



भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING,

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Merchant Shipping Notice No. 19 of 2013

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| NO: ENG/FSI/66(1)/07-I | Dated: 3 rd September, 2013 |
| <u>Subject:</u> <u>Flag State Implementation (FSI) inspection of Indian Flag ships.</u> | |
| 1. <u>Background :</u> 1.1 Article 94 of the “United Nations Convention on the Law of the Sea (UNCLOS’82)”, envisages that every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag. In order to strengthen the effective discharge of the responsibilities and obligations as a Flag State required under Article 217 of UNCLOS’82 and other IMO instruments, it is required that all vessels registered under Indian flag are to be inspected by the flag State surveyors periodically. 1.2 However, it is recognized that the Flag State Implementation (FSI) regime of the Indian administration had not been as effective, primarily due to the shortage of resources which the Directorate has been facing for the past several years. It was against this backdrop that the Directorate vide the Merchant Shipping notice No.6 & 22 of 2011, introduced a new regime of General Inspection (GI) by the Recognized Organizations (ROs), to supplement and enhance the efficacy of the FSI regime with the objective of improving the standards of Indian ships. | |
| 2. <u>Purpose:</u> 2.1 The Directorate has been receiving representations from various ship owners and managers regarding the General Inspection (GI) by the ROs in lieu of FSI inspection, raising concerns about its effectiveness and citing that GI was causing | |

undue financial burden to small ship owners and managers, particularly in the current scenario, when the shipping industry is going through unprecedented financial strain.

2.2 The Directorate then analyzed in detail the data of the GIs undertaken by the ROs since its introduction and noticed the following:-

2.2.1 About 30% of the vessels inspected under GI were OSV's, while around 22% were Coastal Tugs and about 42.5% of ships inspected were of less than 10 years old, of which 26.7%, were less than 5 years old.

2.2.2 During the year 2012, though 292 ships were inspected under GI, not even one was identified as 'substandard', while during the same period only 88 ships were inspected under the FSI and 28(31.8%) were identified as 'substandard ships'.

2.3 Since the above findings raise concerns about the effectiveness of GI regime in meeting its objective to professionally target and identify substandard ships, the Directorate now introduces this MS notice promulgating the following streamlined requirements for the Flag State Inspections and General Inspections of Indian ships.

3. Applicability:

This Circular is applicable to all vessels registered under Merchant Shipping Act 1958, as amended and supersedes the following MS Notices to the extent expressly provided in this notice:-

- i. MS Notice 22 of 2011 dated 24/08/2011
- ii. MS Notice 06 of 2011 dated 26/04/2011
- iii. MS Notice 14 of 2010 dated 13/09/2010

4. Scheduled Flag State Inspections:

4.1 In the current regime of statutory survey & certification, almost all surveys / inspections / audits are undertaken by the Recognised Organization on behalf of the Administration. However, to demonstrate the 'control & monitoring' mechanisms of the maritime administration for the effective implementation of the above, the shipping companies are urged that all the vessel under their ownership / management need be offered for a scheduled Flag State inspection to the nearest Mercantile Marine Department, at a minimum frequency as mentioned below:-

Table:1

| S.No | Type and Age of ship | Frequency of FSI inspection |
|-------------|-------------------------------------|--|
| 1. | Passenger Ship | Every calendar year, after 3 months of Passenger ship Safety Certificate survey, but before 3 months of the date of expiry of the same. |
| 2. | Cargo Ship, (0-5 years of age) | No scheduled FSI inspection is required unless under specific instructions from the Directorate due to PSC detention, bonafide complaints etc. |
| 3. | Cargo Ship, (5-15 years of age) | Once in three years. |
| 4. | Cargo Ship, (15-25 years of age) | Once in two years |
| 5. | Cargo Ship (25 years and above.) | Annually. |

4.2 The above scheduled FSI may be integrated with the Safety Equipment (SEQ) Survey or Safety Management Certification (SMC), as envisaged under para.4 of Annexure to DGS Order 6 of 2013, if undertaken with the participation of the Administration surveyors.

4.3 Any vessel which fails to undergo a Flag State Inspection at the minimum frequency as above shall undergo a 'General Inspection (GI)' on annual basis by any RO with which the vessel is not classed, till the vessel complies with the minimum FSI inspections as mentioned in the table above.

