



# TUVALU SHIP REGISTRY

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## MARINE CIRCULAR

### MC-12/2005/1

03/2024

**FOR:** Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Classification Societies, Port State Control Inspectors, Flag State Inspectors

**SUBJECT: PORT STATE CONTROL (PSC) DETENTION**

#### DEFINITIONS:

The following abbreviations stand for:

- “DOC” – Document of Compliance as required by the ISM Code
- “ISM Code” – International Management Code for the Safe Operation of Ships and for Pollution Prevention
- “ISPS Code” – International Ship and Port Facility Security Code implemented through chapter XI-2 Special measures to enhance maritime security in SOLAS.
- “ISSC” – International Ship Security Certificates as required by the ISPS Code
- “FSI” – Flag State Inspection
- “MLC” – Maritime Labour Convention 2006
- “PSC” – Port State Control
- “RO” – Recognized Organization
- “SMC” – Safety Management Certificate as required by the ISM Code

The following terms in the context of this circular shall mean:

- “Administration” – the Tuvalu Ship Registry.
- “Substandard Ship” – a ship whose hull, machinery, equipment or operational safety is substantially below the standards required by the relevant convention or whose crew is not in conformity with the safe manning document.
- “Detention” – intervention action taken by the port State when the condition of the ship or its crew does not correspond substantially with the relevant conventions to ensure that the ship will not sail until it can proceed to sea without presenting a danger to the ship or persons on board, or without presenting an unreasonable threat of harm to the marine environment, whether or not such action will affect the normal schedule of the departure of the ship.

#### PURPOSE:

This marine circular serves to provide ship owners / operators guidance on the prevention of PSC detentions, and the actions taken by the Administration when a Tuvalu-flagged vessel meets with a PSC detention.

The actions stated in this circular are in addition to those of marine circular MC-9/2005/1 - Authority of Recognized Organizations on Port State / Flag State Detentions.

#### APPLICATION:

This marine circular applies to all Tuvalu flagged vessels that are subject to PSC inspections.

## REFERENCES:

The following references should be read in conjunction with this Circular:

1. Tuvalu Marine Circular MC-9/2005/1 - Authority of Recognized Organizations on Port State / Flag State Detentions.
2. Tuvalu Marine Circular MC-5/2010/1 – Guidelines on the Conduct of Port State Control (PSC) Inspections under Revised MARPOL Annex VI
3. IMO Circular A.1185(33) – Procedures for Port State Control, 2023
4. Tuvalu Ship Registry - Form FSI

## CONTENTS:

### 1. Guidance for the Prevention of PSC Detention

- 1.1. A PSC generally determines a substandard ship when the following (non-exhaustive list) are found:
  - 1.1.1. the absence of principal equipment or arrangements required by the Conventions;
  - 1.1.2. non-compliance of equipment or arrangements with relevant specifications of the Conventions;
  - 1.1.3. substantial deterioration of the ship or its equipment;
  - 1.1.4. insufficiency of operational proficiency, or unfamiliarity with essential operational procedures by the crew; and
  - 1.1.5. insufficiency of manning or insufficiency of certification of seafarers.
- 1.2. Start by referring to the list of deficiencies in Section 5, Appendix 2 of IMO Circular A.1185(33) – re-produced below. Though non-exhaustive, they are grouped under relevant conventions and/or codes, which are of such a serious nature that they may warrant the detention of the ship involved.
  - 1.2.1. **Areas under SOLAS 1974**
    - 1.2.1.1. Failure of proper operation of propulsion and other essential machinery, as well as electrical installations.
    - 1.2.1.2. Insufficient cleanliness of engine-room, excess amount of oily-water mixture in bilges, insulation of piping including exhaust pipes in engine-room contaminated by oil, and improper operation of bilge pumping arrangements.
    - 1.2.1.3. Failure of the proper operation of emergency generator, lighting, batteries and switches.
    - 1.2.1.4. Failure of proper operation of the main and auxiliary steering gear.
    - 1.2.1.5. Absence, failure, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft and launching and recovery arrangements (see also MSC.1/Circ.1490/Rev.1).
    - 1.2.1.6. 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.

