

## Summary of the Detention Case 30-01-2018

### I. General

#### 1. Ground for detention

The ship was detained due to the following detainable deficiency:

10111 Charts - ELECTRONIC CHARTS NOT UPDATED BY MARITIME SAFETY INFORMATION FOR RUSSIA FAR-EAST REGION /VLADIVOSTOK COASTAL WARNING- GUNNERY BOMBING EXERCISES AREAS/

#### 2. Dispute

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

1. Appropriate procedure for downloading and applying both NAVAREA warnings and NAVTEX warnings is implemented on board the vessel, based on which NAVTEX messages are automatically integrated into the ECDIS, any new NAVTEX message that was not received in the past, the ECDIS provides a notification to the navigator and if a geographical position is provided in the message, an envelope is displayed at this position on the ENC in order to attract attention of the bridge team;
2. The particular gunnery areas would not have been applicable to the voyage to the port, taking into account the followings:
  - a) the gunnery areas were far away from the intended route;
  - b) the vessel was approaching the port through a mandatory vessel traffic separation scheme; and
  - c) one of the gunnery areas nearest to the route was a well-known no-go area (former mined area & regulated/restricted area by the port State)
3. The ECDIS has been updated immediately in preparation for the outward voyage.

Based on the above, the flag State is of the opinion that the detention (code 30) would need to be reconsidered for this specific case.

The port State Authority is of the opinion that:

1. Based on that naval exercises were conducted off the coast, it would be necessary to check how ECDIS is updated according to existing maritime safety information (MSI)/NAVTEX messages; it was revealed by the PSCO that the ECDIS was not updated according to available MSI, which is serious violation of Regulation 27 of Chapter V of SOLAS-74/78;
2. In accordance with guidance on question No.2 for the CIC on Safety of Navigation in 2017, lack of up-to-date electronic charts in ECDIS for the intended voyage or failure to comply with this item would be a detainable deficiency (code 30); and
3. Appropriate receiving and applying navigation information and updates for nautical charts or ECDIS is one of the most important factors in the navigational safety of shipping since unavailability of relevant information/materials, including MSI

navigational warnings (NAVAREA, coastal warnings) for updating nautical charts or ECDIS would cause charts/ECDIS outdated on many levels, e.g. from incorrect navigational information to missing information of dangerous areas.

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. There is no objective evidence showing that the vessel was sailing close to the gunnery areas during her voyage to the port and, in fact, based on the voyage plan, the vessel approached to the port through the mandatory vessel traffic separate scheme (TSS), which is clearly separated from the gunnery areas;
2. In accordance with Regulation 27 of Chapter V of SOLAS, nautical charts and nautical publications necessary for the intended voyage should be adequate and up to date, however, such a requirement could not be interpreted as the mandatory obligation for marking/indicating all maritime safety information (MSI) received via NAVTEX or NAVAREA in nautical chart or ECDIS;
3. Although unawareness and improper application of MSI by the crew of the vessel pointed by the PSCO for this case may be considered as a deficiency or a clear ground for more detailed inspection, it is not considered serious enough to warrant the detention, taking into account that the vessel entered into the port safely without violation of navigation rules (i.e. in accordance with the TSS of the port) and that the ECDIS has been updated immediately in preparation for the outward voyage;
4. It is considered not relevant that the port State Authority made reference to the guidance on question No.2 from the CIC on Safety of Navigation in 2017 because the question referred to is related to ENC/SENC update, ECDIS display mode, chart information, back-up arrangement but the issue of MSI may not be included; moreover, action codes for the question are 30 or 17, this is to say that detention (code 30) would not be appropriate for every case; and
5. In accordance with the procedures provided in Resolution A.1119(30), detention would be made when the condition of the ship or its crew does not correspond substantially with the relevant conventions, which would present a danger to the ship or persons on board, or an unreasonable threat of harm to the marine environment; however, the above mentioned condition could not be established for this specific case.

## **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.