



## Eswatini Maritime Affairs Flag State Inspection Program

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### Purpose:

Notice to Agents, Shipowners, other interested parties about Directorate of Merchant Shipping, Eswatini Maritime Affairs & Development (EMA) Flag State Inspection Program.

### Reference:

- EMA Circular DMS-0823- 004 SR
  - Link: <https://www.ema.org.sz/pdf/Flag%20state%20Inspection%20Program-SR04.pdf>
- IMO Assembly Resolution A.1053(27)
- Eswatini Flag State Inspection Program

### Requirement

Applicability to all vessels under the flag of Eswatini. *“It is the responsibility of owners/operators to present their vessels for timely inspection when a required inspection is due. In order to do so, the owners/operators shall inform and request the Directorate of Merchant Shipping, for the Inspection, when one or more are applicable. Vessels not inspected by the due date will be considered as "overdue" and follow up procedures will be initiated. A fine and/or a prohibition to sail may be applied to the vessel for overdue inspections or failure to pay inspection fees within 30 days' of receipt of the invoice for the base fee of inspection”.*

### Terms of reference

Eswatini Maritime Affairs (EMA) has implemented a Flag State Inspection Program which consists of the following inspections:

1. Pre-Registration Inspection;
2. Initial Safety Inspection;
3. Annual Safety Inspection;
4. Semi-Annual Safety Inspection;
5. Periodic Safety Inspection;



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6. Detention Prevention Inspection;
7. Post Detention Inspection;
8. Compliance Verification Inspection;
9. Alternative Safety Inspection;
10. Self-Inspection;
11. Post Marine Casualty Inspection;
12. ISM Audit;
13. ISPS Audit;
14. Maritime Labour Compliance Inspection; and
15. Special Safety Inspection.

### Entry into force of the program

The program is effective from 1<sup>st</sup> September 2023

Issued by IAMSА CLASS Technical Department

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To	ALL SHIPOWNERS, OPERATORS, MASTERS , OFFICERS OF MERCHANT SHIPS, RO, SURVEYORS/FLAG STATE INSPECTORS	Circular No.	DMS-0823- 004 SR
Subject	FLAG STATE INSPECTION PROGRAM	Date:	28.08.2023

**Reference:**

- i) IMO Assembly Resolution A.1053(27)
- ii) Eswatini Flag State Inspection Program

**Purpose:**

The purpose of this circular is to provide guidance to Eswatini Ship owners/operators and Flag State Inspectors on Kingdom of Eswatini Ship requirements in order to prevent detentions of Ships.

**Definition:**

1. EMA: Eswatini Maritime Affairs Eswatini, Kingdom of Eswatini, Directorate of Merchant Shipping.
2. Flag State Inspector: inspector appointed and duly authorized by the Directorate of Merchant Shipping to carry out Flag State Inspections of Eswatini vessels registered under the Kingdom of Eswatini Shipping Act & as amended.
3. PSC: Port State Control;
4. Operator: Company as defined in the ISM Code;
5. Owner: As per the Certificate of Registration; and
6. Inspection: Any inspection as defined within the Flag State Inspection Program.

**Background:**

The Flag State Inspection Program has been implemented to assist ship owners/operators to reduce the detention rate of the vessels flying the Eswatini flag. The Flag State Inspection Program has been designed to incorporate different types of inspections and audits that are necessary to efficiently assist owners/operators in the reduction of deficiencies and detentions as well as to increase the level of safety on board their vessels.

The program is not intended to replace surveys for the issuance of Class and statutory certificates. Such activities will continue to be performed by duly recognized organizations.

Each inspection has a different purpose, but the final goal is to assist the ship owner/operator in complying with the application of international standards prescribed by a host of treaties and conventions such as the Safety of Life at Sea Convention (SOLAS), International Convention for the Prevention of Pollution from Ships (MARPOL), etc. and national regulations to demonstrate that the Flag Administration provides the service and programs for owners/operators to operate their vessels safely, efficiently and cost-effectively.

The program consists of the following inspections:

1. Pre-Registration Inspection;
2. Initial Safety Inspection;
3. Annual Safety Inspection;
4. Semi-Annual Safety Inspection;
5. Periodic Safety Inspection;
6. Detention Prevention Inspection;
7. Post Detention Inspection;
8. Compliance Verification Inspection;
9. Alternative Safety Inspection;
10. Self-Inspection;
11. Post Marine Casualty Inspection;
12. ISM Audit;

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13. ISPS Audit;
14. Maritime Labour Compliance Inspection; and
15. Special Safety Inspection.

