



भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING,

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## **DG Shipping Order No. 6 of 2013.**

NO: ENG/Misc.29(73)/09

Dated: 18<sup>th</sup> March 2013

### **Subject:**

### **Statutory Certification and Services of Indian ships by the Recognised Organizations (ROs) - reg.**

WHEREAS, Article 94 of the United Nations Convention on the Law of the Sea 1982 (UNCLOS'82) requires every flag State to effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag, inter-alia through statutory surveys and certifications as applicable to ensure its compliance at all times within the provisions of the relevant international conventions and national legislation to ensure prevention of maritime casualties and marine pollution from ships.

WHEREAS the above referred international conventions, inter-alia, regulation I/6 of the 1974 SOLAS Convention and regulation 4 of Annex I and regulation 10 of Annex II of MARPOL 73/78, provide that the Administration may entrust such inspections and surveys to Recognized Organizations specifically notified for the purpose.

WHEREAS the said statutory surveys of the Indian flag vessels are required to be undertaken by the surveyors specifically appointed for the purpose by the Government of India under Section 9 of the Merchant Shipping Act 1958, as amended.

WHEREAS, in line with international practices in this regard and considering the inadequacy of qualified surveyors with the government and the inconveniences that are liable to be caused to the ship owners thereby, the Government of India, vide its official gazette notification No.S.O.2044(E)



dated 06.09.2011 authorized ten Recognised Organizations (ROs) to undertake statutory certification and services of the Indian flag vessels, subject to appropriate bilateral agreements with the Government of India and respective Recognised Organization detailing modalities of such services delegated.

WHEREAS the relevant IMO guidelines, particularly Resolutions A.739(19) & A.789(19) read along with the proposed mandatory Code for Recognised Organizations (ROs) require the flag States to verify that the organizations recognized to perform statutory certification and services on its behalf fulfill the requirements of the applicable international conventions and the national legislations, as the case may be, and for this purpose, the Administration is mandated to establish, implement, monitor, review and improve an 'oversight programme', including detailed procedural guidelines for the conduct of statutory functions on its behalf, as necessary.

**NOW THEREFORE**, the Director-General of Shipping, in exercise of the powers vested in him under Sect.9 (1A) of the Merchant Shipping Act 1958, as amended read along with the Government of India notification No. S.O.2044(E) dated 06.09.2011, hereby issues the following procedure, as annexed to this order, for the statutory survey, certification and associated services of the Indian flag ships by the Recognised organizations as notified by the Government of India for the purpose from time to time.

  
(Gautam Chatterjee)

Director General of Shipping & ex-officio  
Additional Secretary to the Govt. of India

**Encl: Annexure**

**To**

1. The Principal Officers/ Mercantile Marine Department, Mumbai/Kolkata/ Chennai/ Kandla/Cochin.
2. The Surveyor-in-charge, Mercantile Marine Department, Goa/Jamnagar/Port Blair / Visakhapatnam / Tuticorin / Noida/Haldia/ Paradip /Mangalore.
3. All Classification Societies.
4. Indian National Shippers Association (INSA), Mumbai
5. All Shipping Companies
6. The Chief Surveyor with the Govt. of India
7. The Nautical Adviser to the Govt. of India
8. Engineering Branch
9. Nautical Branch
10. Hindi Cell
11. Guard file.
12. Computer Cell





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## **Annexure to the DGS Order No. 6 of 2013.**

NO: ENG/Misc.29(73)/09

Dated: 18<sup>th</sup> March 2013

### **Procedure for the Statutory Certification and Services of Indian ships by the Recognised Organizations (ROs) - reg.**

#### **1. Applicability:**

1.1 This order applies to all Indian cargo ships as per section 3(1) of the MS Act 1958 as amended, regardless of their size, nature of voyage or location of survey and covers the notified Recognised Organizations (ROs) of the GOI from time to time, subject to the scope of the valid bilateral agreement between the respective Classification Society and the Government of India.

