

Commonwealth of Dominica



Office of the Maritime Administrator

- TO:** OWNERS, OPERATORS, MASTER, CREW, RECOGNIZED ORGANIZATIONS, INSPECTORS, SURVEYORS, AND FOREIGN FLAG STATES
- SUBJECT:** CHANGE OF FLAG – DEFICIENCIES, CONDITIONS, AND RECOMMENDATIONS
- PURPOSE:** This Policy Letter is to provide shipowners, operators, Masters, Recognized Organizations and other interested parties with the Commonwealth of Dominica requirements regarding satisfaction of deficiencies, conditions and recommendation prior acceptance for registration and prior to deletion of Commonwealth of Dominica flagged vessels.
- APPLICABILITY:** This Policy Letter applies to all Commonwealth of Dominica flagged vessels and their representatives seeking deletion from the Commonwealth of Dominica that have pending deficiencies, conditions and/or recommendations.

General

1. The Commonwealth of Dominica Maritime Administration (DMA) strives to maintain the highest level of safety and compliance within the Commonwealth of Dominica registered fleet of vessels. The number one priority of the Commonwealth of Dominica is to ensure the safety of life at sea, property and protection of the marine environment in accordance with IMO Conventions, codes, guidelines and recommendations.
2. To achieve this level of safety and compliance, Dominica Maritime Administration has imposed a strict policy regarding vessels seeking deletion that have outstanding deficiencies, conditions, or recommendations that have been issued by an authorized inspector, surveyor, Recognized Organization (RO) or other authorized agent. This policy has been created taking into consideration IMO recommended procedures for the transfer of ships between flag States (MSC/Circ.1140-MEPC/Circ.424), survey guidelines under the Harmonized System of Surveys and Certification (Resolution A.1053(27)), and IMO guidelines for Administrations to ensure the adequacy of transfer of class-related matters between recognized organizations (ROs) (MSC-MEPC.5/Circ.2).
3. The Commonwealth of Dominica Maritime Administration does not tolerate or condone changes of flag, whether to or from the Commonwealth of Dominica, for the purpose of avoiding regulatory compliance. The following measures have been adopted to ensure consistency and transparency of

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Inquiries concerning the subject of this Circular should be directed to the Deputy Maritime Administrator
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information between flag States and to ensure that changes of flag are not effected to evade compliance with international instruments:

- a. Upon registration of a ship new to the Commonwealth of Dominica, DMA will endeavor to ensure that the ship in question complies with the applicable international rules and regulations and, if necessary, liaise with the previous flag State;
- b. Upon notification of change of flag, DMA will promptly provide details of deficiencies, non-conformities with their applicable time-scales and any other safety related information to the intended flag State;
- c. When so requested, DMA will forward, as soon as possible, to the new Administration copies of certificates carried by the ship before the transfer and, if available, copies of the relevant survey reports and records, such as record of safety equipment and conditions of assignment for load line;
- d. Likewise, DMA may request the information indicated in paragraph (c) from any previous Administration to satisfy itself that there have been no unauthorized changes made to the structure, machinery and equipment and to verify any pending deficiencies, conditions and/or recommendations issued by the previous flag State or RO.
- e. For a new registration, DMA will not issue an interim certificate or other documentation enabling the ship to trade:
 - i. Until all relevant surveys specific in section 2.2 of MSC-MEPC.5/Circ.2 have been satisfactorily completed as they apply to this Policy Letter;
 - ii. Until all overdue surveys and all overdue recommendations/conditions of class previously issued against the subject ship as specified to the owner by the previous flag State or RO, have been completed and rectified by:
 1. DMA for ships less than 15 years of age;
 2. The previous flag State or RO for ships 15 years of age and above;
- f. Any additional information regarding outstanding surveys or recommendations/conditions received from the previous flag State or RO should be dealt with in accordance with paragraph (e), as applicable, and reported to the previous flag State or RO within one month from the completion of the survey. If this additional information is received after the interim certification has been issued, any surveys or recommendations/conditions which are overdue should be dealt with at the first port of call by:
 - i. DMA for ships less than 15 years of age;
 - ii. By the previous flag State or RO for ships 15 years of age or over;
- g. If the conditions laid out in paragraph (f) are not fulfilled, the interim certification should be withdrawn immediately unless the owner agrees to proceed directly, without further trading, to a suitable port where any overdue surveys or overdue deficiencies, recommendations/conditions should be carried out by the relevant organization based on the age of the ship;
- h. Within one month of the date of final acceptance of statutory-related matters, DMA will advise the previous flag State or RO. In cases where the previous flag State or RO has reported deficiencies, recommendations/conditions on the ship, DMA will provide the previous flag State with an itemized list of actions taken with the date and location and actions to be taken, to satisfy each deficiency, recommendation/condition.

- i. If an owner advises DMA of an intention to transfer statutory-related matters, DMA will immediately confirm to the owner any overdue surveys and outstanding deficiencies, recommendations/conditions;
- j. DMA will initiate measures to ensure that rectification of any overdue surveys and outstanding deficiencies, recommendations/conditions are rectified in accordance with sections (e) and (f);
- k. Within two working days, DMA will notify the new flag State and/or RO of the latest details of statutory related matters in its possession including a full list of overdue surveys, deficiencies, recommendations/conditions – with the respective due dates – issued against the subject ship;
- l. Should DMA have clear grounds for believing that the new flag State or RO did not fulfil its obligations as specified in sections (i) and (j), DMA will notify the new flag State and RO of its concerns and attempt to resolve any differences with the new flag State and RO;

Required Action

1. Owners and operators are required to ensure that all overdue deficiencies, recommendations or conditions are rectified in accordance with this Policy Letter upon initial registration or prior to deletion from the Commonwealth of Dominica.

Any questions can be directed to:

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