

APPENDIX 2

GUIDELINES FOR THE DETENTION OF SHIPS

1 Principles governing rectification of deficiencies or detention of a ship

1.1 In taking a decision concerning the rectification of a deficiency or detention of a ship, the port State control officer (PSCO) will have to take into consideration the results of the more detailed inspection carried out in accordance with paragraph 2.5 of the procedures and guidelines contained in this appendix.

1.2 The PSCO will exercise professional judgement in determining whether to detain the ship until the deficiencies are rectified or to allow the ship to sail with certain deficiencies without unreasonable danger to safety, health or the environment, having also considered the particular circumstances of the intended voyage.

2 Detention related to minimum safe manning and STCW certification

Before detaining a ship for the reasons of not operating at appropriate established minimum safe manning and STCW certification, the following will have to be considered, giving due regard to the points listed under areas under STCW 1978:

- .1 length and nature of the intended voyage or service;
- .2 whether or not the deficiency poses a danger to ships, persons on board or the environment;
- .3 whether or not appropriate hours of rest for the crew have been recorded and there is evidence that the minimum hours of rest have repeatedly not been kept;
- .4 ship's size and type and equipment provided; and
- .5 nature of cargo.

3 Procedures for the detention of ships of all sizes

3.1 When exercising professional judgement as to whether or not a ship should be detained, the PSCO will apply the following criteria:

- .1 timing: ships which are unsafe to proceed to sea will be detained upon the first inspection, irrespective of the time the ship will stay in port; and
- .2 re-inspection criterion: the ship will be detained if the deficiencies on a ship are sufficiently serious to merit a PSCO returning to the ship to be satisfied that they have been rectified before the ship sails.

3.2 The need for the PSCO to return to the ship classifies the seriousness of the deficiencies.

3.3 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; and
- .2 the ship has the crew required in the minimum safe manning document or equivalent.

3.4 During inspection, the PSCO should further assess whether the ship and/or crew, throughout their forthcoming voyage, are 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.

3.5 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.

4 General

The lack of valid certificates as required by the relevant conventions 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 these Procedures must be required before the ship sails.

5 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. However, the detainable deficiencies in the area of STCW 1978, listed below, are the only grounds for detention under this Convention.

Areas under SOLAS 1974

- 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, failure, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft and launching and recovery arrangements (see also MSC.1/Circ.1490/Rev.1).
- 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 1974 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 operational requirements listed in appendix 7.
- 14 Number, composition or certification of crew not corresponding with safe manning document.
- 15 Non-implementation or failure to carry out the enhanced survey programme in accordance with SOLAS 1974 regulation XI-1/2 and the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), 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 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 LL 1966 and LL PROT 1988

- 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 is 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.
- 7 The means of freeing water from the deck not in satisfactory or operational condition.

Areas under MARPOL 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.
- 6 Oily bilge water and/or oil residue accumulated in machinery spaces.

Areas under MARPOL Annex II

- 1 Absence of Procedures and Arrangements Manual (P and A Manual).
- 2 Cargo is not categorized.
- 3 No Cargo Record Book available.
- 4 Unauthorized discharge bypass fitted.

Areas under MARPOL Annex III and dangerous goods carriage requirements

- 1 Absence of a valid Document of Compliance for carriage of dangerous goods (if required).
- 2 Absence of a Dangerous Cargo Manifest or detailed stowage plan before departure of the ship.
- 3 Stowage and segregation provisions of the IMDG Code chapters 7.1, 7.2, 7.4, 7.5 and 7.6 are not met.

- 4 Ship is carrying dangerous goods not in compliance with the Document of Compliance for carriage of dangerous goods of the ship.
- 5 Ship is carrying damaged or leaking dangerous goods packages.
- 6 Ship's personnel assigned to specific duties related to the cargo are not familiar with those duties, with any dangers posed by the cargo and with the measures to be taken in such a context.

Areas under MARPOL Annex IV

- 1 Absence of valid International Sewage Pollution Prevention Certificate.
- 2 Sewage treatment plant not approved and certified by the Administration.
- 3 Failure of sewage treatment plant.
- 4 Ship's personnel not familiar with disposal/discharge requirements of sewage.

Areas under MARPOL Annex V

- 1 Absence of 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 Annex VI

- 1 Absence of valid International Air Pollution Prevention Certificate (IAPP Certificate), Engine International Air Pollution Prevention Certificates (EIAPP Certificates) or Technical Files if applicable.
- 2 Absence of International Energy Efficiency Certificate (IEE Certificate), the EEDI Technical file or EEXI Technical file; or the Ship Energy Efficiency Management Plan (SEEMP).
- 3 In relation to the absence of a valid Statement of Compliance* for:
 1. Fuel Oil Consumption Reporting from 2019 and onwards of 1 June of each following year (Regulation 27), and/or
 2. Carbon Intensity Rating from 2023 and onwards of each following year (Regulation 28);

a pragmatic approach should be applied if a ship has changed the flag and/or the company and there is evidence the losing Administration has not acted in accordance with regulation/s or data was not provided by the previous company when the ship was transferred.

* New ships are not required to be furnished with statements of compliance until June of the following year.

- 4 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 conform to its Technical File, or where the required records have not been maintained as necessary, or where it has not met the applicable requirements of the particular NO_x Tier III emission control area in which it is operating.
- 5 A marine diesel engine, with a power output of more than 5,000 kW and a per cylinder displacement at or above 90 litres, which is installed on board a ship constructed on or after 1 January 1990 but prior to 1 January 2000, and an approved method for that engine has been certified by an Administration and was commercially available, for which an approved method is not installed after the first renewal survey specified in regulation VI/13.7.2.
- 6 On ships not equipped with equivalent means of SO_x compliance, based on the methodology of sample analysis in accordance with appendix VI[†] of MARPOL Annex VI, the sulphur content of any fuel oil being used or carried for use on board exceeds the applicable limit required by regulation VI/14. If the master claims that it was not possible to bunker compliant fuel oil, the PSCO should take into account the provisions of regulation VI/18.2 (see the appendix).
- 7 On ships equipped with equivalent means of SO_x compliance:
 - .1 absence of an appropriate approval for the equivalent means, which applies to relevant fuel combustion units on board;
 - .2 EGCS systems installed on board fail to provide effective equivalence to the requirements of regulations VI/14 and 14.4; and
 - .3 with regard to combustion units not connected to an EGCS, the sulphur content of any fuel oil being used on these combustion units exceeds the limits stipulated in regulation VI/14, taking into account the provisions of regulation VI/18.2 (see the annex to appendix 18).
- 8 An incinerator installed on board the ship on or after 1 January 2000 does not comply with requirements contained in appendix IV to the Annex, or the standard specifications for shipboard incinerators developed by the Organization (resolution MEPC.76(40) as amended by MEPC.93(45), or resolution MEPC.244(66), as amended by resolution MEPC.368(79), as appropriate).
- 9 The master and crew are not familiar with essential procedures regarding the operation of air pollution prevention equipment or reporting requirements as defined in paragraph 2.6.12 of appendix 18.

Areas under STCW 1978

- 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.

[†] Amendments to MARPOL VI, appendix VI, Verification procedures for a MARPOL Annex VI fuel oil sample.

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 under AFS 2001

1 Absence of a valid International Anti-fouling System Certificate or a Declaration on Anti-fouling System.

2 Sampling proves it is non-compliant within the port's jurisdiction.

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 systems, cargo-related gear or machinery should be considered sufficient grounds to stop cargo operation.