

Merchant Marine Circular

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

MERCHANT MARINE CIRCULAR MMC-380

- To:** Recognized Organizations (RO's), Ship-Owners/Operators, Company Designated Person Ashore (DPA, Legal Representatives of Panamanian Flagged Vessels, Panamanian Merchant Marine Consulates, Segumar Regional Offices, ASI Inspectors, Port State Control Inspectors, Ship Shipping Companies and other flag customers.
- Subject:** Measurements to Reduce PSC Detentions on Panamanian Vessels.
- Reference:** Resolution A.1138(31) - Procedure for Port State Control, SOLAS, Chapter I, Rule 11, A y C.
Annex 1 - Tokyo MOU - Criteria for attribution of RO responsibility.
Annex 2 - Paris MOU - Guidance on detention and action taken.
Paris MOU - Criteria for the responsibility assessment of recognized organizations.

1. This Merchant Marine Circular replaces **MMC-172** and its formats.

2. **Purpose**

2.1 The propose of this Circular is to establish measurements to reduce Port State Control (PSC) detentions of Panama flagged vessels, with the cooperation of recognized organizations, shipowners and ship operators as well as other interested parties.

3. **Preamble**

3.1 The reviews of the 2019 Panamanian vessels performance, shown an increased number of detentions in some regions. Therefore, it is necessary to improve the identification of any ship considered to be poorly maintained, or have reached, a condition that could be judged as sub-standard, in order to reduce deficiencies and detentions.



Merchant Marine Circular

This Administration would like to highlight that in order to comply with safety, security and environmental regulations for a better maritime industry, there is no place in our registry for substandard vessels; which can affect directly our flag reputation in all the Port State Control Memorandum of Understanding (MoUs).

4. **Definitions**

4.1 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.

4.2 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 vessels entitled to fly its flag.

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

4.4 Detention: Intervention action was taken by the port State when the condition of the vessel or its crew does not correspond substantially with the relevant conventions to ensure that the vessel will not sail until it can proceed to sea without presenting a danger to the vessel 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 vessel.

4.5 Initial inspection: A visit on board a vessel to verify the validity of the relevant certificates and other documents, the overall condition of the vessel condition, its equipment and its crew.

4.6 More detailed inspection: An inspection conducted when there are "clear grounds".

4.7 Clear grounds: Evidence that the vessel, 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 (vessel) or the prevention of pollution.

4.8 Stoppage of an operation: Formal prohibition against a vessel to continue operation due to an identified deficiency or deficiencies which, singly or together, render the



Merchant Marine Circular

continuation of such operation hazardous.

4.9 Substandard vessel: A vessel 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.

4.10 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, that the Port State Authority may allow the vessel concerned to proceed, as chosen by the Master or vessel operator and agreed to by that Authority, provided that the conditions agreed between the Port State Authority and the Flag State are complied with.

4.11 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.

5. Measurements to be applied as preventive-corrective actions to reduce PSC detentions.

5.1 RO's are responsible for a permanent verification of MoU's websites to determine the status of vessels under its supervision.

5.2 RO's are responsible for the handling of detentions, including the investigation, analysis and determination of deficiencies root-cause, recommendations including preventive/corrective actions and follow actions to avoid future occurrence of major detentions, all information shall be sent to the Port State Control Section psc@amp.gob.pa; as soon as possible to avoid delays to the vessel.

5.3 RO's surveyors on board Panama flagged vessels shall be paid attention to the following main items including on the "Top Deficiencies" (most frequent detainable deficiencies) on MoU's annual reports, but not limited to:

1. Validity of all Statutory Certificates (including annual/intermediate endorsements).
2. Life-Saving Appliances (LSA) in general.
3. Lifeboat falls (including renewal and reversal dates).
4. Liferafts servicing (dates).
5. Fire Fighting Systems & Equipment (in general).
6. Emergency Fire Pumps (last test).
7. Fire detention & alarm system (last service).



Merchant Marine Circular

8. Pyrotechnics (expiry date or expiration date).
9. Records of weekly/monthly drills and equipment inspections (log book's entries, SMS records).
10. Nautical Publications & Charts (up to date).
11. Oil Record Book + Oil Filtering Equipment (MARPOL 73/78 Annex I).
12. Any outstanding statutory items and/or conditions of class (verify last class survey).
13. Personnel Familiarization & Responsibility (ISM Code – Section 6).
14. Maintenance of the Ship and Equipment (ISM Code – Section 10).
15. Working & Living Conditions (MLC, 2006).

5.4 Ship-Owners, operators, technical manager and Company Designated Person Ashore (DPA) together with Ship's Master are responsible to establish on board a pre-arrival verification, taken into account the items mentioned on the previous paragraph; which must be verified at least 24 hours before arrival at ports in order to avoid detentions and deficiencies. The objective evidence about these pre-arrival verifications conducted by the vessel shall be maintained on board the vessel at all the time as evidence; which can be presented at request of Flag State inspector during the Annual Safety Inspection (ASI).

