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MSC-MEPC.4/Circ.1
26 September 2005

PORT STATE CONTROL-RELATED MATTERS*

Retention of original records/documents on board ships

1 The Maritime Safety Committee at its eightieth session (11 to 20 May 2005) and the Marine Environment Protection Committee at its fifty-third session (18 to 22 July 2005), having recognized that the removal, in exceptional circumstances, of original records/documents by port or coastal Authorities in the context of judicial or other administrative actions required clarification, explanation and guidance, approved the present circular on the retention of original records/documents on board ships with a view to assisting flag, port and coastal States in the exercise of their responsibilities.

2 Ship's records/documents required by international Conventions and national law attest to the compliance of the ship with international rules and regulations. Certain original records/documents provide documentation about activities carried out during the normal operation of the ship. These are available to port State control Authorities as well as to other national Authorities in the exercise of their responsibilities. The following is an illustrative list of these records/documents:

- .1 ships records: the ship's log, the oil record book and the cargo record book;
- .2 seafarer's documents and certificates: the seafarer's record book and the seafarer's identity document; and
- .3 other certificates and documents: the updated list of certificates and documents required to be carried on board ships is issued by the Organization in the form of a circular (FAL.2/Circ.87 - MEPC/Circ.426 - MSC/Circ.1151, as updated).

3 Because ships often travel between multiple jurisdictions, the retention of the original records/documents on board the ship is the primary method of attesting to their compliance. Only in exceptional circumstances, such as when a port or coastal State Authority can articulate a legal basis and reasons why it is necessary, and when the master and all the parties concerned agree, should the original records/documents be removed and replaced by certified copies and a receipt should be left on board stating the reason for the removal.

* In order to facilitate the identification and retrieval of information circulated by means of joint MSC-MEPC circulars, from now on such information will be disseminated through the following circular series:

- 1 Organization and methods of work, as MSC-MEPC.1/Circ...
- 2 General matters, as MSC-MEPC.2/Circ...
- 3 Casualty-related matters, as MSC-MEPC.3/Circ...
- 4 Port State control-related matters, as MSC-MEPC.4/Circ...
- 5 Survey and certification-related matters, as MSC-MEPC.5/Circ...
- 6 National contact points for safety and pollution prevention and response, as MSC-MEPC.6/Circ...

4 In those exceptional circumstances when original records/documents are removed, subsequent port State control Authorities should be made aware of this action by the master and, if necessary, be provided, for the purpose of verification, with contact information of the port or coastal State Authority that took such action.

5 The absence of original records/documents on board the ship in those exceptional circumstances should not be recorded as a deficiency against the ship.

6 Member Governments are invited to bring this circular and the requirements of international maritime Conventions, in particular SOLAS 74, MARPOL 73/78 and STCW 78, concerning the retention of original records/documents on board ships to the attention of duly authorized officials exercising port and coastal State actions and other parties, as appropriate.
