

Summary of the Detention Case 15-01-2012

General

Ground for detention

The vessel was detained due to the following detainable deficiencies:

- 1) Water level indicator/WATER INGRESS DETECTION SYSTEM OUT OF ORDER;
- 2) Rescue boats/RESCUE BOAT ENGINE NOT TO BE STARTED;
- 3) Speed and distance indicator/DOPPLER SPEED LOG WAS INOPERATIVE;
- 4) Oil filtering equipment/BILGE PUMP FOR OILY WATER SEPARATOR WAS INOPERATIVE

Dispute

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

1. The company and crew had already taken action to correct these deficiencies before arrival in Incheon this should not have resulted in the detention of the vessel; and
2. In accordance with the relevant paragraphs of IMO Resolution A.1052(27) (i.e. paragraphs: 1.3.3, 1.7.4 and 2.3.5), the above mentioned deficiencies should not be considered detainable.

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. The deficiencies observed are sufficiently serious to merit detention;
2. The decision of detention was made to prevent the vessel proceeding to sea with an unsafe condition;
3. The decision and procedure of detention were fully complied with the PSC Procedures (IMO Res. A.1052) and PSC Guidelines of Tokyo MOU;
4. The PSCO had not been advised any information on the ship's deficiencies prior to commencing his inspection. The VTS center of the port also had not been advised any information on the ship's deficiencies prior to entering the port; and
5. The Master and his crew became apparent only when they were asked for these particular items to be tested whilst carrying out the inspection. As usual, the Master and his crew were trying to hide deficiencies to PSCO. After the PSCO pointed out deficiencies, they acknowledged the deficiencies and explained to PSCO about their intention for corrective actions.

Therefore the detention was considered justified.

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. Both the company and the flag State did not oppose the existence of those detainable deficiencies;
2. There was no objective evidence showing that the master & crew notified the PSC officer of the deficiencies and the remedial actions being taken prior to the start of the inspection;
3. It seems that the master and his crew became apparent only when those items pointed out by the PSC officer;
4. Information/statement provided by the company was not relevant because it was provided obviously after the inspection but the PSC officer would make his judgment based on information available at the time of inspection only; and
5. The dispensation by the flag State was also after the inspection.

Conclusion

The panel members unanimously agreed that the decision of detention as whole is justified. However, the port State Authority may be suggested to consider the following:

1. to downgrade the action code from 30 to 17 for the deficiency of rescue boat as the corrective action had been taken before the inspection, although the information was actually provided after the inspection; and
2. to change the action code from 30 to 99 for the deficiency of Doppler speed log inoperable, taking the exemption issued by the flag State into account.