

THE MERCHANT SHIPPING (PORT STATE CONTROL) FIRST NOTIFICATION OF 2005 (P.I. 256/2005) ¹

Notification by virtue of sections 2, 3, 4, 5, 6, 6B, 7, 8, 9, 11, 12, 14, 18, 19 and 20 of the Merchant Shipping (Port State Control) Laws of 2001 and 2004²

For the purposes of harmonisation with —

- (a) Community act titled «Council Directive 95/21/EC of 19 June 1995 on port State control of shipping», (O.J. L157, 07/07/1995, p.1) as last amended by Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p.53), and
- (b) Article 1 (19) to (25) of the Community act titled «Directive 2001/106/EC of the European Parliament and of the Council of 19 December 2001 amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (Port State Control)» (OJ L 19, 22.1.2002, p.17),

The Director of the Department of Merchant Shipping of the Ministry of Communications and Works, in exercising the powers vested upon him under sections 2, 3, 4, 5, 6, 6B, 7, 8, 9, 11, 12, 14, 18, 19 and 20 of the Merchant Shipping (Port State Control) Laws of 2001 and 2004, issues the following Notification:

47(I) of 2001
27(I) of 2004.

Short title.

1. This Notification shall be cited as the Merchant Shipping (Port State

¹ Editorial Note: Published in the Official Gazette of the Republic of Cyprus No. 3994, Supplement III (I), dated 20.5.2005. This is an “unofficial” translation into English prepared by the Department of Merchant Shipping and does not intend to replace any translation prepared by the Law Commissioner’s Office.

According to Article 3 of the Constitution of the Republic of Cyprus, the official languages of the Republic of Cyprus are Greek and Turkish and therefore the present translation into English is **not the authentic version**.

² Editorial Note: These Laws (Law 47(I) of 2001 as amended by Law 27(I) of 2004), transpose into the Cyprus legal order EU Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control” (OJ L 157, 7.7.1995, p. 1), as last amended by Article 4 of Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p.53).

Control) First Notification of 2005.

Interpretation.

2. —(1) In this Notification —

*47(I) of 2001
27(I) of 2004.*

“Law ” means the Merchant Shipping (Port State Control) Laws of 2001 and 2004 and any other laws that amend or replace the same;

“passenger ship ” means a seagoing ship which carries more than twelve passengers.

(2) Any other terms, which are included in this Notification and are not otherwise defined shall have the meaning attributed to such terms by the Law.

*Paragraph
regarding
section 2
of the Law.*

3. —(1) Subject to subparagraph (2), the international conventions, protocols and codes mentioned in the definition of the term «conventions» in section 2 of the Law to be prescribed, from time to time, by a notification, are the conventions that follow, as well as the protocols and amendments to such conventions and the relevant mandatory codes, in their up to date version, the text of which is deposited with the Department of Merchant Shipping of the Ministry of Communications and Works and to which the public has access:

*39 of 1969
24 of 1973
17 of 1974
43 of 1977
7 of 1982
53 of 1984
90 of 1986
25(III) of 1997.*

(a) The International Load Lines Convention, 1966 (LL 66), hereafter referred to as “LL Convention”, ratified by the International Load Lines Convention, 1966 (Ratification) and for Matters Connected Therewith Laws of 1969 to 1997;

*77 of 1985
32 of 1989
24(III) of 1997
10(III) of 2001.*

(b) The International Convention for the Safety of Life at Sea, 1974 (SOLAS 74), hereafter referred to as “SOLAS Convention”, ratified by the International Convention for the Safety of Life at Sea, (Ratification) and for Matters Connected Therewith Laws of 1985 to 2001;

*57 of 1989
11(III) of 1995
11(III) of 2001.*

(c) The International Convention for the Prevention of Pollution from Ships of 1973 and its related Protocol of 1978 (MARPOL 73/78), hereafter referred to as “MARPOL Convention”, ratified by the International Convention for the Prevention of the Pollution of the Sea from Ships and for Matters Connected Therewith Laws of 1989 to 2001;

- 8 of 1985
1(III) of 1998.*
- (d) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78), hereafter referred to as “STCW Convention”, ratified by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 and 1995 (Ratification) and for Matters Connected Therewith Laws of 1985 and 1998;
- 18 of 1980
8 of 1981
66 of 1982
4 of 1989.*
- (e) The Convention on International Regulations for Preventing Collisions at Sea, 1972 (Colreg 72), hereafter referred to as “Colreg Convention”, ratified by the Convention on International Regulations for Preventing Collisions at Sea, 1972 (Ratification) and for Matters Connected Therewith Laws of 1980 to 1989;
- 11 of 1986.*
- (f) The International Convention on Tonnage Measurement of Ships, 1969 (ITC 69), hereafter referred to as “ITC Convention”, ratified by the International Convention on Tonnage Measurement of Ships, 1969 (Ratification) and for Matters Connected Therewith Law of 1986;
- 13(III) of 1995.*
- (g) Convention No. 147 of the International Labour Organization in Merchant Ships (Minimum Standards) of 1976, hereafter referred to as “ILO Convention”, ratified by the Convention Concerning Minimum Standards in Merchant Ships of 1976 (Ratification) and for Matters Connected Therewith Law of 1995;
- 63 of 1989
185 of 1991
14(III) of 1997.*
- (h) International Convention on Civil Liability for Oil Pollution Damage of 1992 (CLC 92), hereafter referred to as “CLC Convention”, ratified by the International Convention on Civil Liability for Oil Pollution Damage of 1969 and its Protocols of 1976 and 1992 (Ratification) and for Matters Connected Therewith Laws of 1989 to 1997.

(2) The amendments to the international instruments referred to in subparagraph (1) do not include the amendments which are excluded from the scope of application of Directive 95/21/EC, exclusion which is effected under Article 5 of the Community act titled “Regulation (EC) no. 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships, (OJ L 324 of 29.11.2002, p.1) as this act is amended from time to time. The text of the abovementioned international instruments which under subparagraph (1) is deposited with the Department of Merchant Shipping and to which the public has access, is accompanied by copies of the relevant Community acts by virtue of which the abovementioned exclusion is being performed.

