

## **Summary of the Detention Case 20-02-2014**

### **General**

#### **Ground for detention**

The vessel was detained due to the following detainable deficiencies:

- 1) 01204-Certificate for personnel on tankers-C.O.R OF MASTER (Mr. xxxx xxxx xxxx) COPY ON BOARD; and
- 2) 07106-Fire detection and alarm system-FIRE ALARM DEFECTIVE.

#### **Dispute**

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

1. Although the original COR was not on board, the flag State issued a Documentary proof on 17 December 2013, stating that an application has been submitted to the flag State. This means that Mr. xxxx xxxx xxxx is entitled to serve on board its flagged vessels as capacity of master up to three months according to the STCW;
2. Concerning fire alarm system, the fire alarm system was inspected and tested, including switch off of main supply, 220V. After switching off the main supply, a visual and audible fault signal is given, which is in accordance with the FSS Code. Unfortunately this was misinterpreted by the PSCO as system malfunctioning. The system is, however, still fully functionally running on emergency supply, 24V, in accordance with the FSS Code;
3. There had been made no repairs on the fire alarm system when the ship was released, because it was fully operational.

Based on the above, the flag State is of the opinion that the detention was not justified.

The port State Authority is of the opinion that:

1. In accordance with the relevant requirement of STCW, any certificate required by the Convention must be kept available in its original form on board the ship on which the holder is serving but, at the time of inspection, the master could only produce the scanned copy of COR and no evidence of application for endorsement or no documentary proof of submission of application was provided; The confirmation of receipt of application provided by the flag State Authority was received after the detention; and
2. When testing the fire alarm system, a black out simulation was carried out with switching off the main power but sound signal for fire alarm system fault or power failure was not observed and main power indication light was still on therefore it was concluded that the emergency power was defective.

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 detainable deficiency for COR is considered invalid because, in accordance with Regulation I/10.5 of STCW, if the documentary proof on submission of application for flag State endorsement is provided, a seafarer may be allowed to serve on board up to three months; an electronic copy of the COR issued by the flag Administration was presented during inspection is ample evidence that an application had been made; Should there be any doubt about the application or COR, the flag State Authority should be consulted and action code 17 would be more appropriate;
2. Regarding the fire alarm system, there is a conflict between the flag State and port State on whether a visual and audible fault signal was given after switching off the main power; based on the statements by DNV (RO) and the manufacturer provided by the flag State, no fault or failure was found in the fire alarm system; furthermore there is no evidence suggests that any rectification/repair relating the fire alarm system had been carried out;
3. The PSC officer released the ship without first conducting a follow-up inspection to verify the defects had been rectified. Such a practice is not in compliance with the PSC procedures; and
4. It is noted that the cause of the two deficiencies are related to awareness of relevant rules and regulations and familiarization with equipment/installation on board. The deficiencies/detention should have been issued against ISM Code, either Part A element 6.3 or Part A element 8.

### **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 re-consider the decision of the detention.