

Merchant Marine Circular

Panama Maritime Authority
General Directorate of Merchant Marine
Control and Compliance Department

MERCHANT MARINE CIRCULAR MMC-379

To: Recognized Organizations (RO's), Ship-owners/Operators, Legal Representatives of Panamanian Flagged Vessels, Panamanian Merchant Marine Consulates, Segumar Regional Offices, ASI Inspectors, Port State Control Inspectors, Shipping Companies and other flag customers.

Subject: Procedure for Port State Control (PSC).

Reference: Resolution A.1185(33) of December 6, 2023 - Procedures for Port State Control, 2023.
Resolution No.107-OMI-289-DGMM of March 11, 2024 adopted Resolution A.1185(33).
Resolution A.1070(28) - IMO Instruments Implementation Code (III Code).
Resolution MEPC.321(74) 2019 - Guidelines for Port State Control under MARPOL Annex VI Chapter 3.
MSC-MEPC.4/Circ.4 - Guidelines for Port State Control Officers on the ISM Code.
ILO Guidelines for Port State Control Officers carrying out inspections under the MLC, 2006.
MSC.1/Circ.1565 - Guidelines on the voluntary early implementation of amendments to the 1974 SOLAS.
Convention and related mandatory instruments.
FAL.5/Circ.39/Rev.2 and Corr.1 - Guidelines for the use of electronic certificates.
MSC-MEPC.4/Circ.2 - Code of Good Practice for Port State Control Officers.

1. Purpose

1.1 This Merchant Marine Circular informs that the IMO Resolution A.1185(33) was adopted on December 6, 2023, updating the Procedures for Port State Control Inspections, providing basic guidance on the conduct of port State control inspections in support of the control provisions of relevant conventions and parts of the IMO Instruments Implementation Code (III Code) (Resolution A.1070(28)) and afford consistency in the conduct of these inspections, the recognition of deficiencies of a ship, its equipment, or its crew, and the application of control procedures.

Merchant Marine Circular

These guidelines will be implemented by governments exercising port state control; for that reason, we invite all to get familiarized with these new procedures in order to be ready to face port state control inspections. We will highlight on this circular some of the main topics covered by the new Procedures and that can be of your interest.

2. Introduction

2.1 Under the provisions of the relevant conventions, the Administration is responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give the relevant conventions full and complete effect so as to ensure that, from the point of view of safety of life and pollution prevention, a ship is fit for the service for which it is intended and seafarers are qualified and fit for their duties.

2.2 The nature of international shipping means that ships may not frequently call at ports in their flag State. It is therefore common to find that such flag States appoint the nominated surveyors at foreign ports and authorize recognized organizations (RO's) in accordance with the provisions of various conventions.

2.3 The following control procedures should be regarded as complementary to national measures taken by flag State Administrations in their countries and abroad and are intended to provide a common and consistent approach to the performance of port State control inspections and control measures taken as a consequence of the detection of serious deficiencies. These Procedures are also intended to provide assistance to flag State Administrations in securing compliance with convention provisions in safeguarding the safety of crew, passengers and ships, and ensuring the prevention of pollution.

2.4 Provision for Port State Control

2.4.1 SOLAS 1974 regulations I/19, IX/6.2, XI-1/4 and XI-2/9, as modified by SOLAS PROT 1988; article 21 of LL 1966, as modified by LL PROT 1988; articles 5 and 6, regulation 11 of Annex I, regulation 16.9 of Annex II, regulation 9 of Annex III, regulation 14 of Annex IV, regulation 9 of Annex V and regulation 10 of Annex VI of MARPOL; article X of STCW 1978; article 12 of TONNAGE 1969, article 11 of AFS 2001 and article 9 of BWM 2004 provide for control procedures to be followed by a Party to a relevant convention with regard to foreign ships visiting their ports. The authorities of port States should make effective use of these provisions for the purposes of identifying deficiencies, if any, in such ships which may render them substandard (see section 3.1) and ensuring that remedial measures are taken.

Merchant Marine Circular

2.5 Ships of Non-Parties

2.5.1 Article I(3) of SOLAS PROT 1988, article I(3) of LL PROT 1988, article 5(4) of MARPOL, article X(5) of STCW 1978, article 3(3) of AFS 2001 and article 3(3) of BWM 2004 provide that no more favourable treatment is to be given to the ships of countries which are not Party to the relevant convention. All Parties should, as a matter of principle, apply these Procedures to ships of non-Parties in order to ensure that equivalent surveys and inspections are conducted and an equivalent level of safety and protection of the marine environment is ensured.

