

CIRCULAR LETTER

Piraeus, 07 August 2014

To: All Operators / Vessels

Subject: Paris, Tokyo, Black Sea and Indian Ocean MoUs on Port State Control - Concentrated Inspection Campaign (CIC) on Hours of Rest

The **Paris, Tokyo, Black Sea and Indian Ocean MoUs** on Port State Control have announced a joint CIC, from 1st September to 30th November 2014, in order to assess compliance with the requirements of the Hours of Rest under the STCW Convention. It was further agreed that the CIC would only look at deck and engine room watchkeepers' hours of rest under the STCW 78 as amended. Every ship eligible for inspection during the period of the campaign will be subject to this CIC.

The CIC is designed to ensure that watchkeeping personnel are meeting the requirements regarding hours of rest as per STCW 1978 as amended.

Port State Control Officers (PSCOs) conducting routine PSC inspections will use an additional list of items to check compliance with hours of rest requirements.

If deficiencies are found, the action taken will depend on the severity of the findings. Minor infractions of regulatory requirements may be given a time limit for rectification, whereas serious deficiencies may result in the vessel being detained.

Explanations / useful information regarding each one of the questions of the PSC questionnaire are provided for guidance in the Annex.



**CIC ON STCW HOURS OF REST
01 SEPTEMBER 2014 – 30 NOVEMBER 2014**

Ship's Name:

IMO No:

Inspection Authority:

Port of Inspection:

Date of Inspection:

Qu No	AREA	YES	NO	N/A
1	Is a watch schedule posted in an easily accessible area? STCW Section A- VIII/1 (5). Def code: 01306			
2*	Is the ship manned in accordance with MSMD or an equivalent document? SOLAS 1999/2000 Amend / Chapter V Reg. 14. Def code: 01209			
3	Are there records of daily hours of rest for each watchkeeper? STCW Section A-VIII/1 (7). Def code: 01308			
4	Have the records in Qu 3 been endorsed by an appropriate person? STCW Section A-VIII/1 (7). Def code: 01308			
5	Are records related to hours of rest being recorded correctly? STCW Section A-VIII/1 (7). Def code: 09236			
6	Do rest periods for all watchkeeping personnel comply with STCW requirements, including the weekly requirements of rest? STCW Section A- VIII/1 (2). Def code: 09235			
7**	Will the watchkeepers on the first and subsequent watch after departure have sufficient time to rest? STCW Regl/4 or STCW Reg VIII/1.1.2. Def code:09235			
8	Is there evidence that on-call seafarers receive adequate compensatory rest periods if disturbed by call-outs to work? STCW A-VIII/1.6			
9	Do the records indicate that a bridge lookout is being maintained? STCW Section A-VIII/ 4-1 (14). Def code: 01306			
10	Was the ship detained as a result of this CIC?			
	These questions for information only:			
11	Is there a two watch system on board including the master?			
12	Does the MSMD require an Engineer Officer?			
13	Is the ship designated UMS?			
14	If ship does not have UMS notation is there more than one certificated engineer on board?			



Any question answered with a “NO” MUST be accompanied by a relevant deficiency on the Report of Inspection. Deficiency codes and convention references are given for each question where appropriate.

Questions marked either * or ** answered with a “NO” may give clear grounds for a detention.

* If the actual crew number or composition is not brought in accordance with the minimum safe manning document or the flag State does not advise that the ship may sail, the ship may be considered for detention. See guidance for details.

** If the PSCO determines that a watchkeeper due to take the first or relieving watch at the commencement of a voyage has not had, or will not have, the minimum rest periods required in STCW, then the PSCO will consider detention of the vessel until such time as those rest periods have been taken. See guidance for details.

ANNEX

Guidance for Crew related to the Concentrated Inspection Campaign (CIC) **Questionnaire on STCW Hours of Rest**

Note: Numbering below corresponds to the CIC Questionnaire.

Question 1 - Is a watch schedule with shipboard working arrangements posted in an easily accessible area?

