

Subject

Measures by ClassNK in response to Circular No.19/2002 issued by the Cyprus Government

ClassNK

Technical Information

No. TEC-0479
Date 25 August 2002

To whom it may concern

Circular No.19/2002 “Instructions to Recognised Organizations to enhance Flag State Control over Safety Standards of Cyprus Standards of Cyprus Ships” has been issued by the Cyprus Government. The Circular has been issued with the intention of the enhancing safety standards of Cyprus flag ships and eliminating their detention by Port State Control.

The Cyprus Government has requested ClassNK to implement surveys and audit on Cyprus flag ships from 1 September 2002 in accordance with the Circular.

Contents of the Circular and measures by ClassNK in the Circular are as follows.

1. Change of flag surveys to Cyprus flag.

Regardless of whether the managing company changes or not, permission to register is to be left to the judgement of the Cyprus Government in cases where outstanding recommendations remain against the ship.

The scope of the survey at the flag Change survey is as follows.

- (1) Regardless of whether a change of the managing company is accompanied by the flag change survey or not, in cases where the flag change survey is carried out in the survey due range of the statutory renewal, intermediate, periodical or annual surveys, the relevant surveys are requested to be carried out at the flag change survey. In addition, an inspection using the attached ILO check sheet is to be carried out at the survey. The ILO check sheet has been prepared by Cyprus Government with the intention to examine whether spaces for crews like crew accommodation spaces and machinery spaces and so on are properly maintained referring to the relevant parts in the ILO Convention established by International Labor Organization.
- (2) In cases where a change of the managing company is not accompanied by the flag change survey, and the flag change surveys are carried out outside of the survey due range of the statutory renewal, intermediate, periodical or annual surveys, the surveys are to be carried out to the extent of annual surveys. In addition, an inspection using the attached ILO check sheet is to be carried out at the survey.
- (3) In cases where a change of the managing company is accompanied by the flag change surveys, and the flag change surveys are carried out outside of the survey due range of the statutory renewal, intermediate, periodical or annual surveys, the surveys are to be carried out to the extent of annual surveys except for safety equipment, of which the extent of survey is to be as per a renewal survey. In addition, an inspection using the attached ILO check sheet is to be carried out at the survey.

(To be continued)

NOTES:

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2. In case where Cyprus flag ships are detained by Port State Control.

In cases where Cyprus flag ships are detained by Port State Control, and surveyors of ClassNK are called to attend, the surveyors should not limit a inspection to the deficiencies pointed out, and should carry out the surveys as follows.

- (1) In cases where the date of detention falls within the survey due range of the statutory intermediate, periodical or annual surveys, the surveys are requested to be carried out before the ship sails. In case where the date of detention falls within the survey due range of the statutory renewal surveys, the surveys are to be carried out to the extent possible, except for safety equipment and safety radio, which are requested to be carried out and completed. A time schedule, which does not exceed the validity dates of each statutory certificate, for completion of renewal surveys at the next convenient port is requested to be set, if the renewal surveys are not completed.
- (2) In cases where the date of detention does not falls within the survey due range of the statutory renewal, intermediate, periodical or annual surveys, after clearing the deficiencies pointed out by Port State Control, the surveyors are to carry out an inspection using the ILO check sheet and attached ISM checklist, and decide whether more thorough surveys are required or not. The ISM checklist has been prepared by IACS (International Association of Classification Societies) with the intention that the surveyors can examine the functioning of the safety Management System using the checklist during class or statutory surveys, and has already been used from 1 April 2002. (ClassNK has advised about using the ISM checklist by Technical Information No.0445 dated 29 March 2002)
- (3) If the surveyors decide that more thorough surveys are required, the surveyors are to carry out the surveys. In such cases, each statutory survey is to be carried out to the extent of an annual survey except for safety equipment, the extent of which is to be as per a renewal survey.

3. In case where deficiencies which do not result in detention, are pointed out by Port State Control.

In cases where ClassNK receives information on deficiencies pointed out by Port State Control from the Government of which port the ship has called at, ClassNK is requested to inform the Cyprus Government of such cases. The Cyprus Government is to decide whether further investigation is required or not based on the information. If the Cyprus Government decides that further investigation is required, the Cyprus Government determines the future policy.

