

# No.98 Duties of Surveyors under Statutory Conventions and Codes

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2007)

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## 1. Preamble

1.1. The provisions of the statutory conventions and codes define in general terms the role of Surveyors of recognized organizations in the performance of surveys and their duties toward flag Administrations and Port Authorities. The same provisions define, again in general terms, the system of liaisons between the Flag Administrations or Port Authorities and the recognized organizations.

1.2. In line with the requirements of the statutory codes and conventions, Classification Societies, individually or in groups, have entered into agreements with several Flag Administrations. These agreements cover the application of the duties of surveyors in the performance of surveys and their duties toward Flag Administrations and take preference over any other guidelines for such surveys.

1.3. This Recommendation does not apply to the ISM Code, ISPS Code and MLC 2006 certification.

## 2. Definitions

2.1. A "Permanent/full term certificate" is a certificate issued upon satisfactory completion of an initial or renewal survey. A permanent/full term certificate is valid until the next periodical/renewal survey is due. A permanent/full term certificate may also be issued or re-issued when all deficiencies which led to the issuance of a conditional certificate are corrected.

2.2. An "Interim certificate" is a certificate issued by the attending surveyor upon satisfactory completion of a survey in order to permit the ship to trade while the permanent/full term certificate is prepared. An interim certificate is usually valid for five months from the date of issuance.

2.3. "Conditional certificate"\* or a "conditionally issued certificate" is a certificate with the appropriate expiry dates that is issued by the attending surveyor when deficiencies/defects exist which cannot be corrected in the port of survey. A conditional certificate is valid only for a period long enough to permit the ship to proceed to the port where the correction will be made.

2.4. A "minor deficiency/defect" is an observed situation which does not prevent the ship from proceeding to sea as it is not considered to pose a danger to the ship, the environment or persons on board within the timeframe given for its rectification.

2.5. A "detainable deficiency/defect" is an identified deficiency/defect which is considered to endanger the people onboard, the stability or integrity of the vessel, the cargo or is likely to cause pollution. Refer to Annex A for guidance on detainable deficiencies related to various statutory certificates.

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\* Some Administrations require that these certificates be called and annotated "Short Term certificates".

**No.98**  
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2.6. Statutory Condition: requirements to the effect that specific measures, repairs, surveys are to be carried out within a specific time limit in order to retain statutory certification.

2.7. Condition(s) of Class: requirements to the effect that specific measures, repairs, surveys are to be carried out within a specific time limit in order to retain Classification.

**3. Types of survey**

3.1. The scope and specified intervals of any statutory survey (e.g. initial, annual, intermediate, periodical, renewal, etc.) are defined by each appropriate statutory convention or code and are further outlined in the IMO guidelines for statutory surveys given in the most updated version of IMO Res. A.1120(30) "Survey Guidelines under the Harmonized System of Survey and Certification".

**4. Notification of Flag Administration**

4.1. Whether to notify Administrations of deficiencies/defects and issuance of certificates, and the means and timeliness of this notification, should be in accordance with the Society's agreement with the Administration.

**5. Issuance of certificates**

5.1. If detainable deficiencies/defects are identified at the time of any survey (i.e. initial, annual, intermediate, periodical, renewal, additional survey for port state control, or other additional survey), and they are not permanently repaired or rectified in the port of survey, or temporarily compensated either as agreed between the Society and the Flag administration in their agreement or on a case-by-case basis no certificate should be issued or endorsed except in cases 5.2.1 and 5.3.1 below.

5.2.1. If detainable deficiencies/defects are identified at the time of an initial or renewal survey, and they cannot be permanently repaired or permanently rectified in the port of survey:

- A conditional or short term certificate should be issued to allow the vessel to proceed to a port where the permanent repairs are to be made.
- The certificate should be identified by the wording "Conditional" or "Short term" printed under the name of the certificate.
- Outstanding deficiencies/defects, with the details of any relevant requirements or provisos and the assigned due date for the time needed to rectify, should be noted on or attached to the Conditional or short term Certificate.
- Flag Administration should be contacted as per agreement between the individual Society and the Flag Administration.

5.2.2. If the Owner satisfactorily rectifies the deficiencies/defects the "conditional" or "short term" certificate should be withdrawn and a "permanent/full term" certificate issued. The Society may also issue an "Interim" certificate in this case if that is their practice.

5.3.1. If detainable deficiencies/defects are identified at the time of an annual, intermediate, periodical, additional survey for port state control or other additional survey and they cannot be permanently repaired or permanently rectified in the port of survey:

- The existing "permanent/full term" certificate should not be endorsed.

**No.98**

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- The existing “permanent/full term” certificate should be withdrawn.
- A conditional or short term certificate should be issued.
- The certificate should be identified by the wording “Conditional” or “Short term” printed under the name of the certificate.
- Outstanding deficiencies/defects, with the details of any relevant requirements or provisos and the assigned due date for the time needed to rectify, should be noted on or attached to the Conditional Certificate.
- Flag Administration should be contacted as per agreement between the individual Society and the Flag Administration.