The watchkeeping schedule for **all** watchkeepers is to be posted where it is easily accessible for all those who are affected by the schedule. The schedule should be in the working language or languages of the ship and in English. It should include, daily rest hours at sea **and** daily rest hours in port. If the schedule is not posted, or not readily available as required, then a deficiency code 17 shall be issued.

Question 2* – Is the ship manned in accordance with MSMD or an equivalent document?

Ensure by looking at a crew list that the ship is manned at least according to the requirements of the Minimum Safe Manning Document (MSMD) or equivalent. Confirm whether the ship is required to carry an engineer officer(s). Some smaller ships do not require an engineer officer(s), however the MSMD should set out any special conditions e.g. the ship is designated UMS, one of the deck officers may be designated to attend to the machinery and be suitably qualified. **If the ship is not manned in accordance with the MSMD or an equivalent document, the flag State should be consulted. If after consultation, the actual crew number or composition is not brought in accordance with the minimum safe manning document or the flag State does not advise that the ship may sail, the ship may be considered for detention.**

Question 3 - Are there records of daily hours of rest for each watchkeeper?

Ensure that there are records of rest for each individual watchkeeper serving on the ship. The records shall be maintained in a standardised format, in the working language(s) of the ship and in English in accordance with flag State provisions.

**The format of records may be as per IMO/ILO guidelines for the development of tables of seafarers' shipboard working arrangements and format of records of seafarers' hours of work or hours of rest.*

Question 4 - Has the record in Question 3 been endorsed by an appropriate person?

Seafarers should receive a copy of the records pertaining to them, which shall be endorsed by the **Master**, or by a person authorised by the Master, and by the seafarers.

Question 5 - Are records related to hours of rest being recorded correctly?

Ensure that the hours of rest recorded on the daily hours of rest sheet for each watchkeeper are genuine and have not been falsified to show compliance with the requirements. This may be obvious if the recorded hours are regular, day in day out, week in, week out and no account taken of additional hours such as drills, manoeuvring during arrival/departure, particularly for the Master where there may be periods of pilotage, bad weather etc.

If the PSCO suspects that the records are falsified then a comparison will be undertaken between the watchkeeping schedule, the hours recorded for a particular watchkeeper and with other documentation such as the official log book, bridge and engine room log books, bell books and crew overtime records to confirm accuracy of recording and compliance with the basic requirements concerning the minimum hours of rest.

When looking at the rest hours of the watchkeepers, compare the 'hours of rest' records with what has actually been happening onboard ship. For example are the junior deck officers just recording the same rest hours every day, but actually doing 6 on 6 off in port from the records in the deck logbook? What about mooring station time, does that information from the bell book match the hours of rest records?

The same is true for the E/R watchkeepers, do they just record 0800 -1200, 1300-1700 every day for an unattended E/R? What about night rounds and standby times? Some ships that are not designated as UMS on the MSMD are provided with only one qualified E/R officer and in some cases an E/R rating in addition. Unless the ship is on restricted length of voyages it is not possible to operate like this.

There is also a requirement in STCW A-VIII/2 Part 5-1, paragraph 95.1 for an engineer to be in charge of the watch in port on ships of 3000kW and above. There are some ships that have engine power of greater than 3000kW, are UMS and have only one engineer on board. In effect this engineer cannot be granted any shore leave.

Whilst it may be unreasonable to record rest hours to the nearest minute, a fair record of the hours actually allocated for rest should be recorded. This will allow

the Master to ensure that watchkeepers are adequately rested before taking up duty.

Information that may be examined as part of this process may include:

- Copies of records of rest
- Copies of relevant and contradicting records in the deck log or engine log
- Copies of bell books
- Copies of watch keeping schedules
- Consider getting statements from the relevant watchkeepers

Question 6 - Do rest periods for all watchkeeping personnel comply with STCW requirements, including the weekly requirements of rest?