1.2 This notice supersedes the MSL Branch circular No. 1 of 2008 dated 02.07.2008 and partially modifies MS Notice 11 of 2007 dated 26.09.2007 as expressly provided in this circular.

#### **2. Statutory Surveys:**

2.1 This order encompasses all the statutory surveys, audits and associated services of any Indian cargo ship, under the following International conventions, except the intermediate Safety Equipment (SEQ) surveys and Port State / Flag State inspections or other associated inspections unless expressly provided otherwise:-

2.1.1 International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended.

2.1.2 International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL).

2.1.3 Convention on the International Regulations for Preventing Collisions at Sea (COLREG), 1972.

2.1.4 International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS), 2001.

2.1.5 International Convention on Tonnage Measurement of Ships (TONNAGE), 1969.

2.1.6 International Convention on Load Lines (LL), 1966 as amended by 1988 Protocol.

Or

2.1.7 any other Convention in force as may be notified by the Directorate.


2.2 The Recognised Organization undertaking statutory surveys as above shall be guided by the applicable international conventions & codes including IACS guidelines, national acts, rules or any other guidelines / circulars issued by IMO / DGS in this regard, as applicable at the time of undertaking such surveys.

2.3 Indian Register of Shipping shall continue to be the 'Assigning authority' for the initial assignment of load line under the International Convention on Load Lines (LL), 1966/'88 Protocol, as per the respective GOI notifications. However, all subsequent surveys may be undertaken by other Recognised Organizations as authorized by the GOI for the purpose, on being formally approached by the ship owner / ship operator.

### **3. Certification Services:**

3.1 The current regime of the Mercantile Marine Departments (MMDs) issuing the full term certificates is discontinued and henceforth, any Recognised Organization undertaking the renewal surveys shall also issue the full term statutory certificate without waiting for any further approval from the Administration provided the renewal surveys have been satisfactorily completed. However, any liability, even if notional, arising out of such a certification shall be the responsibility of the Organization which undertakes the concerned survey and the certification thereto, as mentioned in the respective agreements with the Administration.

3.2 The ROs shall ensure that appropriate records as per the international practices / national legislations are maintained, to demonstrate the achievement of the required standards in the terms covered by the statutory certification services performed and shall be made readily accessible, including on e-mode for verification as and when required by the authorities, authorised by the Directorate General of Shipping.





#### 4. Supplementary Surveys by the Administration:

4.1 IMO Resolution A.739(18) , "Guidelines for the authorization of organizations acting on behalf of the Administration" read along with the proposed mandatory code for Recognised Organizations, mandates the maritime administration to establish, implement and maintain an "over sight programme" which includes "supplementary surveys" by the Administration to ensure that ships entitled to fly its flag, comply with the requirements of the applicable international instruments and the national requirements, which supplement the international mandatory requirements.

4.2 Considering the emphasis being given to the above requirements by various external auditing agencies inter-alia the IMO audit scheme in this regard, the **intermediate surveys of Safety Equipment (SEQ)** of all Indian ships while in India shall be undertaken exclusively by the surveyors of the Mercantile Marine Departments, unless the concerned Principal Officer considers it necessary to delegate this survey to the IRS in lieu thereof, on a case to case basis, on account of specific exigencies. Considering that such surveys fall only once in the five year survey cycle of the vessel and has the flexibility to align either with the 2<sup>nd</sup> or 3<sup>rd</sup> Annual surveys, the ship owners / managers are advised to plan the surveys well in advance and approach the nearest Mercantile Marine Departments accordingly. Further, the attending MMD surveyors, along with the survey referred above, may undertake Flag State Inspection (FSI) of the vessel, mandatorily. Amendments to the MS Notice 22 of 2011 as necessary in this regard shall be dealt with separately.

4.3 However, such surveys can be undertaken by any of the Recognised Organizations authorized for the purpose while the vessel is trading exclusively in foreign waters during the window period for the above referred surveys, unless the Directorate General of Shipping advises otherwise in specific cases.