- 1.2.1.7. Absence, substantial deterioration or failure of proper operation of the cargo deck area fire protection on tankers.
- 1.2.1.8. Absence, non-compliance or serious deterioration of lights, shapes or sound signals.
- 1.2.1.9. Absence or failure of the proper operation of the radio equipment for distress and safety communication.
- 1.2.1.10. Absence or failure of the proper operation of navigation equipment, taking the relevant provisions of SOLAS 1974 regulation V/16.2 into account.
- 1.2.1.11. Absence of corrected navigational charts, and/or all other relevant nautical publications necessary for the intended voyage, taking into account that electronic charts may be used as a substitute for the charts.
- 1.2.1.12. Absence of non-sparking exhaust ventilation for cargo pump-rooms.
- 1.2.1.13. Serious deficiency in the operational requirements listed in Appendix 7 of IMO Circular A.1185(33).
- 1.2.1.14. Number, composition or certification of crew not corresponding with safe manning document.
- 1.2.1.15. Non-implementation or failure to carry out the enhanced survey programme in accordance with SOLAS 1974 regulation XI-1/2 and the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), as amended.
- 1.2.1.16. Absence or failure of a voyage data recorder (VDR), when its use is compulsory.

#### 1.2.2. **Areas under the IBC Code**

- 1.2.2.1. Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.
- 1.2.2.2. Missing or damaged high-pressure safety devices.
- 1.2.2.3. Electrical installations not intrinsically safe or not corresponding to the Code requirements.
- 1.2.2.4. Sources of ignition in hazardous locations.
- 1.2.2.5. Contravention of special requirements.
- 1.2.2.6. Exceeding of maximum allowable cargo quantity per tank.
- 1.2.2.7. Insufficient heat protection for sensitive products.
- 1.2.2.8. Pressure alarms for cargo tanks not operable.
- 1.2.2.9. Transport of substances to be inhibited without valid inhibitor certificate.

**1.2.3. Areas under the IGC Code**

- 1.2.3.1. Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.
- 1.2.3.2. Missing closing devices for accommodations or service spaces.
- 1.2.3.3. Bulkhead not gastight.
- 1.2.3.4. Defective air locks.
- 1.2.3.5. Missing or defective quick-closing valves.
- 1.2.3.6. Missing or defective safety valves.
- 1.2.3.7. Electrical installations not intrinsically safe or not corresponding to the Code requirements. 8 Ventilators in cargo area not operable.
- 1.2.3.8. Pressure alarms for cargo tanks not operable.
- 1.2.3.9. Gas detection plant and/or toxic gas detection plant defective.
- 1.2.3.10. Transport of substances to be inhibited without valid inhibitor certificate.

**1.2.4. Areas under LL 1966 and LL PROT 1988**

- 1.2.4.1. Significant areas of damage or corrosion or pitting of plating and associated stiffening in decks and hull affecting seaworthiness or strength to take local loads, unless properly authorized temporary repairs for a voyage to a port for permanent repairs have been carried out.
- 1.2.4.2. A recognized case of insufficient stability.
- 1.2.4.3. The absence of sufficient and reliable information, in an approved form, which by rapid and simple means enables the master to arrange for the loading and ballasting of the ship in such a way that a safe margin of stability is maintained at all stages and at varying conditions of the voyage, and that the creation of any unacceptable stresses in the ship's structure is avoided.
- 1.2.4.4. Absence, substantial deterioration or defective closing devices, hatch closing arrangements and watertight/weathertight doors.
- 1.2.4.5. Overloading.
- 1.2.4.6. Absence of, or impossibility to read, draught marks and/or load line marks.
- 1.2.4.7. The means of freeing water from the deck not in satisfactory or operational condition.

**1.2.5. Areas under MARPOL Annex I**

- 1.2.5.1. Absence, serious deterioration or failure of proper operation of the oily-water filtering equipment, the oil discharge monitoring and control system or the 15 ppm alarm arrangements.
- 1.2.5.2. Remaining capacity of slop and/or sludge tank insufficient for the intended voyage.
- 1.2.5.3. Oil Record Book not available.

