

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 and improve the performance on Panamanian Vessels.

Reference:

- a) Resolution No. 106-019-DGMM dated February 7, 2023.
- b) Resolution No. 107-OMI-252-DGMM of March 7, 2022 adopted Resolution A.1155(32) adopted on December 15, 2021 – “Procedures for Port State Control, 2021”.
- c) Annex 1 - Tokyo MoU - Criteria for attribution of RO responsibility.
- d) Annex 2 - Paris MoU - Guidance on detention and action taken.
- e) 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 purpose of this Circular is to establish measurements to reduce Port State Control (PSC) detentions and improve the performance 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 Panama Maritime Authority to meet the obligation as it is required by the III Code, has implemented methods to evaluate the performance of the Panamanian Fleets within Port State Control Memorandum of Understanding (MoUs), considers necessary to improve the identification of any poorly maintained ship, categorized or have reached a



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condition that could be judged as sub-standard ship, in order to reduce deficiencies and detentions.

3.2 This Administration would like to highlight that in order to comply with safety, security and environmental regulations, therefore it is important for the Panama Flag Administration to enhance and improve our policies as a Flag State under the III Code Standards.

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.



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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 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.

4.12 Occasional Survey: An occasional survey must cover all conditions related to security, pollution prevention, maritime safety, living condition and compliance with all national and international regulations applicable to the vessel, equivalent to Mandatory Annual Surveys. If deficiencies are found at the time of the occasional survey, such deficiencies shall be rectified as soon as possible.

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

A. Ship-Owners/Operators, technical manager, Company Designated Person Ashore (DPA) responsibilities:

5.1 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).



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Text 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.

5.2 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.

5.3 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).

5.4 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 Survey report format issued by the RO, who performed the visit of the vessel to verified the deficiencies raised and the corrective actions.

B. Recognized Organization (RO) responsibilities related to the detention

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

5.6 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.



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5.7 RO's surveyors on board Panama flagged vessels shall 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).
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).

5.8 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



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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
 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.
- 5.9** 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.
- 5.10** 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.
- 6. Additional Measurements adopted to reduce PSC detentions (shall be implemented by the RO's as off April 15th., 2023:**
- 6.1 Preventive Measures:**
1. Each ship that is at risk of being detained, due to the fact that its history of Port State Control inspections in the last twenty-four (24) months, evidencing a breach on the



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applicable international regulations, regardless of its year of construction, may undergo an Occasional Survey carried out by the RO that issued the SMC Certificate, if it is required by the General Directorate of Merchant Marine.

2. ****Each ship older than ten (10) years of construction and considered with a high risk factor by the United States Coast Guard (USCG), Paris MOU and the Tokyo MOU, *shall* be subject to an Occasional Survey, carried out by the RO that issued the SMC Certificate. (See Note 1)**
3. This Occasional Survey must be carried out prior to arrival or at the time of arrival to the United States Coast Guard (USCG), to the Paris MOU, Australian ports (AMSA-Australian Maritime Safety Authority) or Chinese ports (MSA-Maritime Safety Administration).
4. When the Occasional Survey is completed, the Recognized Organization must issue a Declaration of Compliance of the Occasional Survey, valid for six (6) months and it shall be submitted to Navigation & Maritime Safety Department, in a period not exceeding five (5) from the completion of the survey, along with the inspection report. The inspection report will include the following specifications, but not limited to:
 - a. Ship Particulars
 - b. Minimum Manning on board is in compliance with Minimum Safe Manning Certificate issued by the Administration.
 - c. Certificate of Competence of the crew.
 - d. Technical Certification
 - e. Applicable Plans and Records
 - f. Condition of: Hull & Deck, Cargo Holds & Hatch Covers, Engine, Navigation Bridge, Mooring and anchoring equipment.
 - g. Rescue, Fire Fighting & Life Saving Appliance Equipment ready for use.
 - h. Safety Management System: compliance with maintenance plans and inspections, familiarization and crew drill training and its entries, internal audits, closure of Non-Conformities (including previous PSC deficiencies), declaration of the designated person and declaration of the company, etc.
 - i. ISPS: vessel access control, updated CSR updated.

****Note 1:** As a result of the analysis of the detentions of Panamanian flag vessels since the entry in force of this Circular, our Administration has determined to increase the scope of applicability of the occasional survey and it will apply to vessels more than 10 years old. Although the rest of the parameters remain the same, the Recognized Organizations are asked to give special emphasis to the following type of vessels that suffer the most detentions, bulk carrier and general cargo, with less than 10,000 GRT.

