

PORT STATE CONTROL COMMITTEE INSTRUCTION 53/2020/11

GUIDANCE FOR ALLOWING A SINGLE VOYAGE TO A REPAIR PORT FOR “ACCIDENTAL DAMAGE” RELATED DEFICIENCIES

This Guideline is solely drafted for the purpose of providing guidance to the PSCO in performing a PSC inspection on the subject matter. The Guideline does not restrict the PSCO in the scope of inspection or in using his/her professional judgement while performing the PSC inspection. Third parties cannot claim any rights based on this guideline with regard to the PSC inspection as performed by the PSCO.

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1. GENERAL

The “Paris MoU text”, regarding the rectification of “accidental damage” related deficiencies, states that *“the Authority has ensured, having been notified of the completion of the remedial action, that deficiencies which were clearly hazardous to safety, health or the environment have been addressed to the satisfaction of the Authority.”*

Taking into account that from a technical point of view there is no difference between a “detainable” and an “accidental damage” related deficiency, when a ship is not able to take remedial actions in the port of inspection a single voyage to a repair port may apply.

2. GOALS AND PURPOSE

This document is intended to provide basic guidance for a harmonized approach of port State control officers when a ship is authorized to call at a repair port to rectify any outstanding “accidental damage” related deficiencies.

3. PROCEDURE WHEN A SHIP IS ALLOWED TO SAIL TO A REPAIR PORT

- 3.1 The company or master should submit an application to the port State requesting to allow the ship to proceed to a repair port to rectify outstanding “accidental damage” related deficiency(ies) and provide written confirmation of a repair contract or supply of equipment as appropriate.

- 3.2 The flag State or the recognized organization, acting on behalf of the flag State, should confirm that the ship is permitted to proceed to the *nearest available and appropriate* repair port and advise of any conditions for the voyage (FUD 1 AD in Appendix 1). Such conditions should be acceptable to the port State, however the port State may impose additional conditions in agreement with the flag State/recognized organization.

Note: If the mentioned conditions are fulfilled, the repair port is not required to be in the Paris MoU Region.

- 3.3 The flag State or recognized organization acting on behalf of the flag State should issue single voyage certificates or preferably endorse existing certificates. The voyage should be in ballast and exclude any commercial operations. The ship could also be towed subject to necessary documentation being made available (e.g. Loadline Exemption, Fitness for towage, etc). Exceptionally, cargo already on board may be carried to the repair port, or specified intermediate port(s), when it is safe to do so. These ports to be informed and included in the conditions for a single voyage on FUD 2 AD (Appendix 2).
- 3.4 The PSCO, before allowing the ship to sail, should obtain confirmation from the relevant port State authority that the ship will be accepted and that they will adhere to the MoU communication procedure and an additional inspection will be carried out (see form FUD 1 AD).
- 3.5 The master should be informed of the conditions of the voyage and advised that if the ship does not call at the agreed repair port or fails to comply with the conditions for the single voyage, an additional port State control inspection will be carried out at the first call in the Paris MoU region (see form FUD 2 AD).
In this case the port State should enter an 'Overriding message (Member State Report)' in THETIS in order to assure that this inspection will take place.
- 3.6 The master should be informed that the port State (from where the ship is being released) must be notified, by the port State control authority of the repair port promptly and in writing, that the ship has arrived at the agreed repair port (see form FUD 2 AD).
- 3.7 The PSC inspection report should confirm the port to which the ship is allowed to sail and its ETA.
- 3.8 The port State control authority of the repair port, the flag State and the recognized organization should be informed of the departure of the vessel and its ETA at the repair port (see form FUD 2 AD).

APPENDIX 1 FUD 1 AD

PORT STATE CONTROL

REQUEST FOR AGREEMENT TO PROCEED TO A REPAIR YARD TO RECTIFY OUTSTANDING "ACCIDENTAL DAMAGE" RELATED DEFICIENCIES

From: (PSC office of (port)) e-mail:

To: (Port State Authority of repair port)
(Flag State Authority)

cc: (Recognized organization issuing the relevant certificates)

Ship Name IMO No Flag

Type of ship Call sign Year of keel laid

Gross Tonnage

Recognized Organization(s)..... Classification Society(ies).....

The above named ship currently in (port) cannot rectify "accidental damage" related deficiency(ies), detected during the PSC inspection carried out on_____.

The company/master has requested that the following deficiencies are repaired in (port).

"Accidental damage" related deficiencies that cannot be repaired in the present port	Suggested action: (including action at next port)

Before allowing the vessel to proceed to the repair port this Authority requests:

1 the PSC Authority for the port of [name] to confirm by e-mail if the above mentioned ship is permitted to call in that port and that an additional inspection will be carried out;

2 the Flag State Authority (if necessary through its recognized organization) to confirm by e-mail that the above mentioned ship is permitted to proceed to (port) and any conditions for the voyage.

Reporting Authority Office

email:

Tel:

Date:

Name & Signature

(duly authorized Port State Control Officer)

APPENDIX 2 FUD 2 AD

PORT STATE CONTROL CONDITIONS FOR A SINGLE VOYAGE TO A REPAIR PORT TO RECTIFY OUTSTANDING “ACCIDENTAL DAMAGE” RELATED DEFICIENCIES

To the Master:

Ship Name IMO No Flag
Type of ship Call sign Year of keel laid
Gross Tonnage
Recognized Organization(s) Classification Society(ies)
Company Agents

Your ship, which is currently in (*port*), is authorized to proceed to (*port*) in (*country*) to rectify
“accidental damage” outstanding deficiencies subject to the following conditions:

FAILURE TO CALL AT THE REPAIR PORT OR TO COMPLY WITH THESE CONDITIONS MAY
RESULT IN YOUR VESSEL BEING SUBJECT TO AN ADDITIONAL PSC INSPECTION AT THE
FIRST CALL IN THE PARIS MOU REGION¹.

This provision is contained in Annex 8 (3 and 11) of the Paris Memorandum of Understanding on Port
State Control (Paris MoU), Article 11(b) of EC Directive 2009/16/EC², and the provisions of (*national
regulations*).

**Any changes to the above conditions may only be made in consultation with the Office
indicated below except in cases of force majeure.** In cases of deviations due to force majeure this
Office should be informed as soon as practicable.

You must request the Port State Authority of the repair port to inform the office indicated below when
the ship has arrived at the repair yard. No confirmation of the ship’s arrival after the ETA indicated
below will be considered evidence that the ship has not complied with the voyage conditions.

I confirm that I have received this notice

.....

Name of Master [or representative]

.....
Signature of Master [or representative]

Copy to: (*Port State Control Authority of repair port*)
(*Flag State Authority*)
(*Recognized organization(s) issuing the relevant certificates*)
(*Classification society(s) if different from R.O.*)
(*Ship’s agent*)
(*Harbour master office*)
Secretariat Paris MOU
(*Port State Co-ordinator*)

¹ The members of the Paris MoU are Belgium, Bulgaria, Canada, Croatia, Cyprus, Denmark, Estonia,
Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands,
Norway, Poland, Portugal, Romania, Russian Federation, Slovenia, Spain, Sweden, United Kingdom

² references to be used when applicable to the State

The Port State Control Authority of the port of [] is requested to advise the office indicated below WHEN THE SHIP ARRIVES OR IF THE SHIP DOES NOT ARRIVE AT THE EXPECTED TIME.

Date of departure and ETD from (port)

.....

Date of arrival and ETA in (port)

.....

Reporting Authority

Office

email

Tel

Name & Signature

.....

.....
Date

(duly authorized Port State Control Officer)