Paragraph

4. Guidelines which, under the second sentence of section 3(2) of the Law,

*regarding
section 3
of the Law.*

are prescribed, from time to time, by a notification and by which each surveyor shall be guided in implementing the said section, are those provided in Annex 1 to the Memorandum of Understanding (MOU).

*Paragraph
regarding
section 4
of the Law.
First Schedule.*

5. —(1) Ships for which section 4(2)(b)(i) of the Law provides that they are listed from time to time in a notification, are those referred to in Part A of the First Schedule.

(2) Ships for which section 4(2)(b)(ii) of the Law provides that they are listed in another part of the same notification or in another notification, are those referred to in Part B of the First Schedule.

*Paragraph
regarding
section 5
of the Law.
Second Schedule.*

6. —(1) The certificates and documents which are referred to in section 5(1)(a) and (2) of the Law as being prescribed from time to time by a notification, are those referred to in the Second Schedule.

(2) The relevant procedures and guidelines which are referred to in section 5(4) of the Law as being prescribed from time to time by a notification, are those referred to in the Third Schedule.

Third Schedule.

*Paragraph
regarding
section 6
of the Law.
Fourth
Schedule.*

7. —(1) The category of ships referred to in section 6(1) of the Law as being prescribed from time to time by a notification, is any category of ships referred to in Part A of the Fourth Schedule.

(2) The information referred to in section 6(3)(a) of the Law as being prescribed from time to time by a notification, is the information referred to in Part B of the Fourth Schedule.

(3) The procedures mentioned in section 6(5) of the Law as being prescribed from time to time by a notification, are those referred to in Part C of the Fourth Schedule.

*Paragraph
regarding
section 6B
of the Law.
Fifth
Schedule.*

8. —(1) The category of ships referred to in section 6B(1) of the Law as being prescribed from time to time by a notification, is any category of ships referred to in Part A of the Fifth Schedule.

(2) The procedures referred to in section 6B(3) of the Law to be laid down from time to time by a notification, are those referred to in Part B of the Fifth Schedule.

Paragraph regarding section 7 of the Law. Sixth Schedule.

9. Examples of “clear grounds” referred to in section 7 of the Law as being prescribed from time to time by a notification, are those referred to in the Sixth Schedule.

Paragraph regarding section 8 of the Law. Seventh Schedule.

10. Matters referred to in section 8 of the Law to be laid down from time to time by a notification with regard to the drawing up of an inspection report, are those items referred to in the Seventh Schedule.

Paragraph regarding section 9 of the Law. Eighth Schedule.

11. —(1) The criteria referred to in section 9(3) of the Law to be prescribed from time to time by notification, are the criteria listed in the Eighth Schedule.

(2) The reference in section 9(3) of the Law with regard to the laying down from time to time by a notification, of requirements for the compulsory use of a functioning voyage data recorder system, are the requirements referred to in the Ninth Schedule.

Ninth Schedule.

Paragraph regarding section 11 of the Law.

12. The format of the communication of information referred to in section 11(3) of the Law as being prescribed from time to time by a notification, is the one that derives from the provisions of Annex 2 to the Memorandum of Understanding (MOU).

Paragraph Regarding section 12 of the Law. Tenth Schedule.

13. The qualification criteria of the surveyors, referred to in section 12 (1) of the Law as being specified from time to time by a notification, are the qualification criteria referred to in the Tenth Schedule.

Paragraph regarding section 14 of the Law. Eleventh Schedule.

14. —(1) The information mentioned in section 14(1) of the Law as being prescribed from time to time by a notification, is the information referred to in Part A of the Eleventh Schedule.

(2) The information mentioned in section 14(2) of the Law as being prescribed, from time to time, by a notification, is the information referred to in Parts A and B of the Eleventh Schedule.

Paragraph regarding section 18 of the Law. Eighth Schedule.

15. Matters that under section 18(2A) of the Law are prescribed from time to time by a notification, are those referred to in the Eighth Schedule.

Paragraph

16. The information that according to section 19(2)(c) of the Law is

*regarding
section 19
of the Law.*

prescribed from time to time by a notification, is the information referred to in Annex 4 to the Memorandum of Understanding (MOU).

*Paragraph
regarding
section 20
of the Law.
Twelfth
Schedule.*

17. The information and the intervals of its submission that under section 20 of the Law are prescribed from time to time by a notification, is the information and the intervals of its submission referred in the Twelfth Schedule.

FIRST SCHEDULE

(Paragraph 5 and Sixth Schedule)

SHIPS TO BE CONSIDERED FOR PRIORITY INSPECTION

(as provided in section 4 of the Law)

Part A— Overriding factors

Regardless of the value of the target factor, the following ships shall be considered as an overriding priority for inspection.

1. Ships which have been reported by pilots or port authorities as having deficiencies which may prejudice their safe navigation pursuant to “Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208 of 5.8.2002, p10) as amended or replaced from time to time and in accordance with section 13 of the Law.
2. Ships which have failed to comply with the obligations laid down in the Community Act mentioned in paragraph 1 of this Part.
3. Ships which have been the subject of a report or notification by another Member State.
4. Ships which have been the subject of a report or complaint by the master, a crew member, or any person or organization with a legitimate interest in the safe operation of the ship, shipboard living and working conditions or the prevention of pollution, unless the Member State concerned deems the report or complaint to be manifestly unfounded; the identity of the person lodging the report or complaint must not be revealed to the master or the shipowner of the ship concerned.
5. Ships which have been:
 - (a) involved in a collision, grounding or stranding on their way to the port,
 - (b) accused of an alleged violation of the provisions on discharge of harmful substances or effluents,
 - (c) manoeuvred in an erratic or unsafe manner whereby routing measures, adopted by the IMO, or safe navigation practices and procedures have not

been followed, or

(d) otherwise operated in such a manner as to pose a danger to persons, property or the environment.

