



MONGOLIA MARITIME ADMINISTRATION

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Marine Circular No..1/219/ 2020

APPLICABLE TO: Ship-owners, managers, operators, masters of vessels registered under the ship registry of Mongolia, Recognized Organizations and Registry agents

SUBJECT: Detention guidance

DEFINITIONS:

The following abbreviations stand for:

- "IMO"- International Maritime Organization
- "RO"- Recognized Organization
- "ISM"- International Safety Management
- "PSC"- Port State Control
- "SMC"- Safety Management Certificate
- "ECDIS"- Electronic Chart Display and Information System
- "GMDSS"- Global Maritime Distress and Safety System
- "ISSC"-International Ship Security Certificate
- "MLC"- Maritime Labour Convention
- "RCA"- Root Cause Analysis
- "IOPP"- International Oil Pollution Prevention
- "DOC"- Document of Compliance

The term "Administration" shall mean the Mongolia Maritime Administration.

PURPOSE:

This marine circular is established for the improvement of flag state implementation of Mongolia and ensuring reduction of the number of detentions for vessels registered under the ship registry of Mongolia.

APPLICATION:

This marine circular applies to all vessels registered under the ship registry of Mongolia.

GENERAL CAUSES OF DETENTION:

- Valid statutory certificates are not on board the ship, including seafarer's documents/certificates;
- Deficiencies/failures have not been reported to the Administration or Classification Society (RO) for agreed acceptance pending temporary arrangements in place;
- Any arrangement that bypasses essential safety or environmental monitoring equipment (e.g. "magic pipes" bypassing Oily Water Separator/15ppm monitor);

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- Equipment has been poorly maintained and/or maintenance has been inappropriately documented or not documented within the shipboard maintenance system;
- Crew are unfamiliar with essential equipment or systems they are responsible for (e.g. Oily Water Separator, ECDIS, GMDSS equipment, etc.)
- Equipment which requires Flag State/Classification Society approval has been fitted, modified or removed, or structural changes have been made without proper consultation with the Flag State/Classification Society/RO;
- Critical equipment has not been subject to regular testing as required (e.g. emergency equipment such as fan dampers and emergency fire pump);
- Log books, record books, hours of rest records and other documents are incomplete or inaccurate. It should be noted that PSC authorities may in some cases instigate criminal proceedings for alleged falsification of records where records are incomplete or inaccurate (in particular for hours of rest records and Oil Record Books).
- Other non-compliance with IMO instruments.

CONTENTS:

1. Measures to be taken during any PSC detention

1.1. If a vessel registered under the ship registry of Mongolia is detained during any PSC inspection the RO must inform the Administration. This procedure is mandatory to all ROs and they will be considered partly liable for any ISM detention of the ship.

1.2. The Flag Administration or RO shall perform a survey immediately after the PSC detention so as to ensure the closure of the deficiencies. A report shall be submitted by the Administration or RO to the owners, no later than ten days after the detention.

1.3. Even if the detention is not relating to any RO matters then there will also be a survey as mentioned above.

1.4. If the detention occurs within the annual/renewal window, the RO shall give first priority to the annual/renewal survey and inform the Administration of the imminent arranged survey. In this case the annual/renewal shall be completed within the next three (3) ports of call after the vessel is released from detention. Failure to comply with this, the vessel will result in suspension of the vessel until annual/renewal survey is carried out and confirmed/verified by the RO.

1.5. If the detention occurs out of the annual/renewal window, the RO shall request an additional ISM audit of the vessel, taking into consideration the seriousness and number of the deficiencies. The additional ISM audit shall be fully reported upon completion by the RO to the Administration (with schedule and results).

2. Notification after PSC Detention

2.1. The ship-owner or ship operator is required to immediately notify the following parties of any detention of a Mongolian registered ship:

- the Administration;
- the RO (i.e. Classification Society) that issued the affected certificate(s);
- the RO that issued the ISM Code DOC and SMC;
- For security/ISPS Code related detentions: The RO that issued the ISSC; and
- for MLC related detentions: The RO that issued the Maritime Labour Certificate.

2.2. The Company is required to invite the ship's Classification Society on board to assist in clearing the deficiencies, unless otherwise advised by the Administration.

2.3. The initial report to the Administration may be made by telephone or email.

2.4. The following documents are to be provided to the Administration at the earliest opportunity, where available:

- a) A full copy of the PSC report;
- b) A copy of the detention notice;
- c) Confirmation of notification to Classification Society and RO as appropriate;
- d) Advice of actions taken or planned to rectify all deficiencies at the earliest opportunity.

3. Policy and Process after a Detention

3.1. Following notification of the detention, the Administration shall review the reports and correspondence related to the vessel's PSC in last 24 months.

3.2. The Company is required to perform a RCA within 30 days of the date of detention, unless otherwise agreed with the Administration, and take the appropriate corrective and preventative actions to reduce the possibility of similar deficiencies arising in future.

3.3. The RCA report and details of corrective and preventative actions is to cover all deficiencies raised at the detention and should also include comments from the Master or Chief Engineer on the deficiencies, as applicable.