**Effective Date:**

This program is effective from 1st Sept 2023.

**Requirements:****General**

It is the responsibility of owners/operators to present their vessels for timely inspection when a required inspection is due. In order to do so, the owners/operators shall inform and request the Directorate of Merchant Shipping, for the Inspection, when one or more are applicable. Vessels not inspected by the due date will be considered as "overdue" and follow up procedures will be initiated. A fine and/or a prohibition to sail may be applied to the vessel for overdue inspections or failure to pay inspection fees within 30 days' of receipt of the invoice for the base fee of inspection.

The minimum information provided should include:

1. vessel's name;
2. IMO number;
3. proposed ports of call;
4. the estimated time of arrival (ETA) for each port; and
5. local agent information.

An inspection may be requested by using online request form which further submitted to to

E-mail: [inspections@ema.org.sz](mailto:inspections@ema.org.sz)

The Directorate shall appoint a Flag State Inspector to attend the vessel for Inspection and coordinate all necessary details with the owner/operator. To ensure adequate time for notifying all interested parties of the planned inspection, the above information should be made available at least 3 days prior to the vessel's arrival. The appointed inspector will liaise with the vessel's agent to determine a suitable time to board the vessel. The Owner/operator shall ensure that the vessel will be available in the port for an adequate period of time to complete the inspection.

It is also the responsibility of the Master to present the vessel for the scheduled inspection and accordingly cooperate with a duly appointed Eswatini Flag State Inspector. Such an inspector has the right of access to the vessel.

All Eswatini registered vessels, which were subjected to the Port State Control inspections are required to submit the copies of PSC inspection reports carried out on these vessels. The PSC reports referred to above shall be submitted electronically to the Department of Inspections at EMA's Head Office as soon as possible following the PSC inspection.

Upon satisfactory completion of a vessel's Initial Safety Inspection or the Pre-Registration Inspection (if applicable), the the Directorate will issue the Flag State Inspection Certificate. The certificate will be sent to the company described on the ISM Document of Compliance for placing on board. This certificate is reissued every five (5) years.

The vessel's Flag State Inspection Certificate will be endorsed annually upon completion of the Annual Safety Inspection. The inspector shall endorse the certificate (as appropriate), in order to confirm attendance of the ship, irrespective of whether recommendations, remarks, etc. have been imposed during that visit.

**1. Pre-Registration Inspections**

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Vessels that are required to undergo a Pre-Registration Inspection are as follows:

- 1.1 Vessels of the age of 15 years or more, but less than 20 years, when they meet one or more criteria below:
  1. have at least one detention within the last 12 months;
  2. have incurred a casualty or very serious casualty within the last 12 months;
  3. is changing Flag from a Black listed flag administration as defined by the port State control MOU annual reports;
  4. have 5 or more ISM related deficiencies reported by PSC within the last 12 months
  5. have 10 or more deficiencies (non ISM related) reported by PSC within the last 12 months.
- 1.2 Vessels of the age of 20 years or more.

Vessels which fall under Section 1.1 must complete the Pre-Registration Inspection within 30 days from the date of initial registration or prior to acceptance for registration at the discretion of the administrator or an individual authorized to act on behalf of the Directorate . Vessels which fall under Section 1.2 must complete the Pre-Registration Inspection before acceptance into the EMA.

## 2. Initial Safety Inspection

All vessels that do not meet the requirements of a Pre-Registration Inspection shall be required to undergo an Initial Safety Inspection:

1. within 30 days of initial registration and issuance of a Provisional Certificate of registry;
2. within 30 days of re-registration where a change of ownership and/or management has taken place;
3. after any substantial structural alteration; or
4. Prior to resuming service at the end of an official lay-up period.

## 3. Annual Safety Inspection

The purpose of the Annual Safety Inspection is to confirm compliance of the ship and its crew with EMA requirements and mandatory international instruments. The Annual Safety Inspection is also to verify the general safety condition of the vessel in order to reduce the number of deficiencies and detentions of Eswatini flagged vessels.