6. Ships which have been suspended from their class for safety reasons in the course of the preceding six months.

Part B. Overall targeting factor

The following ships shall be considered as priority for inspection:

1. Ships visiting a port of the Republic for the first time or after an absence of 12 months or more. In applying these criteria the surveyors shall also take into account those inspections which have been carried out by members of the MOU. In the absence of appropriate data for this purpose, the surveyors shall rely upon the available Sirenac data and inspect those ships which have not been registered in the Sirenac following the entry into force of that database on 1 January 1993.
2. Ships not inspected by any Member State within the previous six months.
3. Ships whose statutory certificates on the ship's construction and equipment, issued in accordance with the conventions, and the classification certificates, have been issued by organisations which are not recognised under the terms of the Community act titled "Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations" (OJ L 319 of 12.12.1994, p.20) as last amended by Directive 2002/84 of the European Parliament and of the Council of 5 November 2002 (OJ L 324, 29.11.2002, p. 53) and as amended or replaced from time to time.
4. Ships flying the flag of a State appearing in the black list as published in the annual report of the MOU.
5. Ships which have been permitted to leave the port of a

Member State on certain conditions, such as:

- (a) deficiencies to be rectified before departure;
- (b) deficiencies to be rectified at the next port of call;
- (c) deficiencies to be rectified within 14 days;
- (d) deficiencies for which other conditions have been specified.

If ship-related action has been taken and all deficiencies have been rectified, this is taken into account.

- 6. Ships for which deficiencies have been recorded during a previous inspection, according to the number of deficiencies.
- 7. Ships which have been detained in a previous port.
- 8. Ships flying the flag of a country which has not ratified all relevant international conventions referred to in paragraph 3(1) of this Notification.
- 9. Ships classed with classification society with deficiency ratio above average.
- 10. Ships of the categories referred to in Part A of the Fourth Schedule.
- 11. Ships above 13 years old.

Fourth Schedule.

In determining the order of priority for the inspection of the ships listed above, the surveyors shall take into account the overall target factor displayed on the Sirenac information system, according to Annex I, Section I, of the MOU. A higher target factor is indicative of a higher priority. The overall target factor is the sum of the applicable target factor values as defined within the framework of the MOU. Points 5, 6 and 7 of this Part shall only apply to inspections carried out in the last 12 months. The overall target factor shall not be less than the sum of the values established for points 3, 4, 8, 9, 10 and 11 of this Part.

However, for the purpose of section 6(4) of the Law, the overall target factor shall not take into account point 10 of this Part.

SECOND SCHEDULE

(Paragraph 6(1))

LIST OF CERTIFICATES AND DOCUMENTS

(referred to in section 5 (1) and (2) of the Law)

1. International Tonnage Certificate (1969).
2. (a) Passenger Ship Safety Certificate.
 - (b) Cargo Ship Safety Construction Certificate.
 - (c) Cargo Ship Safety Equipment Certificate.
 - (d) Cargo Ship Safety Radiotelegraphy Certificate.
 - (e) Cargo Ship Safety Radiotelephony Certificate.
 - (f) Cargo Ship Safety Radio Certificate.
 - (g) Exemption Certificate, including where appropriate, the list of cargoes.
 - (h) Cargo Ship Safety Certificate.
3. International Certificate of Fitness for Carriage of Liquefied Gases in Bulk;
 - Certificate of Fitness for the Carriage of Liquefied Gases in Bulk.
4. International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
 - Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk.
5. International Oil Pollution Prevention Certificate.
6. International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk.
7. International Load Line Certificate (1966);

- International Load Line Exemption Certificate.
- 8. Oil record book, parts I and II.
- 9. Cargo record book.
- 10. Minimum Safe Manning Document .
- 10a. Certificates issued pursuant to STCW Convention.
- 11. Medical certificates, (see ILO Convention No 73 concerning Medical Examination of Seafarers).
- 12. Stability information.
- 13. Copy of the Document of Compliance and the Safety Management Certificate issued, in accordance with the International Management Code for the Safe Operation of Ships and for Pollution Prevention (SOLAS, Chapter IX).
- 14. Certificates as to the ship's hull strength and machinery installations issued by the classification society in question (only to be required if the ship maintains its class with a classification society).
- 15. Document of compliance with the special requirements for ships carrying dangerous goods.
- 16. High speed craft safety certificate and permit to operate high speed craft.
- 17. Dangerous goods special list or manifest, or detailed stowage plan.
- 18. Ship's log book with respect to the records of tests and drills and the log for records of inspection and maintenance of lifesaving appliances and arrangements.
- 19. Special purpose ship safety certificate.
- 20. Mobile offshore drilling unit safety certificate.
- 21. For oil tankers, the record of oil discharge monitoring and control system for the last ballast voyage.

22. The muster list, fire control plan, and for passenger ships, a damage control plan.
23. Shipboard oil pollution emergency plan.
24. Survey report files (in case of bulk carriers and oil tankers).
25. Reports of previous port State control inspections.
26. For ro-ro passenger ships, information on the A/A-maximum ratio.
27. Document of authorization for the carriage of grain.
28. Cargo securing manual.
29. Garbage management plan and garbage record book.
30. Decision support system for masters of passenger ships.
31. SAR cooperation plan for passenger ships trading on fixed routes.
32. List of operational limitations for passenger ships.
33. Bulk carrier booklet.
34. Loading and unloading plan for bulk carriers.
35. Certificate of insurance or any other financial security in respect of civil liability for oil pollution damage (CLC Convention).

