

MEMBER ALERT



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PARIS AND TOKYO MOU'S - CONCENTRATED INSPECTION CAMPAIGN (CIC) ON STCW HOURS OF REST

The Maritime Administrations of the Paris and the Tokyo Memoranda of Understanding (MoU) on Port State Control have announced that they will launch a joint Concentrated Inspection Campaign (CIC) to be held for three months, commencing from September 1, 2014 and ending on November 30, 2014.

The purpose of the CIC is to establish that watch-keeping personnel are meeting the requirements regarding hours of rest as per STCW 78 as amended (including the Manila amendments).

Details of the CIC

The Paris and Tokyo MoUs are expected to carry out about 10,000 inspections during the CIC. Both deck and engine room watch-keepers' hours of rest will be verified in more detail for compliance with the specified scope of the CIC during regular Port State Control inspections conducted under the regional ship selection criteria within the Paris and Tokyo MoU regions.

It is understood that Port State Control Officers (PSCOs) will use a list of ten items to establish if watch-keeping personnel are meeting requirements regarding hours of rest, focusing attention on the Minimum Safe Manning Document (MSMD) and vessels' records. Information will also be gathered on the watch system, whether the MSMD requires an Engineer officer and whether the vessel is to be operated as a UMS vessel (Periodically Unattended Machinery Space).

PSCOs will use a questionnaire listing a number of items to be covered during the CIC. The contents thereof, and applicable references, are contained below.

It is also understood that the six member authorities of the of the Black Sea MoU on Port State Control will conduct a similar and simultaneous CIC under the co-ordination of the General Directorate of Maritime and Inland Water Transport of the Republic of Turkey, Ministry of Transport and Communication. Given their importance, it is possible that other MOUs will implement similar CICs.

When deficiencies are found, actions by the port state may range from recording a deficiency and instructing the master to rectify it within a certain period, to detaining the ship until any more serious deficiencies have been rectified.

STCW and MLC 2006

STCW requires that:

Each Administration shall, for the purpose of preventing fatigue:

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“establish and enforce rest periods for watch-keeping personnel and those whose duties involve designated safety, security and prevention of pollution duties in accordance with the provisions of section A-VIII/1 of the STCW Code”;

MLC 2006 requires that;

“Each Member shall ensure that the hours of work or hours of rest for seafarers are regulated.”

A potential discrepancy arises where some catering (and passenger vessel ‘hotel’ staff) may not be adequately covered by STCW. It is unclear if a PSCO while undertaking a CIC would apply the provisions of MLC 2006, as may be applicable to the Flag or Port State. However, for the time being, Members are advised to ensure full compliance with the provisions of both conventions.

Computer software is available that will calculate compliance with both STCW and MLC 2006. Compliance may also be achieved by careful advance planning by the vessel’s management team of all day-to-day operations. If a potential non-compliance is evident, then the vessel should contact the shore based management without delay.

Non-compliance

Aside from the risk of detention and the adverse operational, commercial and reputational consequences that may flow therefrom, non-compliance and/or inadequate record keeping place the vessel itself, and all onboard, at risk. Fatigue is a major risk and frequently features as a contributory cause of casualties. The American Club’s booklet on fatigue as a risk in vessel operations refers to this in some detail.

The accurate recording of hours of work and rest is intended as a means of protecting seafarers. Inaccurate record keeping, in a misguided attempt to create the impression of compliance with statutory requirements, serves only to comprise.

Further details of the CIC can be obtained at:

<https://www.parismou.org/joint-press-release-cic-stcw-hours-rest>

Paris/Tokyo CIC Questionnaire on STCW Hours of Rest - 1st Sept 2014 – 30th Nov 2014

1. Is a watch schedule posted in an easily accessible area? STCW Section A-VIII/1 (5)
2. Is the ship manned in accordance with MSMD or an equivalent document? SOLAS 1999/2000 Amend / Chapter V Reg. 14.
3. Are there records of daily hours of rest for each watch-keeper? STCW Section A-VIII/1 (7).

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4. Have the records in Qu. 3 been endorsed by an appropriate person? STCW Section A-VIII/1 (7).
5. Are records related to hours of rest being recorded correctly? STCW Section A-VIII/1 (7).
6. Do rest periods for all watch-keeping personnel comply with STCW requirements, including the weekly requirements of rest? STCW Section A-VIII/1 (2).
7. Will the watch-keepers on the first and subsequent watch after departure have sufficient time to rest? STCW Reg. I/4 or STCW Reg. VIII/1.1.2
8. Is there evidence that on-call seafarers receive adequate compensatory rest periods if disturbed by call-outs to work? STCW A-VIII/1.6
9. Do the records indicate that a bridge lookout is being maintained? STCW Section A-VIII/4-1 (14).
10. Was the ship detained as a result of this CIC?

The following questions are for information only:

11. Is there a two watch system on board including the master?
12. Does the MSMD require an Engineer Officer?
13. Is the ship designated UMS?
14. If ship does **not** have UMS notation is there more than one certificated engineer on board

Each question will be answered 'Yes', 'No' or (for questions 8 and 14 only) 'Not Applicable'. Questions 2 or 7 above when answered negatively may give clear grounds for a detention.

If the actual crew number or composition is not brought in accordance with the minimum safe manning document or the flag State does not advise that the ship may sail, the ship may be considered for detention.

If the PSCO determines that a watch-keeper due to take the first or relieving watch at the commencement of a voyage has not had, or will not have, the minimum rest periods required in STCW then the PSCO should consider detention of the vessel until such time as those rest periods have been taken.