



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

CIRCULAR N° PSC 013

PORT STATE CONTROL MEMORANDUM OF UNDERSTANDING ACCESS REFUSAL TO SHIPS / BANNING

**TO: SHIPOWNERS & SHIPS' OPERATORS & MANAGERS
SURVEYORS TO FLAG STATE ADMINISTRATION**

Monaco, 28 April 2005.

The aim of this circular is to draw the attention of Shipowners, ships' Operators & Managers on Port State Control regimes, in particular on Paris MOU.

In accordance with section 3.10.4 of the Paris Memorandum of Understanding on Port State Control, where the inspection reveals that the copy of the Document of Compliance or the Safety Management Certificate (original) issued in accordance with ISM Code are missing on board a vessel to which the ISM Code is applicable at the date of the inspection, PSCO detains the vessel.

Notwithstanding the absence of the above mentioned documentation, if the inspection finds no other deficiencies warranting detention, the PSCO may lift the detention order in order to avoid port congestion. Whenever such a decision is taken, the Authority will immediately inform all other Authorities thereof.

All other Authorities will take the measures necessary to ensure that the ship authorised to leave a port of their State under the above mentioned circumstances will be refused access to any port within the States, the Authorities of which are signatories of the Memorandum, except in the event of force majeure or overriding safety considerations, until the owner or operator of the vessel has demonstrated, to the satisfaction of the Authority in whose State detention was ordered, that the ship has valid certificates issued in accordance with the ISM Code.

In accordance with section 3.10.5 of the Paris Memorandum of Understanding on Port State Control, the Authorities will ensure that ships as Gas and Chemical Tankers, Bulk Carriers, Oil Tankers and Passenger Ships, are refused access to any port within the region of the Memorandum, except in the event of force majeure or overriding safety considerations, if the ship:

- either flies the flag of a State appearing in the black list as published in the annual report of the MOU, and has been detained more than twice in the

course of the preceding 24 months in ports within the region of the Memorandum;

- or flies the flag of a State described as “very high risk” or “high risk” in the black list as published in the annual report of the MOU, and has been detained more than once in the course of the preceding 36 months in ports within the region of the Memorandum.

The refusal of access become applicable immediately the ship has been authorised to leave the port where it has been subject of a second or third detention as appropriate.

Only detentions issued on or after 22 January 2002 count towards a ban.

A detention counted towards a previous ban will still count towards a new ban if it is within the specified period.

The flag of the ship at the time of the last detention is used to determine the flag risk category. However if the ship changes to a lesser flag risk category or non-targeted flag after the latest detention issued the ban still apply.

In accordance with section 3.11 of the Paris Memorandum of Understanding on Port State Control, where deficiencies caused a detention cannot be remedied in the port of inspection, the Authorities may allow the ship concerned to proceed to the nearest appropriate repair yard available, as chosen by the master and the Authority.

In such circumstances the Authority will notify the competent authority of the region State where the next port of call of the ship is situated. Notification to Authority shall include the place and time arrival.

When the repair yard is outside the Paris MOU Region the master is informed that, as a condition of release, the detaining port must be notified by the master or the company in writing immediately that the ship has arrived at the agreed repair yard within the indicated time arrival.

In accordance with section 3.12 of the Paris Memorandum of Understanding on Port State Control, the Authorities take measures to ensure that ships which refuse to comply with the applicable requirements of the relevant instruments by not calling into the indicated repair yard and within the indicated time arrival, will be refused access to any port within the States, the Authorities of which are signatories to the Paris MOU.

In addition, the detaining State will advise the company that the ban is in place using letter. This letter will be copied to Flag, Class, Paris MPU members, Paris MOU Secretariat, EU Commission, Secretariats of co-operating MOUs and USCG.