4. In cases where outstanding recommendations are imposed either by the Cyprus Government or Port State Control.

In cases where outstanding recommendations are imposed either by the Cyprus Government or by Port State Control, the managing companies are requested to inform ClassNK of such cases. ClassNK is to ensure that these outstanding recommendations have been rectified by the set schedule and report to the Cyprus Government accordingly. Otherwise, ClassNK is to contact the Cyprus Government for a decision on the action to be taken.

(To be continued)

5. In cases where Cyprus ships are detained by Port State Control, and the contents of the PSC inspection report have a reference to an ISM major non-conformity.
 - (1) In case where Cyprus ships are detained by Port State Control, and the contents of the PSC inspection report have a reference to an ISM major non-conformity, ClassNK shall request the managing company to conduct an additional audit of the ship's Safety Management System. The extent of the additional audit is to be as follows.
 - (i) In case where the date of detention is within twelve months or less from the date of the initial /renewal audit or less than six months prior to the renewal audit, the extent of the additional audit is equivalent to the mandatory initial audit of the shipboard part.
 - (ii) In cases where the date of detention is other than a) above, the extent of the additional audit is equivalent to the mandatory intermediate audit of the shipboard part.Furthermore, after the additional audit, if it is decided that problems also exist with the Safety Management System (SMS) of the managing company, ClassNK or the other organizations which have issued the Document of Compliance (DOC) (in case where ClassNK has not issued DOC for the managing company.) shall request the managing company to conduct an additional audit to the extent of the annual audit for the company.
 - (2) Regarding the findings of inspections using the ISM checklist conducted in cases where Cyprus ships are detained and "2 In case where Cyprus ships are detained by Port State Control 2)" mentioned above apply in the detention case;
 - (i) In cases where ClassNK has not issued Safety Management Certificate (SMC) for the ship, ClassNK is to notify the findings to the organization having issued the SMC.
 - (ii) In cases where ClassNK has issued SMC for the ship, ClassNK having assessed the findings and decides an additional audit for the ship is required, and may request the managing company to conduct the additional audit.
 - (3) In cases where a Cyprus flag ship is detained by Port State Control twice within 12 months, ClassNK shall request the managing company to conduct an additional shipboard audit to the extent of an intermediate audit, and an additional audit of the Company to the extent of an annual audit.
 - (4) In cases where a large proportion of the managing company's fleet is detained by Port State Control, ClassNK shall request the managing company to conduct additional shipboard audit and additional audit for the company.

6. Postponement of Renewal Surveys

Postponement of renewal surveys is considered by Cyprus Government only in case where special circumstances exists. Also please note that as a condition for the postponement of renewal surveys, all renewal surveys shall be carried out to fullest the extent possible.

Carrying out the prescribed surveys and/or audits to Cyprus Flag ships in accordance with the Circular No. 19/2002, it is expected that ClassNK can't carry out the surveys and/or audits in case where ClassNK is not informed from the person and parties concerned. Accordingly, please contact ClassNK in the following case without delay.

(To be continued)

- (1) In cases where carrying out Flag change surveys to Cyprus Registry.
- (2) In cases where Cyprus ships are detained by Port State control.
- (3) In case where deficiencies which do not result in detention, are pointed out by Port State Control, and attendance of surveyors of ClassNK to the ship is required.
- (4) In cases where outstanding recommendations are imposed either by the Cyprus Government or Port State Control.
- (5) In cases of postponement of renewal survey
- (6) In case where Cyprus ships are detained by Port State Control, and the contents of PSC inspection report have a reference to an ISM major non-conformity.
- (7) In case where Cyprus ships are detained port state control twice within 12 months.

In cases of (1),(2) and (3) above, please present a survey application to our branch office which has jurisdiction over the place of survey.

