



REPUBLIC OF
THE MARSHALL ISLANDS

MARITIME ADMINISTRATOR

Marine Notice

No. 2-011-29

Rev Apr/2023

TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS

SUBJECT: Entities Acting on Behalf of the Maritime Administrator and their Roles in Ensuring Compliance with Mandatory Instruments and National Regulations

- References:**
- (a) **IMO Resolution [MEPC.237\(65\)](#)**, *Adoption of the code for recognized organizations (RO Code)*, adopted 17 May 2013
 - (b) **IMO Resolution [MSC.349\(92\)](#)**, *Code for recognized organizations (RO Code)*, adopted 21 June 2013
 - (c) **RMI Maritime Regulations, [MI-108](#)**, §2.18
 - (d) **RMI Marine Notice [1-000-1](#)**, *Issuance of Republic of the Marshall Islands Marine Notices*
 - (e) **RMI Marine Notice [2-011-1](#)**, *International Maritime Conventions and Other Instruments Adopted by the Republic of the Marshall Islands*
 - (f) **RMI Marine Guideline [2-11-15](#)**, *Organizations Acting on Behalf of the Republic of the Marshall Islands Maritime Administrator*

PURPOSE

The Republic of the Marshall Islands (RMI) Maritime Administrator (the “Administrator”) has delegated authority to certain entities to perform ship Statutory Certification and Services. This Notice communicates the role of these entities in ensuring compliance with the mandatory requirements of international conventions and RMI regulations. It also outlines the potential consequences for vessel owners and operators of non-compliance with mandatory instruments.

This Marine Notice (MN) has been updated to reflect current requirements and supersedes version 2/09.

APPLICABILITY

This MN applies to all RMI-flagged ships subject to survey and certification for statutory compliance.

DEFINITIONS

Recognized Organization (RO) means an entity that has been delegated authority to act on behalf of the Administrator with respect to Statutory Certification and Services and, if a Classification

Society, that has been assessed by the Administrator and found to comply with the RO Code or, if an Appointed Representative that has been assessed by the Administrator and found to substantially comply with the RO Code.

Ship means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

Statutory Certification and Services means certificates issued, and services provided, on the authority of laws, rules, and regulations set down by the RMI. This includes plan review, survey, inspection and/or audit leading to the issuance of, or in support of the issuance of, a certificate by or on behalf of the Administrator as evidence of compliance with requirements contained in an international convention or national legislation. This also includes certificates issued by an organization recognized by the Administrator in accordance with the provisions of SOLAS regulation XI-1/1 and which may incorporate demonstrated compliance with the structural, mechanical, and electrical requirements of the RO under the terms of its agreement of recognition with the Administrator.

REQUIREMENTS

1.0 Policy

- 1.1 The Administrator is ultimately responsible for ensuring compliance by owners, operators, seafarers, and vessels with mandatory instruments to which the RMI is a Party. Refer to MN [2-011-1](#) for a listing of these instruments.
- 1.2 The Administrator allows entities acting on its behalf, and in accordance with their authorizations, to:
 - .1 perform the requisite surveys, inspections, audits, and assessments necessary to verify compliance with the mandatory instruments, and to issue the relevant statutory certification as evidence of compliance;
 - .2 withdraw, cancel, or invalidate RMI statutory certificates in accordance with the results of such surveys, inspections, audits, and assessments upon consultation with the Administrator;
 - .3 suspend the relevant statutory certificates where the vessel owner or operator fails to correct a detainable deficiency, until all such deficiencies are remedied; and
 - .4 make recommendations to owners and operators about compliance with the specific requirements of the relevant international conventions, protocols, and related codes.

2.0 Delegation of Authority

- 2.1 Only those entities that have been delegated authority by formal, written agreement may perform ship Statutory Certification and Services on behalf of the Administrator. To be authorized they must have adequate resources and the ability to carry out the required functions. Such entities are:
- .1 **Classification Societies** which, unless specifically exempted by the Administrator for certain vessel types, must be assessed and found to meet the requirements of the RO Code.
 - .2 **Appointed Representatives (ARs)** which must substantially comply with the RO Code and be guided by the RMI *Guidelines for Appointed Representatives Conducting Compliance Verifications and Other AR Services* ([MI-290](#)).
 - .3 **Recognized Security Organizations** which must demonstrate that they meet the criteria listed in paragraph 4.5 of Part B of the ISPS Code. Currently, only RMI ROs hold this designation¹.
 - .4 **Aviation Inspection Bodies** which, in certifying helicopter landing areas on yachts in accordance with the RMI Yacht Code ([MI-103](#)), must maintain an effective quality management system and undergo certification by an independent body of auditors.
- 2.2 Marine Guideline (MG) [2-11-15](#) contains a comprehensive listing of entities authorized to act on behalf of the Administrator.
- 2.3 The Administrator's RO Agreements are available to the public on the IMO's [Global Integrated Shipping Information System](#) (GISIS) database. Click on module icon, "Recognized Organizations". Registration is free and required for new users.

