

## Summary of the Detention Case 31-02-2018

### I. General

#### 1. Ground for detention

The ship was detained due to the following detainable deficiency:

15199 Other (ISM) - ABOVE SHOWN DEFICIENCIES (27) ARE OBJECTIVE EVIDENCE OF A FAILURE, OR LACK OF EFFECTIVENESS OF THE IMPLEMENTATION OF THE ISM/

#### 2. Dispute

The flag State did not agree with the detention by the port State Authority and expressed views that:

1. Out of 27 deficiencies recorded, a number of them are without any direct implication on the safety of the vessel or the environment;
2. Both an ISM audit by the RO and a control survey by the flag conducted 5 days after the detention were found that the vessel's ISM system is implemented properly and that the crew is familiar with the ISM system therefore it would be unlikely that the serious failure of the ISM system as pointed could be corrected within 5 days;
3. It is not agreeable that the sum of total deficiencies, which do not individually or as a whole pose a threat to the safety of the crew, ship or the environment, would be sufficient to warrant a detention.

Based on the above, the flag State is of the opinion that the detention (code 30) would need to be recalled.

The port State Authority is of the opinion that:

1. All deficiencies recorded reflected the actual condition of the vessel and were discussed with the master and crew; moreover, period necessary for rectification of deficiencies was stipulated;
2. Most of the deficiencies themselves are accepted by the flag State and the majority of the deficiencies clearly indicates that the ship crew and the company did not pay due attention to operational procedures and the ship crew were unable to demonstrate the required records and proper implementation of the mandatory requirements; therefore the port State control officer made the proper conclusion of lack of the implementation of ISM requirements;
3. The combination of the deficiencies, referred to below, indicates a failure of the ship to navigate safely and fight fires effectively in any part of the ship as required by paragraph 1.2 in Appendix 2 to Resolution A.1119(30), which itself is a sufficient ground for the detention of the vessel:

07105 Fire doors/openings in fire-resisting divisions - ACCOMMODATION INTERIOR STAIRWAY FIRE PROTECTION SELF-CLOSING DOOR NOT CLOSING FULLY (UPPER DECK)

02108 Electrical installations in general - FOAM STATION LIGHTING SWITCH NOT WORKING PROPERLY (DOES NOT SWITCHING LIGHTING AT ONCE)

07109 Fixed fire extinguishing installation - FOUND STAINS OF LEAKAGE ON FIX  
FOAM FIRE EXTINGUISHER SYSTEM FOAM PUMP BODY  
07109 Fixed fire extinguishing installation - QUANTITY OF FOAM LIQUED LESS  
THAN REQUIRED BY CLASS CERTIFICATE

4. The ISM audit and control survey by the RO and flag after the detention could not be used to deny deficiencies found at the time of inspection/detention.

Based on the above, the detention was correct.

## **II. 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. Since the vessel was detained with only one ISM detainable deficiency, which was judged from a number/combination of non-detainable deficiencies, it would be very crucial to establish clear relation between safety management system of the vessel and each deficiency and to secure/collect objective evidence thereon;
2. Although some deficiencies were related to safety and protection of the marine environment, there were no sufficient and objective evidences (e.g. photographs, video, copy of records and so on) to support the finding of serious failure of safety management system based on information/materials provided;
3. Since the objective evidence for proving the serious failure of the safety management system implemented on board was not established/available, it would be inappropriate to detain the vessel only based on the number of deficiencies itself for this specific case; and
4. Taking the above into account, the detention is considered not in line with the Appendix 2 "Guidelines for the detention of ships" and Appendix 8 "Guidelines for port State control officers on the ISM Code" provided in Resolution A.1119 (30).

## **III. Conclusion**

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