



Date: 13th May 2020

Reference: 0042C/TG/05/20

Subject: Measures to enhance safety standards on board vessels flying the Togolese flag – Port State Control – MoU performance.

To: Ship-owners / Operators/Managers, Representatives of Togo flagged vessels, Deputy Registrars, Masters, Flag and Port State control Surveyors, and Recognized Organizations.

Scope: The present “Merchant Marine Circular” aims to enhance the control of the flag state over safety standards of ships flying the Togolese flag and to inform all concerned parties of the measures that this flag aims to implement in order to comply with respective requirements of relevant International Instruments under the various PSC MOUs. In particular, this Maritime Circular provides a) guidance relating to recognized-authorized ROs surveyors/inspectors or auditors within the context of their statutory functions and b) guidance relating to the action to be taken against underperforming vessels by the International Ship Registry of Togo. The implementation of these measures aims to result in the substantial enhancement of the safety standards on ships flying the Togolese Flag and the significant decrease of identified deficiencies and the number of Port State Control (PSC) detentions.

References

- a. IMO Resolution A.1138(31) Procedures for Port State Control, 2019 adopted by The Assembly, 31st session, 25 November to 4 December 2019 to assist the implementation and enforcement of relevant IMO instruments.
- b. International Registry of Togo published Circulars providing guidance relating to port state control issues, inspection campaigns, and fulfillment of the requirements from the Relevant International Instruments.

Applicability: This circular applies to all vessels registered in the International Ship Registry of Togo in accordance with the below-indicated measures adopted by the Maritime Administration of Togo. *AT*



Port Stat Control Inspections- International Ship Registry of Togo Detention Policy :

1. Taking under consideration:

- (a) efforts by Port States having greatly contributed to enhanced maritime safety and security, and prevention of marine pollution,
- (b) the need to update the Procedures to take account of the amendments to IMO instruments in accordance with IMO Resolution A.1138(31) Procedures for Port State Control, 2019 to assist the implementation and enforcement of relevant IMO instruments,
- (c) that under the provisions of the relevant IMO Conventions, the Flag State 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 maritime safety and security and pollution prevention, a ship is fit for the service for which it is intended and seafarers are qualified and fit for their duties,
- (d) cases, which have arisen, of substandard vessels and underperforming RO's², the following paragraphs provide clear instructions for the adaption, implementation and re-assessment of a PSC detention policy with the overall aim to further increase the safety quality standards of the International Ship Registry of Togo fleet.

2. In view of the above, the International Ship Registry of Togo initiated during the recent time period a focused strategy on this sensitive issue, carefully scrutinizing the PSC performance standards of vessels and PSC detention record and applying strict measures including the deletion from the Registry of a significant number of vessels for low safety performance based on PSC detention records. The current circular provides instructions on the establishment of a Detention Policy, which aims to improve the performance of the Togolese fleet on Port State Control (PSC) Inspections in all major MOUs.

International Ship Registry of Togo Detention Policy Measures linked to PSC records.

3. The following measures have been decided and are reflected in this circular:

¹ 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 conformance with the safe manning document.

² 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.

Inquiries concerning the subject of this Circular or any requests should be directed to:

INTERNATIONAL REGISTRATIONS BUREAU (LS)

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(a) The vessels (under the same ownership and management) detained 3 times, in the same MOU Area, during the last 3 three years may be canceled Ex Officio from the International Register for low safety performance. Owners / Managers will be informed accordingly to transfer the vessel in another registry within 45 days and apply for deletion. A penalty fee up to USD 5.000 will apply to Owners / Managers. Multiple detentions in 3 years period under different Ownership and / or Management, will be evaluated by the Registrar on a case by case basis and relative measures will apply.

(b) For vessels, detained 2 times, in the same MOU Area, during the last 3 three years a flag inspection at the Ship-owners / Operators/Managers cost, must be carried out the soonest possible at the next ports of call in consultation with the International Ship Registry of Togo, on these vessels. The inspection will be carried out by a surveyor appointed by the Flag Administration and without interlinkage whatsoever with the attending RO. During the inspection of the vessel, the rectification of all related deficiencies must be verified. Also, the overall condition of the vessels must be verified, including Hull, Machinery, Equipment, and Radio communications, as well as ISM, ISPS and MLC items. A detailed report along with relevant -documentation and photographic material, will be submitted to the International Ships Registry of Togo (ISRT) for evaluation. Subject to the evaluation of the submitted documents the ISRT will decide, subject to the overall assessment of the file whether the vessel fulfills the criteria and standards to retain the Togolese flag, whether a penalty fee up to USD 5.000 will apply to Owners / Managers or be canceled Ex Officio for reasons of low safety performance. In such case, the Owners / Managers will be informed accordingly to transfer the vessel in another registry within 45 days period and apply for a deletion certificate.

(c) In conjunction with the above, the associated RO of the vessel, under the condition of having more than 5% detainable ships - with RO responsibility – in all MOU Areas, within a 12 months period will be under probation and a respective “Letter of Warning” will be sent. Within the next three months, the performance will be re-evaluated for further actions. Also, an audit of the central office should be part of the evaluation. (a joint – inspection with a flag surveyor may also apply as part of the evaluation, at the decision of the Registrar). The cost and any expenses for the evaluation will be covered by the corresponding RO.



(d) For all ships detained for the first time in a 3 years period, a respective "Letter of Warning" will be sent and the associated RO will attend the vessel for the rectification of all deficiencies submitting the relative report of the rectification, to the ISRT, at the responsibility of the Managers. Furthermore, an updated survey status must be submitted to the ISRT every 4 months for the next calendar year.

In the case of second or third detention, in the same MOU Area, the procedures described above are followed.

(e) For vessels with good performance in PSC-MOUs inspections, without detention in three (3) consecutive years, there will be a discount in the annual taxes of 10% which will be taken into account at the time of the vessel's next schedule payment for annual taxes.

(f) Upon a respective decision of the ISRT, based on evidence reflecting the overall condition of the vessel, the number of inspections/number of detentions and other individualized factors, a vessel may be on an ad-hoc basis exempted from the above procedures.

4. All parties concerned should apply the above requirements related to the detention policy in line with applicable PSC MoU procedures in order to safeguard the safety standards prescribed by international instruments.

5. Shipowners/Managers have the right to seek the assistance of the International Ship Registry of Togo to appeal against any PSC decision they find unfair or unfounded. At all times, the relevant policies and timeframes of the relevant MoUs shall be strictly followed, to enable the Flag State Administration to assist the shipowners accordingly, provided that the vessel is inspected by a flag surveyor and the cause of the complaint is verified. Additionally, it should be noted that time limits apply to each procedure (appeal, complaint, or review) and that the time limits vary between MOUs and between countries within the same MOU. Details on the procedure to be followed in each case and the applicable time limits can be found from the websites of the relevant MOU. Alternatively, Shipowners/Managers may contact the International Ship Registry of Togo for further advice.

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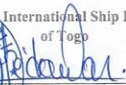


6. The International Ship Registry of Togo will provide additional guidance following the future results of the PSC-MOU inspections worldwide.

7. Moreover, this Maritime Circular may be amended or canceled at any time taking into consideration any new guidance and advice provided by the I.M.O. or other Organization



International Ship Registry
of Togo


Vera N. Medawar
Registrar



Maritime Authority
of Togo


atchannawé B. KAI
Director