:
  - A more detailed or an expanded inspection, according to the professional judgment of the surveyor, shall be carried out on any

ship with a high risk profile and on any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age;

— A more detailed inspection shall be carried out on any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age.

3B. Where the Competent Authority decides to inspect a Priority II ship, the following shall apply:

(a) An expanded inspection shall be carried out on:

- any ship with a high risk profile not inspected in the last five months,
- any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 10 months; or
- any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age, with a low risk profile not inspected in the last 24 months.

(b) An initial or a more detailed inspection, as appropriate, shall be carried out on:

- any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age, with a standard risk profile not inspected in the last 10 months; or
- any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age, with a low risk profile not inspected in the last 24 months.

(c) In case of an unexpected factor:

- a more detailed or an expanded inspection according to the professional judgment of the surveyor, shall be carried out on any ship with a high risk profile or any passenger ship, oil tanker, gas or chemical tanker or bulk carrier, older than 12 years of age;
- a more detailed inspection shall be carried out on any ship other than a passenger ship, an oil tanker, a gas or chemical tanker or a bulk carrier, older than 12 years of age.

#### **FOURTH SCHEDULE**

(Paragraph 8 )

## NOTIFICATION

(referred to in section 12(1) of the Law)

Information to be provided in accordance with section 12(1) of the Law :

The information listed below shall be submitted to the Competent Authority and/or the Cyprus Ports Authority at least three days before the expected time of arrival in the port or anchorage or before leaving the previous port or anchorage if the voyage is expected to take fewer than three days:

- (a) ship identification (name, call sign, IMO identification number or MMSI number);
- (b) planned duration of the call;
- (c) for tankers:
  - (i) configuration: single hull, single hull with SBT, double hull;
  - (ii) condition of the cargo and ballast tanks: full, empty, inerted;
  - (iii) volume and nature of the cargo;
- (d) planned operations at the port or anchorage of destination (loading, unloading, other);
- (e) planned statutory survey inspections and substantial maintenance and repair work to be carried out whilst in the port of destination;
- (f) date of last expanded inspection in the Paris MOU region.

**FIFTH SCHEDULE**  
(Paragraph 9(1) and (2) )

**DESIGN OF SHIP RISK PROFILE**

(referred to in section 13(2)(a) and (b) of the Law )

				<b>Profile</b>			
				<b>High Risk Ship (HRS)</b>		<b>Standard Risk Ship (SRS)</b>	<b>Low Risk Ship (LRS)</b>
<b>Generic parameters</b>				<b>Criteria</b>	<b>Weighting points</b>	<b>Criteria</b>	<b>Criteria</b>
1	Type of ship			Chemical tankship  Gas carrier  Oil tankship  Bulk carrier  Passenger ship	2	neither a high risk nor a low risk ship	All types
2	Age of ship			all types > 12 y	1		All ages
3a	Flag	BGW-list		Black – VHR, HR,  M to HR	2		White
				Black – MR	1		
3b		IMO-Audit		-	-		Yes
4a	Recognised organisation	Performance	H	-	-	High	
			M	-	-	-	
			L	Low	1	-	
			VL	Very Low		-	
4b		EU recognised		-	-	Yes	
5	Company	Performance	H	-	-	High	
			M	-	-	-	

		L	Low	2	-
		VL	Very low		-
<b>Historical parameters</b>					
6	Number of deficiencies recorded in each insp. within previous 36 months	Deficiencies	Not eligible	-	≤ 5 (and at least one inspection carried out in previous 36 months)
7	Number of detentions within previous 36 months	Detentions	≥ 2 detentions	1	No detention
<p>HRS are ships which meet criteria to a total value of 5 or more weighting points.</p> <p>LRS are ships which meet all the criteria of the Low Risk Parameters.</p> <p>SRS are ships which are neither HRS nor LRS.</p>					

**SIXTH SCHEDULE**  
(Paragraph 12(1))

## LIST OF CERTIFICATES AND DOCUMENTS

(referred to in section 16(1)(a) of the Law )