4.4 All other statutory surveys can be undertaken by any of the recognized organization notified by the GOI, at the choice of the concerned ship owner. However, the renewal surveys of the Safety Construction (SAFCON), Safety Radio (SRT) and MARPOL Annex-I (IOPP) of Indian ships while being undertaken in India shall have the **compulsory** participation of a surveyor from the Administration. The respective Recognised Organizations undertaking the above surveys in India are advised to intimate the nearest Mercantile Marine Department well in advance, to facilitate participation of the Administration surveyor in such surveys, subject to case by case waiver by the concerned Principal Officer on account of specific exigencies.



The owners are expected to arrange the necessary logistical support to the attending surveyors, but no additional fee is to be paid, except the visit fees of the surveyors deployed for inspecting the vessel. The Administration surveyors, subsequent to their attending such surveys shall make necessary endorsement in the relevant 'survey report' to enable the renewal of the respective certificate by the concerned RO, without any further approval of the Administration.

**5. Approval of Plans, Drawings, Manuals & Booklets:**

5.1 Any plan, drawing, manual or booklet towards the issuance of statutory certification of an existing vessel undergoing change of flag to India registry, shall be deemed to be approved by the Indian administration, if the same is duly approved by any Recognised Organization as notified by the GOI, on behalf of any other Administration. No further approval from the DGS or any other RO is required in these cases, provided no substantial deviation from the applicable national or international instruments, affecting the safety of lives or protection of the environment is reported during the statutory inspection and certification services rendered by the concerned RO. The Registering authority shall appropriately record the reasons as above, for deeming any plan, drawing, manual or booklet as "approved" by the Indian Administration.

5.2 Similarly, any plan, drawing or booklet of a newly constructed ship, may be approved by the concerned Recognised Organization of the GOI for the purpose of the statutory certification service, as authorized.

5.3 Owners shall ensure that such drawings/ booklets / manuals are legible and in English language and contain all the information required as per the relevant instruments.

~~5.4~~ ~~5.2~~ ROs undertaking statutory surveys of these ships shall confirm that the plans, drawings, booklets or manuals are duly approved by a Recognised Organization notified by the GOI and generally comply with applicable M.S. Rules, Conventions, Codes or other guidelines / circulars issued by IMO / DGS in this regard, prior to the issuance of respective statutory certificates to a vessel. Any deviation observed shall be informed to the vessel in writing for prompt rectification as appropriate and in no case beyond a period of three months.

~~5.5~~ ~~5.4~~ Name, designation and signature with date of the person authorized to certify such drawings / booklets / manuals etc need to be legibly mentioned in such approvals, failing which, the local representative of the concerned RO shall certify the veracity of such documents.





## **6. Type approval of Products & Equipments:**

6.1 Any product, equipment, material or appliances shall be deemed to be accepted by the Indian administration for the use on its ships, if such product, equipment, material or appliance is certified for its compliance with applicable international instruments by the maritime administration of the country of manufacture (or the EC Type Approval if applicable), or by any of the Recognised Organization notified by the GOI, on behalf of the relevant maritime administration and carrying evidentiary test reports, according to the latest IMO Codes / guidelines, as applicable. The condition mentioned at sub-para 5.4 shall apply to this sub-para also.

6.2 The certification of the equipment/material/appliances manufactured in India, regarding their compliance with the applicable national / international instruments for use on board ships, shall be undertaken exclusively by the Indian Register of Shipping on behalf of the GOI, who may also carry out the necessary verification and trials, including those for navigational, fire-fighting, life-saving, lights and sound signal, communication and other safety or pollution prevention equipment/ material/ appliances.

6.3 M/s Indian Register of Shipping shall maintain and publish on its website an updated list of such manufacturers approved on behalf of the GOI along with the details of their approvals, including their validity. The Principal Officer of the MMDs, under whose jurisdiction such manufacturing facilities function shall be responsible for effectively monitoring appropriate supervision by the IRS for having enforced the applicable statutory provisions and quality standards and may undertake periodical / surprise inspection of such facilities and forward report to the Directorate, which shall be atleast twice in five years, with the intervals between two such inspections not being less than two years. *The Principal Officer shall maintain appropriately consolidated annual reports for every calendar year to demonstrate due compliance of this sub-para.*

6.4 Servicing of equipment / appliances, needing mandatory witnessing by the surveyors of the administration, hereafter can be undertaken by a duly qualified surveyor of any Recognised Organization of the GOI and certified to that effect with full identification details of such surveyor with date. However, the approval of such service stations shall continue to be undertaken by the Directorate as per the existing procedures in this regard.