2.5.2 As ships of non-Parties are not provided with SOLAS, Load Lines, MARPOL, AFS or BWM certificates, as applicable, or the crew members may not hold STCW certificates, the port State control officer (PSCO), taking into account the principles established in these Procedures, should be satisfied that the ship and crew do not present a danger to those on board or an unreasonable threat of harm to the marine environment. If the ship or crew has some form of certification other than that required by a convention, the PSCO may take the form and content of this documentation into account in the evaluation of that ship. The conditions of and on such a ship and its equipment and the certification of the crew and the flag State's minimum manning standard should be compatible with the aims of the provisions of the conventions; otherwise, the ship should be subject to such restrictions as are necessary to obtain a comparable level of safety and protection of the marine environment.

2.6 Ships Below Convention Size

2.6.1 In the exercise of their functions, PSCOs should be guided by any certificates and other documents issued by or on behalf of the flag State Administration. In such cases, the PSCOs should limit the scope of inspection to the verification of compliance with those certificates and documents.

2.6.2 To the extent a relevant instrument is not applicable to a ship below convention size, the PSCO's task should be to assess whether the ship is of an acceptable standard in regard to safety and the environment. In making that assessment, the PSCO should take due account.

Merchant Marine Circular

3. Definitions

3.1 Bulk carrier: While noting the definitions in SOLAS 1974 regulations IX/1.6 and XII/1.1 and resolution MSC.277(85), for the purposes of port State control, PSCOs should be guided by the ship's type indicated in the ship's certificates in determining whether a ship is a bulk carrier and recognize that a ship which is not designated as a bulk carrier as the ship type on the ship certificate may carry certain bulk cargo as provided for in the above instruments.

3.2 Clear grounds: Evidence that the ship, its equipment, or its crew do not correspond substantially with the requirements of the relevant conventions or that the master or crew members are not familiar with essential shipboard procedures relating to the safety of ships or the prevention of pollution. Examples of clear grounds are included in section 2.4 of Resolution A.1185(33).

3.3 Deficiency: A condition found not to be in compliance with the requirements of the relevant convention.

3.4 Detention: Intervention action taken by the port State when the condition of the ship or its crew does not correspond substantially with the relevant conventions to ensure that the ship will not sail until it can proceed to sea without presenting a danger to the ship or persons on board, or without presenting an unreasonable threat of harm to the marine environment, whether or not such action will affect the normal schedule of the departure of the ship.

3.5 Initial inspection: A visit on board a ship to check the validity of the relevant certificates and other documents, the overall condition of the ship, its equipment and its crew (see also section 2.2 of Resolution A.1185(33)).

3.6 More detailed inspection: An inspection conducted when there are "clear grounds", as defined under paragraph 3.2.

3.7 Nearest appropriate and available repair yard: A port where follow-up action can be taken, and it is in, or closest to, the port of detention or the port where the ship is authorized to proceed taking into account the cargo on board.

3.8 Port State control officer (PSCO): A person duly authorized by the competent authority of a Party to a relevant convention to carry out port State control inspections, and responsible exclusively to that Party.

Merchant Marine Circular

3.9 Recognized organization (RO): An organization which meets the relevant conditions set forth in the Code for Recognized Organizations (RO Code) (MSC.349(92) and MEPC.237(65)), and has been assessed and authorized by the flag State Administration in accordance with provisions of the RO Code to provide the necessary statutory services and certification to ships entitled to fly its flag.

3.10 Stoppage of an operation: Formal prohibition against a ship to continue an operation due to an identified deficiency or deficiencies which, singly or together, render the continuation of such operation hazardous.

3.11 Substandard ship: A ship whose hull, machinery, equipment or operational safety is substantially below the standards required by the relevant convention or whose crew is not in conformity with the safe manning document.

3.12 Valid certificates: A certificate that has been issued, electronically or on paper, directly by a Party to a relevant convention or on its behalf by an RO, contains accurate and effective dates, meets the provisions of the relevant convention and to which the particulars of the ship, its crew and its equipment correspond.

4. Professional Profile of PSCOs

4.1 Port State control should be carried out only by qualified PSCOs who fulfil the qualifications and training specified in section 1.9 of resolution A.1185(33).

4.2 When the required professional expertise cannot be provided by the PSCO, the PSCO may be assisted by any person with the required expertise, as acceptable to the port State.