1. International Tonnage Certificate (1969).
- 2.— Passenger Ship Safety Certificate;
  - Cargo Ship Safety Construction Certificate;
  - Cargo Ship Safety Equipment Certificate;
  - Cargo Ship Safety Radio Certificate;
  - Exemption certificate, including, where appropriate, the list of cargoes;
  - Cargo Ship Safety Certificate.
3. International Ship Security Certificate (ISSC).
4. Continuous Synopsis Record.
5. International Certificate of Fitness for Carriage of Liquefied Gases in Bulk;
  - Certificate of Fitness for the Carriage of Liquefied Gases in Bulk.
6. International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
  - Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk.
7. International Oil Pollution Prevention Certificate.
8. International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk.
9. International Load Line Certificate (1966);
  - International Load Line Exemption Certificate.
10. Oil record book, parts I and II.
11. Cargo record book.
12. Minimum Safe Manning Document.

13. Certificates or any other documents required in accordance with the provisions of the STCW 78/95.
14. Medical certificates (see MLC 2006).
15. Table of shipboard working arrangements (see MLC 2006 and STCW 78/95).
16. Records of hours of work and rest of seafarers (see MLC 2006).
17. Stability information.
18. Copy of the Document of Compliance and the Safety Management Certificate issued, in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (SOLAS 74, Chapter IX).
19. Certificates as to the ship's hull strength and machinery installations issued by the recognised organisation in question (only to be required if the ship maintains its class with a recognised organisation).
20. Document of compliance with the special requirements for ships carrying dangerous goods.
21. High speed craft safety certificate and permit to operate high speed craft.
22. Dangerous goods special list or manifest, or detailed stowage plan.
23. Ship's log book with respect to the records of tests and drills, including security drills, and the log for records of inspection and maintenance of lifesaving appliances and arrangements and of fire fighting appliances and arrangements.
24. Special purpose ship safety certificate.
25. Mobile offshore drilling unit safety certificate.
26. For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage.
27. The muster list, fire control plan, and for passenger ships, a damage control plan.
28. Shipboard oil pollution emergency plan.
29. Survey report files (in case of bulk carriers and oil tankers).
30. Reports of previous port State control inspections.
31. For ro ro passenger ships, information on the A/A maximum ratio.
32. Document of authorisation for the carriage of grain.

33. Cargo securing manual.
34. Garbage management plan and garbage record book.
35. Decision support system for masters of passenger ships.
36. SAR cooperation plan for passenger ships trading on fixed routes.
37. List of operational limitations for passenger ships.
38. Bulk carrier booklet.
39. Loading and unloading plan for bulk carriers.
40. Certificate of insurance or any other financial security in respect of civil liability for oil pollution damage (International Convention on Civil Liability for Oil Pollution Damage, 1992).
41. Certificates required under Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims.
42. Certificate required under Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents.
43. International Air Pollution Prevention Certificate.
44. International Sewage Pollution Prevention Certificate.
45. Maritime labour certificate.
46. Declaration of maritime labour compliance, parts I and II.
47. International Anti-Fouling System Certificate.
48. Certificate of insurance or other financial security in respect of civil liability for bunker oil pollution damage.
49. Certificate on the inventory of hazardous materials or a statement of compliance as applicable pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC.
50. Document of Compliance issued under Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC.

**SEVENTH SCHEDULE**  
(Paragraph 12(2) and 16(2) )

EXAMPLES OF “CLEAR GROUNDS”

(referred to in section 16(3)(b)(ii) and 20(2) of the Law)

**A. Examples of clear grounds for a more detailed inspection**

1. Ships identified in the *Third Schedule* , Part II 2A and 2B.
2. The oil record book has not been properly kept.
3. During examination of the certificates and other documentation, inaccuracies have been revealed.
4. Indications that the crew members are unable to comply with the requirements related to on-board communication set out in Article 18 of Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers.
5. A certificate has been fraudulently obtained or the holder of a certificate is not the person to whom that certificate was originally issued.
6. The ship has a master, officer or rating holding a certificate issued by a country which has not ratified the STCW 78/95.
7. Evidence of cargo and other operations not being conducted safely, or in accordance with IMO guidelines, e.g. the content of oxygen in the inert-gas main supply to the cargo tanks is above the prescribed maximum level.
8. Failure of the master on an oil tanker to produce the record of the oil discharge monitoring and control system for the last ballast voyage.
9. Absence of an up-to-date muster list, or crew members not aware of their duties in the event of fire or an order to abandon the ship.
10. The emission of false distress alerts not followed by proper cancellation procedures.
11. The absence of principal equipment or arrangements required by the Conventions.
12. Excessively unsanitary conditions on board the ship.
13. Evidence from the inspector’s general impression and observations that serious hull or structural deterioration or deficiencies exist that may place at risk the structural, watertight or weathertight integrity of the ship.