THIRD SCHEDULE

(Paragraph 6 (2))

PROCEDURES FOR THE CONTROL OF SHIPS

(as referred to in section 5(4) of the Law)

1. Principles of safe manning (IMO Resolution A.481(XII)) and Annexes which are contents of Minimum Safe Manning Document (Annex 1) and Guidelines for the Application of Principles of Safe Manning (Annex 2).
2. The provisions of the International Maritime Dangerous Goods Code.
3. International Labour Organisation (ILO) publication "Inspection of Labour Conditions on Board Ship: Guidelines for procedures".
4. Annex I, "Port State Control Procedures" to the Paris MOU.

FOURTH SCHEDULE

(Paragraph 7 and First Schedule and Fifth Schedule)

EXPANDED INSPECTION

Part A — Categories of ships subject to expanded inspection (pursuant to section 6(1) of the Law)

1. Gas and chemical tankers older than 10 years of age, as determined on the basis of the date of construction indicated in the ship's safety certificates.
2. Bulk carriers older than 12 years of age, as determined on the basis of the date of construction indicated in the ship's safety certificates.
3. Oil tankers with a gross tonnage of more than 3000 gross tonnes and older than 15 years of age, as determined on the basis of the date of construction indicated in the ship's safety certificates.
4. Passenger ships older than 15 years of age other than the passenger ships referred to in section 2 of the Merchant Shipping (Mandatory Surveys for the Safe Operation of Regular Ro-Ro Ferry and High Speed Passenger Craft Services) Law of 2002.

59(I) of 2002.

Part B. Information to be notified to the Competent Authority (pursuant to section 6(3)(a) of the Law)

1. Name.
2. Flag.
3. IMO identification number, if any.
4. Dead-weight tonnage.
5. Date of construction of the ship, as determined on the basis of the date indicated in the ship's safety

certificates.

6. For tankers:

(a) configuration: single hull, single hull with SBT, double hull ;

(b) condition of the cargo and ballast tanks: full, empty, inerted;

(c) volume and nature of the cargo.

7. Probable time of arrival at the port of destination or pilot station, as required by the competent authority.

8. Planned duration of the call.

9. Planned operations at the port of destination (loading, unloading, other).

10. planned statutory survey inspections and substantial maintenance and repair work to be carried out whilst in the port of destination.

Part C — Procedures relating to expanded inspection of certain categories of ships (pursuant to section 6(5) of the Law)

Subject to their practical feasibility or any constraints relating to the safety of persons, the ship or the port, the following items at least must be part of an expanded inspection. Inspectors must be aware that it may jeopardise the safe execution of certain on-board operations, e.g. cargo handling, if tests having a direct effect thereon are required to be carried out during such operations.

1. SHIPS IN GENERAL (all categories referred to in Part A)

(a) Black-out and start of emergency generator;

(b) Inspection of emergency lighting;

(c) Operation of emergency fire-pump with two fire hoses connected to the fire main-line;

(d) Operation of bilge pumps;

- (e) Closing of watertight doors;
- (f) Lowering of one lifeboat to the water;
- (g) Test of remote emergency stop for, e.g., boilers, ventilation and fuel pumps;
- (h) Testing of steering gear including auxiliary steering gear;
- (i) Inspection of emergency source of power to radio installations;
- (j) Inspection and, to the extent possible, test of engine room separator.

2. GAS AND CHEMICAL TANKERS

In addition to the items listed in item 1 of the present Part, the following items are to be considered as part of the expanded inspection for gas and chemical tankers:

- (a) Cargo tank monitoring and safety devices relating to temperature, pressure and ullage;
- (b) Oxygen analysing and explosimeter devices, including their calibration. Availability of chemical detection equipment (bellows) with an appropriate number of suitable gas detection tubes for the specific cargo being carried;
- (c) Cabin escape sets giving suitable respiratory and eye protection for every person on board (if required by the products listed on the International Certificate of Fitness or Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk or Liquefied Gases in Bulk, as applicable);
- (d) Check that the product being carried is listed in the International Certificate of Fitness or Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk or Liquefied Gases in Bulk, as applicable;
- (e) The fixed fire-fighting installations on deck, whether they be foam or dry chemical or other as required by the product carried.

3. BULK CARRIERS

In addition to the items listed under point 1 of the present Part , the following items are to be considered as part of the expanded inspection for bulk carriers:

- (a) Possible corrosion of deck machinery mountings;
- (b) Possible deformation and/or corrosion of hatch covers;
- (c) Possible cracks or local corrosion in transverse bulkheads;
- (d) Access to cargo holds;
- (e) Verification that the following documents are on board, review them and confirm that the flag State or classification society has endorsed them:
 - (i) reports of structural surveys,
 - (ii) condition evaluation reports,
 - (iii) thickness measurement reports,
 - (iv) descriptive document referred to by IMO Resolution A.744(18).

4. OIL TANKERS

In addition to the items listed under point 1 of the present Part, the following items are to be considered as part of an expanded inspection of oil tankers:

- (a) Fixed deck foam system;
- (b) Fire-fighting equipment in general;
- (c) Inspection of fire dampers in engine room, pump room and accommodation;
- (d) Control of pressure of inert gas and oxygen content thereof;
- (e) Ballast tanks: at least one of the ballast tanks within the cargo area to be examined from tank manhole/deck access in first instance and entered if surveyor establishes clear ground

for further inspection;

(f) Verification that the following documents are on board, review them and confirm that the flag State or classification society has endorsed them:

(i) reports of structural surveys,

(ii) condition evaluation reports,

(iii) thickness measurement reports,

(iv) descriptive document referred to by IMO Resolution A.744(18).

5. PASSENGER SHIPS NOT COVERED BY THE MERCHANT SHIPPING (MANDATORY SURVEYS FOR THE SAFE OPERATION OF REGULAR RO-RO FERRY AND HIGH SPEED PASSENGER CRAFT LAW OF 2002:

In addition to the items listed under point 1 of the present Part, the following items may also be considered as part of the expanded inspection for passenger ships:

(a) Testing of fire detection and alarm system;

(b) Testing of proper closing of fire doors;

(c) Test of public address system;

(d) Fire drill where, as a minimum, all sets of firemen's outfits must be demonstrated and part of the catering crew take part;

(e) Demonstration that key crew members are acquainted with the damage control plan.