5.3.2. If the Owner satisfactorily rectifies the deficiencies/defects the “conditional or short term” certificate should be withdrawn and the “permanent/full term” certificate restored.

5.4. In case of minor deficiencies/defects not rectified at time of the survey:

- if the deficiency/defect also relates to class\*, a condition of class may be issued with the details of any relevant requirements or provisos and an assigned due date for the time needed to rectify.
- if the deficiency/defect is limited only to statutory certificates, a statutory condition with assigned due date may be issued, with the details of any relevant requirements or provisos and an assigned due date for the time needed to rectify, with or without a conditional or short term certificate issued.

The above actions are to be reported to the Administration to the extent required by the agreement with the individual Society.

If deemed necessary by the attending surveyor, a combination of deficiencies/defects of a less serious nature may also result in the withdrawal of the permanent/full term statutory certificate and its replacement with a conditional or short term certificate subject to the concurrence by the Flag Administration to the extent required by the agreement with the individual Society.

\* this includes minor deficiencies/defects related to structural, mechanical and/or electrical requirements of the classification society recognized by the flag Administration (e.g., SOLAS II-1/3-1).

5.5. The final decision on the severity of the deficiency/defect should be left to the professional judgment of the surveyor.

**Detainable Deficiencies**

To assist the surveyor, the following list, grouped under relevant conventions and codes, indicates those deficiencies which may be considered of such a serious nature as to be categorized as detainable deficiencies. This list is not considered exhaustive but is intended to give examples of relevant items.

**SOLAS Convention**

1. Failure of proper operation of propulsion and other essential machinery, as well as electrical installations.
2. 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 proper operation of emergency generator, lighting, batteries, and switches.
4. Failure of proper operation of the main and auxiliary steering gear.
5. Absence, insufficient capacity or serious deterioration of personal life-saving appliances, survival craft, and launching arrangements.
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 installations, 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.
10. Absence or failure of the proper operation of navigation equipment, taking the relevant provisions of SOLAS 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. Failure of the proper operation of inert gas system.
14. Non-implementation or failure to carry out the enhanced survey programme in accordance with SOLAS 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.
15. Absence or failure of a voyage data recorder (VDR), when its use is compulsory.

**No.98**  
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1. Missing or damaged high pressure safety devices.
2. Electrical installations not intrinsically safe or not corresponding to the code requirements.
3. Sources of ignition in hazardous locations.
4. Insufficient heat protection for sensitive products.
5. Pressure alarms for cargo tanks not operable.

**Gas Codes**

1. Missing closing devices for accommodation or service spaces.
2. Bulkhead not gas tight.
3. Defective airlocks.
4. Missing or defective quick closing valves.
5. Missing or defective safety valves.
6. Electrical installations not intrinsically safe or not corresponding to the code requirements.
7. Ventilators in cargo area not operable.
8. Pressure alarms for cargo tanks not operable.
9. Gas detection plant and/or toxic gas detection plant defective.

**Load Line Convention**

1. Significant areas of damage or corrosion, or pitting of plating and associated stiffening in decks and hull affecting fitness to proceed 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. The absence of sufficient stability information, in an approved form.
3. Absence, substantial deterioration, or defective closing devices, hatch closing arrangements, and watertight/weathertight doors.
4. Overloading.
5. Absence of, or impossibility to read, draught marks and / or Load Line marks.

**No.98**

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**MARPOL 73/78, 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 Reg. 20.4 or alternative requirements specified in regulation Reg. 20.7.

**MARPOL 73/78, Annex II**

1. Absence of approved P&A Manual.
2. No cargo record book available.
3. Unauthorized discharge bypass fitted.

**MARPOL 73/78, Annex IV**

1. A sewage treatment plant is not of an approved type in accordance with the standards and test methods developed by an Organization.
2. Systems fitted to comminute and disinfect sewage are not of an approved type.
3. Holding tank capacity not approved by the Administration insufficient for the intended voyage.
4. A pipeline for the discharge of sewage to a reception facility, provided with a standard shore connection is not fitted.

**MARPOL 73/78/97, Annex VI**

1. 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 doesn't comply with the NOx Technical Code or that does not comply with the relevant NOx emission limit.
2. A marine diesel engine, with a power output of more than 5000 kW and a per cylinder displacement at or above 90 litres, which is installed onboard 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 MARPOL Annex VI Reg. 13 Par 7.2.
3. Depending on the method used for demonstrating SOx compliance, the sulphur content of any fuel oil being used onboard exceeds 3.5% m/m on and after 1 January 2012, 0.5% m/m on and after 1 January 2020 and 0.1% m/m on and after 1 January

**No.98**  
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2015 while operating within a SOx emission control area, taking into account provisions of MARPOL Annex VI Reg.14 respectively.

4. Non-compliance with the relevant requirements while operating within an Emission Control Area for SOx.
5. An incinerator installed onboard 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 IMO.

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