3.4. In addition to the requirements specified below, further additional surveys, flag state inspections, ISM and ISPS audits and/or MLC inspections may be required depending on the nature of the detainable deficiencies and the ship's inspection history.

3.5. The Administration shall determine the scope and extent of additional inspections, surveys or audits of shipboard and shore-based safety management systems of a Company, when a significant proportion of the Company's fleet has been justifiably detained by PSC.

3.6. The Administration may appoint approved inspectors, auditors and observers as considered to be appropriate, to participate in any of the above surveys, audits or inspections, at owners' expense.

3.7. The Administration may reserve the right to charge professional fees to the Company, at the current hourly rate, where significant periods of time are spent by the Administration in dealing with a PSC detention for a particular ship.

4. MLC detentions

4.1. When a ship has been detained for a serious breach of the MLC, 2006 in relation to non-payment or delayed payment of wages to seafarers, the Administration shall require the Company (or Ship owner for the purposes of MLC, 2006 if different) to pay all wages due and provide documentary evidence confirming this, prior to the ship being released from detention.

4.2. In such cases, in order to prevent the same situation reoccurring, the Administration also shall require the Company (or ship owner for the purposes of MLC, 2006, if different) to provide documentary evidence of timely payment of wages as they become due, for a period to be specified by the Administration after release from detention.

5. First detention in a 24-month period

5.1. One or more of the following may be required by the Administration prior to departure from the port of detention:-Additional Flag State Inspection; and/or

a) Additional external audit of the ISM SMC. At the discretion of the Administration, this requirement may be relaxed to an additional internal audit depending on the number and nature of the deficiencies found; and/or

b) Additional MLC inspection; and/or

c) Additional ISPS audit.

5.2. It should be noted that PSC authorities often require additional external audits before releasing the ship from detention. The Administration cannot waive this requirement.

5.3. If the detention occurs within the survey window for a related annual survey, the survey should be completed prior to the vessel sailing.

5.4. If the detention occurs within the survey window for a related renewal, periodical or intermediate survey, that survey should be conducted to the extent possible, except for Safety Equipment, Safety Radio and IOPP, which must be completed. Where a survey is incomplete, a schedule for completion of surveys at the next convenient port must be set by the RO and may not be delayed until the end of the window.

5.5. If the detention does not occur within any related survey window, the RO surveyor, after clearing the deficiencies, shall carry out a general examination of the vessel and may decide, using his or her professional judgement, whether an additional survey is necessary. The extent of such additional survey shall be at least to the extent of annual survey.

6. Second detention in a 24-month period

6.1. If a ship has, in the opinion of the Administration, been justifiably detained twice within a period of 24 months, the following shall be completed immediately in addition to the applicable requirements of MLC detentions

6.2. An additional ISM SMC audit to the extent of initial audit shall be required to ascertain the effectiveness of the safety management system on board;

6.3. An additional ISM DOC audit to the extent of annual audit shall be required not later than 30 days from the date of the detention;

7. Third detention in a 24-month period

7.1. If a ship has, in the opinion of the Administration, been justifiably detained three times within a period of 24 months, the ship shall be specially examined to assess whether it remains acceptable for continued registration under the ship registry of Mongolia. This may lead to owners being asked to find an alternative register or deletion of the ship from the registry of Mongolia.

7.2. The DOC of the Company shall be re-examined and further surveys, inspections and audits of the Company and/or its ships may be required.

8. Consequences of Non-Compliance

8.1. RO shall be required to fully read and understand this policy, their actions, decisions, authorities and obligations upon the detention of a Mongolian vessel. The ROs are also free, to perform any (additional, annual or renewal) surveys and report to the Administration upon completion. The Administration shall fully support the ROs in the event of a non-compliance of the requirements of this circular, in any of their decisions, even suspension or cancellation against the vessel. ROs are requested to have all the records of inspections/detentions available in any upcoming Mongolian Audits to the RO as per IMO.

8.2. Managing companies which hold DOC on behalf of Mongolia and are in charge of the management of a Mongolian vessel are expected upon the receipt of this circular to read it and confirm the understanding and familiarization with it. The Administration abide in the full cooperation and communication of the managing companies.

8.3. Registration Officers and Agents of the owner(s)/managing companies are required, upon the receipt of this circular, to read it and confirm the understanding and familiarization with it. Full cooperation from the Registration Officers and Agents is expected.

8.4. Measures against detentions are for the sole purpose of reducing the number of detentions which are improving the safety standards on board the ship, prompting the safety of life at sea, the protection of the environment, the safety of the properties engaged and compliance with the IMO instruments.

8.5. Vessels that are not in compliance with this requirements may be subject to heavy fines and penalties by flag state in accordance with the applicable laws and legislations.

8.6. The only true acceptable course of action is vigilance and compliance. Any queries regarding present circular should be directed to the Ship Registration and Monitoring Department of Mongolia Maritime Administration.

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Sincerely,


TUVSHINTUR Saranjav
Director-General