

## Summary of the Detention Case 14-01-2011

### General

#### Ground for detention

The vessel was detained due to the following detainable deficiency: Two fire dampers of E/R can not close.

#### Dispute

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

1. the company could prove that the fire dampers and their controls were tested frequently and inspected as required by SOLAS II-2/14.2.2 and MSC/Circ.850. The records of the tests and inspections, which are carried out weekly for local control and 6 monthly for remote control, are available;
2. the two fire dampers not closing completely could be seen as a deviation, but not as serious deterioration since the dampers were operable and the crew took immediate action to settle the deficiency within short time;
3. the repair was successfully completed and informed to the PSCOs before they left the ship however which was not accepted by the PSCOs; and
4. the PSCOs did not exercise all possible efforts and the necessary judgement to avoid an undue detention of the vessel.

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 deficiency of "TWO FIRE DMAPERS OF E/R CAN NOT CLOSE." is serious enough(only closed to 50%, please see the picture attached) leading to the ship detained according to the relevant mandatory requirements;
2. according to the SOLAS 81 Amendments II-2 Reg.2.7, any fire-extinguishing appliances should be readily available;
3. the Appendix 1 "Guidelines for the detention of ships" in Port State Control Procedures (IMO Res. A.787(19)) also clearly states that:  
  
"Absence, non-compliance or substantial deterioration to the extent that it cannot comply with its intended use of fire detection system, fire alarms, fire-fighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers, and quick-closing devices";
4. PSCOs clearly remember that they had never been informed that the detainable deficiencies had been rectified before left ship.

Therefore the detention was considered judicial.

### **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 failure of fire dampers is substantial deterioration and, in accordance with procedures provided in Appendix 1 of A.787(19) as amended, it should be considered as the detainable deficiency;
2. The records of periodical test and inspection by the company are not relevant, because if records show that tests and inspections of these fire dampers were supposedly carried out regularly and effectively, such a deficiency should not have happened;
3. Although there is some conflict surrounding notification to the PSCOs that the deficiencies to the dampers had been rectified, however this is not relevant, as it clearly occurred after the detention had been issued; and
4. At the time the detention was put in place, the PSCOs would not be aware of the time required for rectification. It is not relevant that this apparently happened 40 minutes after the vessel was detained.

### **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.