4.3 PSCOs and persons assisting them should be free from any commercial, financial, and other pressures and have no commercial interest in the port of inspection, the ships inspected, ship repair facilities or any support services in the port or elsewhere, nor should PSCOs be employed by or undertake work on behalf of ROs or classification societies.

4.4 A PSCO should carry a personal document in the form of an identity card issued by the port State and indicating that the PSCO is authorized to carry out the control.

Merchant Marine Circular

5. Information available on Chapters 2, 3, 4 and 5 of Resolution A.1185(33)

5.1 Initial Inspections, General Procedural Guidelines for PSCOs, Examples of Clear Grounds and More Detailed Inspections, are available on Chapter 2 of resolution A.1185(33).

5.2 Identification of a substandard ship, submission of information concerning deficiencies, port state action in response to alleged substandard ships, responsibilities of port state to take remedial action, guidance for the detention of ships, suspension of inspection, procedures for rectification of deficiencies and release, are available on Chapter 3 of resolution A.1185(33).

5.3 Port State reporting, flag state reporting, reporting of allegations under MARPOL, are available on Chapter 4 of resolution A.1185(33).

5.4 Report of Comments is available on Chapter 5 of resolution A.1185(33).

6. Guidelines for the Detention of Ships

6.1 Principles governing rectification of deficiencies or detention of a ship

6.1.1 In taking a decision concerning the rectification of a deficiency or detention of a ship, the port State control officer (PSCO) will have to take into consideration the results of the more detailed inspection carried out in accordance with paragraph 2.5 of the procedures and guidelines contained in this appendix.

6.1.2 The PSCO will exercise professional judgement in determining whether to detain the ship until the deficiencies are rectified or to allow the ship to sail with certain deficiencies without unreasonable danger to safety, health or the environment, having also considered the particular circumstances of the intended voyage.

6.2 Detention related to minimum safe manning and STCW certification

Before detaining a ship for the reasons of not operating at appropriate established minimum safe manning and STCW certification, the following will have to be considered, giving due regard to the points listed under areas under STCW 1978:

.1 length and nature of the intended voyage or service;

Merchant Marine Circular

.2 whether or not the deficiency poses a danger to ships, persons on board or the environment;

.3 whether or not appropriate hours of rest for the crew have been recorded and there is evidence that the minimum hours of rest have repeatedly not been kept;

.4 ship's size and type and equipment provided; and

.5 nature of cargo.

6.3 Procedures for the detention of ships of all sizes

6.3.1 When exercising professional judgement as to whether or not a ship should be detained, the PSCO will apply the following criteria:

.1 timing: ships which are unsafe to proceed to sea will be detained upon the first inspection, irrespective of the time the ship will stay in port; and

.2 re-inspection criterion: the ship will be detained if the deficiencies on a ship are sufficiently serious to merit a PSCO returning to the ship to be satisfied that they have been rectified before the ship sails.

6.3.2 The need for the PSCO to return to the ship classifies the seriousness of the deficiencies.

6.3.3 When deciding whether the deficiencies found in a ship are sufficiently serious to merit detention, the PSCO should assess whether:

.1 the ship has relevant, valid documentation; and

.2 the ship has the crew required in the minimum safe manning document or equivalent.

6.3.4 During inspection, the PSCO should further assess whether the ship and/or crew, throughout their forthcoming voyage, are able to:

.1 navigate safely;

Merchant Marine Circular

- .2 safely handle, carry and monitor the condition of the cargo;
- .3 operate the engine-room safely;
- .4 maintain proper propulsion and steering;
- .5 fight fires effectively in any part of the ship if necessary;
- .6 abandon ship speedily and safely and effect rescue if necessary;
- .7 prevent pollution of the environment;
- .8 maintain adequate stability;
- .9 maintain adequate watertight integrity;
- .10 communicate in distress situations if necessary; and
- .11 provide safe and healthy conditions on board.

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

6.4 General

The lack of valid certificates as required by the relevant conventions may warrant the detention of ships. However, ships flying the flag of States not a Party to a convention 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 a reason to detain these ships; however, in applying the "no more favourable treatment" clause, substantial compliance with the provisions and criteria specified in these Procedures must be required before the ship sails.

Merchant Marine Circular

6.5 Detainable deficiencies

To assist the PSCO in the use of these Guidelines, there follows a list of deficiencies, grouped under relevant conventions and/or codes, which are considered to be of such a serious nature that they may warrant the detention of the ship involved. This list is not considered exhaustive, but is intended to give examples of relevant items. However, the detainable deficiencies in the area of STCW 1978, listed below, are the only grounds for detention under this Convention.

