



भारत सरकार / GOVERNMENT OF INDIA
पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय, मुंबई
DIRECTORATE GENERAL OF SHIPPING, MUMBAI

ENGINEERING CIRCULAR NO. 01 OF 2019

No: ENG/PSC/66(1)/2007

Dated: 29th July, 2019

Subject: Implementation of Additional Measures to improve Port State Control Performance of Indian Vessels.

1. Background:

- a) The United Nations Convention on the Law of the Sea (UNCLOS) mandates the 'Flag State' as the prime authority for the implementation and enforcement of the international maritime regulations. By registering the ship, a State grants the ship its nationality, which is the basic requirement before the ship undertakes any maritime navigation/operation. Further, as per UNCLOS, the grant of nationality makes the State responsible to **effectively** exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.
- b) There have been no clear documented mechanism on parameters to evaluate **effectiveness** (a word used in UNCLOS) of a Flag state responsibility; however, various stakeholders assess effectiveness of a Flag State by analyzing the port state control statistics (Risk rating of a Flag in Regional Port State Control MOU's) among other factors such as casualty statistics and IMSAS audit reports.
- c) In various Regional Port State Control MOU's, the flag performance is calculated based on the past three-year's history in the number of inspections and detentions in a particular MOU. This performance is being assessed every year and remains fixed for next one year even though number of inspections and detentions keep on changing due to continuing inspections. **Some Regional MOU's such as Paris and Tokyo MOU publicly display flag performance in the form of White/Grey/Black list.** If a flag is included in the Black List of say Paris MOU, all its flagged vessels are inspected frequently, that is, whenever (each time) they visit the ports of countries that are members of Paris MOU's.
- d) Indian Flag performance is accordingly being judged by stakeholders based on its risk rating in various MOU's such as Paris, Tokyo and USCG. India was in White list of Paris MOU and Grey List of Tokyo MOU in 2014. However, a sudden drop in performance of Indian Ships in Paris MOU after 2014 has resulted the Indian Flag moving to Grey list of PARIS MOU and continued to be in grey list in 2016 & 2017 Flag performance list published by Paris MOU. The continual drop in performance has also resulted in Indian Flag on the verge of being shifted to Black list of Paris MOU in 2017. In TOKYO MOU, Indian Flag continued to be in the Grey List in all the calendar years mentioned above.

- e) Noting the foregoing situation and current position of Indian flag in both Paris and Tokyo MOUs, the Directorate issued Engineering Circular 5 of 2017 on 23.10.2017 with a purpose of improving the port state control performance of Indian vessels in various PSC Regional MOU's. The stated circular details the inspection and reporting procedures after each detention and the responsibilities of all involved in running of the vessel (Owner, DPA, Superintendent, Master, and Chief Engineer).
- f) Though, there have been slight reduction in number of detentions (8 detentions in 2018 compared to 11 in 2017) since the issuance of Engineering circular 5 of 2017 on 23.10.2017, yet it is obligatory to take more additional measures to strive moving India in the White List of Paris and TOKYO MOU in the next two years.
- g) To achieve the above objective, a meeting with stakeholders (Indian National Ship Owners Association, Shipping Companies and Recognized Organizations) was held at the directorate under the Chairmanship of the Director General of Shipping on 21 May 2019. During the said meeting, it was decided to implement following additional measures, in addition to measures required vide earlier requirements, to improve port state control performance of Indian vessels:
- I. Directorate to develop and make available an E-Learning PSC module to be completed by all Indian seafaring officers prior signing on ship.
 - II. All Indian shipping companies to develop a ship specific checklist (within 15 days of issue of this circular) to prevent port state detention of their vessels. This checklist to be filled-up by Master/Chief Engineer prior berthing at each foreign port and forwarded to company DPA/Superintendent by e-mail (with checklist attached in pdf) well in advance. In case of detentions, non-compliance with this requirement may be used to decide upon the disciplinary action against DPA/Superintendent/Master/Chief Engineer.
 - III. An inspection (check of certain critical items) called "Ship Improvement Plan" to be conducted by each RO Surveyor whenever (each time) he attends for any purpose, a foreign going vessel, between last completed surveys (Annual/Intermediate/Periodical/Renewal) and the next due survey (Annual/Intermediate/Periodical/Renewal).
 - IV. Development of a "Risk based" flag state inspection regime where the risk is based on various scientific factors (apart from vessel's age) such as Flag State/Port State inspection/detention records, Casualty Statistics, MLC 2006 Compliance, frequency of request for extension of surveys etc.

- V. Punitive actions against Master/Chief Engineer/Superintendent/DPA/Company/Ship in case of Port State detentions and if it is found that any or all of them are involved in taking an unseaworthy ship to sea in violation of Section 334 of Merchant Shipping Act, 1958.