14. Information or evidence that the master or crew is not familiar with essential shipboard operations relating to the safety of ships or the prevention of pollution, or that such operations have not been carried out.
15. The absence of a table of shipboard working arrangements or of records of hours of work or rest of seafarers.
16. The documents required under MLC 2006 are not produced or maintained or are falsely maintained or the documents produced do not contain the information required by MLC 2006 or are otherwise invalid.
17. The living and working conditions on the ship do not conform to the requirements of MLC 2006.
18. There are reasonable grounds to believe that the ship has changed flag for the purpose of avoiding compliance with MLC 2006.
19. There is a complaint alleging that specific living and working conditions on the ship do not conform to the requirements of MLC 2006.

**B. Examples of clear grounds for the control of ships on security aspects**

1. The surveyor may establish clear grounds for further control measures on security during the initial PSC inspection as follows:
  - 1.1. ISSC is not valid or it has expired.
  - 1.2. The ship is at a lower security level than the port.
  - 1.3. Drills related to the security of the ship have not been carried out.
  - 1.4. Records for the last 10 ship/port or ship/ship interfaces are incomplete.
  - 1.5. Evidence or observation that key members of the ship's personnel cannot communicate with each other.
  - 1.6. Evidence from observations that serious deficiencies exist in security arrangements.
  - 1.7. Information from third parties such as a report or a complaint concerning security-related information.
  - 1.8. The ship holds a subsequent, consecutively issued Interim International Ship Security Certificate (ISSC) and in the professional judgement of the inspector one of the purposes of the ship or company in requesting such a certificate is to avoid full compliance with SOLAS 74 Chapter XI-2 and Part A of the ISPS

Code, beyond the period of the initial Interim Certificate. ISPS Code Part A specify the circumstances when an Interim Certificate may be issued.

2. If clear grounds as described above are established, the inspector shall immediately inform the competent security authority (unless the inspector is also an Officer Duly Authorised for Security). The competent security authority shall then decide on what further control measures are necessary taking into account the security level in accordance with Regulation 9 of SOLAS 74, Chapter XI.
3. Clear grounds other than those above are a matter for the Officer Duly Authorised for Security.

**EIGHTH SCHEDULE**  
(Paragraph 14(1))

**PROCEDURES FOR THE CONTROL OF SHIPS**

(referred to in section 18(1) and (2) of the Law )

Annex I, “Port State Control Procedures”, to the Paris MOU and the following instructions from the Paris MOU, in their up-to-date version:

1. Instruction 33/2000/02: Operational Control on Ferries and Passenger Ships;
2. Instruction 35/2002/02: Guidelines for PSCOs on Electronic Charts;
3. Instruction 36/2003/08: Guidance for Inspection on Working and Living Conditions;
4. Instruction 37/2004/02: Guidelines in Compliance with STCW 78/95 Convention as Amended;
5. Instruction 37/2004/05: Guidelines on the Inspection of Hours of Work/Rest;
6. Instruction 37/2004/10: Guidelines for Port State Control Officers on Security Aspects;
7. Instruction 38/2005/02: Guidelines for PSCO’s Checking a Voyage Data Recorder (VDR);
8. Instruction 38/2005/05: Guidelines on MARPOL 73/78 Annex I;
9. Instruction 38/2005/07: Guidelines on Control of the Condition Assessment Scheme (CAS) of Single Hull Oil Tankers;
10. Instruction 39/2006/01: Guidelines for the Port State Control Officer on the ISM-Code;
11. Instruction 39/2006/02: Guidelines for Port State Control Officers on Control of GMDSS;
12. Instruction 39/2006/03: Optimisation of Banning and Notification Checklist;

13. Instruction 39/2006/10: Guidelines for PSCOs for the Examination of Ballast Tanks and Main Power Failure Simulation (black-out test);
14. Instruction 39/2006/11: Guidance for Checking the Structure of Bulk Carriers;
15. Instruction 39/2006/12: Code of Good Practice for Port State Control Officers;
16. Instruction 40/2007/04: Criteria for Responsibility Assessment of Recognised Organisations (R/O);
17. Instruction 40/2007/09: Guidelines for Port State Control Inspections for Compliance with Annex VI of MARPOL 73/78.