All Eswatini Flagged vessels are required to undergo an Annual Safety Inspection with the following exceptions:

1. Unmanned barges;
2. Private yachts of any gross tonnage;
3. Yachts subject to Compliance Verification;
4. Cargo vessels under 100 gross tonnage;
5. Vessels under construction; and
6. Vessels during an official lay-up period.

Passenger vessels, including high speed passenger ferries, shall be required to undergo safety inspections at six (6) month intervals.

Passenger vessels, including commercial yachts carrying more than 12 persons for hire, are required to be inspected two (2) times during the annual window. The first inspection shall be completed not more than six (6) months after the anniversary date each year. The second inspection shall be completed within three (3) months before the anniversary date each year.

## 4. Periodic Safety Inspections

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The Directorate, or a duly Authorized Agent, when deemed appropriate, may require special purpose or uniquely constructed vessels and vessels subject to corrective action to undergo periodic inspection at assigned intervals of less than one (1) year to ensure and verify maintained safety and compliance. Vessels that are found in need of special attendance due to the specific nature, construction, or trade, or those vessels found in need of corrective action may be subjected to additional Periodic Safety Inspections in addition to the Annual Safety Inspection. Any such requirement and applicable intervals shall be made known to the operator of the vessel in the form of a formal Notice of Periodic Inspection. The Notice of Periodic Inspection will provide the reasons for and intervals required for Periodic Safety Inspections.

### 5. Detention Prevention Inspections

The purpose of the Detention Prevention Inspection is to confirm and clear all the deficiencies found by the port State control officer or flag State inspector, as well as uncover and rectify any other problems that might be revealed during further port State or flag State inspections. Additionally, the purpose of this inspection is to assist the Master / Operator / Crew Members in any technical concerns which arose during any previous port State control inspections, flag State inspections or external/internal audits.

The operator shall apply for a Detention Prevention Inspection, when its vessel underwent

PSC or FSI inspection(s):

1. resulting in 10 deficiencies without being detained (not Class or ISM Related); or
2. as a result of 20 or more deficiencies (not Class-Related) within one year;
3. Resulting in 5 or more ISM related deficiencies (an additional ISM audit may be required); or
4. as part of the Detention Prevention Program that any vessel having a detention under the Eswatini flag must participate in until inspection performance is improved to the satisfaction of the Administration.

A Detention Prevention Inspection must be carried out within 30 days from the inspection that resulted in the vessel meeting one of the above criteria for entry into the Detention Prevention Program.

Vessels meeting the above requirements will be provided with a formal notice of entry into the Detention Prevention Program. Vessels entered into this program will be required to undergo two (2) safety inspections within each year at six (6) month intervals from the anniversary date.

The initial Detention Prevention Inspection carried out within 30 days of the inspection that caused the vessel to be entered into the program is not considered one of these six-monthly inspections.

Vessels in the Detention Prevention Program shall remain in the program for a minimum of one year or until flag and port State performance is enhanced to the satisfaction of the Administration.

### 6. Post Detention Inspection

The purpose of the Post Detention Inspection is to assist in the rectification of reported deficiencies. In the case of an ISM related detention, a review of the proposed action with respect to the Safety Management System shall be completed. An additional ISM audit may be required within three months of the detention which may be conducted by an approved RO or an authorized Flag State Inspector.



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Each vessel which was detained by a PSC Officer is obliged to undergo a Post Detention Inspection as soon as possible, before departure from the port of detention unless arrangements are made with the concerned Class Society, local port State control and the Administration for the vessel to proceed to a dry-dock for repairs.

Vessels that are inspected by the Administration as part of any other inspection within the Flag State Inspection program that result in the identification of detainable deficiencies or other substantial risk to safety or environment are required to rectify the deficiencies prior to departure. Such vessels shall be issued a Prohibition to Sail until verifiable evidence is provided to close any detainable deficiencies or other issues that inhibit the safe operation of the ship. Local port State authorities may be notified in an effort to prevent detention of the vessel by port State control.

The owner shall notify the IMSA Eswatini immediately regarding the detention of their vessel. In cases where the Administration is delayed in being informed of a detention and the vessel is released from the detention, the inspection shall be scheduled as soon as possible, but not later than the next port of call. In cases where the vessel is authorized to proceed to a port for repairs following a detention, an inspection may be scheduled following completion of the repairs before departure from the agreed upon yard.