The basic requirement for watchkeepers is that they should be provided with a **rest period** (Rest period means time outside hours of work, this does not include short breaks) of **not less** than:

- A minimum of 10 hours rest in any 24 hour period
- 77 hours in any 7-day period

The hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length, and the intervals between consecutive periods of rest shall not exceed 14 hours.

Note that the starting point of the 24 hour period is important. In the absence of any guidelines/instructions from the flag State the 24 hour period should be from the beginning or end of a rest period. Since the hours of rest only may be divided into no more than 2 periods, consequently only the 2 longest rest periods should be counted, and additional short breaks and meal breaks could **not** be included in the total periods of rest.

If a watchkeeper is receiving less than 10 hours rest in 24 hours (i.e. working in excess of 14 hours) then this is a deficiency. It is also important to ensure that the watchkeeper is obtaining 77 hours rest in **any** 7-day period, if not then a deficiency shall be also recorded. Note: a 7-day period can be ANY consecutive 7 days. It is incorrect to assume that this refers to a working week such as Sunday to Sunday. The PSCO will look back at the records of at least 3-4 weeks.

*Note: Flag State administrations may allow exceptions in accordance with STCW Chapter VIII, Section A-VIII/1-9, see below under "Guidance on detention"

Question 7* - Will the watchkeepers on the first and subsequent watch after departure be sufficiently rested and fit for duty?

The Master should explain how he will ensure the watchkeepers will be fit for the first and subsequent watches. What plan does he have for the expected departure?

The PSCO should try and obtain objective evidence* as to whether watchkeepers are suitably rested, having possibly been engaged in various activities while the ship is in port (for example, loading/unloading, attending to survey and inspection, etc.). If the PSCO determines by objective evidence* that the watchkeeper(s) has not rested enough and is not fit for duty then the PSCO should consider detention of the vessel until such time as the watch keeper(s) becomes fit for duty. If the PSCO determines by objective evidence that a watchkeeper(s) due to take the first or relieving watch at the commencement of a voyage has not had, or will not have, the minimum rest periods required in STCW then the PSCO should consider detention of the vessel until such time as those rest periods have been taken.

PSCO's may inspect the voyage plan required by STCW Code A-VIII/2 and SOLAS Ch. V Reg. 34, taking into account the planned departure time and the watch schedule, together with any work in port, as objective evidence that watchkeepers will be sufficiently rested prior to taking the first and subsequent watches.

*Objective evidence could include, but is not limited to log book entries, etc.

Question 8 - Is there evidence that an on-call seafarer receives adequate compensatory rest periods if disturbed by call-outs to work?

STCW allows for seafarers working on-call, for example engineer officers operating a periodically unattended machinery space to be compensated by an additional rest period if they have had to work additional hours. This would need to be confirmed by the C/E's records of machinery operations e.g. E/R Log.

Question 9 – Do records indicate that a bridge lookout is being maintained?

A proper lookout shall be maintained at **all times** in compliance with rule 5 of the Int. Regulations for Preventing Collisions at Sea, 1972, as amended. Under certain conditions the lookout can be **stood down during the day**, providing full account has been taken of all relevant factors, including, but not limited to:

- state of weather;
- visibility;

- traffic density;
- proximity of dangers to navigation; and
- the attention necessary when navigating in or near traffic separation schemes; **and** assistance is immediately available to be summoned to the bridge when any change in the situation so requires.

Check with the available records that a lookout is being kept particularly during the hours of darkness.

Guidance on Detention

Non-compliance with STCW in respect of rest hours may result in detention, however detention may not always be appropriate as the breach may have taken place in the past. For example the ship may have been in the port overnight and the watchkeepers are suitably rested and in compliance with STCW when the PSCO boards for an inspection in the morning, however on checking the records the PSCO may find a breach may have taken place several days before. The PSCO shall verify whether there is a systematic breach of the requirements which could call into question the effectiveness of the Safety Management System. In such a circumstance, an ISM deficiency should be recorded on the ISM Code.

