



SECRÉTARIAT D'ÉTAT CHARGÉ DE LA MER

*Liberté
Égalité
Fraternité*

Paris,

To Master, M. YUSUF VAROL and ISM Company
Oras Denizcilik ve Ticaret Ltd
İnkilap mah. Oruçbey sok. Tek Merve Plaza
Blok No:2-8 Daire:15 Ümraniye/İstanbul
TURKEY

Port State Control Head Office (STEN3)

Tour Séquoia, 1 place Carpeaux, 92055 La Défense
Email : psc.france@developpement-durable.gouv.fr
Tel : +33 1 40 81 39 87

Copy: <u>Flag State</u>	: Panama	European Commission (EMSA)	Tokyo MoU
Recognized organization(s)	: BV	Abudja MoU	Caribbean MoU
Classification Society(ies)	: BV	Mediterranean MoU	Indian Ocean MoU
All Paris MoU members		Black Sea MoU	USCG HQ (EU)
Paris MoU Secretariat		Riyadh MoU	

DECISION N° 4178

Subject : **REFUSAL OF ACCESS ORDER – WIND S, IMO n° 9630016, Panama flag**

The Secretary of State, in charge of the Sea,

Having regard to the International Convention for the Safety of Life at Sea (SOLAS), as amended ;

Having regard to the Code des transports, in particular 1° of article L. 5241-4-5 ;

Having regard to Directive 2009/16/EC of 23 april 2009 on port State control ;

Having regard to the Décret n° 84-810 du 30 août 1984 modifié, relatif à la sauvegarde de la vie humaine, à la prévention de la pollution, à la sûreté et à la certification sociale des navires, in particular article 41-9 (paragraph 1° of I) and article 41-12 ;

Having regard to the Décret n°2005-850 du 27 juillet 2005 relatif aux délégations de signature des membres du Gouvernement ;

Having regard to the Décision du 9 octobre 2023 portant délégation de signature ;

Having regard to the Arrêté du 23 novembre 1987 modifié, relatif à la sécurité des navires et à la prévention de la pollution, in particular provisions 150-1.21 et 221-I/01 and following ;

Having regard to the notice of detention of the ship WIND S n° IMO 9630016 under the Panama flag the 15th of december 2023 ;

Having regard to the notice of release of the ship WIND S n° IMO 9630016 under the Panama flag, the 21st of december 2023

Whereas :

Considering that it was noted, during an inspection by duly authorized port state control officers of the Boulogne sur mer ship safety center on December 15th, 2023, that the vessel WIND S n° IMO 9630016 flying the Panama flag presented several deficiencies with regard to the provisions of the mentioned SOLAS convention and the provisions of the articles 221-1/01 of the règlement annexé à l'arrêté du 23 novembre 1987 modifié ;

Considering that the deficiencies identified pose a manifest risk to maritime safety, the port state control officers detained the ship by decision from December 15th 2023 ;

Considering that the Panama is part of the grey list according to Paris MoU Flag Performance list 2022 from 1st of July 2023 ;

Considering that ship has been detained 3 times in the past 24 months on the 29th november 2022 in Italy, on the 23rd november 2023 in United Kingdom and on the 15th December 2023 in France ;

Considering that it follows from the foregoing that the ship pose a manifest risk to maritime safety and the marine environment in accordance with the article L. 5241-4-5 of the code des transports.

DECIDES

Article 1 : Access to ports and anchorages throughout the national territory is refused to the vessel WIND S N° IMO 9630016 for the next 3 months.

Article 2 : This decision takes effect after the ship left the port. It does not apply in the event of force majeure defined at the article L. 5334-4 du code des transports.

Article 3 : The present decision can only be lifted until :

- a formal request is addressed to this Administration. The request must be accompanied by a document from the flag State administration confirming that the ship fully complies with all the provisions of the applicable international conventions. This document must be issued by the Administration and not a recognized organization acting on its behalf. In addition a document from the society classing the ship that the ship conforms to its class standards must be included, if applicable ;
- following re-inspection of the vessel to the satisfaction of this administration in a port of the national territory or a port in the Paris MoU region provided that an agreement between these 2 administrations has been done. The request of re-inspection must be addressed to the above mentioned office with a minimum notice period of 14 days.

Article 4 : All costs related to the inspection for lifting the ban have to be borne by the company of the WIND S.

Article 5 : An action shall be brought by the shipowner, operator or his representative against the refusal of access within fifteen days following notification of that notice before the Ministry in charge of the Sea. Any action brought under this refusal of access shall be prior to any other action and does not suspend this decision.

Article 6 : The Secretary of State, in charge of the Sea is responsible for the execution of this decision which will be published on the website www.mer.gouv.fr.

The Secretary of State, in charge of the Sea and by
delegation ;

Marc LEGER

Deputy director of safety and environmental transition
shipping