

**Marine Bulletin No. 116**

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**To: Legal Representatives, Masters, Owners/Operators of Vanuatu Flagged Vessels and Recognized Organizations.**

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**Subject: Detention Prevention and Post Detention Program**

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## **1. DETENTION PREVENTION INSPECTION**

### **1.1PURPOSE**

The purpose of the Detention Prevention Inspection is to confirm and clear all the deficiencies found by the Port State Control ("PSC") officer or Flag State inspector, as well as uncover and rectify any other problems that might be revealed during further PSC or Flag State inspections. Additionally, the purpose of this inspection is to assist the Master / Operator / Crew Members in any technical concerns which arose during any previous PSC inspections, flag State inspections or external/internal audits.

### **2.1 APPLICATION**

The operator shall apply for a Detention Prevention Inspection, when its vessel

underwent PSC or FSI inspection(s):

1. resulting in 10 deficiencies without being detained (not Class, MLC, or ISM Related); or
2. as a result of 20 or more deficiencies (not Class-Related) within one year;
3. Resulting in 5 or more ISM or MLC related deficiencies (an additional ISM or MLC audit may be required); or
4. As part of the Detention Prevention Program that any vessel having a detention while under the Vanuatu flag must participate in until inspection performance is improved to the satisfaction of the Administration.

A Detention Prevention Inspection must be carried out within 30 days from the inspection that resulted in the vessel meeting one of the above criteria for entry into the Detention Prevention Program.

Vessels meeting the above requirements will be provided with a formal notice (letter) of entry into the Detention Prevention Program. Vessels entered into this program will be required to undergo two (2) safety inspections within each year at six (6) month intervals from the anniversary date. The initial Detention Prevention Inspection carried out within 30 days of the inspection that caused the vessel to be entered into the program is not considered one of these six-monthly inspections.

Vessels in the Detention Prevention Program shall remain in the program for a minimum of one year or until flag and port State performance is enhanced to the satisfaction of the Administration. The Detention Prevention Program shall in no way fulfill the requirements of the Annual Safety Inspection.

### 3.1 SCHEDULING OF INSPECTIONS

The owner/operator shall contact VMSL as soon as its vessel meets the above criteria in order to schedule an initial Detention Prevention Inspection.

The minimum information provided to the Safety Department should include:

1. vessel's name;
2. call sign;

3. IMO number;
4. proposed ports of call;
5. the estimated time of arrival (ETA) for each port; and
6. Agent information.

The Safety Department will appoint a Flag State Inspector to attend the vessel and coordinate all necessary details with the operator.

It is the responsibility of the Master to present their vessel for the scheduled inspection and cooperate with the Vanuatu Flag State Inspector accordingly.

#### 4.1 SCOPE

The scope of the inspection is to confirm and clear all the deficiencies already found by the PSC Officer or Flag State Inspector, as well as uncover and rectify any other problems that might be revealed during further PSC or Flag State Inspections.

In addition, the inspector may carry out an expanded inspection in areas found with deficiencies.

#### 5.1 PROCEDURES

Upon completion of an inspection that results in the vessel meeting the criteria for a Detention Prevention Inspection, the Safety Department should be notified as soon as possible.

The Safety Department will appoint an inspector to attend the vessel to ensure continued compliance with all relevant mandatory instruments and that no hazards to the safety of the crew, cargo, ship or environment exist. The Flag State Inspector and the Administration will liaise with all port State officials that may need knowledge of Detention Prevention Inspections that may be carried out in their State.

The Administration may consult with any concerned RO regarding any of the deficiencies noted by the Flag State Inspector in order to ensure continued compliance and improved performance. Detention Prevention Inspections are conducted at six (6) month intervals until inspection performance is improved and maintained to the satisfaction of the Administration.

#### 6.1 CERTIFICATION

Upon completion of the Detention Prevention Inspection, the flag State inspector shall endorse the Flag State Inspection, in order to confirm attendance of the ship; irrespective whether recommendations, remarks, etc. have been imposed during his visit.

If recommendations or remarks are imposed by the inspector and not closed out during the boarding, the operator may confirm satisfactory completion of the Inspection within the time agreed between the inspector, the Master, and the Safety Department.

## 6.1.2 SPECIAL CIRCUMSTANCES

In no cases shall a Detention Prevention Inspection be postponed except in the case where a vessel is undergoing repairs or in dry-dock. The Detention Prevention Inspection shall be required to be completed upon conclusion of the repairs and is ready to resume operations.

## 7. POST DETENTION INSPECTION

### 7.1 PURPOSE

The purpose of the Post Detention Inspection is to assist in the rectification of reported deficiencies. In the case of an ISM related detention, a review of the proposed action with respect to the Management System shall be completed. In the case of an MLC related detention, a review of the MLC Management System shall be conducted. An additional ISM or MLC audit may be required within three months of the detention which may be conducted by an approved RO or an authorized Flag State Inspector.

### 7.2 APPLICATION

Each vessel which was detained by a PSC Officer is obliged to undergo a Post Detention Inspection as soon as possible, before departure from the port of detention unless arrangements are made with the concerned Class Society, Recognized Organization, local PSC, and the Administration for the vessel to proceed to a dry-dock for repairs.

