

MSC/Circ.606

PORT STATE CONCURRENCE WITH SOLAS EXEMPTIONS

1 Existing provisions of the 1974/78 Safety of Life at Sea Convention (SOLAS 74/78) allow a flag State to exempt a vessel from certain requirements even if that vessel is primarily intended for operation from ports of a State other than the flag State. Some of these provisions permit reduction of safety standards and equipment on vessels engaged in "short international voyages" and on vessels for which consideration is given to the "sheltered nature and conditions of the voyage".

2 The Maritime Safety Committee notes that these provisions for exemptions do not provide for the port State to participate in decisions which affect the safety of its citizens and ports. Port States have the greatest understanding of the conditions of operation in and around their ports, therefore they should be involved in any determinations made regarding the suitability of exemptions which are based on proximity to land considerations involving their ports. Exemptions are normally disclosed when the port State performs a control examination. Discussions between the flag Administration and affected port States, prior to the issuance of exemption certificates, would prevent problems which arise when a port State disputes the suitability of an exemption.

3 In view of the above, the Maritime Safety Committee recommends that for vessels intended for operation primarily from ports of a State other than the flag Administration, exemptions based on "short international voyages" or the "sheltered nature and conditions of the voyage" be communicated to the Government of that State. Prior to operation of the vessel from that port State, the involved Administrations should work together to resolve any disagreements concerning the suitability of such exemptions.