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- j. MLC: on-board contracts properly signed, payment of wages, hours of rest and work, insurance according to rule 4.2 and 2.5 of this convention, maintenance and cleaning in accommodations, corridors, cabins, decks, cold room, dining rooms, galley, fans and air conditioners.
- k. Conclusions: comments on the general condition of the ship.
- l. Annex: photos and supporting evidence of the inspection, as follows but not limited:
 - 1. Emergency Generator (also photograph leaks and visible damage).
 - 2. Main Generators (also photograph visible leaks and damage).
 - 3. Main machine (also photograph leaks and visible damage).
 - 4. Machine room (general cleaning).
 - 5. Wastewater plant (general condition and alarms).
 - 6. Incinerator (ignition evidence).
 - 7. Purifiers (cleanliness condition of the area where they are located).
 - 8. OWS & Dump Valve.
 - 9. Photos of tests of the alarm panel in the control room of bilge machines, leaks in generators and main machine when practicable.
 - 10. Government system.
 - 11. Emergency fire pump and photos of hoses that show the pressure.
 - 12. Machine fans (opening and closing mechanism and its condition).
 - 13. Smoke detector test & the equipment used for the test.
 - 14. Lifeboats and rescue boat and their engines.
 - 15. Condition of holds covers and their closing mechanisms in Cargo Ships.
 - 16. Freeboard mark.
 - 17. ISM - photos of the NCR closed by the company in case the ship has reports of PSC with Deficiencies or Detentions.
 - 18. Evidence of the inspections carried out on the fire-fighting and rescue devices ashore by companies authorized by the RO or the Administration.

6.2 Correctives Measures:

- 1. All detained vessels of the Panama Flag Registry that, by virtue of the result of the technical evaluation of the General Directorate of Merchant Marine, the following may be required:
 - i. Additional audit of the Ship's Safety Management Certificate (SMC), with an initial scope. In the event of non-conformities, they will be followed and if a follow-up audit is required, they must be done within a period of no more than three (3) months from the date of the last Additional audit and/or,



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- ii. Additional Audit to the company that implemented the Safety Management System. This Additional Audit will be carried out on companies that register three (3) or more detentions in the history of their fleet in a period of twenty-four (24) months.
2. Vessels detained by the United States Coast Guard (USCG) or by the Member States of the Paris MOU, Australian Maritime Safety Authority and by China – Maritime Safety Administration must do the following:
 - i. Submit evidence that demonstrates the corrections of the deficiencies indicated in the inspection reports of the Port State Control, in the last twelve (12) months. Such corrections must be presented in the format established on Merchant Marine Circular MMC-380.
 - ii. Carry out an additional audit of the ship's Safety Management Certificate (SMC), with an initial scope. If there are non-conformities, they will be followed and if a follow-up audit is required, it must be done within a period of no more than three (3) months from the last additional audit and/or,
 - iii. If required, an Additional Audit must be coordinated with the Company that implements the Ship's Safety Management System, with an initial scope. If there are non-conformities, they will be followed and a follow-up audit is required. They must be done within a period not exceeding three (3) months from the additional audit and/or,
 - iv. A flag inspection may be carried out to verify the general conditions of the ship, by a flag inspector appointed by the General Directorate of Merchant Marine.
 - v. Any other measure that the General Directorate of Merchant Marine deems necessary depending on the case.
3. When a Panama flag vessel is detained within the United States Coast Guard (USCG), the Recognized Organization must perform the corresponding audits and inspections together with a Flag State Inspector, who will be appointed by the General Directorate of Merchant Marine. All Recognized Organization duly approved by the United States Coast Guard (USCG) are excepted from this requirement.
4. These Additional Audits shall be performed by the Recognized Organizations that issued the Safety Management Certificates, based on the International Safety Management Code (ISM) and shall be coordinated with no more than fifteen (15) days, from the written notification.



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5. The audit reports must be delivered to Navigation and Maritime Safety Department of the General Directorate of Merchant Marine, within a period of no more than fifteen (15) days, after the last day of inspection, in order to be evaluated.

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 / 501-5033 / 501-5031 /501-5131

Email: psc@amp.gob.pa

7.2 **Segumar nearest Office:** In cases where assistance is required, please refer to Marine Notice [MMN-18/2021](#)

1. 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.

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 \(RO\).](#)

May, 2024 – Change in paragraph 6.1.2 and footnote.

January, 2023 – Correction in paragraph 2.1 (wording).

March, 2023 – Reference and paragraphs 2, 3.1, 3.2, 5, 6 & 7 were updated, new paragraph was added 4.12.

October, 2022 - Update in the reference - Resolution A.1155(32) adopted on December 15, 2021. - Resolution No. 107-OMI-252-DGMM of March 7, 2022 adopted Resolution A.1155(32) adopted on December 15, 2021 – “Procedures for Port State Control, 2021”.

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.



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

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

Phone: (507) 501-5031

E-mail: psc@amp.gob.pa

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