

## Summary of the Detention Case 47-03-2025

### I. General

#### Ground for detention

The ship was detained due to the following detainable deficiencies:

01107 Safety Management Certificate (SMC/ISM Code) - WRITING THE ADDRESS OF THE SAFETY MANAGEMENT CERTIFICATE IS DIFFERENT WITH THE ADDRESS CERTIFICATE DOCUMENT OF COMPLIANCE;

01139 Maritime Labour Certificate - WRITING THE ADDRESS OF THE MARITIME LABOUR CERTIFICATE IS DIFFERENT WITH THE ADDRESS CERTIFICATE DOCUMENT OF COMPLIANCE;

01122 International ship security certificate - WRITING THE ADDRESS OF THE INTERNATIONAL SHIP SECURITY CERTIFICATE IS DIFFERENT WITH THE ADDRESS CERTIFICATE DOCUMENT OF COMPLIANCE;

01102 Cargo Ship Safety Construction (including exempt.) - CARGO SHIP SAFETY CONSTRUCTION CERTIFICATE AVAILABLE ON SHIP DURING INSPECTION CHECK BY REGULATION STATUS IS "INVALID"/ "NOT OKE";

01101 Cargo Ship Safety Equipment (including exemption) - CARGO SHIP SAFETY EQUIPMENT CERTIFICATE AVAILABLE ON SHIP DURING INSPECTION CHECK BY REGULATION STATUS IS "INVALID"/ "NOT OKE".

#### Dispute

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

#### Deficiencies of 01107-Safety Management Certificate, 01139-Maritime Labour Certificate and 01122-International Ship Security Certificate

1. The difference of address between ISM DOC and the certificates of SMC, MLC and SSC should have been regarded as minor typing errors (i.e. only a punctuation mark, a space and a capital letter are found not identical);

2. Since the address in question in the relevant certificates is not completely different place as provided in ISM DOC, it should be treated as minor typing errors and recorded as technical deficiencies with the certificates in accordance with Section 7.2 of Appendix 8 to Resolution A.1185(33) rather than warrant the detention under Section 7.3.1.10 of the same Appendix;

#### Deficiencies of 01102-Cargo Ship Safety Construction Certificate and 01101-Cargo Ship Safety Equipment Certificate

3. Although Section 4 of Appendix 2 to Resolution A.1185(33) provides that the lack of valid certificates as required by the relevant conventions may warrant the detention of ships, all certificates of the vessel were valid at the time of inspection; renewed certificates were issued the day prior to the inspection;

4. Despite that the master had not yet had time to print out the certificates, this mistake is considered of subordinate importance; the PSCO could have used his professional judgement and not detained the ship when being made aware of the fact that the vessel in fact had valid certificates.

Based on the above, the detention is not justified since the deficiencies are considered as grounds for detention.

The port State Authority is of the opinion that:

1. The address in the DOC is "C. Sundts Gate 17/19" while in the SMC, MLC and ISSC the address is "C Sundtsgate 17/19", which are not same; such typing errors may result in a fatal error in the claim when the ship had an incident;
2. During online verification of Cargo Ship Safety Construction Certificate and Cargo Ship Safety Equipment Certificate, the status is "Invalid"/"Not OK"; and
3. Given these discrepancies and the inability to definitively verify the company's correct address at the time of inspection, combined with the apparent invalid status of certificates, in accordance with procedures provided in Resolution A.1185(33), the vessel is lack of "Valid" documentation and, therefore, it is appropriate to warrant the detention.

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 unanimous opinions as follows:

### **Deficiencies of 01107-Safety Management Certificate, 01139-Maritime Labour Certificate and 01122-International Ship Security Certificate**

1. For detainable deficiencies of 01107-Safety Management Certificate, 01139-Maritime Labour Certificate and 01122-International Ship Security Certificate, it is considered technically incorrect since the difference in address appears to be a typographical error as opposed to a completely different address;
2. Taking account of Section 7.2 of Appendix 8 to Resolution A.1185(33) that "Minor typing errors in the DOC, the Interim DOC, the SMC, or Interim SMC should be recorded in the PSC inspection report as a technical deficiency with the certificates and no ISM deficiency should be recorded.", the abovementioned deficiencies should have been recorded as technical deficiencies but not recorded as a ground for detention;

### **Deficiencies of 01102-Cargo Ship Safety Construction Certificate and 01101-Cargo Ship Safety Equipment Certificate**

3. About 'Invalid/Not OK' status via online verification for Cargo Ship Safety Construction Certificate and Cargo Ship Safety Equipment Certificate, it is considered that, although invalid certificates may warrant the detention of a ship, as the general procedure, any doubt/problem about certificates would be taken as the 'clear ground' for conducting more detailed inspection in order to determine whether the ship is substantially in compliance with the SOLAS requirements;
4. Furthermore, based on the screenshot provided for online verification, the PSCO should have noted the indication in authenticity page of the certificates, which states 'Not OK (Replaced by a new one)' but not 'Invalid' as recorded by the PSCO; if appropriate attention given to the abovementioned note, the PSCO should have then used his professional judgement to enquire about the newly issued certificates and allow the master reasonable time to contact the Recognized Organization (RO) or the flag Administration to clarify and confirm the status of the certificates. Such a step could have provided timely resolution and avoided an unnecessary detention;
5. There are insufficient evidences provided to determine the appropriateness of the detention, inter alia whether the master was informed of the 'clear ground' (i.e. difference

of company address in certificates and the result of online verification of certificates) for more detailed inspection; whether copy of Cargo Ship Safety Construction Certificate and Cargo Ship Safety Equipment Certificate in question were collected and whether and when PSCO was aware of the issuance of new certificates; and

6. It is also observed that, according to the inspection report, there are no substantive non-compliant conditions were identified during the inspection.

Based on the above, the detention is unjustified and, therefore, the port State Authority needs to reconsider the detention.

### **III. Conclusion**

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