- 1.2.5.4. Unauthorized discharge bypass fitted.
- 1.2.5.5. Failure to meet the requirements of regulation 20.4 or alternative requirements specified in regulation 20.7.
- 1.2.5.6. Oily bilge water and/or oil residue accumulated in machinery spaces.
- 1.2.6. **Areas under MARPOL Annex II**
  - 1.2.6.1. Absence of Procedures and Arrangements Manual (P and A Manual).
  - 1.2.6.2. Cargo is not categorized.
  - 1.2.6.3. No Cargo Record Book available.
  - 1.2.6.4. Unauthorized discharge bypass fitted.
- 1.2.7. **Areas under MARPOL Annex III and dangerous goods carriage requirements**
  - 1.2.7.1. Absence of a valid Document of Compliance for carriage of dangerous goods (if required).
  - 1.2.7.2. Absence of a Dangerous Cargo Manifest or detailed stowage plan before departure of the ship.
  - 1.2.7.3. Stowage and segregation provisions of the IMDG Code chapters 7.1, 7.2, 7.4, 7.5 and 7.6 are not met.
  - 1.2.7.4. Ship is carrying dangerous goods not in compliance with the Document of Compliance for carriage of dangerous goods of the ship.
  - 1.2.7.5. Ship is carrying damaged or leaking dangerous goods packages.
  - 1.2.7.6. Ship's personnel assigned to specific duties related to the cargo are not familiar with those duties, with any dangers posed by the cargo and with the measures to be taken in such a context.
- 1.2.8. **Areas under MARPOL Annex IV**
  - 1.2.8.1. Absence of valid International Sewage Pollution Prevention Certificate.
  - 1.2.8.2. Sewage treatment plant not approved and certified by the Administration.
  - 1.2.8.3. Failure of sewage treatment plant.
  - 1.2.8.4. Ship's personnel not familiar with disposal/discharge requirements of sewage.
- 1.2.9. **Areas under MARPOL Annex V**
  - 1.2.9.1. Absence of garbage management plan.
  - 1.2.9.2. No garbage record book available.
  - 1.2.9.3. Ship's personnel not familiar with disposal/discharge requirements of garbage management plan.

#### 1.2.10. Areas under MARPOL Annex VI

- 1.2.10.1. Absence of valid International Air Pollution Prevention Certificate (IAPP Certificate), Engine International Air Pollution Prevention Certificates (EIAPP Certificates) or Technical Files if applicable.
- 1.2.10.2. Absence of International Energy Efficiency Certificate (IEE Certificate), the EEDI Technical file or EEXI Technical file; or the Ship Energy Efficiency Management Plan (SEEMP).
- 1.2.10.3. In relation to the absence of a valid Statement of Compliance (New Ships are not required to be furnished with Statements of Compliance until June of the following year) for:
  - 1.2.10.3.1. Fuel Oil Consumption Reporting from 2019 and onwards of 1 June of each following year (Regulation 27), and/or
  - 1.2.10.3.2. Carbon Intensity Rating from 2023 and onwards of each following year (Regulation 28); a pragmatic approach should be applied if a ship has changed the flag and/or the company and there is evidence the losing Administration has not acted in accordance with regulation/s or data was not provided by the previous company when the ship was transferred.
- 1.2.10.4. A marine diesel engine with a power output of more than 130 kW which is installed on board a ship constructed on or after 1 January 2000, or a marine diesel engine having undergone a major conversion on or after 1 January 2000 which does not conform to its Technical File, or where the required records have not been maintained as necessary, or where it has not met the applicable requirements of the particular NO<sub>x</sub> Tier III emission control area in which it is operating.
- 1.2.10.5. A marine diesel engine, with a power output of more than 5,000 kW and a per cylinder displacement at or above 90 litres, which is installed on board a ship constructed on or after 1 January 1990 but prior to 1 January 2000, and an approved method for that engine has been certified by an Administration and was commercially available, for which an approved method is not installed after the first renewal survey specified in regulation VI/13.7.2.
- 1.2.10.6. On ships not equipped with equivalent means of SO<sub>x</sub> compliance, based on the methodology of sample analysis in accordance with Appendix VI (verification procedures for a MARPOL Annex VI fuel oil sample) of MARPOL Annex VI, the sulphur content of any fuel oil being used or carried for use on board exceeds the applicable limit required by regulation VI/14. If the master claims that it was not possible to bunker compliant fuel oil, the PSCO should take into account the provisions of regulation VI/18.2 (see the Appendix of Appendix 18 of IMO Circular A.1185(33)).
- 1.2.10.7. On ships equipped with equivalent means of SO<sub>x</sub> compliance:
  - 1.2.10.7.1. absence of an appropriate approval for the equivalent means, which applies to relevant fuel combustion units on board;
  - 1.2.10.7.2. EGCS systems installed on board fail to provide effective equivalence to the requirements of regulations VI/14 and 14.4; and
  - 1.2.10.7.3. with regard to combustion units not connected to an EGCS, the sulphur content of any fuel oil being used on these combustion units exceeds the limits stipulated in regulation VI/14, taking

into account the provisions of regulation VI/18.2 (see the Annex to Appendix 18 of IMO Circular A.1185(33)).

1.2.10.8. An incinerator installed on board the ship on or after 1 January 2000 does not comply with requirements contained in appendix IV to the Annex, or the standard specifications for shipboard incinerators developed by the Organization (resolution MEPC.76(40) as amended by MEPC.93(45), or resolution MEPC.244(66), as amended by resolution MEPC.368(79), as appropriate).