6.5 Ship owners, Shipbuilders, Shipyards and Ship Repair facilities are enjoined to be mindful of their obligation to ensure that all equipment/materials/appliances used on ships are in conformity with the applicable national and international requirements in this regard and approved by the competent agency, authorized for the purpose. The condition mentioned at sub-para 5.4 shall apply to this sub-para also.

## **7. Audits:**

7.1 The Interim, Initial and Renewal audits for the issuance of Safety Management Certificate (SMC) of Indian ships in accordance with International Safety Management (ISM) Code shall be undertaken by the duly qualified auditors of the Indian Register of Shipping, who may issue interim / short term certificates for a period of maximum six months and forward the audit report to the Directorate General of Shipping within 15 days from the date of satisfactory completion of such audits, for the issuance of Full term certificate as eligible.

7.2 Considering the relevance of Safety Management System (SMS) onboard for the safe operation of ships, the **intermediate audit** of Safety Management Certificate (SMC) of all Indian ships while in India shall be undertaken exclusively by the auditors of the DGS /MMDs, unless the *Directorate* considers it necessary to delegate this audit to the IRS, on account of specific exigencies to be recorded in writing. Considering that such audits fall only once in the five-year certification cycle of the vessel, the ship owners / managers are advised to plan such audits *well in advance* and approach the nearest Mercantile Marine Departments accordingly. In case of non-availability of qualified auditors with the concerned MMD on the scheduled date of audit, the Principal Officer may contact the ISM cell of the Directorate for further guidance.

7.3 The audits towards the International Ship Security certification for the ships required as per International Ship and Port Security (ISPS) Code and the inspections towards the issuance of Statement of Compliance for the Maritime Labour Convention (MLC) 2006 shall be undertaken by the IRS as the case may be, unless expressly clarified otherwise by the ISPS / MLC cell of the Directorate.

## **8. Notification to the Administration.**

8.1 Relevant IMO guidelines, particularly Resolutions A.739(19) & A.789(19) read along with the proposed mandatory Code for Recognised Organizations (ROs), require the following:





8.1.1 the concerned RO shall notify the nearest Mercantile Marine Department and simultaneously to the PSC/FSI cell of the Directorate, immediately upon becoming aware of a situation, during surveys, inspections, audits or otherwise, involving a major deficiency, or serious safety / security / environment related non-conformance, that would normally be considered sufficient to detain a ship from proceeding to sea pending rectification. Principal Officers of the MMDs may deal with the case as deemed necessary as per extant rules / guidelines, including re-inspection of the vessel by the departmental surveyors, as necessary. Such notification need to be made fool-proof by a telephone call by the RO to the concerned official of the DGS & MMDs.

8.1.2 the RO shall notify the ISM Cell of the Directorate immediately upon becoming aware of a situation aboard a ship or within a company involving a major non-conformity, as defined in the Guidelines on the Implementation of the International Safety Management (ISM) Code (resolution A.1022 (26), as amended) and follow-up the same by way of telephone call to the ISM in-charge with the Directorate, or failing which, the Chief Surveyor with the GOI.

8.1.3 the RO shall report to the Directorate in writing the names and official numbers, if applicable, of any ship removed from the RO's list of classed/certified ships for which the RO had performed statutory certification and services, on behalf of the GOI with reasons thereto.

8.1.4 the concerned RO shall notify the Directorate of any extension to the Condition of Class (CoC), if imposed earlier on any Indian ship, and in any case *shall not* renew a statutory certificate with any pending COC unless concurrence in this regard is obtained from the Administration.

