



TUVALU SHIP REGISTRY

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MARINE CIRCULAR

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FOR: Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Classification Societies

SUBJECT: AUTHORITY OF RECOGNIZED ORGANIZATIONS ON PORT STATE / FLAG STATE DETENTIONS

DEFINITIONS:

The following abbreviations stand for:

- “DOC” – Document of Compliance (ISM Code)
- “IACS” – International Association of Classification Societies
- “ISM Code” – International Management Code for the Safe Operation of Ships and for Pollution Prevention
- “PSC” – Port State Control
- “RO” – Recognized Organization as defined by IMO Resolution A.789(19).
- “SMS” – Safety Management System
- “SSP” – Ship Security Plan

The term “Administration” shall mean the Tuvalu Ship Registry.

PURPOSE:

This Administration has delegated authority to full members of the IACS as ROs to perform ship statutory survey and certification services.

This marine circular serves to provide ship owners / operators with greater clarity on the RO’s authority in ensuring compliance with mandatory requirements of the international conventions and to outline the potential consequences of non-compliance which commonly results in PSC detentions.

APPLICATION:

This marine circular applies to all Tuvalu flagged vessels that are subject to survey and certification for statutory compliance, where applicable.

CONTENTS:

1. General

- 1.1. While it is ultimately the responsibility of the Administration to ensure compliance of ship owners/operators and vessels with the mandatory requirements of the international conventions, protocols and related codes to which Tuvalu is a signatory, the ROs are authorized by the Administration to perform the requisite surveys, inspections, audits and assessments to verify compliance, and to issue the relevant statutory certification as evidence of compliance, where applicable.
- 1.2. Furthermore, in consultation with the Administration, the ROs are also authorized to withdraw, cancel or invalidate statutory certificates issued by the RO on behalf of Tuvalu in accordance with the results of such surveys, inspections, audits and assessments.

- 1.3. Where there is a failure by the vessel or ship owner / operator to correct a serious deficiency, ROs are authorized to suspend the relevant statutory certificates until all such deficiencies are rectified.
- 1.4. The ROs may also, as applicable, make recommendations to ship owners/operators as to compliance with the specific requirements of the relevant international conventions, protocols and related codes to which Tuvalu is a signatory.

2. Port State Control

The ROs are authorized to cooperate with PSC officers on behalf of the Administration to facilitate rectification of reported deficiencies and defects on vessels for which the RO has issued statutory certification on behalf of Tuvalu. In cases where the ROs are made aware of deficiencies identified by PSC authorities, they are required to report to the Administration all such deficiencies, whether or not the deficiencies lead to detention.

3. PSC Detentions

- 3.1. The relevant RO, in consultation with the Administration, may attend any ship that is detained by PSC authorities. It is the responsibility of the ship manager or master to immediately notify the Administration.
- 3.2. The attending RO surveyor shall address, but not limit an inspection to, the deficiencies identified by PSC. Instead:
 - 3.2.1. If the date of detention falls within the ± 3 (three) month window for annual statutory surveys or the -3 (three) month window prior to the renewal surveys, the RO shall conduct the surveys prior to the ship sailing. In the case of renewal surveys, the RO shall conduct the surveys to the maximum extent possible, except for safety equipment and safety radio which must be completed prior to the ship sailing. A time schedule for the completion of surveys at the next convenient port shall be set, and may not be delayed until the end of the window.
 - 3.2.2. If the date of detention does not fall within the ± 3 (three) month window for annual statutory surveys or the -3 (three) month window prior to the renewal surveys, the attending RO surveyor is required, after clearing the PSC deficiencies, to carry out a general examination of the vessel, and additional surveys may be required based upon the professional judgment of the attending RO surveyor.
 - 3.2.3. Depending on the number and nature of deficiencies, the RO may conduct an additional audit of the SMS or SSP, as the case may be, equivalent to an Intermediate Audit.

4. Warning on subsequent PSC Detentions

- 4.1. In the case of a vessel detained **twice in one (1) year** by PSC:
 - 4.1.1. all statutory certificates may be suspended from the date of the detention and the Master and/or ship owner / operator shall be notified in writing by the RO that the statutory certificates are invalidated or withdrawn as of the date of written notice. Upon such notice, the statutory certificates must be surrendered to the RO.
 - 4.1.2. an Initial Audit of the Company may be required by the RO, the extent of which shall take into account the number and nature of the deficiencies.
 - 4.1.3. an Additional Audit equivalent to a Renewal Audit and inspection of the ship may be conducted by the RO.

4.1.4. if statutory certificates have been withdrawn, they shall not be reinstated until the RO has conducted renewal surveys, there are no outstanding items or recommendations, and both the Administration and PSC authorities are satisfied.

4.2. A vessel detained **three (3) times in one (1) year** or **banned** by PSC or by a specific Memorandum of Understanding (MOU) authority may:

4.2.1. result in the DOC to be re-examined by the RO, resulting in its possible withdrawal.

4.2.2. be subject to action by the Administration to delete the vessel from the Registry.

5. Flag State Detentions

5.1. The RO is authorized to invalidate or withdraw a statutory certificate, in consultation with the Administration, if corrective action of a deficiency is not taken and it is determined by a survey that a vessel is not in substantial compliance with required standards and, therefore, is deemed unfit to proceed to sea without endangering the vessel or persons on board or presents an unreasonable threat of harm to the marine environment.

5.2. In such cases, the RO is required to provide written notice to the Master and/or ship owner / operator of the invalidation/withdrawal and request that the statutory certificates be surrendered immediately.

5.3. Concurrently, the Administration shall also provide written notice of the vessel being placed under Flag State Detention.

5.4. Statutory certificate(s) shall not be reinstated until the required corrective action, which may be equivalent to those required to remove a PSC detention, has been accomplished to the satisfaction of both the Administration and the RO.

Yours sincerely,

Deputy Registrar
Tuvalu Ship Registry