

Summary of the Detention Case 44-01-2024

I. General

Ground for detention

The ship was detained due to the following detainable deficiencies:

14402 Sewage treatment plant - PIPE OVER BOARD FROM SEWAGE TREATMENT PLANT OUT OF ORDER.

Dispute

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

1. The evidence indicates that both the sewage overboard discharge valve and the sewage treatment plant were serviceable at the time of the inspection;
2. There is no evidence the vessel discharged sewage in the port;
3. Regulation 9(1) of Annex IV of MARPOL does not require the overboard discharge valve of the sewage treatment plant to be locked nor there is any requirement to be able to lock the overboard discharge valve; and
4. The vessel was issued with a valid International Sewage Prevention Certificate at the time of the inspection.

Based on the above, the detention and the detainable deficiency were not justified.

The port State Authority is of the opinion that:

1. Although the sewage treatment plant was in good condition, pipe overboard was found unlock and unsecured;
2. It would be suspected that unauthorized sewage discharge had been carried out; and
3. Crew could not provide satisfactory explanation about the matter to the PSCO during the inspection.

Based on the above, the detention was appropriate and 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. There is no regulation in MARPOL Annex IV, which requires an overboard discharge valve of sewage treatment plant to be locked and/or sealed;
2. It appears that the PSCO suspected the vessel discharged untreated sewage and made the decision of detention, however, there was no objective evidence available to support such suspicion;

3. In accordance with the Guidelines for the detention of ships contained in the IMO Procedures for PSC (Res.A.1185(33)) and Guidelines for Port State Control under MARPOL Annex IV (Section 3.2-10 of the PSC Manual), the deficiency referred to by PSCO would not be considered a ground for detention;

4. The deficiency description/wording, as provided, does not appear to accurately reflect the condition found not in compliance with the convention regulation; and

5. If, in case, the condition pointed out by the PSCO was related to local rules/regulations, such matter should not be treated in the scope of PSC inspection of the Tokyo MOU but be dealt with separately.

III. Conclusion

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