**7. Compliance Verification Inspections**

An initial, annual and renewal Compliance Verification Inspection of commercial yachts and private yachts limited charter shall be conducted by the Administration or a duly Authorized Agent to verify that the qualifications and certification of the crew and the actual condition of the yacht and the certificates issued to it are in compliance with the requirements of the Yacht Code and any international conventions, as applicable.

All commercial yachts and private yachts participating in the Private Yacht Limited Charter Program are required to undergo an initial Compliance Verification Inspection within 30 days of initial registration and annually thereafter within three (3) months before the anniversary date. A renewal Compliance Verification Inspection shall be completed not later than the date of expiry of the Certificate of Compliance.

**8. Alternative Safety Inspections**

An Alternative Inspection Program may be developed for vessels and platforms engaged in the offshore seabed natural resource exploration, development and production industries or for vessels operating in remote or hard to reach areas. The Program is meant to provide a cost-effective and efficient method of conducting safety inspections in a manner consistent with industry and region. The Directorate of Shipping may establish an Alternative Inspection Program for the Annual Safety Inspection of:

- a. Vessels and platforms engaged in the offshore seabed natural resource exploration, development and production industries; or
- b. Vessels operating in remote or hard to reach areas to which a Flag State Inspector cannot travel or is not available.

**9. Self-Inspections**

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The owners of vessels or yachts that are exempted from Annual Safety Inspections or Compliance Verification Inspections should establish a self-administered safety inspection program. The results of such self-inspection programs may be submitted to the Directorate Merchant Shipping for review. Should it be deemed necessary, the Directorate may conduct Special Safety Inspections or Compliance Verification Inspections on board the subject vessels or yachts at any time and in such places or areas as may be suitable.

Self-Inspections shall be conducted by the Master, designated crew, or manager of any such vessel or yacht that, in rare cases, is exempt from the requirements of Annual Safety Inspections or Compliance Verification Inspections.

Any other vessel may be required to complete Self-Inspections as part of an Alternative Inspection Program as determined by the Maritime Administration.

#### 10. Post Marine Casualty Inspections

This initial notification is essential for the Directorate to identify the severity of the casualty or accident, determine whether to assign an Investigating Officer to conduct an investigation and decide if the vessel may continue to proceed on its voyage.

The initial notification may be supplemented by other communications between the Maritime Administration and the Master or vessel owner in order to provide updated information and to establish the scope and logistics of the investigation.

Detailed responsibilities and obligations of the Administration, vessel owners, and mariners regarding investigations or inquiries into marine casualties, accidents, or incidents involving Eswatini flag vessels are defined in Marine Safety Circular.

The Post Marine Casualty Inspection is in place in order to identify the severity of a casualty or accident and to determine whether to assign an Investigating Officer to conduct a formal investigation in accordance with the Casualty Investigation Code & EMA -FSI Program.

Each vessel which has had a marine casualty is obliged to undergo a Post Marine Casualty Inspection as soon as possible, before departure or upon arrival to the next port, whichever the case may be.

#### 11. ISM Audits

ISM Audits conducted outside of the required audit schedule (in accordance with the ISM Code) are completed in order to confirm compliance with the provisions of the International Safety Management Code. Such audits would be conducted where a port State, flag State, or other authorized inspector identified non-conformities that either by number or nature indicate an inadequate Safety Management System.

These additional audits are conducted for the purpose of mitigating detentions and deficiencies related to Safety Management issues and to provide an opportunity to the Company and crew of the vessel to be educated in enhanced safety practices.

ISM Audits shall be carried out in the following situations:

1. major non-conformities in the vessel's Safety Management System were found during PSC/FSI inspection; or
2. the vessel has been detained twice within the last two years irrespective if the detention has been recorded by different MOU's (Memorandum of Understanding on Port State Control); or
3. where a vessel has had a near miss or casualty that may have been the result of ISM non-conformities as determined by an authorized flag State inspector.



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ISM Audits will be conducted by ISM qualified Flag State Inspectors/Auditors, selected by the Directorate of Merchant Shipping, EMA.

In the case of major non-conformities raised by the PSC or EMA Inspector, the owner shall downgrade such major non-conformity prior to the departure of the port State or Eswatini flag State inspector.

