



CIRCULAR no. 9/2004

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Issue: ACTIONS BY THE RECOGNIZED ORGANIZATIONS WHEN SHIPS IN A NORWEGIAN SHIP REGISTER ARE IN NON-COMPLIANCE WITH INTERNATIONAL OR NORWEGIAN REGULATIONS.

THE NORWEGIAN MARITIME DIRECTORATE

- RECALLING Agreement of 1 June 2002 between The Ministry of Trade and Industry and Recognized Organizations (RO) concerning surveys of ships registered in a Norwegian Ship register including annexes as amended and SOLAS Chapter 1 Part B Regulation 6c.
- REVOKING Circular no. 4/1994

1. Actions when ships are found not to be in compliance with international or Norwegian Regulations in addition to regulations and guidelines issued by RO.

1.1 *Surveys for the issue and renewal of international and other statutory certificates and unscheduled inspections carried out by Recognized Organizations.*

It is the RO's responsibility to verify that reported deficiencies are rectified and that possible corrective actions are implemented within the stated time limits.

Guidelines for unscheduled inspections by the classification society are issued in a separate NIS circular.

1.2 *Surveys as a result of Port State Control*

It is the RO's responsibility to verify that reported deficiencies are rectified and that possible corrective actions are implemented within the stated time limits.

1.3 *Unscheduled inspections by the Norwegian Maritime Directorate (NMD)*

The RO shall verify that the recommendations issued by NMD have been implemented at the first scheduled attendance on board after the time limit has expired. Attendances for the sole purpose of verifying implementation of recommendations given by NMD are not to be carried out.

1.4 *Surveys after damage that may impair the seaworthiness of the ship.*

a) If a ship has been damaged to such an extent that its seaworthiness is impaired, the ship's master shall notify the shipowner and the RO.

b) When the extent of the damage has been verified the RO shall, without delay, inform NMD about the extent of damage and the measures required to be taken before the ship is permitted to continue to a repair yard or to another port of call. This includes information about validity of class certificate, other certificates affected by the damage and conditions related to permission to sail.

2. Detention of ships

2.1 *Criteria for detaining a ship*

The surveyor shall consider detention of the ship when deficiencies related to the ship, its equipment, manning or cargo are found not to be in compliance with the certificates, or the ship is not fit for navigation without danger to personnel on board, the ship or the marine environment.

Reasons for detention may be:

a) Lack of valid certificates

b) When vital equipment or arrangement with respect to lifesaving appliances, fire-fighting or radio communications is lacking, or is in such condition that it is evident that it will not function satisfactorily.

c) When vital parts of hull, machinery or equivalent are in such condition that the ship's strength, watertight integrity or propulsion is found to be inadequate for the ensuing voyage.

d) When the ship is overloaded.

e) When the cargo is not properly stowed and secured.

f) When the ship carries cargo in contravention of regulation or individual decisions laid down to prevent and limit pollution of the sea, rivers and air by the discharge of detrimental substances, or when the ship does not satisfy important requirements as to construction or equipment in such provisions.

g) When master, officers or crew do not possess the required certificates.

h) When there is no Manning Certificate on board or the ship is not manned as specified in the ship's Manning Certificate.

i) Detainable deficiencies in relation to the ISM and/or the ISPS code.

Reference is also made to IMO Resolution A.787 (19) "Procedures for Port State Control" Appendix 1. "IMO Guidelines on Detentions"

2.2 Detention by RO.

In the event that a ship is detained by RO, the surveyor shall immediately ensure that proper measures are taken to rectify the defects, and then notify NMD. If such rectifying measures are not taken, the certificate(s) involved shall be withdrawn and NMD informed immediately. Where the ship is in a foreign port, the appropriate Port State Authorities shall also be informed.

2.3 Detention by Port State

When a ship is detained in Port State Control, the Port State Authorities will normally inform NMD (Inspection Department) directly or via the local Norwegian Consulate. NMD will immediately inform the RO unless it is evident from the report sent to NMD that RO has been informed. NMD will also forward a copy of the report to the shipowner or ship management company for immediate comments, and to the Norwegian Shipowners' Association for their information.

2.4 Detention by NMD at unscheduled inspection

The surveyor from the RO will be instructed by NMD surveyor to attend the ship and ensure that the deficiencies are rectified before the ship is allowed to proceed to sea.

3. Information to the Maritime Investigator

Detentions, ships that have sailed without valid certificates or with insufficient manning, prescribed surveys not carried out and important recommendations not implemented within the specified time limits shall be reported to the Maritime Investigator by the NMD.

In such cases RO shall always report to NMD.