If deemed appropriate, the inspection may be continued while the ship is on passage to or from a port in the Republic, with the consent of the ship's master or the operator. Surveyors must not obstruct the operation of the ship, nor must they induce situations that, in the master's judgement, could endanger the safety of the passengers, the crew and the ship.

FIFTH SCHEDULE

(Paragraph 8)

REFUSAL OF ACCESS TO PORTS

OF THE REPUBLIC

(as referred to in section 6B of the Law)

Part A — Categories of ships subject to refusal of access to ports of the Republic

1. Gas and chemical tankers.
2. Bulk carriers.
3. Oil tankers.
4. Passenger ships.

Part B — Procedures relating to refusal of access to ports of the Republic

1. If the conditions described in section 6B of the Law are met, the Competent Authority, in case a ship is detained for the second or third time at a port of the Republic, as appropriate, must inform the master and the shipowner or the operator of the ship in writing of the access refusal order (notice) served on the ship.

The Competent Authority must also inform the flag State administration, the classification society concerned, the other Member States, the Commission of the European Communities, the Centre administratif des affaires maritimes and the MOU Secretariat.

The access refusal order (notice) will take effect as soon as the ship has been authorised to leave the port of the Republic after the deficiencies leading to the detention have been remedied.

2. In order to have the access refusal order(notice) lifted, the shipowner or the operator must address a formal request to the Competent Authority. This request must be accompanied by a certificate from the flag State administration showing that the ship

fully conforms to the applicable provisions of the international conventions. The request for the lifting of the access refusal order (notice) must also be accompanied, where appropriate, by a certificate from the classification society which has the ship in class showing that the ship conforms to the class standards stipulated by that society.

3. The access refusal order (notice) may only be lifted following a re-inspection of the ship at an agreed port by surveyors of the Competent Authority and if satisfactory evidence is provided that the ship fully complies with the applicable requirements of the International Conventions.

If the agreed port is located within the Community, the competent authority of the Member State of the port of destination may, with the agreement of the Competent Authority that imposed the access refusal order (notice) to a port of the Republic, authorise the ship to proceed to the port of destination in question, for the sole purpose of verifying that the ship meets the conditions specified in point 2.

The re-inspection shall consist of an expanded inspection that must cover at least the relevant items of Part C of the Fourth Schedule.

Fourth Schedule .

All costs of this expanded inspection will be borne by the shipowner or the operator of the ship.

4. If the results of the expanded inspection satisfy the Competent Authority in accordance with point 2 of the present Part, the access refusal order (notice) to a port of the Republic must be lifted. The shipowner or the operator of the ship must be informed thereof in writing.

The Competent Authority must also notify its decision in writing to the flag State administration, the classification society concerned, the other Member States, the Commission of the European Communities, the Centre administratif des affaires maritimes and the MOU Secretariat.

5. Information relating to ships that have been refused access to a port of the Republic must be made available in the Sirenac system and published in

*Eleventh
Schedule.*

conformity with the provisions of section 14(2) of the Law and the Eleventh Schedule of this Notification.

SIXTH SCHEDULE

(Paragraph 9)

EXAMPLES OF "CLEAR GROUNDS" FOR A MORE DETAILED INSPECTION

(as referred to in section 7 of the Law)

First Schedule.

1. Ships identified in Part A or points 3, 4, 5(b), 5(c) and 8 of Part B of the First Schedule.
2. The oil record book has not been properly kept.
3. During examination of the certificates and other documentation, (see section 5(1)(a) and (2) of the Law), inaccuracies have been revealed.
4. Indications that the crew members are unable to comply with the requirements of Article 17 of the Community act titled Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers (OJ L 136 of 18.5.2001, p. 17), as amended or replaced from time to time.
5. Evidence of cargo and other operations not being conducted safely, or in accordance with IMO guidelines, e.g. the content of oxygen in the inert-gas main supply to the cargo tanks is above the prescribed maximum level.
6. Failure of the master on an oil tanker to produce the record of the oil discharge monitoring and control system for the last ballast voyage.
7. Absence of an up-to-date muster list, or crew members not aware of their duties in the event of fire or an order to abandon the ship.
8. The emission of false distress alerts not followed by proper cancellation procedures.
9. The absence of principal equipment or arrangements required by the conventions.

10. Excessively unsanitary conditions on board the ship.

11. Evidence from the surveyor' s general impression and observations that serious hull or structural deterioration or deficiencies exist that may place at risk the structural, watertight or weathertight integrity of the ship.

12. Information or evidence that the master or crew is not familiar with essential shipboard operations relating to the safety of ships or the prevention of pollution, or that such operations have not been carried out.

SEVENTH SCHEDULE

(Paragraph 10)

INSPECTION REPORT

(pursuant to section 8 of the Law)

The inspection report must contain at least the following items.

I. General :

1. Competent authority that wrote the report.
2. Date and place of inspection.
3. Name of the ship inspected.
4. Flag.
5. Type of ship.
6. IMO number.
7. Call sign.
8. Tonnage (gt).
9. Deadweight tonnage (where relevant).

10. Year of construction as determined on the basis of the date indicated in the ship's safety certificates.
11. The classification society or classification societies, where relevant, which has/have issued to this ship the class certificates, if any.
12. The classification society or classification societies and/or any other party which has/have issued to this ship certificates in accordance with the applicable conventions on behalf of the flag State.

13. Name and address of the shipowner or the operator of the ship.
14. Name and address of the charterer responsible for the selection of the vessel and type of charter in the case of ships carrying liquid or solid cargoes in bulk.
15. Final date of writing the inspection report.
16. Indication that detailed information on an inspection or a detention may be subject to publication.

