

RESOLUTION A.681(17) adopted on 6 November 1991
PROCEDURES FOR THE CONTROL OF OPERATIONAL REQUIREMENTS
RELATED TO THE SAFETY OF SHIPS AND POLLUTION PREVENTION



ASSEMBLY - 17th session
Agenda item 10

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REQUIREMENTS RELATED TO THE SAFETY OF
SHIPS AND POLLUTION PREVENTION

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO resolution A.596(15) by which it requested the Maritime Safety Committee to develop, as a matter of urgency, guidelines, wherever relevant, concerning shipboard and shore-based management and its decision to include in the work programme of the Maritime Safety Committee and the Marine Environment Protection Committee an item on shipboard and shore-based management for the safe operation of ships and for the prevention of marine pollution, respectively,

RECALLING FURTHER resolution A.680(17) on IMO Guidelines on Management for the Safe Operation of Ships and for Pollution Prevention, by which it invited all Governments to encourage those responsible for the operation of ships to take appropriate steps to develop, implement and assess safety and pollution prevention management in accordance with guidelines pertaining thereto,

NOTING resolution A.481(XII) by which it adopted broad principles of safe manning including guidelines for the application of these principles,

NOTING ALSO resolutions A.466(XII), A.542(13) and MEPC.26(23) containing procedures for the control of ships by port States on matters related to maritime safety and the prevention of marine pollution, respectively,

BEING AWARE that the aforementioned resolutions on procedures for the control of ships explicitly address neither the influence of the human element on maritime safety nor the prevention of marine pollution,

ACKNOWLEDGING the close interrelation between the human element and the safe operation of ships and the prevention of marine pollution,

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ACKNOWLEDGING ALSO, with regard to foreign ships in their ports, the need for port States not only to monitor compliance at all times with applicable maritime safety and pollution prevention standards, but also to include in their endeavours an assessment of the ability of ships' crews in respect of operational requirements relevant to their duties, especially with regard to passenger ships and ships which may present a special hazard,

RECOGNIZING that efforts in these areas by port States contribute to enhancing maritime safety and the prevention of marine pollution,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee at its fifty-ninth session and by the Marine Environment Protection Committee at its thirty-first session,

1. AGREES that when there are clear grounds, as defined in the annex to this resolution, for believing that the officers and crew are not familiar with essential shipboard procedures then port State control should be extended to include operational requirements in respect of the safety of ships and of pollution prevention;
2. ADOPTS the Procedures for the Control of Operational Requirements related to the Safety of Ships and Pollution Prevention, which are set out in the annex to the present resolution;
3. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to:
 - .1 further develop and promulgate as a matter of urgency more detailed guidelines for the control of operational requirements related to the safety of ships and pollution prevention;
 - .2 consider amalgamating with the present resolution, the resolutions and recommendations on port State control listed in paragraph 4 of the annex; and
 - .3 periodically review the procedures and guidelines in the light of experience gained;
4. INVITES Governments when exercising port State control to implement the aforementioned procedures and guidelines;
5. REQUESTS Governments to provide the Organization with information on the application of these procedures;
6. REQUESTS the Secretariat to circulate, when necessary, the updated information provided by Governments.

ANNEX

PROCEDURES FOR CONTROL OF OPERATIONAL REQUIREMENTS RELATED TO THE SAFETY OF SHIPS AND POLLUTION PREVENTION

1 INTRODUCTION

1.1 The Contracting Governments of and the Parties to the International Convention for the Safety of Life at Sea, as amended (SOLAS 74), the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78) and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 1978) have undertaken to give effect to the provisions of these Conventions in order to ensure that, from the point of view of safety of life, a ship is fit for the service for which it is intended and to prevent pollution of the marine environment by the discharge of harmful substances.

1.2 The primary responsibility for securing those objectives in relation to any particular ship rests with the Administration of the flag State. No attempt is made in this document to lay down guidelines for Administrations in this respect.

1.3 Regulation 19 of chapter I of SOLAS 74, articles 5 and 6 of MARPOL 73/78 and article X of STCW 1978 provide for the control of foreign ships to be exercised by officers duly authorized by Contracting Governments or Parties, as appropriate.

1.4 Accidents involving passenger ships and ships carrying harmful substances have highlighted the need for good operational standards and onboard procedures. These standards and procedures are primarily the concern of flag States, but it may be difficult for some Administrations to exercise full and continuous control of ships entitled to fly their flag under certain circumstances, such as the cargo the ship carries and the familiarity of the crew with the ship which can change completely between two successive flag State inspections and the fact that some ships do not regularly call at flag States' national ports.

1.5 In fulfilling their control obligations, port State authorities carry out inspections on foreign ships in their ports to check the validity of certificates and documents. In the absence of valid certificates or documents, or if there are clear grounds for believing that the condition of a ship or of its equipment, or its crew, does not substantially meet the requirements of a relevant instrument, a more detailed inspection may be carried out. It follows that, as port States have a legitimate interest in the safety of passengers and crew on board foreign ships calling at their ports and in the protection of the environment, it is necessary for them to include control of compliance with on board operational requirements in their control procedures.

1.6 In this context, "clear grounds" for the application of relevant operation procedures means:

- .1 evidence of operational shortcomings revealed during port State control procedures in accordance with SOLAS 74, MARPOL 73/78 and STCW 1978;

- .2 evidence of cargo and other operations not being conducted safely or in accordance with IMO guidelines;
- .3 involvement of the ship in incidents due to failure to comply with operational requirements;
- .4 evidence, from observation of a fire and abandon ship drill, that the crew are not familiar with essential procedures;
- .5 absence of an up-to-date muster list;
- .6 indications that key crew members may not be able to communicate with each other or with other persons on board.