1.2.10.9. The master and crew are not familiar with essential procedures regarding the operation of air pollution prevention equipment or reporting requirements as defined in paragraph 2.6.14 of appendix 18 of IMO Circular A.1185(33).

#### 1.2.11. **Areas under STCW 1978**

1.2.11.1. Failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the Administration.

1.2.11.2. Failure to comply with the applicable safe manning requirements of the Administration.

1.2.11.3. Failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the Administration.

1.2.11.4. Absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radiocommunications or the prevention of marine pollution.

1.2.11.5. Inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty.

#### 1.2.12. **Areas under AFS 2001**

1.2.12.1. Absence of a valid International Anti-fouling System Certificate or a Declaration on Anti-fouling System.

1.2.12.2. The sampling proves it is non-compliant within the port's jurisdiction.

#### 1.2.13. **Areas which may not warrant a detention, but where, for example, cargo operations have to be suspended**

Failure of the proper operation (or maintenance) of inert gas systems, cargo-related gear or machinery should be considered sufficient grounds to stop cargo operation.

1.3. To minimize the risks of PSC detention, Masters should prepare a PSC Pre-Arrival Checklist and conduct a pre-inspection on board their vessels prior to arrival port, particularly for ports where the PSC Regime are considered very strict in the enforcement of PSC matters. Master may prepare and use the format of the Checklist similar to Tuvalu Ship Registry – [Form FSI](#) or modified to suit the vessel's design, construction and operational characteristics accordingly.

## 2. **Actions to be taken upon PSC Detention**

2.1. Owner / Manager / Operator / Master is required to immediately notify the following parties in event of a detention:

2.1.1. The Administration at: [technical@tvship.com](mailto:technical@tvship.com);

- 2.1.2. RO issuing the affected Statutory Certificates;
  - 2.1.3. RO issuing the ISM DOC and SMC – for ISM Code related deficiencies;
  - 2.1.4. RSO issuing the ISSC – for security/ISPS Code related deficiencies;
  - 2.1.5. RO issuing the MLC Certificate – for MLC related deficiencies.
- 2.2. The following documents are to be provided to the Administration, at the earliest opportunity:
- 2.2.1. PSC Report (Form A and B);
  - 2.2.2. PSC Detention Notice;
  - 2.2.3. Confirmation of notification to the parties listed in subsection 2.1, as applicable; and
  - 2.2.4. Corrective actions supported with photographs showing before and after (where applicable) and/or corrective action plans to rectify the deficiencies at the earliest opportunity.
- 2.3. Owner / Manager / Operator of a detained vessel shall arrange for all the relevant deficiencies and/or non-conformities to be rectified and request the RO and/or RSO to conduct an Occasional Survey / Additional Verification Audit (ISM and ISPS Code) / MLC Additional Inspection (as required) to verify that the deficiencies and/or non-conformities are rectified. In addition, the RO and/or RSO shall ensure that corrective actions and preventive measures are implemented to prevent recurrence. A copy of the RO and/or RSO verification report is to be submitted to the Administration and PSC authority for consideration of release of the vessel from detention.

### **3. Consequences of PSC Detention**

- 3.1. A Tuvalu-flagged vessel detained by PSC shall be subjected to a chargeable mandatory FSI, which may include additional inspections, surveys, or audits of shipboard and shore-based safety management systems of a Company, and this shall be arranged no later than three (3) months from the date of the vessel's release from detention.
- 3.2. In addition to the charge of the mandatory FSI, the Owner / Manager / Operator will be responsible for all costs and logistical arrangement of the inspections mentioned in subsection 3.1 of this circular. The arrangement shall be communicated to the Administration ([technical@tvship.com](mailto:technical@tvship.com)) at the earliest opportunity.
- 3.3. The extent and scope of the inspections mentioned in subsection 3.1 above shall be determined by the Administration who may appoint approved inspectors, auditors and observers as considered appropriate, to participate in any of the surveys, audits or inspections.

### **4. Cancellation of Registry due to PSC Detention**

- 4.1. The Administration reserves the right to cancel the vessel's registration at any time after the occurrence of a PSC detention if the Administration, after reviewing the PSC deficiencies, is of the opinion that the vessel is unable to meet the standards required of a Tuvalu flagged vessel.
- 4.2. In the event that the Administration cancels a vessel's registration in accordance to subsection 4.1, then Section 3 of this circular shall not apply.

Yours sincerely,  
Deputy Registrar  
Tuvalu Ship Registry