

## Summary of the Detention Case 34-02-2019

### I. General

#### 1. Ground for detention

The ship was detained due to the following detainable deficiency:

01102 Cargo Ship Safety Construction (including exempt.) - SC, SE AND SR RENEWAL SURVEY EXCEEDED 5 YEARS 3 MONTHS, LAST RENEWAL SURVEY DATE WAS ON 30-DEC-2013.

*Note: The above detainable deficiency was attributed to RO responsibility.*

#### 2. Dispute

The recognized organization (RO), upon rejection of its appeal for assignment of RO responsibility by the port State Authority, requested detention review of the case and expressed the view that, although it would not dispute that the extensions for renewal/docking survey have been granted beyond 5 years and 3 months, such extensions were made by the instruction or on behalf of the flag State Administration in accordance with agreement for authorization for survey and certification between the flag and the RO. It is considered that certificates and extensions were issued correctly.

Based on the above, the RO did not agree with the detention.

The port State Authority is of the opinion that:

1. Vessel's certificates had been extended for total 7 months in 3 times, however, in accordance with SOLAS CH.1/Part B/Reg.14(e), extensions shall only be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed and then only in cases where it appears proper and reasonable to do so; based on information of last 10 port call provided by the vessel, the above mentioned regulation should not be applicable for this case since the vessel did not sail to the port for renewal survey but continued to carry cargoes for commercial purpose;
2. Furthermore, as provided in SOLAS CH.1/Part B/Reg.14(e), no certificate shall be extended for a period longer than 3 months; and
3. As such, the vessel is considered sailing with invalid certificates.

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. The subsequent extensions issued on 12 March 2019 and 17 June 2019 are not in compliance with SOLAS CH.1/Reg.14(e), which clearly states "No certificate shall be extended for a period longer than three months";
2. Furthermore, as provided in SOLAS CH.1/Reg.14(e), extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to

be surveyed; however, the vessel did not complete the renewal survey during the 10 port calls in 2019, including major ports with dry-docking facilities, prior to the detention;

3. In accordance with PSC Procedures 2017 (Res.A.1119(30)), a valid certificate should meet the provisions of the relevant convention; taking 1. and 2. above into account, the short term certificates/extensions in question are in contravention of the relevant provision of SOLAS and, therefore, are considered invalid; and
4. Based on the Guidelines for detention of ships (Appendix 2 to Res. A.1119(30)), detention would be warranted if a vessel were found with invalid certificates/documents.

### **III. Conclusion**

The panel members are of the unanimous opinion that the decision of detention was justified. Therefore, the port State Authority would not be asked to reconsider the decision of the detention.