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Merchant Shipping Notice No. 4 of 2017

Subject: - Flag State Inspections of Indian Vessels

A. Background

1. Recognizing that Article 217 of UNCLOS, 1982 requires Flag states to carry out periodical inspections to ensure that the condition of the vessels under their flag corresponds to the certificates the vessel is holding. Further, the Clause 20, Part II of the IMO III Code requires Flag state to establish or participate in an oversight programme to monitor its recognized organization(s) to ensure that its international obligations are fully met.
2. Recalling the Government of India policy of "Ease in doing business" and "Minimum Government Maximum Governance" the changes, if any, in regulatory enforcement should be designed to achieve this policy.
3. Mindful of the fact that shipping industry is reeling under severe cost constraint and any change in regulatory enforcement should not put additional financial burden to this industry under recessionary cycle.
4. Mindful also of the fact that the Flag State Inspection Schedule given by Merchant Shipping Notice 19 of 2013 is a risk based inspection regime and risk is based on the age of the vessel (except passenger ships) irrespective of the size and type of the vessel.
5. Realizing that vide MS Notice 19 of 2013 issued in September 2013, the Directorate has streamlined Flag State Inspection regime based on the good port

state control performance of Indian Flag vessels and perceived that there is continual trend of reduced Port state detentions of Indian Flag vessels (6 in 2013 compared to 10 in 2012 and 13 in 2011).

6. Taking cognizance of the representation of Indian National Ship Owners Association (INSA) to extend reward (by way of exemption from annual general examination of vessels plying in foreign waters) to all those vessels which demonstrate good performance under port state inspection by certain countries under TOKYO MOU, Paris MOU, AMSA & USCG by certain exemption from mandatory annual general examination in lieu of Flag State inspection in foreign waters is being considered now.
7. Assimilating the urgent need to have an improved Port State Control performance of Indian Flag vessels especially in the Paris & Tokyo MOU, where India Flag performance is below par and Indian Flag is in the grey list of their Flag performance charts.
8. The statistics of Flag State Inspection and Port State Inspections for the calendar years 2015 & 2016 have revealed a high number of detentions of ship less than 25 years of age and particularly less than 15 years of age. These findings of have raised concern about safety and environmental performance of Indian Flag vessels less than 25 years of age during Port state and Flag State inspections. Therefore, in consideration of the representation of INSA and the finding of the Directorate on the performance of the vessels of less than 25 years under Flag State implementation and Port State Inspection, the Directorate has now (after nearly 4 years of administering the inspection regime of MS Notice 19 of 2013) reviewed its Flag State inspection regime. Similar such reviews will be continued in future based on various relevant factors for achieving good performances of Indian Flag vessels so as to suitably reward the good performing vessel and targeting the poor performing vessels under the inspection regime of Flag State implementation and Port State inspections.

B. Applicability

1. This Merchant Shipping Notice is applicable to all vessels (including River Sea Vessels as per DGS Order 18 of 2013 and Indian Coastal Vessels as per DGS

Order 1 of 2014) registered under Merchant Shipping Act 1958, as amended and is applicable from the date of issue. It supersedes the following MS Notice:

- MS Notice 19 of 2013 dated 3rd September 2013.
- MS Notice 22 of 2011 dated 24th August 2011.
- MS Notice 06 of 2011 dated 26th April 2011.
- Corrigendum to MS Notice 6 of 2011 dated 2nd May 2011.
- MS Notice 14 of 2010 dated 13th September 2010.
- Engineering Circular No. 96 dated 15th October 2008.

C. Scheduled Flag State Inspections

1. All shipping companies are urged that all vessels under their ownership/management need to be offered for a scheduled Flag State inspection to the nearest Mercantile Marine Department, at a minimum frequency as mentioned below:

Schedule for Flag State Inspections		
<u>Sl.No.</u>	<u>Type and Age of Ship</u>	<u>Frequency of Flag State Inspections</u>
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)	One Inspection between 1 – 3 months after the completion of 1 st complete Intermediate Statutory surveys.
3.	Cargo Ship (5-15 years of age)	Once in 2 years, that is, between 1-3 months after completion of every alternate annual/intermediate/renewal statutory survey as the case may be.
4.	Cargo Ship (15 years and above)	Every year and between 1-3 months after completion of annual/intermediate/renewal statutory survey as the case may be.

Note: Time gap between two FSI is linked to every alternate annual/intermediate/renewal survey for SI. No. 3 and every annual/intermediate/renewal statutory survey for SI.No. 4, and may exceed stipulated 2 years and 1 year respectively, but the FSI in no case should be carried out before/after 1-3 months of the completion of concerned annual/intermediate/special survey as the case may be.

