

Applying Criteria for Recognised Organisations's Responsibility.

Introduction

RO means a Recognized Organization or other private body carrying out surveys and issuing or endorsing Statutory Certificates on behalf of a flag State.

There should be a careful distinction between a RO who issues or endorses Statutory Certificates on behalf of an administration and a Classification Society who issues hull and machinery and other non-statutory or ship related certificates.

Caution should be applied where there is no survey date on a certificate. An indication of the Initial or Renewal survey date is to count back five years from date of expiry and for anniversary survey windows count back each year from expiry date applying +/-3 months to the relevant anniversary/intermediate date. Note the date of issue of the certificate is not necessarily the date of the survey.

Regarding the Safety Management Certificate (SMC) and the Maritime Labour Convention Certificate (MLC), where only one intermediate verification (audit) is to be carried out and the period of validity of the certificate is five years, then the intermediate verification should take place between the second and third anniversary dates of the SMC or MLC. Hence the last audit may have taken place up to three years ago. Note, however, the date of the last audit could include an additional verification for example following a port State control or flag State inspection.

In all cases of detention the notification procedure in 3.7 of the Memorandum shall be followed. In addition where an RO or RO(s) have been deemed responsible then the RO(s) should be notified of the detention in writing as soon as reasonably practicable. All notifications should make it clear whether or not the RO is deemed responsible. There may be more than one RO deemed responsible, for example, different ROs may have issued or endorsed an ISM SMC, ISPS Certificate and other convention certificates on behalf of the flag State.

Criteria for RO's Responsibility

1. The criteria in paragraph 4 and 5 should be applied to each detainable deficiency including a major non conformity.
2. If one or more detainable deficiencies meets the criteria in sections 3 and 4 below then the detainable deficiency should be listed on Form B as RO responsible and entered into IOCIS accordingly.
3. These criteria apply only to detainable deficiencies that are:
 - (i) covered by a statutory certificate that has been issued or endorsed by the RO with a date of survey; and
 - (ii) the RO has carried out the last survey or verification audit for the relevant certificate(s).

4. A detainable deficiency is associated with the RO if it is:
- (i) a serious structural deficiency including corrosion, wastage, cracking and buckling unless it is clear that the deficiency has occurred since the last survey conducted by the RO; or
 - (ii) a serious deficiency in equipment or non-structural fittings (such as fire main, air pipes, cargo hatches, rails, masts etc.) AND it is less than 90 days since the last survey conducted by the RO, unless it is clear that the deficiency has occurred since the last survey conducted by the RO; or
 - (iii) a serious deficiency in equipment or non-structural fittings which clearly would have existed at the time of the last survey; or
 - (iv) a serious deficiency associated with out-of-date equipment which was out-of-date at the time of the last survey; or
 - (v) a missing approval or endorsement of Plans and Manuals if required to comply with the provisions for issuance of statutory certificates which clearly would have existed at the time of the last survey; or
 - (vi) a major non-conformity where there is clear evidence of a lack of effective and systematic implementation of a requirement of the ISM Code AND there is clear evidence that it existed at the last audit conducted by the RO. It may also include operational drills and operational control and there is clear supporting evidence of failure.
 - (vii) a detainable MLC-deficiency where there is clear evidence of a lack of implementation of a requirement of the MLC code with respect to the accommodation and recreation facilities detailed in Regulation 3.1 in Title 3 and that is existed at the last inspection conducted by the RO.
5. A detainable deficiency is not associated with the RO if it is:
- (i) the result of accidental or voyage damage;
 - (ii) missing equipment that is likely to have been stolen except when it is a large quantity and the PSC inspection is taking place within 90 days since the last survey conducted by the RO; or
 - (iii) an expired certificate unless the certificate was improperly issued by the RO following a survey conducted on behalf of the flag State.
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