Vessels that are inspected by the Administration as part of any other inspection within the Flag State Inspection program that result in the identification of detainable deficiencies or other substantial risk to safety or environment are required to rectify the deficiencies prior to departure. Such vessels shall be issued a Prohibition to sail until verifiable evidence is provided to close any detainable deficiencies or other issues that inhibit the safe operation of the ship. Local PSC may be notified in an effort to prevent detention of the vessel by PSC.

### 7.3 NOTIFICATION AFTER A DETENTION OCCURS

The owner shall notify the Republic of Vanuatu Maritime Administration immediately regarding the detention of their vessel. In cases where the Administration is delayed in being informed of a detention and the vessel is released from the detention, the inspection shall be scheduled as soon as possible, but not later than the next port of call. In cases where the vessel is authorized to proceed to a port for repairs following a detention, an inspection may be scheduled following completion of the repairs before departure from the agreed upon yard.

## **7.4 SCHEDULING OF INSPECTIONS**

As soon as the Administration is informed of a detention of a Vanuatu flagged vessel, owners are notified as soon as possible that the vessel is to be inspected without delay.

The minimum information provided to the Department of Inspections should include:

1. vessel's name;
2. call sign;
3. IMO number;
4. port where the detention occurred;
5. a copy of the inspection report and detention notice; and
6. Agent information.

The VMSL Safety Department will appoint a Flag State Inspector to attend the vessel and coordinate all necessary details with the operator and local port State officials.

It is the responsibility of the Master to present their vessel for the inspection and to cooperate with the Vanuatu Flag State Inspector accordingly. An inspection may be requested by notifying the VMSL Safety department at [email@vanuatuships.com](mailto:email@vanuatuships.com).

## **7.5 SCOPE**

The Post-Detention Inspection shall confirm and clear all of the deficiencies found by the PSC Officer or Flag State Inspector, as well as uncover and rectify any other problems that might be revealed during the follow-up PSC inspection. In case of class-related deficiencies, Class is required to attend the vessel and rectify them or liaise with the Administration for further clarification.

An expanded inspection shall be completed following any detention regardless of ship type or history.

Vessels in the Detention Prevention Program shall remain in the program for a minimum of one year or until flag and port State performance is enhanced to the satisfaction of the Administration. The Detention Prevention Program shall in no way fulfill the requirements of the Annual Safety Inspection.

## **7.6 PROCEDURES**

In case of Flag related detentions and when there are objections about imposed PSC deficiencies, VMSL directly or in co-ordination with the attending surveyor may contact the local PSC Authorities with comments on each deficiency in dispute, in order to determine whether the deficiency is viable.

All communications with authorities such as PSC, etc. regarding PSC Inspections, detentions or appeals for non-applicable deficiency items shall be addressed from the Safety Department

In any case of detention the attending flag State inspector and Class surveyor / auditor should maintain a close cooperation with PSC officials about the correction of deficiencies and, in case of dispute, he will require further assistance from VMSL regarding previous surveys, recommendations, certification and specific instructions.

Upon completion of the inspection and/or survey an attestation / declaration will be addressed in the inspection report issued by appointed Class surveyor/auditor and handed to PSC Authorities, if requested, stating the action taken for the rectification of deficiencies.

The flag State inspector and/or surveyor should also submit to VMSL the detention notice and release reports together with the Post Detention Inspection report, stating item by item action taken (deficiencies / non-conformities or observations rectified immediately and those that have to be rectified within a certain period or next port of call).

In case of prompt notification of detention, concurrently with notification of release of ship from PSC it is taken under consideration the nature of deficiencies in order to be decided the time of attendance.

#### 7.1 SPECIAL CIRCUMSTANCES

In no cases shall a vessel be exempted or delayed in the completion of a Post Detention Inspection.

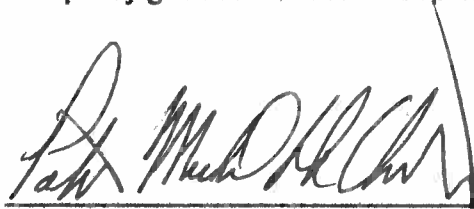
#### 8. PRE PSC INSPECTIONS (Voluntary)

The Vanuatu Registry agrees that PSC Inspections are an assistance to Flag state inspections to ensure the safety of seafarers and the vessels that they sail on. However the MOU system penalizes all owners under a particular Flag or RO if other vessels of that organization are under performing.

VMSL wishes to ensure the safety of our seafarers and ease of operations for our owners.

All owners are advised that one port prior to initially entering an MOU port particularly the PARIS or TOKYO MOU port they have the option to advise VMSL so that a local Flag inspector may be appointed to attend the vessel in order to ensure compliance with all international regulations and to ensure the safety of the vessel. The inspector's fee is for the owners account and should be agreed upon prior to the service.

The policy goes into effect 01 September 2015.



Patrick Michael DeCharles II  
by the direction of the  
Deputy Commissioner of Maritime Affairs  
The Republic of Vanuatu