**NINTH SCHEDULE**  
(Paragraph 15(1), (3) and (4))

**PROVISIONS CONCERNING REFUSAL OF ACCESS TO PORTS AND ANCHORAGES WITHIN THE COMMUNITY**

(referred to in section 19(4), (5)(d) and (8) of the Law)

1. If the conditions described in section 19(1) of the Law are met, the Competent Authority shall inform the master of the ship in writing that a refusal of access order will be issued which will become applicable immediately after the ship has left the port of the Republic. The refusal of access order shall become applicable immediately after the ship has left the port of the Republic after the deficiencies leading to the prohibition of sailing -detention have been remedied.
2. The Competent Authority shall send a copy of the refusal of access order to the flag State administration, the recognised organisation concerned, the other member states, and the other signatories to the Paris MOU, the Commission and the Paris MOU Secretariat. The Competent Authority shall also update the inspection database with information on the refusal of access without delay.
3. In order to have the refusal of access order lifted, the shipowner or the operator of the ship must address a formal request to the Competent Authority. This request must be accompanied by a document from the flag State administration issued following an on-board visit by a surveyor duly authorised by the flag State administration, showing that the ship fully conforms to the applicable provisions of the Conventions. The flag State administration shall provide evidence to the Competent Authority that a visit on board has taken place.
4. The request for the lifting of the refusal of access order must also be accompanied, where appropriate, by a document from the classification society which has the ship in class following an on-board visit by a surveyor from the classification society, showing that the ship conforms to the class standards stipulated by that society. The classification society shall provide evidence to the Competent Authority that a visit on board has taken place.
5. The refusal of access order may be lifted only after the three months period referred to in section 19(4) of the Law has elapsed and following a re-inspection of the ship at an agreed port.

If the agreed port is located in a member state, the competent authorities of that State may, at the request of the Competent Authority which issued the refusal of access order, authorise the ship to enter the agreed port in order to carry out the re-inspection. In such cases, no cargo operations shall take place at the port until the refusal of access order has been lifted by the Competent Authority.

6. If the detention which led to the issue of a refusal of access order included deficiencies in the ship's structure, the Competent Authority which issued the refusal of access order may require that certain spaces, including cargo spaces and tanks, are made available for examination during the re-inspection.
7. The re-inspection shall be carried out by the Competent Authority, or by the competent authorities of the port of destination with the agreement of the Competent Authority. The competent authorities of the port of destination may require up to 14 days' notice for the re-inspection. Evidence shall be provided to the satisfaction of this member state that the ship fully complies with the applicable requirements of the Conventions.
8. The re-inspection shall consist of an expanded inspection that must cover at least the relevant items of the *First Schedule*.
9. All costs of this expanded inspection will be borne by the shipowner or the operator of the ship.
10. If the results of the expanded inspection satisfy the Competent Authority in accordance with the *First Schedule*, the refusal of access order must be lifted and the operator of the ship informed thereof in writing.
11. The Competent Authority shall also notify its decision in writing to the flag State administration, the classification society concerned, the other member states, the other signatories to the Paris MOU, the Commission and the Paris MOU Secretariat. The Competent Authority must also update the inspection database with information on the removal of the access without delay.
12. Information relating to ships that have been refused access to ports within the Community must be made available in the inspection database and published in conformity with the provisions of Article 26 and of Annex XIII of Directive 2009/16/EC.