5.5 If an extraordinary issues, such as equipment failures or any others situations that cannot be resolve on board of the vessel immediately; Ship-Owners, operators, technical managers, DPA together or vessel's Master, shall immediately coordinate the effective corrective actions, together with the vessel Recognized Organization (R.O.) and Segumar Offices. At the same time, PSC Authority shall be informed as requested by regulation 11 "Maintenance of conditions after survey", SOLAS Chapter I.

5.6 In order to improve the information exchange regarding Port State Control (PSC) Inspections to Panamanian Flagged vessels, this Administration requires that all Masters, Ship-Owners, Operators, technical managers, DPA and Recognized Organization (RO) send immediately to our Port State Control Section, all PSC inspections reports to psc@amp.gob.pa.

5.7 Relating to all deficiencies detected during a Port State Control Inspections; the corrective actions taken by the vessel shall be sent as soon as possible and duly documented, to Panama Port State Control Section using the format in Annex 1 of this Merchant Marine Circular "Correction of Deficiencies Reports" Form (F-27).



Merchant Marine Circular

The PSC section also accepts as corrective actions:

1. The format used by the company safety management system; describing the deficiencies, corrective actions, root cause analysis and preventive actions taken.
2. The Occasional Survey (OS) report format issued by the RO (,) who performed the visit of the vessel to verified the deficiencies raised and the corrective actions.

6. **Recognized Organization (RO) responsibility with the detention**

6.1 This Administration accepts the RO responsibility criteria of the Tokyo MoU (as a permanent member) and Paris MoU, define as follow:

A detainable deficiency is associated with the RO if it is:

1. 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
2. a serious deficiency in equipment or non-structural fittings (such as fire main, air pipes, cargo hatches, rails, masts, ventilation trunks/ducts, accommodation and recreational facilities etc.) AND it is less than ninety (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
3. a serious deficiency in equipment or non-structural fittings which clearly would have existed at the time of the last survey; or
4. a serious deficiency associated with out-of-date equipment which was out-of-date at the time of the last survey; or
5. 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



Merchant Marine Circular

6. 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 provided that the audit took place within the last ninety (90) days. It may also include operational drills and operational control and there is clear supporting evidence of failure;

7. 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 it existed at the last inspection conducted by the RO.

6.2 The RO must have established procedures for the cases where, as a result of PSC inspection, there are deficiencies relating to RO responsibility and statutory certificates issued by the organization, detailing the actions to be followed to prevent and avoid her recurrence, including actions as Warning Note, Suspensions or Cancellation, to against surveyors who survey conducted to issued or endorsed a statutory certificate affected. The consult of RO responsibility criteria established by MOU's (Tokyo, Paris) is recommended. Refer to Annex 2, Annex 3 and RO Code, chapter 6: Performance measurement, analysis and improvement.

6.3 This Administration may also be monitoring constantly the RO performance through the result of PSC inspections and where RO responsibility has been detected; it could be sanctioned on a case-by-case basis, according to the internal malpractice procedures.

7. **Contact information:**

7.1 Port State Control Section, Monday to Fridays (according to Panama local time and regular office hours).

Phone: (507) 501-5092 / 501-5094 / 501-5033

Fax: (507) 501-5083

Email: psc@amp.gob.pa

7.2 Segumar Offices In cases where assistance is required please contact:

7.2.1 SEGUMAR Panama Head Office (HO) for night time, weekends and holidays (Panama local time)

Phone: (507) 501-5361/501-5362

Email: authorizations@segumar.com; conditionals@segumar.com; extensions@segumar.com



Merchant Marine Circular

7.2.2 For nearest Segumar Office, you can contact us as convenient on Monday to Fridays (according to local time and regular office hours):

America:		
Segumar Miami segumar.miami@segumar.com	Segumar Houston offshore@segumar.com	
Asia:		
Segumar Tokyo segumar@panaconsul-tokyo.com	Segumar Imabari segumar.imabari@segumar.com rchacon@segumarimabari.jp	Segumar Shanghai segumar.shanghai@segumar.com
Segumar Seoul segumarseoul@segumar.com	Segumar Busan segumarbusan@segumar.com	Segumar Singapore segumar.sg@segumar.com
Segumar Manila segumar.manila@segumar.com	Segumar Dubai segumar.dubai@segumar.com	
Europe		
Segumar Piraeus segumarpq@segumar.com	Segumar Istanbul segumarist@segumar.com	Segumar London segumar.uk@segumar.com

In the cases above indicated, where assistance is requested to Segumar Office, please submit the “Correction of Deficiencies Reports” Form (F-27), PSC Survey (inspection) report, related Statutory Certificates copy, and RO survey report (i.e. Conditional or Single Voyage authorization). Authorizations granted by Segumar Offices shall not be considered as a “release letter” in case of a PSC detention.



Merchant Marine Circular

8. Annexes:

- [Annex 1-Correction of Deficiencies Reports Form \(F-27\).](#)
- [Annex 2-Tokyo MOU-Criteria for attribution of RO responsibility.](#)
- [Annex 3-Paris MOU-Criteria for the responsibility assessment of recognized organization \(RO\).](#)

February, 2022 – Change in paragraph 8 – “Annex 1-Correction of Deficiencies Reports Form (F-27)”.

June, 2020 - This Merchant Marine Circular replaces MMC-172 and its formats.

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/>