

Commonwealth of Dominica



Office of the Maritime Administrator

TO: DOMINICA FLAG STATE INSPECTORS, COMPANIES AND VESSELS

SUBJECT: DETAINABLE DEFICIENCIES NOTED DURING FLAG STATE INSPECTIONS

PURPOSE: The purpose of this Policy Letter is to provide guidance regarding detainable deficiencies.

APPLICABILITY: This Policy Letter applies to all Flag State Inspectors and vessels registered with the Commonwealth of Dominica

General

In order to promote the Commonwealth of Dominica Flag and to ensure that the goal of being a white listed flag State with exemplary performance during port State inspections, it is necessary to report all detainable deficiencies to the Department of Inspections as soon as possible upon identification.

Required Action

The Commonwealth of Dominica Maritime Administration has a Flag State Inspection Program, CDP-50,1 which is available on our website or may be requested from the Administration. This program is designed to ensure the safety and security of all Commonwealth of Dominica flagged ships regardless of their size, type, or area of operation. It is of primary importance that the masters and crews of all Commonwealth of Dominica flagged ships are on board vessels that are safe, secure and compliant.

Additionally, it is a primary goal of the Administration to mitigate detentions that lead to undue delay, financial loss, and in some cases prosecution. It is also our goal to defend the ship owner through the implementation and supplemental assistance that the Flag State Inspection Program offers.

The Commonwealth of Dominica Maritime Administration would like to urge inspectors to complete inspections thoroughly using the checklist(s) provided. All deficient items regardless of severity should be noted in the list of deficiencies. Upon completion of the inspection, the Notice of Deficiency should be signed by both the inspector and the master of the vessel and forwarded to the Inspection Department at the Office of Maritime Affairs as soon as possible for review and follow up.

If during the inspection of a Commonwealth of Dominica vessel a major deficiency is found that, in the opinion of the inspector, could lead to a Port State Control detention, the Director of Inspections must be contacted immediately so that measures can be taken to inform all relevant parties and facilitate necessary actions. If there is any doubt as to whether a deficient item is severe enough to cause concern, the Department of Inspections should be contacted. Please also review CD-PL 02-13 for more detailed information.

The Flag State Inspection Program is a proactive defense for ship owners and operators that will assist with regulatory compliance, crew training and familiarization, and mitigation of detentions that often result in significant financial loss to the company. It is important to convey to the master, crew and company that penalties will not occur if there is transparency related to deficient items and a remediation plan is put in place with the help of the crew, the inspector, and the Administration.

Appendix 1 to this Policy Letter contains the Guidelines for the Detention of Ships as developed by the International Maritime Organization (Resolution A.1052(27)), as may be amended, which has been adapted for use by Commonwealth of Dominica Flag State Inspectors and outlines the general criteria and information to consider when determining if a vessel should be detained. This information should be reviewed by all Flag State Inspectors for use and consideration during all flag State inspections to ensure that effective action is taken to eliminate detentions and reduce deficiencies.

To report detainable deficiencies or to request more information about this policy, please contact:

Casey Trenholm
Department of Inspections
Tel: + 1 508 992 7170 ext. 312
e-mail: Inspection@dominica-registry.com

- End -

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 Flag State Inspector should assess whether:
- 1.1.1 the ship has relevant, valid documentation; and
 - 1.1.2 the ship has the crew required in the minimum Safe Manning Document.
- 1.2 During inspection, the Flag State Inspector should further assess whether the ship and/or crew, throughout its forthcoming voyage, is able to:
- 1.2.1 navigate safely;
 - 1.2.2 safely handle, carry and monitor the conditions of the cargo;
 - 1.2.3 operate the engine room safely;
 - 1.2.4 maintain proper propulsion and steering;
 - 1.2.5 fight fires effectively in any part of the ship if necessary;
 - 1.2.6 abandon ship speedily and safely and effect rescue if necessary;
 - 1.2.7 prevent pollution of the environment;
 - 1.2.8 maintain adequate stability;
 - 1.2.9 maintain adequate watertight integrity;
 - 1.2.10 communicate in distress situations if necessary; and
 - 1.2.11 provide safe and health 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. Ships which are unsafe to proceed to sea should be detained upon the first inspection, irrespective of the time the ship will stay in port.

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 the Commonwealth of Dominica are not entitled to carry the certificates provided for by a convention or other relevant instrument if the Commonwealth of Dominica is not a Party to the convention or has not implemented another relevant instrument. Therefore, absence of the required certificates should not by itself constitute a reason to detain these ships; however, as port States are applying the “no more favorable treatment” clause, substantial compliance with the provisions and criteria specified in these Procedures must be required before the ship sails.

3. Detainable Deficiencies

To assist the Flag State Inspector 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 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 and recovery 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/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 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 control of the following operational requirements:
 - a. muster list;
 - b. communication;
 - c. search and rescue plan;
 - d. fire and abandon ship drills;
 - e. assessment of drills;
 - f. damage control plan and Shipboard Oil Pollution Emergency Plan (SOPEP) or Shipboard Marine Pollution Emergency Plan (SMPEP);
 - g. fire control plan;
 - h. bridge operation;
 - i. cargo operation;
 - j. operation of machinery;
 - k. manuals, instructions, etc.
 - l. oil and oily mixtures from machinery spaces;
 - m. loading, unloading and cleaning procedures for cargo spaces of tankers;
 - n. dangerous goods and harmful substances in packaged form;
 - o. garbage;
 - p. sewage;
 - q. air pollution prevention;
14. Number, composition or certification of crew not corresponding with safe manning document.
15. Non-implementation or failure to carry out the enhanced survey program in accordance with SOLAS regulation XI-1/2 and resolution A.744(18), as amended.

16. Absence or failure of a voyage data recorder (VDR), when its use is compulsory.

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.
8. Pressure alarms for cargo tanks not operable.
9. Transport of substances to be inhibited without valid inhibitor certificate.

Areas under 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 Lines Convention

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 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.
5. Failure to meet the requirements of regulation 20.4 or alternative requirements specified in regulation 20.7.

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. Unauthorized discharge bypass fitted.

Areas under the MARPOL Convention, 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.

Areas under MARPOL Convention, Annex VI

1. Absence of valid IAPP Certificate and where relevant EIAPP Certificate and Technical Files.
2. A marine diesel engine, with a power output of more than 130 kW, which is installed on board a ship constructed on or after 1 January 2000, or a marine diesel engine having undergone a major conversion on or after 1 January 2000, which does not comply with the NOx Technical Code 2008.
3. The sulfur content of any fuel oil used on board ships exceeds the following limits:
 - a. 4.5% m/m prior to January 2012;
 - b. 3.5% m/m on and after 1 January 2012; and
 - c. 0.1% m/m on and after 1 January 2020.
4. The sulfur content of any fuel used on board exceeds the following limits while operating within a Sox emission control area:
 - a. 1.0% m/m on and after 1 July 2010; and
 - b. 0.1% m/m on and after 1 January 2015,

Respectively, as per the amendments adopted by resolution MEPC.176(58).

5. An incinerator installed on board the ship on or after 1 January 2000 does not comply with requirements or the standard specifications for shipboard incinerators developed by the Organization (resolutions MEPC.76(40) and MEPC.93(45)).
6. The master or crew are not familiar with the essential procedures regarding the operation of air pollution prevention equipment.

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 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 proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of pollution.

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

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