1.7 Nothing in these procedures should be construed as restricting the powers of any Contracting Government or Party to take measures within its jurisdiction in respect of any matter to which SOLAS 74, MARPOL 73/78 and STCW 1978 relate.

1.8 When exercising control of the compliance with operational requirements, all possible efforts shall be made to avoid a ship being unduly detained or delayed. If a ship is thereby unduly detained or delayed, it shall be entitled to compensation for any loss or damage suffered in accordance with procedures determined by the port State. In the event of dispute, the onus of proving that undue delay was not caused rests with the port State.

1.9 This document sets out procedures and guidelines for the control of operational requirements, for all ships under SOLAS 74, MARPOL 73/78 and STCW 78.

2 GUIDELINES FOR CONTROL OF OPERATIONAL REQUIREMENTS

When, during a port State control inspection, the surveyor has clear grounds according to 1.6 above, the following on-board operational procedures may be checked in accordance with this resolution. However, in exercising controls recommended in these guidelines, the surveyor should not include any operational tests or impose physical demands which, in the judgement of the master, could jeopardize the safety of the ship, crew, passengers, surveyors or cargo.

It is not envisaged that all of these procedures would be checked during a single port State control inspection, unless the condition of the ship necessitates such a detailed inspection. In addition, these procedures are not intended to impose the seafarer certification programme of the port State on a ship entitled to fly the flag of another Party to the STCW Convention or to impose control procedures on foreign ships in excess of those imposed on ships of the port State.

Muster list

2.1 The surveyor may determine if the crew members are aware of their duties indicated in the muster list.

Communication

2.2 The surveyor may determine if the key crew members are able to communicate with each other, and with passengers as appropriate, in such a way that the safe operation of the ship is not impaired, especially in emergency situations.

Fire and abandon ship drills

2.3 The surveyor witnessing a fire and abandon ship drill should ensure that the crew are familiar with their duties and the proper use of the ship's installations and equipment.

Damage control plan

2.4 The surveyor may determine if a damage control plan is provided on a passenger ship and whether the crew are familiar with their duties and the proper use of the ship's installations and equipment for damage control purposes.

Fire control plan

2.5 The surveyor may determine if a fire control plan or booklet is provided and whether the crew are familiar with the information given in the fire control plan or booklet.

Bridge operation

2.6 The surveyor may determine if officers in charge of a navigational watch are familiar with bridge control and navigational equipment, changing the steering mode from automatic to manual and vice versa, and the ship's manoeuvring characteristics.

Cargo operation

2.7 The surveyor may determine if ship's personnel assigned specific duties related to the cargo and cargo equipment are familiar with those duties, any dangers posed by the cargo and with the measures to be taken in such a context.

Operation of the machinery

2.8 The surveyor may determine if responsible ship's personnel are familiar with their duties related to operating essential machinery such as:

- .1 emergency and stand-by sources of electrical power;
- .2 auxiliary steering gear;
- .3 bilge and fire pumps; and
- .4 any other equipment essential in emergency situations.

Manuals, instructions, etc.

2.9 The surveyor may determine if the appropriate crew members are able to understand the information given in manuals, instructions, etc., relevant to the safe condition and operation of the ship and its equipment and that they are aware of the requirements for maintenance, periodical testing, training and drills and of necessary log-book entries.

Oil and oily mixtures from machinery spaces

2.10 The surveyor may determine if all operational requirements of annex I of MARPOL 73/78 have been met, taking into account:

- .1 the quantity of oil residues generated;
- .2 the capacity of sludge and bilge water holding tanks; and
- .3 the capacity of the oily water separator,

including the inspection of the oil record book. The surveyor may determine if reception facilities have been used and note any alleged inadequacy of such facilities.

Loading, unloading and cleaning procedures for cargo spaces of tankers

2.11 The surveyor may determine if all operational requirements of annexes I or II of MARPOL 73/78 have been met, taking into account the type of tanker and the type of cargo carried, including the inspection of the oil record book and/or cargo record book. The surveyor may determine if the reception facilities have been used and note any alleged inadequacy of such facilities.

Dangerous goods and harmful substances in packaged form

2.12 The surveyor may determine if the required shipping documents for the carriage of dangerous goods and harmful substances carried in packaged form are provided on board and whether the dangerous goods and harmful substances are properly stowed and segregated and the crew are familiar with the essential actions to be taken in an emergency involving such packaged cargo.

Garbage

2.13 The surveyor may determine if all operational requirements of annex V of MARPOL 73/78 have been met. The surveyor may determine if the reception facilities have been used and note any alleged inadequacy of such facilities.

3 DEFICIENCIES

It is impracticable to define a ship as substandard solely by reference to a list of qualifying defects. Having assessed the extent to which operational requirements are complied with, the surveyor then has to exercise his professional judgement to determine whether the operational proficiency of the crew as a whole is of a sufficient level to allow the ship to sail without a major risk for the safety of life at sea or threat to the marine environment, or whether a better level of proficiency should be required. For this latter purpose, following the procedures set out in resolution A.481(XII), the ship may be detained.

4 OTHER RELEVANT PORT STATE CONTROL PROCEDURES

All other port State control procedures not explicitly dealt with in this annex shall be governed by the relevant recommendations in resolutions A.466(XII), A.481(XII), A.542(13) and MEPC.26(23).

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