2. Purpose:

Implementation of measures mentioned in Sub-paragraph II, III & V of *Paragraph 1* above.

3. Applicability & Responsibility

- a) Companies Owning/Managing Indian Flag Vessels on regular/frequent/one-time Foreign Run:- Development and Implementation of Ship-Specific Checklist as mentioned above.
- b) DPA/Superintendent/Master/Chief Engineer of India Vessels on regular/frequent/one-time Foreign Run: Ensuring implementation of above mentioned checklist.
- c) Recognized Organization: Ensure that Concentrated Inspection campaigns are carried out and the date on which such inspections are conducted to be entered in Survey Status.

4. Ship Improvement Plan

Inspection under this plan will require close examination of following items and entry into Survey Status indicating the date of inspection and effectiveness of items verified:

- a) **Fire Safety:** Fire detection, Fire Pumps (Emergency), Fire Dampers, Doors within main vertical zone; Verification that bilges are not filled with oil; Exhaust laggings on Auxiliary and Main Engines; Emergency Generator; Dead Ship Start Arrangements etc..
- b) **Life Saving:** Lifeboats, Rescue Boats & Lifebuoys.
- c) **Safety of Navigation:** Nautical Publications and Charts; Light, Shape and Sound Signals, VDR/S-VDR, BNWAS, ECDIS.
- d) **Quick round of Deck** to verify that all pipelines, air vents, ventilators closing mechanisms are in good working condition.
- e) **Operation of Oily Water Separator** and 15 PPM alarm and other critical machineries.

5. Additional Requirements:

- a) *Applicability:*

For all those Indian Flag vessels (on coastal or foreign run) which has not undergone any PSC inspection under TOKYO MOU, Paris MOU, USCG or AMSA in last one year & is due for dry-dock but the operator/owner of the vessel plans to take the vessel to a foreign dry-dock after completion of a loaded voyage to a foreign port for discharge and then proceed directly to dry dock.

b) *Requirement:*

- I) The vessel shall not undertake a loaded foreign voyage to a discharge port under the pretext that it will proceed directly to dry-dock after completion of discharge when the Statutory surveys becomes overdue during the course of voyage to discharge port without obtaining a written dispensation from the directorate prior start of the voyage.
- II) To undergo a Superintendent inspection (prior proceeding to last load port just prior dry-dock) to ensure that the vessel is compliant with all Statutory requirements in case of a PSC inspection.
- III) Inspection by RO of Owners/Operators choice (after Superintendent Inspection and prior proceeding to load port just prior dry-dock) to ensure that the vessel is compliant with all Statutory requirements in case of a PSC inspection.
- IV) Master/CE to fill up check list and forward to office by mail as mentioned in paragraph 1 g (II), above, prior berthing each port.

6. *Disciplinary actions:*

The punitive action mentioned in *Paragraph 1(g)(V)* includes following action based on review of documents and past history of detentions and PSC/Flag State Performance:

- a) Withdrawal of foreign going trading license.
- b) Suspension of Certificate of Competency of DPA/Superintendent/Master/Chief Engineer.
- c) Increase in frequency of the Flag State Inspections for particular ship/all ship managed by the Company.
- d) Actions will also be initiated against the ship and its Master/Chief Engineer even if the Owner decides to change the management company.

7. *Changes in ISM Pre-joining Briefing Procedures:*

All Shipping Companies are required to brief Master/CE/Chief Officer/Second Engineer prior joining about all the requirements stated in this circular and Engineering Circular 5 of 2017. The pre-joining checklist to be amended to include this requirement within 15 days of the issue of this circular.

This circular is issued with the approval of Chief Surveyor-cum-Addl. DG (Eng) and is applicable with immediate effect.

Sd/-

(Vikrant Rai)

E&SS-cum-DDG (Tech)

To:

- 1) INSA / FOSMA /MASA
- 2) All Shipping Companies
- 3) All Recognized Organizations

Copy to,

- 1) Sr. PS to D.G
- 2) Sr. PS to Chief Surveyor with the Govt. of India
- 3) Sr. PS to Nautical Adviser (I/C) to the Govt. of India
- 4) PS to Chief Ship Surveyor with the Govt. of India cum Additional D.G (I/C)
- 5) The Principal Officers/ Mercantile Marine Department, Mumbai /Kolkata/ Chennai/ Kandla / Cochin.
- 6) Surveyor-in-charge, Mercantile Marine Department Office Noida, Jamnagar, Mormugao, Mangalore, Tuticorin, Visakhapatnam, Haldia, Paradip, Port Blair.
- 7) Engineering / Nautical and Naval Architecture branch of DGS.
- 8) Hindi Cell
- 9) Guard file.
- 10) Computer Cell