3.0 Communication and Instructions

- 3.1 In addition to the specific authorizations in the RO Agreements, [Marine Notices](#) that are relevant to the implementation and enforcement of international instruments are considered annexed to and an extension of the RO Agreements per MN [1-000-1](#).
- 3.2 The Administrator also provides specific instructions, which are mandatory, to ROs through [Technical Circulars](#) and [Yacht Technical Circulars](#).
- 3.3 RMI-specific requirements that go beyond convention requirements are designated as such in footnotes in the relevant documents.

1. This is an RMI National requirement.

4.0 Port State Control (PSC)

4.1 PSC Deficiencies

- .1 ROs are authorized to cooperate with PSC officers on behalf of the Administrator to facilitate rectifying reported deficiencies and defects on vessels for which the RO has issued the relevant statutory certification.
- .2 Where ROs are made aware of deficiencies² identified by PSC authorities, they are required to report them to the Administrator, regardless of whether the deficiencies lead to detention.

4.2 PSC Detentions

- .1 The relevant RO, in consultation with the Administrator, may attend any ship that is detained by PSC authorities³. It is the responsibility of the ship manager or Master to immediately notify the Administrator.
- .2 The attending RO surveyor must address but not limit an inspection to the deficiencies identified by PSC. When the date of the detention falls:
 - a. within the ± 3 (three) month window for annual statutory surveys, the RO must conduct these surveys prior to the ship sailing.
 - b. within the 3 (three) month window prior to the renewal surveys, then these must be conducted by the RO to the maximum extent possible, except for safety equipment and safety radio surveys which must be completed prior to the ship sailing. A time schedule for the completion of renewal surveys at the next convenient port must be set and may not be delayed until the end of the window.
 - c. outside of the ± 3 (three) month window for annual statutory surveys or the three month window prior to the renewal surveys, the attending RO surveyor is required, after clearing the port State control deficiencies, to carry out a general examination of the vessel in consultation with the Administrator.
 - d. Depending on the nature and the grounds for detention, the RO may conduct an:
 - (1) additional audit of the Safety Management System (SMS) or Ship Security Plan (SSP), as applicable, equivalent to an intermediate audit;

2. Applies to PSC action codes 15, 16, 17, 30, 40, 50, and 60 (or equivalent).

3. Where the grounds for detention are the result of accidental damage suffered to a ship, no detention order should be issued, provided that the conditions in IMO Resolution [A.1155\(32\)](#), §2.3.7 have been met.

- (2) additional Maritime Labour Convention, 2006 (MLC, 2006) inspection in the scope of a renewal inspection; or
- (3) additional audit of the Company Document of Compliance (DOC) equivalent in scope to a renewal audit, considering the severity of the case.

4.3 Potential Consequences of Subsequent PSC Detentions

.1 Where a vessel is detained **twice in two years** by PSC:

- a. all statutory certificates may be suspended from the date of the detention. The Master of the vessel and the Company must be notified in writing by the RO that the statutory certificates are invalidated or withdrawn as of the date of written notice. Upon such notice, the statutory certificates must be surrendered to the RO;
- b. an Initial Audit of the Company may be required, the extent of which must take into account the number and nature of the deficiencies;
- c. an Additional Audit equivalent to a renewal Audit and verification/inspection of the ship may be conducted jointly by the RO and Administrator; and
- d. if statutory certificates have been withdrawn, they must not be reinstated until the RO has conducted renewal surveys, there are no outstanding items or recommendations, and both the Administrator and port State authorities are satisfied.

.2 A vessel detained **three times in two years** or **banned** by port State control or by a specific Memorandum of Understanding (MoU) authority may:

- a. have its the Document of Compliance (DoC) to be re-examined by the RO, resulting in its possible withdrawal; and
- b. be subject to proceedings by the Administrator to delete the vessel from the Registry.

5.0 Flag State Control Actions

5.1 Rectify Before Departure Deficiencies

When Rectify Before Departure (RBD) deficiencies are issued during a flag State safety inspection, a vessel must be restricted from proceeding with its intended voyage until compliance is restored to the satisfaction of the Administrator.

5.2 Flag State Detentions

- .1 The RO is authorized to invalidate or withdraw a statutory certificate, in consultation with the Administrator, if:

- a. corrective action of a deficiency is not taken;
 - b. it is determined by a survey that a vessel does not substantially comply with required standards; and
 - c. the vessel is deemed:
 - (1) unfit to proceed to sea without endangering the vessel or persons on board; or
 - (2) to present an unreasonable threat of harm to the marine environment.
- .2 In such cases, the RO is required to provide written notice to the Master and Company of the invalidation or withdrawal and request that the statutory certificates are surrendered immediately for return to the Administrator. The Administrator will concurrently provide written notice of the vessel being placed under Flag State Detention.
- .3 Statutory certificate(s) must not be reinstated until the required corrective action, which may be equivalent to those required to remove a PSC detention, has been accomplished to the satisfaction of both the RO and Administrator.