**12. ISPS Audits**

ISPS Verification audits that are conducted outside of the normal verification schedule in accordance with the ISPS Code may be required in the following situations:

- 1 Detention with security related deficiencies which may or not be grounds for detention;
- 2 Ships receiving 5 or more security related deficiencies within any 12month period during flag and/or port State inspections; or
- 3 A ship has had a security related incident that resulted in a casualty or near miss.  
Any vessels to which the ISPS Code applies that meets one or more of the criteria shall be required to undergo an ISPS Verification Audit.

**13. Maritime Labour Compliance Inspections**

All Eswatini Flagged ships are required to comply with the requirements of *Eswatini Maritime Labour Compliance*. All vessels shall be required to be inspected and demonstrate compliance in accordance to the maritime labour compliance.

Vessels over 500 gross tonnage will be required to carry a Maritime Labour Statement of Compliance and Declarations of Maritime Labour Compliance Parts I and II. The inspection will verify compliance through inspection of the ship and ships documents for initial and ongoing compliance with the provisions of Eswatini Maritime Labour Compliance.

A Statement of Compliance issued to a vessel by a Recognized Organization on behalf of the Administration shall satisfy the requirements of this section subject to relevant inspections.

The Maritime Labour Compliance Inspection is for vessels that are required to carry a Declaration of Maritime Labour Compliance and a Statement of Compliance with the Maritime Labour Convention, 2006 and as amended . All vessels of 500 gross tonnage and over engaged in international trade or trade in a foreign territory are required to be inspected for compliance and certification.

**14. Special Safety Inspections**

The Directorate of Merchant Shipping, in addition to other types of inspections, may require a vessel to undergo a special or unscheduled safety inspection at any time. Single Hull Tank Vessels and Bulk Carriers 15 years of age or more and any vessel granted a waiver of the age limitation to registration shall be subject to a comprehensive initial inspection within 30 days of registration and at least one (1) additional follow-up inspection mid-term during the first year in the registry.

The following vessels may be required to undergo special safety inspections:

1. Single Hull Tank Vessels;
2. Bulk Carriers of 15 years of age or older; or
3. Any other vessel as deemed necessary by the Administration.

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**ANNEX**

Annex I hereto is provided as information for owners/operators and masters, to facilitate the conduct of safety inspections.

**Any questions can be directed to:**

**Department of Inspections**

e-mail: [inspections@ema.org.sz](mailto:inspections@ema.org.sz)

**ANNEX I****SAFETY INSPECTION OF SHIPS:****GUIDANCE FOR MASTERS**

1. All SOLAS and MARPOL documents, certificates and publications required to be on board must be readily available, preferably in a central location, for examination and verification.
2. Publications obviously not applicable to a particular vessel type need not be produced; e.g., dry cargo vessels need not obtain tanker safety publications.
3. The official Minimum Safe Manning Certificate and the original certificate of competence of each officer serving on board must be readily available for inspection. Particulars of any foreign licenses held must be readily available. The Eswatini Seafarer's Continuous Discharge Certificate and Record Book of each crew member must be presented for examination. In the case of passenger ships the certificates of all survival craft/rescue boat crewmen, in particular, must be available. In all cases the Inspector must be given a copy of the current crew list and, if possible, the ship's emergency station bill.
4. Navigation records, publications, charts, log books, Oil Record Book, Cargo Record Book, Ballast Management documents, training records, including monthly fire and abandon ship drills and weekly safety training exercises and all similar material, must be available for inspection, preferably in one location.
5. Inspectors have the authority, and have been instructed, to make a spot check of lifesaving, fire-fighting and general safety conditions covered by the SOLAS and MARPOL certificates. The Master will be instructed to call the Classification Society for examination and/or verification as may be necessary to properly establish the conditions as they exist.
6. The Master should have the lifeboats, firefighting equipment and appliances in their normal stowed positions ready for examination. Sufficient crew should be on board and prepared to conduct such emergency drills as circumstances may dictate and permit.
7. The pilot ladder and associated gear such as gunwale steps, lights, manropes, etc. should be accessible and in conformance with Regulation 17 of Chapter V of SOLAS.
8. To facilitate the efficient conduct of safety inspections, one of the ship's deck and engine room officers, as appropriate, should be available to accompany the Inspector.