5. Unscheduled Flag State Inspection:

5.1 Notwithstanding the above, the present regime of carrying out 'FSI by **surprise inspection**' and reporting therto shall continue as it is. However, any vessel which has been subjected to FSI or GI, need not be subjected to 'FSI by surprise inspection' again, within a period of **six months** from the date of such FSI/GI, unless otherwise decided by the concerned Principal Officer due to bonafide complaints against the seaworthiness of the vessel or, particularly if, any Surveyor, Pilot, Harbour Master or Deputy Conservator reports any major deficiencies pertaining to the vessel.

5.2 Any FSI undertaken as part of surprise inspection shall also be taken into consideration for the purpose of minimum number of scheduled FSI referred under para.4.

6. General Inspection by ROs:

6.1 The current regime of mandatory General Inspection (GI) by the Recognised Organization on annual basis is dispensed herewith from the date of issuance of this circular, except in cases where the vessel fails to undergo a Flag State Inspection at the minimum frequency as mentioned in table.1. In all such cases i.e. vessels which usually do not visit India, the vessel shall undergo a 'General Inspection (GI)' on **annual basis**, by any RO with which the vessel is not classed, till the vessel complies with the minimum FSI inspections as referred above.

6.2 However, any vessel which has satisfactorily undergone PSC inspection under Paris MOU, USCG or AMSA during this period, without any detainable deficiency and the total number of deficiencies do not exceed five, need not undergo GI as mentioned above, for one year from the date of last such PSC inspection.

6.3 Vessels which have carried out GI as per the MS Notice 22 of 2011 prior issuance of this M.S.Notice shall be required to carry out the next FSI and switch over to this regime within twelve months from the date of conduct of such GI.

7. Self Assessment by Company:

The Shipping companies are urged to carry out a 'self-assessment' of their ships in line with FSI requirements on a periodical basis, which may form part of the company's SMS requirements and shall be available for verification during the surveys / audits of the vessel and the company as the case may be. The 'Self assessment' may be integrated with the periodical Superintendent's Inspection of the vessel as per the SMS requirements of the company, but in any case not less than once in a year.

8. Flag State Computerised Information System (FSCIS):

8.1 The Directorate is maintaining a web-based centralized computer information system for all the ships under the Indian registry for the benefit of the stakeholders. Companies, ROs and MMDs are required to upload all the inspection reports under the Self Assessment, GI and FSI respectively, to this data base within ten days of completion of such inspections, positively.

8.2 FSCIS also provides the details on the history of the previous inspections of the vessel referred above, and also serves as a tool to assess the 'target factor' of any vessel intended to be inspected. All the Administration surveyors are urged to utilise this facility to judiciously plan their Flag State Inspections, particularly to decide on the frequency and the scope of such inspections.

9. Verification and monitoring :

9.1 The effective implementation of this Notice shall be verified by the Recognised Organizations while undertaking the Safety Equipment (SEQ) surveys or SMC audits of the vessel. Any non-compliance with regard to the minimum frequency of FSI / GI shall be notified immediately to the vessel for rectification within no more than three months. Any non-compliance of the above instruction, if noticed during any of the subsequent statutory surveys shall be brought to the attention of the PSC cell of the Directorate forthwith, by the concerned RO, for necessary intervention.

9.2 The compliance of this Notice shall also be verified during the DOC audit of the company and may be notified as a 'Non-conformity' to be complied within a period of maximum three months.

This is issued with the approval of the Competent authority and comes into effect from the date of issuance of this notice.

Sd/-
(Ajithkumar Sukumaran)
E&SS cum DDG (Tech)

To,

1. The Principal Officer, Mercantile Marine Department, Mumbai/Kolkata/ Chennai/ Kandla/Cochin.
2. The Surveyor-in-charge, Mercantile Marine Department, Goa/Jamnagar/Port Blair /Visakhapatanam /Tuticorin /Delhi /Haldia/ Paradip /Mangalore.
3. All Classification Societies.
4. Indian National Shipowners' Association (INSA), Mumbai
5. All Shipping Companies
6. CS/NA/CSS/ Jt DG
7. Hindi Cell
8. Guard file.
9. Computer Cell.