II. Information relating to inspection :

1. Certificates issued in application of the relevant international conventions, authority or organisation that issued the certificate(s) in question, including the date of issue and expiry.
2. Parts or elements of the ship that were inspected (in the case of more detailed or expanded inspection).
3. Type of inspection (inspection, more detailed inspection, expanded inspection).
4. Nature of the deficiencies.
5. Measures taken.

III. Additional information in the event of prohibition of sailing (detention) :

1. Date of detention order (notice).
2. Date of lifting the detention order (notice).
3. Nature of the deficiencies warranting the detention order (notice) (references to conventions, if relevant).
4. Information on the last intermediate or annual survey.
5. Indication, where relevant, of whether the classification society or any other private body that carried out the survey has a responsibility in relation to the deficiencies which, alone or in combination, led to detention.
6. Measures taken.

EIGHTH SCHEDULE

(Paragraphs 11(1) and 15)

CRITERIA FOR DETENTION OF A SHIP

(as referred to in section 9 (3) of the Law)

Introduction

Before determining whether deficiencies found during an inspection warrant the prohibition of sailing (detention) of the ship involved, the surveyor must apply the criteria mentioned below in points 1 and 2.

Point 3 below includes examples of deficiencies that may for themselves warrant detention of the ship involved (see section 9 (3) of the Law).

Where the ground for detention is the result of accidental damage suffered on the ship's voyage to a port, no detention order (notice) shall be issued, provided that:

- (a) due account has been given to the requirements contained in Regulation I/11(c) of SOLAS 74 regarding notification to the flag State administration, the nominated surveyor or the recognised organisation responsible for issuing the relevant certificate;
- (b) prior to entering a port, the master, the shipowner or the operator of the ship has submitted to the Competent Authority details on the circumstances of the accident and the damage suffered and information about the required notification of the flag State administration;
- (c) appropriate remedial action, to the satisfaction of the Competent Authority, is being taken by the ship; and
- (d) the Competent 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 rectified.'

1. Main criteria

When exercising his professional judgement as to whether or not a ship should be detained the surveyor must apply the following criteria:

Timing:

Ships which are unsafe to proceed to sea must be detained upon the first inspection irrespective of how much time the ship will stay in port.

Criterion:

The ship is detained if its deficiencies are sufficiently serious to merit a surveyor returning to satisfy himself that they have been rectified before the ship sails.

The need for the surveyor to return to the ship is a measure of the seriousness of the deficiencies. However, it does not impose such an obligation for every case. It implies that the Competent Authority must verify one way or another, preferably by a further visit, that the deficiencies have been rectified before departure.

2. Application of main criteria

When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention the surveyor must assess whether:

- (a) the ship has relevant, valid documentation;
- (b) the ship has the crew required in the Minimum Safe Manning Document.

During inspection the surveyor must further assess whether the ship and/or crew is able to:

- (c) navigate safely throughout the forthcoming voyage;

- (d) safely handle, carry and monitor the condition of the cargo throughout the forthcoming voyage;
- (e) operate the engine room safely throughout the forthcoming voyage;
- (f) maintain proper propulsion and steering throughout the forthcoming voyage;
- (g) fight fires effectively in any part of the ship if necessary during the forthcoming voyage;
- (h) abandon ship speedily and safely and effect rescue if necessary during the forthcoming voyage;
- (i) prevent pollution of the environment throughout the forthcoming voyage;
- (j) maintain adequate stability throughout the forthcoming voyage;
- (k) maintain adequate watertight integrity throughout the forthcoming voyage;
- (l) communicate in distress situations if necessary during the forthcoming voyage;
- (m) provide safe and healthy conditions on board throughout the forthcoming voyage.
- (n) provide the maximum of information in case of accident.

If the answer to any of these assessments is negative, taking into account all deficiencies found, the ship must be strongly considered for detention. A combination of deficiencies of a less serious nature may also warrant the detention of the ship.

3. Examples where a detention is justified and related matters

To assist the surveyor in the use of these guidelines, there follows a list of deficiencies, grouped under relevant conventions and/or codes, which are considered of such a serious nature that they may warrant the detention of the ship involved. This list is

not intended to be exhaustive.

However, the detainable deficiencies in the area of STCW 78 listed under point 3.8 below are the only grounds for detention under this Convention.

3.1. *General* :

The lack of valid certificates as required by the relevant instruments. However, ships flying the flag of States not party to a convention (relevant instrument) or not having implemented another relevant instrument, are not entitled to carry the certificates provided for by the convention or other relevant instrument. Therefore, absence of the required certificates should not by itself constitute reason to detain these ships; however, in applying the 'no more favourable treatment' clause, substantial compliance with the provisions is required before the ship sails.

3.2. *Areas under the SOLAS Convention* (References are given in brackets) :

1. Failure of the proper operation of propulsion and other essential machinery, as well as electrical installations.
2. Insufficient cleanliness of engine room, excess amount of oily-water mixtures in bilges, insulation of piping including exhaust pipes in engine room contaminated by oil, improper operation of bilge pumping arrangements.
3. Failure of the proper operation of emergency generator, lighting, batteries and switches.
4. Failure of the proper operation of the main and auxiliary steering gear.
5. Absence, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft and launching arrangements.
6. Absence, non-compliance or substantial deterioration of fire detection system, fire alarms, firefighting equipment, fixed fire-extinguishing

installation, ventilation valves, fire dampers, quick-closing devices to the extent that they cannot comply with their intended use.

7. Absence, substantial deterioration or failure of proper operation of the cargo deck area fire protection on tankers.

8. Absence, non-compliance or serious deterioration of lights, shapes or sound signals.

9. Absence or failure of the proper operation of the radio equipment for distress and safety communication.

10. Absence or failure of the proper operation of navigation equipment, taking the provisions of SOLAS Regulation V/12(o) into account.