- **Areas under SOLAS 1974**

1. Failure of proper operation of propulsion and other essential machinery, as well as electrical installations.
2. Insufficient cleanliness of engine-room, excess amount of oily-water mixture in bilges, insulation of piping including exhaust pipes in engine-room contaminated by oil, and improper operation of bilge pumping arrangements.
3. Failure of the proper operation of emergency generator, lighting, batteries and switches.
4. Failure of proper operation of the main and auxiliary steering gear.
5. Absence, failure, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft and launching and recovery arrangements (see also MSC.1/Circ.1490/Rev.1).
6. Absence, non-compliance or substantial deterioration to the extent that it cannot comply with its intended use of fire detection system, fire alarms, fire-fighting equipment, fixed fire-extinguishing installation, ventilation valves, fire dampers and quick-closing devices.
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.

Merchant Marine Circular

10. Absence or failure of the proper operation of navigation equipment, taking the relevant provisions of SOLAS 1974 regulation V/16.2 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.

13. Serious deficiency in the operational requirements listed in appendix 7.

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

15. Non-implementation or failure to carry out the enhanced survey programme in accordance with SOLAS 1974 regulation XI-1/2 and the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), as amended.

16. Absence or failure of a voyage data recorder (VDR), when its use is compulsory.

- **Areas under the IBC Code**

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

2. Missing or damaged high-pressure safety devices.

3. Electrical installations not intrinsically safe or not corresponding to the Code requirements.

4. Sources of ignition in hazardous locations.

5. Contravention of special requirements.

6. Exceeding of maximum allowable cargo quantity per tank.

7. Insufficient heat protection for sensitive products.

8. Pressure alarms for cargo tanks not operable.

9. Transport of substances to be inhibited without valid inhibitor certificate.

Merchant Marine Circular

- **Areas under the IGC Code**

1. Transport of a substance not mentioned in the Certificate of Fitness or missing cargo information.
2. Missing closing devices for accommodations or service spaces.
3. Bulkhead not gastight.
4. Defective air locks.
5. Missing or defective quick-closing valves.
6. Missing or defective safety valves.
7. Electrical installations not intrinsically safe or not corresponding to the Code requirements.
8. Ventilators in cargo area not operable.
9. Pressure alarms for cargo tanks not operable.
10. Gas detection plant and/or toxic gas detection plant defective.
11. Transport of substances to be inhibited without valid inhibitor certificate.

- **Areas under LL 1966 and LL PROT 1988**

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 properly authorized 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 the 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 is avoided.

Merchant Marine Circular

4. Absence, substantial deterioration or defective closing devices, hatch closing arrangements and watertight/weathertight doors.
5. Overloading.
6. Absence of, or impossibility to read, draught marks and/or load line marks.
7. The means of freeing water from the deck not in satisfactory or operational condition.

- **Areas under MARPOL Annex I**

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.
4. Unauthorized discharge bypass fitted.
5. Failure to meet the requirements of regulation 20.4 or alternative requirements specified in regulation 20.7.
6. Oily bilge water and/or oil residue accumulated in machinery spaces.

- **Areas under MARPOL Annex II**

1. Absence of Procedures and Arrangements Manual (P and A Manual).
2. Remaining capacity of slop and/or sludge tank insufficient for the intended voyage.
3. No Cargo Record Book available.
4. Unauthorized discharge bypass fitted.

- **Areas under MARPOL Annex III and dangerous goods carriage requirements**

1. Absence of a valid Document of Compliance for carriage of dangerous goods (if required).

Merchant Marine Circular

2. Absence of a Dangerous Cargo Manifest or detailed stowage plan before departure of the ship.
3. Stowage and segregation provisions of the IMDG Code chapters 7.1, 7.2, 7.4, 7.5 and 7.6 are not met.
4. Ship is carrying dangerous goods not in compliance with the Document of Compliance for carriage of dangerous goods of the ship.
5. Ship is carrying damaged or leaking dangerous goods packages.
6. Ship's personnel assigned to specific duties related to the cargo are not familiar with those duties, with any dangers posed by the cargo and with the measures to be taken in such a context.

- **Areas under MARPOL Annex IV**

1. Absence of valid International Sewage Pollution Prevention Certificate.
2. Sewage treatment plant not approved and certified by the Administration.
3. Failure of sewage treatment plant.
4. Ship's personnel not familiar with disposal/discharge requirements of sewage.

