

Summary of the detention Case 10-03-2008

General

Ground for detention

The vessel was detained due to the detainable deficiency - "Emergency Generator not working".

Dispute

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

1. Company had reported the defect to the flag State about failure of the air-starter motor for the emergency generator timely;
2. the flag State had instructed the company to rectify the defect on arrival of the port and had informed the RO about the defect;
3. the ship's master had reported before arrival to the Harbour Master of the port about the defect and assured that prior departure the emergency generator would be operational;
4. before the inspection, PSC officer was again reported about the defect on the emergency generator.

Based on the above, the flag State Authority is of the opinion that para. 2.6.7 of the PSC Procedures (A.787(19)) has been met and therefore the detention should not be caused.

The port State Authority is of the opinion that:

1. no evidence was presented to confirm that the Master had made, or was making, any reasonable efforts to carry out what the flag State required - "Please fix the air motor in the first berthing port before sailing" - prior to the detention;
2. the master was unable to locate the required spare part nor was he able to provide any evidence that he had made any efforts to do so prior to the phone call to the Agent upon the attendance of PSCOs;
3. the master was unable, even after the phone call to the Agent, provide any news regarding the time of delivery of the spare part, and therefore when the emergency generator would be operational;
4. the master had ordered tugs, Pilot(s) and mooring gangs for noon that day and confirmed in discussions with the PSCOs that his destination upon departure was another country;
5. the master had not arranged RO attendance to oversee repairs that would have to be complete to RO satisfaction prior to sailing at noon.

The above facts show that the master/vessel did not fulfill the conditions/ requirements provided in paragraph 2.6.7 of A.787(19).

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. Although the flag State Authority took appropriate action in requesting the vessel to fix the emergency generator at first berthing port and the master informed the port State Authority about failure of the emergency generator in advance, the master failed to rectify this serious deficiency before departure;
2. There is no objective evidence that the master had taken necessary action to get the emergency generator repaired during period of the vessel staying in port;
3. There is no evidence that the master planned to move his vessel to anchorage for fixing the emergency generator before departure and informed the PSCO of his plan prior to the inspection/detention as he already ordered tugs and pilots before the inspection; and
4. Therefore, the conditions set out under 2.6.7.3 and .4 of A.787(19) were not met by the vessel in this case.

Conclusion

The panel members unanimously agreed that the decision of detention for this specific case is justified. Therefore, the port State Authority does not need to reconsider its decision of the detention. At the same time, the panel members expressed the view that, if the port State Authority could contact/remind the vessel after receiving the notification from the master, such detention might be avoided.