In cases of (4) and (5) above, please contact :
NIPPON KAIJI KYOKAI (ClassNK)
Survey Department, Administration Center, Head Office
Tel.: +81-3-5226-2027 / 2028
Fax: +81-3-5226-2029
E-mail svd@classnk.or.jp

In cases of (6) and (7) above, please contact :
NIPPON KAIJI KYOKAI (ClassNK)
Safety Management Systems Department, Information Center, Head Office
Tel.: +81-43-294-5999
Fax: +81-43-294-7206
E-mail smd@classnk.or.jp

For any questions about the above, please contact:

NIPPON KAIJI KYOKAI (ClassNK)
External Affairs Division, Administration Center, Head Office
Address: 4-7 Kioi-cho, Chiyoda-ku, Tokyo 102-8567, Japan
Tel.: 03-5226-2038
Fax: 03-5226-2039
E-mail: xad@classnk.or.jp

Attachment(s):

1. Circular No.19/2002 "Instructions to Recognized Organizations to enhance Flag State Control over Safety Standards of Cyprus Ships"
2. ILO check sheet (ANNEX 1)
3. ISM checklist (ANNEX 2)

REPUBLIC



OF CYPRUS

**MINISTRY OF COMMUNICATIONS AND WORKS
DEPARTMENT OF MERCHANT SHIPPING
LEMESOS**

Circular No.19 /2002

July 12, 2002

To all Owners
Managers, Representatives and Masters
of vessels flying the Cyprus flag.

**Subject: Instructions to Recognised Organisations to enhance Flag State Control
over Safety Standards of Cyprus Ships**

I wish to inform you that the Department of Merchant Shipping, in cooperation with the Recognised by the Republic of Cyprus Classification Societies, in its effort to enhance the safety standards of Cyprus ships and to eliminate unnecessary and costly delays due to the detention of the ships by Port State Control Authorities, has decided to implement a new scheme of preventive control over Cyprus flag ships based on the experience gained so far.

The new scheme is as described in Appendix 1 and implementation is scheduled to commence on September 1, 2002. Every effort will be made to avoid repeated detentions and costly delays of ships.

All Owners, Managers and Masters of Cyprus flag vessels are requested to abide by the new procedures.

S. S. Serghiou
Director
Department of Merchant Shipping

Cc: Acting Permanent Secretary, Ministry of Communications and Works
Permanent Secretary, Ministry of Foreign Affairs
Maritime Offices of the Department of Merchant Shipping abroad
Diplomatic Missions and Honorary Consular Offices of the Republic
Recognised Classification Societies
Cyprus Shipping Council
Association of Cypriot Shipowners (Sea Rovers)
Union of Cypriot Shipowners
Cyprus Bar Association

**INSTRUCTIONS OF THE DEPARTMENT OF MERCHANT SHIPPING
OF CYPRUS TO ITS RECOGNISED ORGANIZATIONS**

The present instructions aim at enhancing the control of the flag state over safety standards of Cyprus ships. These are additional to any authorization or instruction given in the past to Recognized Organizations. All terms used are as defined in international conventions for the implementation of which relevant authorizations have been given to Recognized Organizations.

1. Change of Flag Surveys

1.1 It is noted that regardless of whether the Company remains the same as before or a change occurs, no vessel may be registered with any outstanding recommendation, in accordance with the Department of Merchant Shipping circular 20/2001. In case a deviation from this policy is requested, it should be invariably referred to this Department for consideration and relevant instructions.

1.2 In both cases, at the time of the change of flag, if the due dates for the surveys for existing certificates are within the ± 3 months' window, then renewal/intermediate/periodical/annual surveys, as the case may be, shall be carried out immediately. At the same time, an inspection of basic ILO items as indicated in the check sheet in Annex 1, shall be carried out.

1.3 In the case where the change of flag is not accompanied by a change of the Company, the surveys shall be limited in scope to the extent of the applicable annual survey with the addition of basic ILO items, unless the due dates of the statutory surveys are within the window mentioned above.

1.4 In cases where the change of flag is accompanied by a change of the Company, the extent of the surveys in respect of safety equipment shall be upgraded to that of a renewal survey with the addition of basic ILO items. The surveys for the statutory certificates other than the safety equipment, unless they fall within the windows mentioned in paragraph 1.2 above, shall be carried out to the extent of annual surveys.

1.5 The statutory survey reports for the change of flag surveys shall be made available the soonest possible to the Department of Merchant Shipping either in hard copy or by e-mail, or through access to the society's data base.

