

Summary of the Detention Case 28-03-2016

General

Ground for detention

The ship was detained due to the following detainable deficiency:

01117 International Oil Pollution Prevention (IOPP) - IOPP CERT EXP ON 14 OCT 2016.

Dispute

The flag State supported the appeal by the company of the ship, which provided the views that:

1. The IOPP certificate was issued to the ship following satisfactory completion of Intermediate Survey on 6 September 2016;
2. The RO informed that the IOPP certificate, with indication of the wrong expiry date of 14 October 2016, issued after the survey was done in error; and
3. The RO had promptly reissued the certificate on 26 October 2016.

Based on the above, the flag State is of the opinion that the detention was of excessive requirement and unjustified.

The port State Authority is of the opinion that:

1. The IOPP certificate in question was invalid because it had been expired for 10 days at the time of inspection; in accordance with PSC procedures, lack of valid certificates as required by the relevant instruments would be a ground for detention;
2. The problem about the IOPP certificate was not noted by either the master of the ship or the company prior to the inspection/detention; and
3. It would be questionable for the validity of the certificate because there was no explanation received on why a new certificate was issued rather than making intermediate survey endorsement in the existing certificate which would valid until October 2018 based on the initial survey completed 10 October 2013.

Based on the above, the detention was correct.

Opinions of the panel

The panel members reviewed the relevant information and materials received. As the result of evaluation, panel members reached general opinions as follows:

1. The IOPP certificate was expired at the time of inspection; in accordance with the guidelines for the detention of ships provided in Appendix 2 to PSC Procedures 2011 (Res. A.1052(27)), the lack of valid certificates required by the relevant instruments may warrant the detention of ships;

2. The master, the company and the RO were not aware of the expiry of the IOPP certificate until it was identified by the PSCO;

3. No explanation was given as to why the IOPP certificate was continuously renewed upon completion of intermediate survey, instead of endorsement of intermediate survey; (*note*: with the initial survey completed on 10 October 2013, the time for renewal of the IOPP certificate would be October 2018 but new/renewed IOPP certificates were issued in 2015 and 2016.)

4. It would be doubtful that the master and the chief engineer were aware of subsequent changes to the ships systems and equipment, based on the Supplement Form B and the survey report, and made the appropriate and necessary changes to ships procedure and documentation with regard to MARPOL Annex I; and

5. Based on the above, it would not be possible to establish substantial compliance with the requirements of MARPOL Annex I by the ship.

Conclusion

The panel members are of the unanimous opinion that the decision of detention was justified. Therefore, the port State Authority would not be asked to re-consider the decision of the detention.