**TENTH SCHEDULE**  
(Paragraph 16(1))

**INSPECTION REPORT**

(referred to in section 20 of the Law)

The inspection report must contain at least the following items:

**I. General**

1. Competent authority that wrote the report;
2. Date and place of inspection;
3. Name of the ship inspected;
4. Flag;
5. Type of ship (as indicated in the Safety Management Certificate);
6. IMO identification number;
7. Call sign;
8. Tonnage (gt);
9. Deadweight tonnage (where relevant);
10. Year of construction as determined on the basis of the date indicated in the ship's safety certificates;
11. The classification society or classification societies as well as any other organisation, where relevant, which has/have issued to this ship the classification certificates, if any;
12. The recognised organisation or recognised organisations and/or any other party which has/have issued to this ship certificates in accordance with the applicable Conventions on behalf of the flag State;
13. Name and address of the shipowner or the operator of the ship;
14. Name and address of the charterer responsible for the selection of the ship and type of charter in the case of ships carrying liquid or solid cargoes in bulk;
15. Final date of writing the inspection report;

16. Indication that detailed information on an inspection or a detention may be subject to publication.

## **II. Information relating to inspection**

1. Certificates issued in application of the relevant Conventions, authority or organisation that issued the certificate(s) in question, including the date of issue and expiry;
2. Parts or elements of the ship that were inspected (in the case of more detailed or expanded inspection);
3. Port and date of the last intermediate or annual or renewal survey and the name of the organisation which carried out the survey;
4. Type of inspection (inspection, more detailed inspection, expanded inspection);
5. Nature of the deficiencies;
6. Measures taken.

## **III. Additional information in the event of detention**

1. Date of prohibition of sailing-detention order;
2. Date of lifting the prohibition of sailing-detention order;
3. Nature of the deficiencies warranting the detention order (references to Conventions, if relevant);
4. Indication, where relevant, of whether the recognised organisation or any other private body that carried out the survey has a responsibility in relation to the deficiencies which, alone or in combination, led to detention;
5. Measures taken.

**ELEVENTH SCHEDULE**  
(Paragraph 17)

**CRITERIA FOR DETENTION OF A SHIP**

(referred to in section 22(3) of the Law)

**Introduction**

Before determining whether deficiencies found during an inspection warrant a prohibition of sailing- detention of the ship involved, the surveyor must apply the criteria mentioned below in points 1 and 2.

Point 3 includes examples of deficiencies that may for themselves warrant detention of the ship involved (see section 22(4) of the Law).

Where the ground for detention is the result of accidental damage suffered on the ship's voyage to a port, no detention order shall be issued, provided that:

- (a) due account has been given to the requirements contained in Regulation I/11(c) of SOLAS 74 regarding notification to the flag State administration, the nominated surveyor or the recognised organisation responsible for issuing the relevant certificate;
- (b) prior to entering a port, the master or shipowner has submitted to the port State control authority details on the circumstances of the accident and the damage suffered and information about the required notification of the flag State administration;
- (c) appropriate remedial action, to the satisfaction of the Competent Authority, is being taken by the ship; and
- (d) the Competent Authority has ensured, having been notified of the completion of the remedial action, that deficiencies which were clearly hazardous to safety, health or the environment have been rectified.

**1. Main criteria**

When exercising his professional judgment as to whether or not a ship should be detained the surveyor must apply the following criteria:

Timing:

Ships which are unsafe to proceed to sea must be detained upon the first inspection irrespective of how much time the ship will stay in port.

Criterion:

The ship is detained if its deficiencies are sufficiently serious to merit a surveyor returning to satisfy himself that they have been rectified before the ship sails.

The need for the surveyor to return to the ship is a measure of the seriousness of the deficiencies. However, it does not impose such an obligation for every case. It implies that the Competent Authority must verify one way or another, preferably by a further visit, that the deficiencies have been rectified before departure.

**2. Application of main criteria**

When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention the surveyor must assess whether:

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

During inspection the surveyor must further assess whether the ship and/or crew is able to:

3. navigate safely throughout the forthcoming voyage;
4. safely handle, carry and monitor the condition of the cargo throughout the forthcoming voyage;
5. operate the engine room safely throughout the forthcoming voyage;
6. maintain proper propulsion and steering throughout the forthcoming voyage;
7. fight fires effectively in any part of the ship if necessary during the forthcoming voyage;
8. abandon ship speedily and safely and effect rescue if necessary during the forthcoming voyage;
9. prevent pollution of the environment throughout the forthcoming voyage;
10. maintain adequate stability throughout the forthcoming voyage;
11. maintain adequate watertight integrity throughout the forthcoming voyage;
12. communicate in distress situations if necessary during the forthcoming voyage;

13. provide safe and healthy conditions on board throughout the forthcoming voyage;
14. provide the maximum of information in case of accident.

