

## Summary of the Detention Case 17-02-2013

### General

#### Ground for detention

The vessel was detained due to the following detainable deficiency:

14102 Retention of oil on board - TOTAL CAPACITY OF SLOP TANK (C13P) LESS THAN 1.5% OF THE OIL CARRYING CAPACITY OF THE SHIP (Actual 1.44%).

#### Dispute

The RO, although admitted the deficiency on capacity of slop tank not in compliance with the MARPOL Annex I Regulation 29.2.3.2 due to the error of calculation, did not agree with the detention by the port State Authority and expressed views that:

1. The deficiency was not presenting “a danger to the ship or person on board, or presenting unreasonable threat of harm to the marine environment” as the remaining capacity of slop tank was not considered insufficient for the intended voyage therefore, in accordance with the IMO Res. A.1052(27) Appendix 2 para.3(Areas under the MARPOL Convention, Annex I), the ship should not be detained; and
2. The availability of slop tank is only relevant in the event of tank water washing is to be carried out but the ship did not require to carry out tank wash since she was loading MARPOL Annexes I and II cargoes at the time of detention/inspection.

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

The port State Authority is of the opinion that:

1. The arrangement of the vessel is below the standards required by the applicable specifications of MARPOL Annex I Reg.29.2.3.2;
2. No one has verified the validation about ship's structural requirements, especially the Slop Tank Capacity during last 20 years;
3. The list of detainable items contained in the IMO. A.1052(27) Appendix 2 is only to give examples of detainable deficiencies, which is not considered exhaustive.

Therefore the detention was 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. The ship was not in compliance with the applicable MARPOL requirement stipulated in Annex I, Ch. IV, Reg. 29.2.3.2;
2. The discrepancy between the actual capacity of the designated slop tank (C13P) and

the capacity required under MARPOL is marginal;

3. The deficiency does not provide the imperative need to warrant a detention of the vessel because there is no objective evidence to suggest the vessel being 'substantially below the standards required' or that the slop tank capacity was insufficient for the intended voyage; and
4. The deficiency should be referred to the RO and the RO should then discuss with the flag Administration whether the vessel DWT be amended and new certificates issued in order that the vessel is in compliance with the MARPOL requirements or alternative arrangements considered appropriate.

### **Conclusion**

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