11. Absence of corrected navigational charts, and/or all other relevant nautical publications necessary for the intended voyage, taking into account that electronic charts may be used as a substitute for the charts.

12. Absence of non-sparking exhaust ventilation for cargo pump rooms (SOLAS Regulation II-2/59.3.1).

13. Serious deficiency in the operational requirements, as described in Section 5.5 of Annex I to the MOU.

14. Number, composition or certification of crew not corresponding with the safe manning document.

15. Failure to carry out the enhanced survey programme in accordance with SOLAS 74, Chapter XI, Regulation 2.

16. Absence or failure of a VDR, when its use is compulsory.

3.3. *Areas under the IBC Code* (References are given in brackets) :

1. Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information (16.2).

2. Missing or damaged high-pressure safety devices

(8.2.3).

3. Electrical installations not intrinsically safe or not corresponding to code requirements (10.2.3).

4. Sources of ignition in hazardous locations referred to in 10.2 (11.3.15).

5. Contraventions of special requirements (15).

6. Exceeding of maximum allowable cargo quantity per tank (16.1).

7. Insufficient heat protection for sensitive products (16.6).

3.4. *Areas under the IGC Code* (References are given in brackets):

1. Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information (18.1).

2. Missing closing devices for accommodations or service spaces (3.2.6).

3. Bulkhead not gastight (3.3.2).

4. Defective air locks (3.6).

5. Missing or defective quick-closing valves (5.6).

6. Missing or defective safety valves (8.2).

7. Electrical installations not intrinsically safe or not corresponding to Code requirements (10.2.4).

8. Ventilators in cargo area not operable (12.1).

9. Pressure alarms for cargo tanks not operable (13.4.1).

10. Gas detection plant and/or toxic gas detection plant defective (13.6).

11. Transport of substances to be inhibited without valid inhibitor certificate (17/19).

3.5. *Areas under the LL Convention :*

1. Significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull affecting seaworthiness or strength to take local loads, unless proper temporary repairs for a voyage to a port for permanent repairs have been carried out.
2. A recognized case of insufficient stability.
3. The absence of sufficient and reliable information, in an approved form, which by rapid and simple means, enables the master to arrange for the loading and ballasting of his ship in such a way that a safe margin of stability is maintained at all stages and at varying conditions of the voyage, and that the creation of any unacceptable stresses in the ship's structure are avoided.
4. Absence, substantial deterioration or defective closing devices, hatch closing arrangements and watertight doors.
5. Overloading.
6. Absence of draft mark or draft mark impossible to read.

3.6. *Areas under the MARPOL Convention, Annex I*
(References are given in brackets) :

1. Absence, serious deterioration or failure of proper operation of the oily-water filtering equipment, the oil discharge monitoring and control system or the 15 ppm alarm arrangements.
2. Remaining capacity of slop and/or sludge tank insufficient for the intended voyage.
3. Oil Record Book not available (20 (5)).
4. Unauthorized discharge bypass fitted.

3.7. *Areas under the MARPOL Convention, Annex II*
(References are given in brackets) :

1. Absence of the P & A Manual.
2. Cargo is not categorized (3 (4)).

3. No cargo record book available (9 (6)).

4. Transport of oil-like substances without satisfying the requirements or without appropriately amended certificate (14).

5. Unauthorized discharge bypass fitted.

3.8. Areas under the STCW Convention :

1. Failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the flag State administration.

2. Failure to comply with the applicable safe manning requirements of the flag State administration.

3. Failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the flag State administration.

4. Absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution.

5. Failure to provide proof of professional proficiency for the duties assigned to seafarers for the safety of the ship and the prevention of pollution.

6. Inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty.

3.9. Areas under the ILO Conventions:

1. Insufficient food for voyage to next port.

2. Insufficient potable water for voyage to next port.

3. Excessively unsanitary conditions on board.

4. No heating in accommodation of a ship operating in areas where temperatures may be excessively low.

5. Excessive garbage, blockage by equipment or cargo or otherwise unsafe conditions in passageways/ accommodations.

3.10. *Areas which may not warrant a detention, but where e.g. cargo operations have to be suspended :*

Failure of the proper operation (or maintenance) of inert gas system, cargo-related gear or machinery are considered sufficient grounds for stopping cargo operation.

NINTH SCHEDULE

(Paragraph 11(2))

INTERNATIONAL AND COMMUNITY REQUIREMENTS CONCERNING VOYAGE DATA RECORDER SYSTEMS

(as referred to in section 9(3) of the Law)

1. Ships in the following classes must, inasmuch as they call at a port of the Republic on and after the date of entry into force of the Law, be fitted with a voyage data recorder system meeting the performance standards of IMO Resolution A.861(20) and the testing standards set by Standard No 61996 of the International Electronics Commission (IEC), which Resolution and Standard are deposited with the Department of Merchant Shipping of the Ministry of Communications and Works and to which the public has access:
 - (a) passenger ships built on or after 1 July 2002,
 - (b) ro-ro passenger ships built before 1 July 2002,
 - (c) passenger ships other than ro-ro passenger ships, built before 1 July 2002,
 - (d) ships other than passenger ships, of 3 000 gross tonnage and upwards, built on or after 1 July 2002.
2. Ships in the following classes and built before 1 July 2002 must, inasmuch as they call at a port of the Republic on the dates defined below in each case, be fitted with a voyage data recorder system meeting the relevant IMO standards:
 - (a) cargo ships of 20 000 gross tonnage and upwards,

on and after the date fixed by the IMO or, in the absence of a decision in IMO, on or after 1 January 2007,

(b) cargo ships of 3 000 gross tonnage and upwards but less than 20 000 gross tonnage, on and after the date fixed by the IMO or, in the absence of a decision in IMO, on or after 1 January 2008.