- **Areas under MARPOL Annex V**

1. Absence of garbage management plan.
2. No garbage record book available.
3. Ship's personnel not familiar with disposal/discharge requirements of garbage management plan.

- **Areas under MARPOL Annex VI**

1. Absence of valid International Air Pollution Prevention Certificate (IAPP Certificate), Engine International Air Pollution Prevention Certificates (EIAPP Certificates) or Technical Files if applicable.

Merchant Marine Circular

2. Absence of International Energy Efficiency Certificate (IEE Certificate), the EEDI Technical file or EEXI Technical file; or the Ship Energy Efficiency Management Plan (SEEMP).

3. In relation to the absence of a valid Statement of Compliance¹ for:

1. New ships are not required to be furnished with statements of compliance until June of the following year.

2. Fuel Oil Consumption Reporting from 2019 and onwards of 1 June of each following year (Regulation 27), and/or

3. Carbon Intensity Rating from 2023 and onwards of each following year (Regulation 28); a pragmatic approach should be applied if a ship has changed the flag and/or the company and there is evidence the losing Administration has not acted in accordance with regulation/s or data was not provided by the previous company when the ship was transferred.

4. A marine diesel engine with a power output of more than 130 kW which is installed on board a ship constructed on or after 1 January 2000, or a marine diesel engine having undergone a major conversion on or after 1 January 2000 which does not conform to its Technical File, or where the required records have not been maintained as necessary, or where it has not met the applicable requirements of the particular NOx Tier III emission control area in which it is operating.

5. A marine diesel engine, with a power output of more than 5,000 kW and a per cylinder displacement at or above 90 litres, which is installed on board a ship constructed on or after 1 January 1990 but prior to 1 January 2000, and an approved method for that engine has been certified by an Administration and was commercially available, for which an approved method is not installed after the first renewal survey specified in regulation VI/13.7.2.

6. On ships not equipped with equivalent means of SOx compliance, based on the methodology of sample analysis in accordance with appendix VI¹ of MARPOL Annex VI, the sulphur content of any fuel oil being used or carried for use on board exceeds the applicable limit required by regulation VI/14. If the master claims that it was not possible to bunker compliant fuel oil, the PSCO should take into account the provisions of regulation VI/18.2 (see the appendix).

¹ Amendments to MARPOL VI, appendix VI, Verification procedures for a MARPOL Annex VI fuel oil sample.

Merchant Marine Circular

7. On ships equipped with equivalent means of SOx compliance:

- .1 absence of an appropriate approval for the equivalent means, which applies to relevant fuel combustion units on board;
- .2 EGCS systems installed on board fail to provide effective equivalence to the requirements of regulations VI/14 and 14.4; and
- .3 with regard to combustion units not connected to an EGCS, the sulphur content of any fuel oil being used on these combustion units exceeds the limits stipulated in regulation VI/14, taking into account the provisions of regulation VI/18.2 (see the annex to appendix 18).

8. An incinerator installed on board the ship on or after 1 January 2000 does not comply with requirements contained in appendix IV to the Annex, or the standard specifications for shipboard incinerators developed by the Organization (resolution MEPC.76(40) as amended by MEPC.93(45), or resolution MEPC.244(66), as amended by resolution MEPC.368(79), as appropriate).

9. The master and crew are not familiar with essential procedures regarding the operation of air pollution prevention equipment or reporting requirements as defined in paragraph 2.6.14 of appendix 18.

- **Areas under STCW 1978**

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 Administration.

2. Failure to comply with the applicable safe manning requirements of the Administration.

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

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

5. 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.

Merchant Marine Circular

- **Areas under AFS 2001**

1. Absence of a valid International Anti-fouling System Certificate or a Declaration on Anti-fouling System.
2. Sampling proves it is non-compliant within the port's jurisdiction.

- **Areas which may not warrant a detention, but where, for example, cargo operations have to be suspended**

Failure of the proper operation (or maintenance) of inert gas systems, cargo-related gear or machinery should be considered sufficient grounds to stop cargo operation.