2. Survey after detention

2.1 When a Cyprus flag ship is detained and the Recognized Organization (RO) is called to attend, the surveyor of the RO shall not limit his inspection to the deficiencies noted by Port State Control.

2.2 If the date of the detention falls within the ± 3 months window for statutory surveys, they shall be conducted before the ship sails. In the case of renewal surveys, they shall be conducted to the extent possible, except for safety equipment and radio, which shall be completed. A time schedule for the completion of surveys at the next convenient port shall be set and they shall not be delayed until the end of the window.

2.3 If the date of the detention does not fall within the ± 3 months' window the RO surveyor, after clearing the PSC deficiencies, shall carry out a general examination of the vessel including the items listed in Annex 1 and shall ask the questions listed in Annex 2. Then, using his professional judgement he shall decide whether extra surveys are required.

2.4 In cases where the surveyor deems that more thorough surveys are required, he shall proceed as agreed for the change of flag when accompanied by a change of the Company (see item 1.4). The RO shall send to the Department of Merchant Shipping copies of the reports on such cases.

3. Surveys after PSC inspection with deficiencies identified, which did not warrant detention

3.1 The RO should inform the Department of such cases which are brought to their attention by PSC authorities. The Department will decide whether the case warrants further investigation. On the basis of the results of this investigation the Department in consultation with the RO will decide on the future policy.

4. Outstanding Recommendations

4.1 In case a ship is burdened with recommendations imposed either by the Department of Merchant Shipping or PSC, these shall be communicated to the RO classing the ship and the latter shall ensure that they have been rectified according to the set schedule. Otherwise the RO shall contact the Department for a decision on the action to be taken.

5. ISM

5.1 On a PSC inspection report as a result of which the ship is detained, there may be an explicit reference to an ISM major non-conformity. In such case, an auditor of the auditing organisation shall board the vessel and perform an additional audit of the vessel's Safety Management System. The extent of this additional audit should be:

- (a) equivalent to the mandatory initial audit of the shipboard part of the SMS, in case the major non-conformity is identified within twelve months or less from the date of the initial/renewal audit or less than six months prior to the renewal audit, or
- (b) equivalent to the mandatory intermediate audit of the shipboard part of the SMS, in case the major non-conformity is identified twelve months or more from the date of the initial/renewal audit or more than six months prior to the renewal audit.

5.2 If, during the shipboard audit, it becomes apparent that problems also exist with the SMS of the company, an additional audit to the extent of the annual audit shall be performed for the Company.

5.3 If the detention order contains no explicit reference to ISM non-conformities, then the surveyor shall act as in section 2 above.

5.4 If the RO classing the ship and its auditing organisation are different entities, then the surveyor having received the answers to questions in Annex 2, should notify the ship's auditing organization of the findings. In case the auditing organization, having assessed the findings, deems that an additional audit is necessary, it shall notify the Department of Merchant Shipping and proceed as soon as possible to conduct the additional audit of the SMS of the ship and inform the Department of Merchant Shipping and the RO classing the ship of the results.

5.5 If the RO classing the ship is also its auditing organisation, then in case the RO having assessed the findings of the surveyor based on the answers to questions in Annex 2, deems an additional shipboard audit necessary, the RO shall notify immediately the Department of Merchant Shipping and proceed as soon as possible to conduct the additional audit of the SMS of the ship and inform the Department of Merchant Shipping of the results.

5.6 If a vessel is justifiably detained twice within 12 months, then an additional shipboard audit in the scope of an intermediate audit shall be performed for the vessel's SMS and an additional audit of the Company, in the scope of an annual audit.

5.7 The Department of Merchant Shipping shall be notified of any additional shipboard audit or additional audit of the Company.

5.8 The Department of Merchant Shipping shall decide the extent and scope of additional audits of the shipboard as well as the shore based SMS of a Company, when a large proportion of that Company's fleet is detained by PSC.

6. Postponement of Special Surveys

6.1 Applications for postponement of the special survey will be considered by the Department of Merchant Shipping only in cases where special circumstances warrant them.