TENTH SCHEDULE

(Paragraph 13)

MINIMUM CRITERIA FOR SURVEYORS

(as referred to in section 12 (1) of the Law)

1. The surveyor must be authorized to carry out port State control by the Competent Authority.
2. Either:
 - The surveyor must have completed a minimum of one year's service as a flag-State surveyor dealing with surveys and certification in accordance with the conventions,
 - and be in possession of:
 - (a) a certificate of competency as master, enabling that person to take command of a ship of 1 600 GT or more (see STCW, Regulation II/2); or
 - (b) a certificate of competency as chief engineer enabling him to take up that task on board a ship whose main power plant has a power equal or superior to 3 000 KW, (see STCW, Regulation III/2); or
 - (c) have passed an examination as a naval architect, mechanical engineer or an engineer related to the maritime fields and worked in that capacity for at least five years,
 - The surveyors mentioned under (a) and (b) must

have served for a period of not less than five years at sea as officer in the deck- or engine-department respectively.

Or:

The surveyor must:

(a) hold a relevant university degree or an equivalent training, and

(b) have been trained and qualified at a school for ship safety surveyors (inspectors), and

(c) have served at least two years as a flag-State surveyor dealing with surveys and certification in accordance with the conventions.

3. Ability to communicate orally and in writing with seafarers in the language most commonly spoken at sea.

4. Appropriate knowledge of the provisions of the international conventions and of the relevant procedures on port-State control.

5. Surveyors not fulfilling the above criteria are also accepted if they are employed by the Competent Authority for conducting port State control on 19 June 1995.

ELEVENTH SCHEDULE

(Paragraph 14 and Fifth Schedule)

PUBLICATION OF INFORMATION RELATED TO DETENTIONS, ACCESS REFUSAL MEASURES AND INSPECTIONS IN PORTS OF THE REPUBLIC

(pursuant to section 14 of the Law)

Part A

I. Information published in accordance with section 14(1) and (2) of the Law must include the following:

- (a) name of the ship;
- (b) IMO number;
- (c) type of ship;
- (d) tonnage (gt);
- (e) year of construction as determined on the basis of the date indicated in the ship's safety certificates;
- (f) name and address of the shipowner or operator of the ship;
- (g) in the case of ships carrying liquid or solid cargoes in bulk, the name and address of the charterer responsible for the selection of the vessel and the type of charter;

- (h) flag State;
- (i) the classification society or classification societies, where relevant, which has/have issued to this ship the class certificates, if any;
- (j) the classification society or classification societies and/or any other party which has/have issued to this ship certificates in accordance with the applicable conventions on behalf of the flag State, stating the certificates delivered;
- (k) port and date of the last expanded inspection stating, where appropriate, whether a detention was ordered;
- (l) port and date of the last special survey and the name of the organisation which carried out the survey;
- (m) number of detentions during the 24 previous months;
- (n) country and port of detention;
- (o) date when the detention was lifted;
- (p) duration of detention, in days;
- (q) number of deficiencies found and the reasons for detention, in clear and explicit terms;
- (r) description of the measures taken by the Competent Authority and, where relevant, by the classification society as a follow-up to detention;
- (s) if the ship has been refused access to any port within the Republic, the reasons for such measure in clear and explicit terms;
- (t) indication, where relevant, of whether the classification society or any other private body that carried out the survey has a responsibility in relation to the deficiencies which, alone or in combination, led to detention;
- (u) description of the measures taken in the case of a ship which has been allowed to proceed to the nearest appropriate repair yard, or which has been refused

access to a port of the Republic.

Part B

Information concerning ships inspected made public in accordance with section 14(2) of the Law must include the following:

- (a) name of the ship;
- (b) IMO number;
- (c) type of ship;
- (d) tonnage (gt);
- (e) year of construction;
- (f) name and address of shipowner or operator of the ship;
- (g) in the case of ships carrying liquid or solid cargoes in bulk, the name and address of the charterer responsible for the selection of the vessel and the type of charter;
- (h) flag State;
- (i) the classification society or classification societies, where relevant, which has/have issued to this ship the class certificates, if any;
- (j) the classification society or classification societies and/or any other party which has/have issued to this ship certificates in accordance with the applicable conventions on behalf of the flag State, stating the certificates delivered, the country, port and date of inspection;
- (l) number and nature of deficiencies.

TWELFTH SCHEDULE

(Paragraph 17)

DATA PROVIDED TO THE COMMISSION OF THE EUROPEAN COMMUNITIES

(pursuant to section 20 of the Law)

1. Every year the Competent Authority shall provide the Commission of the European Communities (herein after referred to as “the Commission”) with the following data for the preceding year by 1 April at the latest.

1.1. Number of surveyors acting on its behalf in the framework of port State control of shipping performed by the Republic .

This information shall be communicated to the Commission using the following model table:

| Port/area | Number of full- time surveyors | Number of part-time surveyors (*) | Conversion to full time |
|--|--------------------------------|-----------------------------------|-------------------------|
| Port X..... | | | |
| Port Y..... | | | |
| TOTAL | | | |
| (*) When the inspections carried out in the context of port State control represent only part of the surveyors’ work the total number of surveyors shall be converted to a number equivalent to full time surveyors. | | | |

This information shall be provided for each port of the Republic. For the purposes of this Schedule, a “port” is taken to mean an individual port and the geographical area covered by a surveyor or team of surveyors, comprising several individual ports where appropriate. The same surveyor may work in more than one port/geographical area.

1.2. Total number of individual ships that entered the ports of the Republic.

2. The Competent Authority must either —

(a) provide the Commission every six months with a list of movements of individual ships, other than regular ferry services, that entered the ports of the Republic, containing the IMO number of the ships and the date of arrival; or

(b) provide to Sirenac the IMO numbers and the date of arrival of the ships, other than regular ferry services, that daily entered the ports of the Republic.

The Competent Authority provides the Commission with the list of regular ferry services referred to in points (a) and (b), not later than the date of entry into force of the Law, and thereafter each time changes take place in such services.

**DMS version
October 2005**