- **Areas under IBWMC**

1. Vessels already required to comply with Regulation D2 (Installation of ballast water treatment plant)
2. Ballast water loads and discharges are not properly recorded in the BWRB according to Appendix II
3. Contingency procedures are not developed within the ballast water management plan
4. Endorsements are not made within the required window period, and they are not recorded and reported to the Administration.
5. Do not have on board an International Ballast Water Certificate (IBWMC) approved by the Administration in force.
6. When the vessel changes name, the Owner/Operator does not update the documentation (IBWMC and BWMP) and the vessel continues to operate with both documents is not updated

- **Areas under ISPS Code**

1. No ISSC (International Ship Security Certificate) on board
2. Improper Implementation of the SSP (Ship Security Plan), such as: inadequate security measures, uncontrolled access, missing security signage

Merchant Marine Circular

3. Insufficient security records (e.g. Incomplete Port History, missing drills and exercises records, inconsistent security incident logs).

4. Outdated Security Training Certificates or lack of Security Training for Crew

5. Deficiencies in Security Equipment (e.g. Faulty communication equipment, non-operational intrusion detection systems, defective security doors and locks)

- **Areas under MLC**

1. The presence of any seafarer onboard under the age of 16

2. The employment of any seafarer under the age of 18 in work likely to jeopardize their health or safety

3. Insufficient manning, including that caused by the removal from the SMD of underage seafarers

4. Any other deficiencies constituting a violation of fundamental rights and principles of seafarers' employment and social rights in Articles III and IV

5. Any non-conformity applied in a way that violates those fundamental rights (for example, the attribution of substandard accommodation based on the race or gender or trade union activity of the seafarers concerned)

6. Repeated cases of seafarers without valid certificates confirming medical fitness for duties

7. Seafarers onboard the same ship repeatedly not in possession of valid seafarers' employment agreements (SEAs) or seafarers with SEAs containing clauses constituting a denial of seafarers' rights

8. Seafarers repeatedly working beyond maximum hours of work or having less than the minimum hours of rest

9. Ventilation and/or air conditioning or heating that is not working adequately

10. Accommodation, including catering and sanitary facilities, that is unhygienic or where equipment is missing or not functioning

11. Quality and quantity of food and drinking water not suitable for the intended voyage

12. Medical guide, medicine chest or medical equipment, as required, not onboard

Merchant Marine Circular

13. Repeated cases of non-payment of wages or the non-payment of wages over a significant period or the falsification of wage accounts or the existence of more than one set of wage accounts

7. Appendices of Resolution A.1185(33)

- Appendix 1 Code of good practice for port State control officers conducting inspections within the framework of the regional memoranda of understanding and agreement on port State control.
- Appendix 2 Guidelines for the detention of ships.
- Appendix 3 Guidelines for investigations and inspections carried out under MARPOL Annex I.
- Appendix 4 Guidelines for investigations and inspections carried out under MARPOL Annex II.
- Appendix 5 Guidelines for discharge requirements under MARPOL Annexes I and II.
- Appendix 6 Guidelines for more detailed inspections of ship structural and equipment requirements.
- Appendix 7 Guidelines for control of operational requirements.
- Appendix 8 Guidelines for port State control officers on the ISM Code.
- Appendix 9 Guidelines for port State control related to LRIT.
- Appendix 10 Guidelines for port State control under TONNAGE 1969.
- Appendix 11 Guidelines for port State control officers on certification of seafarers, manning and hours of rest.
- Appendix 12 List of certificates and documents.
- Appendix 13 Report of inspection in accordance with procedures for port State control.
- Appendix 14 Report of deficiencies not fully rectified or only provisionally rectified.
- Appendix 15 Report of action taken to the notifying authority.
- Appendix 16 Format for the Report of contravention of MARPOL (article 6).
- Appendix 17 Comments by flag State on detention report.
- Appendix 18 2019 Guidelines for port State control under MARPOL Annex VI
- Appendix 19 Guidelines for inspection of the anti-fouling system on ships
- Appendix 20 List of instruments relevant to port state control procedures.



Merchant Marine Circular

July, 2024 - Adoption of Resolution A.1185(33) of December 6, 2023 - Procedures for Port State Control, 2023 by means of Resolution No.107-OMI-289-DGMM of May 11, 2024. Amended paragraphs: 1, 3.2, 3.5, 4.1, 5 and 6 (Appendix 20).

June, 2020 - Adoption of Resolution A.1138(31) Procedures for Port State Control, 2019 by means of Resolution No.107-OMI-233-DGMM of May 18, 2020.

Inquiries concerning the subject of this Merchant Marine Circular or any other request should be forward to:

Navigation and Maritime Safety Department
Directorate General of Merchant Marine
Panama Maritime Authority

Phone: (507) 501-5031

E-mail: psc@amp.gob.pa

Website: <https://panamashipregistry.com/circulars/>