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

### **3. Serious deficiencies which may justify a detention**

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

#### *3.1. General*

The lack of valid certificates and documents as required by the relevant instruments. However, ships flying the flag of States not party to a relevant 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 reason to detain these ships; however, in applying the “no more favourable treatment” clause, substantial compliance with the provisions is required before the ship sails.

#### *3.2. Areas under SOLAS 74*

1. Failure of the proper operation of propulsion and other essential machinery, as well as electrical installations.
2. Insufficient cleanliness of engine room, excessive amount of oily-water mixtures in bilges, insulation of piping, including exhaust pipes in engine room contaminated by oil, improper operation of bilge pumping arrangements.
3. Failure of the proper operation of emergency generator, lighting, batteries and switches.
4. Failure of the 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 of fire detection system, fire alarms, firefighting equipment, fixed fire-extinguishing

installation, ventilation valves, fire dampers, quick-closing devices to the extent that they cannot comply with their intended use.

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 provisions of SOLAS 74, Regulation V/16.2 into account.

11. Absence of corrected navigational charts, and/or all other relevant nautical publications necessary for the intended voyage, taking into account that a type approved electronic chart display and information system (ECDIS) operating on official data 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, as described in Section 5.5 of Annex 1 to the Paris MOU.

14. Number, composition or certification of crew not corresponding with the safe manning document.

15. Failure to carry out the enhanced survey programme in accordance with SOLAS 74, Chapter XI, Regulation 2.

### 3.3. 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 code requirements.

4. Sources of ignition in hazardous locations.
5. Contraventions of special requirements.
6. Exceeding of maximum allowable cargo quantity per tank.
7. Insufficient heat protection for sensitive products.

3.4. 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 accommodation 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 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.

3.5. Areas under LL 66

1. Significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull affecting seaworthiness or strength to take local loads, unless proper temporary repairs for a voyage to a port for permanent repairs have been carried out.
2. A recognised 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 his 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 doors.

5. Overloading.

6. Absence of draft mark or draft mark impossible to read.

3.6. Areas under MARPOL 73/78, 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. Unauthorised discharge bypass fitted.

5. Survey report file missing or not in conformity with Regulation 13G(3)(b) of MARPOL 73/78.

3.7. Areas under MARPOL 73/78, Annex II

1. Absence of the P&A Manual.

2. Cargo is not categorised.

3. No cargo record book available.

4. Transport of oil-like substances without satisfying the requirements or without an appropriately amended certificate.

5. Unauthorised discharge bypass fitted.

3.8. Areas under MARPOL 73/78, Annex V

1. Absence of the garbage management plan.
2. No garbage record book available.
3. Ship's personnel not familiar with disposal/discharge requirements of garbage management plan.

3.9. Areas under the STCW 78/95 and Directive 2008/106/EC

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 flag State administration.
2. Evidence that a certificate has been fraudulently obtained or the holder of a certificate is not the person to whom that certificate was originally issued.
3. Failure to comply with the applicable safe manning requirements of the flag State administration.
4. Failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the flag State administration.
5. Absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution.
6. Failure to provide proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of pollution.
7. 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.

3.10. Areas under MLC 2006

1. Insufficient food for voyage to next port.
2. Insufficient potable water for voyage to next port.
3. Excessively unsanitary conditions on board.
4. No heating in accommodation of a ship operating in areas where

temperatures may be excessively low.

5. Insufficient ventilation in accommodation of a ship.

6. Excessive garbage, blockage by equipment or cargo or otherwise unsafe conditions in passageways/accommodations.

7. Clear evidence that watchkeeping and other duty personnel for the first watch or subsequent relieving watches are impaired by fatigue.

8. The conditions on board are clearly hazardous to the safety, health or security of seafarers.

9. The non-conformity constitutes a serious or repeated breach of the requirements of MLC 2006 (including seafarer's rights) relating to the living and working conditions of seafarers on the ship, as stipulated in the ship's maritime labour certificate and declaration of maritime labour compliance.

*3.11. Areas which may not warrant a detention, but where, e.g. cargo operations have to be suspended*

Failure of the proper operation (or maintenance) of inert gas system, cargo-related gear or machinery are considered sufficient grounds for stopping cargo operation.

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