6.2 No postponement of the special survey shall be given unless all surveys have commenced and proceeded to the extent possible. The Department may decide to deviate from this course of action only in cases of force majeure.

CHECK SHEET FOR SURVEY OF ILO ITEMS

This checklist to be completed during surveys associated with Port State Detentions of Cyprus Registered Vessels

	ILO Reference	YES	NO	N/A
1. The accommodations and spaces were generally examined in so far as practical and accessible including:				
a. Are all of the accommodation spaces being used for what they were intended for?	ILO 92, 133 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are all of the accommodation rooms and spaces being kept clean and tidy?	ILO 92, 133 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is adequate lighting is available throughout the accommodation?	ILO 92, 133 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. If the accommodation heating system working (for vessel's operating in cold climates only)?	ILO 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Are the officers and crew sanitary facilities clean?	ILO 92, 133 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Are crew bathrooms, water closets and sinks operating properly?	ILO 92, 133 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Is water pressure available to the bathrooms and water closets?	ILO 92, 133 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Are cockroaches and other insects properly dealt with?	ILO 68 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Is hot and cold water available?	ILO 92, 133 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The Engine room and other machinery spaces were generally examined in so far as practical and accessible including:				
a. Are all engine room bilges clean and free of oil?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the steering gear compartment clean and free of oil and garbage?	ILO 134 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is the engine room clean (no accumulation of oily rags or garbage)?	ILO 134 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Are acetylene and oxygen bottles stored outside of the accommodation, engine room and other machinery spaces?	ILO 134 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Is paint and thinners stored outside of machinery spaces in designated storage rooms?	ILO 134 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The food and catering areas were generally examined in so far as practical and accessible including:				
a. Galley found clean and suitable for preparing food?	ILO 68 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are crew provisions in satisfactory condition with no spoilage or unsanitary conditions in stowage or galley?	ILO 68 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Refrigerated provisions storerooms found clean, of adequate size for the provisions, and the refrigeration machinery considered capable of maintaining the provisions at adequate temperatures?	ILO 68 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Are drinking water taps in working condition?	ILO 68 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the machinery fitted with protective devices (guards) as considered necessary?	ILO 134 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Is the windlass and mooring winches in good order?	ILO 134 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the accommodation ladder in good working order and considered safe for use?	ILO 134 and 147	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: If any of the above was answered **NO**, contact your _____ for further guidance.

Remarks:

Surveyor

No.17
(cont'd)

Annex 1

Annual Class Survey ISM Checklist		
Ship's Name	Flag	IMO Number
Survey Record No.	Date of Survey	Survey Place
(A. Technical deficiencies)		
A-1. Class/Statutory related technical deficiencies are found ?		
- No (No action to be taken)		
- Yes (go to A-2)		
A-2. Such technical deficiencies, if not corrected, might lead to the suspension of Class and/or withdrawal of statutory certificates ?		
- No (go to A-3)		
- Yes (To be reported)		
A-3. Such technical deficiencies were reported to the Company ?		
- No (To be reported)		
- Yes (go to A-4)		
A-4. Evidence for dealing with such technical deficiencies by the Company exists ?		
- No (To be reported)		
- Yes (go to A-5)		
A-5. Possible immediate rectification for such deficiencies exists ?		
- No (To be reported)		
- Yes (No action to be taken)		
(B. Serious threat)		
Other conditions which may seriously affect the safety of the ship, personnel or the environment are found ?		
- No (No action to be taken)		
- Yes (To be reported)		
(C. Documentary deficiencies)		
Class/Statutory related documentary deficiencies are found ?		
- No (No action to be taken)		
- Yes (To be reported)		
(D. Operational failures)		
Class/Statutory related operational failures found ?		
- No (No action to be taken)		
- Yes (To be reported)		
(E. Class/Statutory requirements)		
Other Class/Statutory requirements are not observed ?		
- No (No action to be taken)		
- Yes (To be reported)		
Conclusion		
- To be reported to Head Office together with relevant Survey Record		
- No action to be taken		
Surveyor's Comments		
Date: _____ Signature(Ship's Master/Company representative)		
Classification Society _____		Office _____
Name of Surveyor: _____		Date: _____