8.2 However, the above mentioned notifications to the Administration do not necessarily absolve a Recognised Organization from demonstrably discharging its fundamental responsibilities as a Classification Society and its obligations to fulfill the Procedural Requirements (PRs) of the IACS as applicable.

#### **9. Grant of Exemptions:**

Any non-compliance with M.S Rules / Convention provisions / deficiency noted during statutory surveys or plan approvals or even otherwise during change of flag / new construction, needing exemptions for continued vessel operation, shall be communicated to the DGS along with the recommendation in this regard from the concerned RO and the concurrence of the Administration obtained prior to issuance of statutory certificates / approval of plans / booklets etc. or any exemptions thereto, subject to the provisions of the MS Notice 13 of 2012 dated 01.05.2012.





## **10. Qualification of Surveyors:**

10.1 The Government of India, taking into account the technical expertise required, the findings of certain serious marine casualties and the discharge of responsibility expected of the surveyors undertaking statutory functions involving public-safety mandated under the Merchant Shipping Act 1958 as amended, has prescribed the qualification and experience of such surveyors, through the Act, rules and orders issued by the competent authority from time to time.

10.2 The qualification and experience of the surveyors undertaking such delegated statutory functions by the ROs shall not be lower than those of the Government surveyors undertaking similar functions, as mentioned above, unless there are cogent justifications to establish no compromise on the quality of the services so rendered as delegated by the GOI, and approved thereof by the Directorate General of Shipping and not incompatible with the respective agreements with the ROs.

10.3 The Surveyors under Sect.9 of the MS Act 1958 as amended are the Nautical Surveyors, Ship Surveyors or the Engineer & Ship Surveyors as the case may be. The minimum qualification of such surveyors promulgated through applicable rules are currently as follows:

Sr.No	Designation	Qualification
1.	Nautical Surveyor	Certificate of Competency (Master foreign going) with 8 years service as Deck Officer.
2.	Ship Surveyor	A degree in Naval Architecture from a recognized University or equivalent & ten (10) years practical experience in design, construction and repair of ships.
3.	Engineer & Ship Surveyor	Certificate of competency of Marine Engineer Officer Class-I or equivalent with five (5) years service at sea.

10.4. The above requirements are without prejudice to the rights of a Classification Society to decide on the qualification of surveyors undertaking exclusive surveys for the issuance of certificates, other than the statutory certificates delegated by the GOI, inter-alia the Certificate of Class as issued by the Society.





## **11. Control & Monitoring:**

11.1 Recognising the technical expertise required and the responsibility expected of the statutory functions involving safety of lives and protection of marine environment mandated under the Merchant Shipping Act 1958 as amended, the following monitoring and control measures are to be ensured by the respective Recognised Organizations to demonstrate the competence, transparency and accountability as envisaged under the applicable IMO instruments:

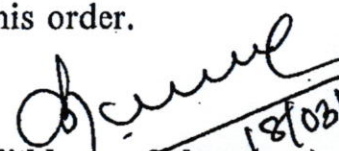
11.1.1 All the Recognised Organizations shall offer themselves for annual periodical audits by the maritime administration well in advance to have its overall performance evaluated with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the applicable national and international instruments.

11.1.2 ROs undertaking statutory functions on behalf of the GOI, shall fall under the scope of all the public and government monitoring mechanisms as applicable and shall be liable for any legal or financial liabilities that may arise out of such delegated functions undertaken, as mentioned in the agreement.

12. In case any provision in this Annexure is inconsistent with the extant agreement with the ROs, the same need to be brought to the notice of the Directorate General of Shipping for further necessary action in such regard.

This annexure to the DGS order 6 of 2013 is issued with the approval of the competent authority and comes into effect as follows:-

- (a) For sub-para: 4.2, 4.4 & 7.2 from 1<sup>st</sup> October 2013.
- (b) For all other sub-para: from the date of issue of this order.

  
( Ajithkumar Sukumaran )  
Engineer & Ship Surveyor cum  
Deputy Director General (Tech)  
18/03/2013