Note that STCW A-VIII/1(9) makes allowance for exceptions from the required hours of rest in paragraph 2.2 (77 hours in a 7-day period) and paragraph 3 (two periods of rest, one at least 6 hours) provided that the rest period is **not less than 70 hours in any 7-day** period. (Note that a 7-day period can be ANY consecutive 7 days. Some think that this refers to a working week such as Sunday to Sunday, this is not correct. However the weekly exception **shall not** be allowed for more than two consecutive weeks).

Also an exception to paragraph 2.1 (10 hours rest in 24 hours) is allowed for provided that the 10 hours of rest is not divided into more than 3 periods and that 2 of those periods cannot be less than 1 hour. This exception shall not extend beyond 2 x 24 hour periods in any 7 day period. Any breach of the above should result in detention.

If the sailing of the vessel is imminent and if it is determined that watchkeepers on the first and subsequent watch after departure will not be sufficiently rested as required, a detention may be considered, until such time that the watchkeepers are suitably rested, under both ISM and watch keeping requirements.

Note: Questions 11 – 14 are for information purposes only.

Reference question 13:

The vessel holds an Unattended Machinery Space Document (UMS) issued by the Administration or a Classification society.*

Minimum Safe Manning Document should contain information that the ship is manned as UMS. (Requirements to Officers and Ratings are usually written on the Minimum Safe Manning Document when the ship is manned as UMS). Crew List should be available to verify if the ship is manned in accordance with the Safe Manning Document.

* Each Classification society has its own class notation for indicating that the ship has been built and equipped to operate with periodically UMS.

Questions 13 and 14 are related. If the answer to question 13 is “yes”, the answer to question 14 should be “N/A”. If the answer to question 13 is “no” proceed with answering question 14 “yes/no”.

PSCOs will seek verification that the vessel’s SMS is in line with the STCW and MLC 2006 regulations and that practice onboard reflects that the correct procedures are followed.

Recommendations on Compliance:

➤ **Inconsistency between Work & Rest Hours in MLC and STCW:**

The STCW states that each crew member shall be provided with a rest period of not less than i) a minimum of 10 hours of rest in any 24-hour period and ii) 77 hours in any 7-day period. On the other hand the MLC 2006 gives you the option to choose from the aforementioned minimum hours of rest requirement of from the following maximum hours of work (i) 14 hours in any 24-hour period; and (ii) 72 hours in any seven-day period.

Most administrations have adopted the minimum hours’ of rest requirement. Define in the SMS and strictly follow **only** the rest hours’ requirement.

- **Proper recording of hours of rest:** Recording on paper manually cannot ensure that all required calculations are made correctly. It is recommended that purpose-developed software is used.
- **Monitoring from the Office:** Company’s personnel should check the work / rest hours’ records during their visits onboard in order to ensure compliance with established procedures. This can be done by adding subject item in the



Vessel's Internal Audit and the Superintendents' Inspection Checklists. Records shall be cross checked with other documents and logs (i.e. Oil record book, port logs, etc.). Distant assessments should also be carried out to confirm compliance. Print outs of the rest hours should be forwarded to the Company at least when any deviation from the specified schedule has been encountered.

- Shipboard Working Arrangements: generally, the 3 watch system such as 4 on/8 off provides an optimal approach although non-conformances will be triggered by periods of additional work if they are not properly planned and managed. A 2 watch system, such as 6 on/6 off, will provide short-term compliance although technical non-conformances will occur during each rest period under both the STCW and MLC Conventions. In addition, any period of additional work will result in significant non-conformances during subsequent work periods. As a result, it is recommended that any period of 6 on/6 off is limited to a short duration and the impact of any recurrence should be taken into account. Where 6 on/6 off watch systems are regularly employed, other mitigating measures should be considered, such as short tours of duty or the provision of extra manning. It should also be recognised that some administrations may consider this practice unacceptable.
- Contact your Flag Administration for advice: there are various parts of the rest hours' requirements on which administrations have a differing view. Some of these are the "start" time of the "any 24 hour period", what are "overriding operational conditions" construed to mean, are exceptions allowed, etc. Any reply you receive from your Flag Administration must be in writing and available onboard.