2. Indian Flag vessels trading abroad and have completed annual/intermediate/renewal statutory surveys as the case may be in foreign shores and is not scheduled to touch Indian shores between 1-3 months after the said surveys shall undergo a "General Examination" equivalent to an Annual Survey by any Recognized Organization, which has not conducted the said statutory surveys between 1-3 months after the completion of said annual/intermediate/renewal statutory survey. The frequency of such general examination is to be not less than that of Flag State Inspections. However, in case of port state detention, the directorate reserves the right to increase the frequency of flag state inspections/general examination of said/all vessel/s managed/owned by the detained vessel's company.
3. Continuing its practice of rewarding quality ships, the directorate has now decided to grant exemption from next FSI/General Examination to those vessels which has satisfactorily undergone all PSC inspection (since last general examination or Flag State Inspection) under Paris MOU, USCG or in countries such as Australia, China, Hong Kong, Japan, Singapore, Republic of Korea, New Zealand and Canada (under Tokyo MOU), without any detainable deficiency and the total number of deficiencies do not exceed five(5).
4. The Flag State Inspection and General Examination unlike the Port State Inspection should be a comprehensive and detailed inspection covering all aspects of the Statutory Certificates issued to the vessel irrespective of the presence/absence of clear grounds.
5. Indian vessels plying abroad are generally classed with an additional IACS member, besides Indian Register of Shipping (IRS). Of these two, the R.O. that has not carried out the last statutory surveys of the vessel, shall carry out a

general examination. General examination in respect of vessel which are not dual class, can be done through any of the Recognized Organization as per choice of the owner.

6. If any serious deficiencies are observed by the ROs which in their judgement may affect the safety of the vessel, crew or marine environment, they are required to inform the Port State Control cell of the Directorate forthwith, for initiating suitable action, before the vessel is allowed to leave the port.
7. The payment for the services rendered by the ROs shall be settled by the ship owners.

D. Un Scheduled Flag State Inspections

1. Notwithstanding the above, the present regime of carrying out 'FSI by surprise inspection' and reporting thereto shall continue as it is. However, any vessel which has been subjected to FSI or General examination need not be subjected to "FSI by surprise inspection' again, within a period of six months from the date of such FSI/General Examination, unless otherwise decided by the concerned Principal Officer or Directorate General of Shipping due to bona-fide complaints against the seaworthiness of the vessel, or particularly if, any Surveyor, Pilot, Harbor Master or Deputy Conservator reports any major deficiencies pertaining to the vessel.
2. Any FSI undertaken as part of surprise inspection shall not be taken into consideration for the purpose of minimum number of scheduled FSI referred under Section 'C' above, unless after a review of inspection report by the concerned Principal Officer a suitable recommendation is made to the Directorate.
3. Any FSI by surprise after six months of the last FSI/General examination may take into consideration (apart from bona-fide complaints) the following parameters prior deciding to conduct the said FSI:
 - Age of the vessel > 12 Years
 - And/or managed by a Company whose one of the vessel has been detained under Flag State Inspection, General examination or Port State Inspection in previous 12 months.

E. Flag State Computerized Information System(FSCIS)

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.
2. Companies, RO's and MMD's are required to upload all the inspection reports under the General examination and FSI, to this data base within 2 working days of the inspection/examination.
3. It is Company responsibility to ensure that the general examination initial and rectification (follow up) report is uploaded by the recognized organization on the FSCIS within the stipulated time period.

F. Verification and monitoring:

1. The compliance of this notice shall be verified during the annual DOC audit of the company and any non-compliance may be notified as Non-Conformity to be completed within a period of 1 Month. The corrective and preventive action should include increased frequency of flag state inspection of the said vessel and/or other vessels managed by the company.
2. The company should initiate procedures to comply with this notice after the next due annual/intermediate/renewal statutory surveys.
3. The procedure for application for Flag State Inspection is available on DG Website in the section Standard Operating Procedures (SOP) and can be accessed via the following website:
http://www.dgshipping.gov.in/WriteReadData/userfiles/file/sop_mmd_091216.pdf

Yours faithfully,



Vikrant Rai

Engineer & Ship Surveyor-cum-D-DG (tech)

To,

1. The Principal Officer, Mercantile Marine department, Mumbai/ Kolkata/ Chennai/ Cochin.
2. The Surveyor-in-charge, Mercantile Marine Department, Goa/ Jamnagar/ Port Blair/ Visakhapatanam / Tuticorin/ Delhi/ Haldia/ Paradip/ Mangalore.
3. All Classification Societies.