



## **No 7 – Exemptions permitted to be issued by the Recognized Organization without prior consultation of MAC.**

*Date of entry into force: 01 September 2017*

In accordance with chapter 2.2 of the agreement of June 13, 2012 between the Maritime Authority of Curaçao (MAC) and the RO's, RO's are not permitted to issue exemptions on behalf of the Administration without prior authorization. The process for dealing with exemptions is described in chapter 2 of the agreement.

Normally, and in accordance with the above mentioned process prescribed by the agreement, exemptions are first forwarded to MAC for consultation before they are issued.

For those exemptions which may be issued without prior consultation, this instruction provides the conditions and situations under which this is allowed, in order to reduce extra administrative burden.

### **No 7 a) - Exemption for a single voyage of the requirements of Solas Chapter V, regulation 22**

In accordance with appendix to annex 1 of the agreement of June 13<sup>th</sup> 2012 between MAC and the RO's, RO's are only permitted to perform survey to issue an exemption from Solas Chapter V, [regulation 22](#) for a single voyage. During the survey the RO shall verify that the necessary precautions as indicated below are in place prior to departure for that single voyage which will be covered by the exemption certificate (article 2 bis of the shipping law of the Kingdom of the Netherlands) which will be issued by MAC.

It is the responsibility of the ship owner to ensure that the applicable requirements of the Curaçao Labor Act (SOAW) and MLC are met, including the requirements of the Shipping Act and Shipping decree 2004 of the Kingdom of the Netherlands.

It is also the responsibility of the ship owner and master of the ship to ensure that the applicable requirements of the STCW Code are met, in particular those mentioned in [Section A-VIII/2, part 3-1](#).

As a minimum all of the following conditions will apply.

1. An extra observation post shall be assigned or provided.
2. While sailing, a qualified officer in charge of the navigational watch on the navigation bridge and an extra qualified lookout in the observation post(s) must always be physically present. The extra qualified lookout shall meet the standard of competence specified in [section A-II/4](#) of the STCW Code (Mandatory minimum requirements for ratings forming part of a navigational watch).
3. The common (overlapping) blind sectors of both the conning position on the bridge and of the position(s) of the observation post(s) are to be in compliance with the parameters of SOLAS Chapter V [Regulation 22.1.1 and 22.1.2](#). In this respect "blind sector" means the overlapping blind sector.
4. There should be a (horizontal) field of vision around the vessel of 360° obtained by an observer moving within the confines of the wheelhouse, including the (either open or enclosed) bridge wings. However, in the sector from right astern to 22.5° abaft the beam on either side of the ship, the field of vision may be obtained by the use of alternative means



- (e.g. camera's subject to the provisions of IACS UI SC 139). The blind sectors as observed from the conning position should be verifiable through radar.
5. In all circumstances and at all times there is direct communication available between the officer in charge and the extra qualified lookout in the observation post(s).
  6. The safety and working conditions of the extra qualified lookout in the observation post shall be guaranteed:
    - Extra immersion suits and lifejackets shall be fitted in the observation post(s) for the number of persons present.
    - At all times and in all circumstances there shall be a safe escape route from the observation post(s).
  7. The proper functioning of navigation and communication equipment shall not be influenced by the cargo.

The RO shall report without delay to MAC each case an exemption as meant above is issued. The report shall contain:

- particulars of the vessel
- particulars of the voyage to be undertaken
- a short description of the reason why the exemption is required

#### **No 7 b) - Exemption for connecting BNWAS to S-VDR**

In the Netherlands Information to Shipping no.2 of 24 September 2012 the issue of connection of the BNWAS to the (S-) VDR is addressed, clarifying that in exceptional circumstances, connection of the BNWAS to the S-VDR may be waived.

In this respect the RO may, without having to consult MAC, issue an exemption for connecting the BNWAS to the S-VDR in case that it is established, for instance by means of a declaration from the manufacturer of the BNWAS, that the required data is not available and that the BNWAS cannot be adapted for this. A statement by the RO in the ship's Safety Certificate to this respect is also regarded as an exemption.

The exemption in fact deals with exempting the S-VDR from full compliance with the performance standards (SOLAS V/18.2) for S-VDRs resolution MSC.163(78), as amended by resolution MSC.214(81) annexes 1 and 2.

The RO shall report without delay to MAC each case an exemption as meant above is issued. The report shall contain:

- particulars of the vessel
- a copy of the manufacturer's declaration or similar evidence demonstrating that the required data is not available and that the BNWAS cannot be adapted for this.

#### **No 7 c) - Exemption for the 5 knots installation test of lifeboats**

IMO Resolution MSC.81(70), Revised recommendation on testing of life-saving appliances, states under par.1.3 of part 2 (Production and installation tests) the following:

"1.3 Where the proper operation of life-saving appliances is dependent on their correct installation in



ships, the Administration should require installation tests to ensure that the appliances have been correctly fitted in a ship.”

IMO resolution MSC.81(70) part 2, par.5.4 requires a 5 knots installation test to be carried out in calm water and on even keel, for fully equipped lifeboats on cargo ships of 20,000 GT and rescue boats. This test however is considered very hazardous, in particular when it concerns recovery of the lifeboat/rescue boat after the test has taken place.

Also MSC.1/Circ.1392, dealing with evaluation and replacement of lifeboat release and retrieval systems, requires the 5 knots installation test to be carried out upon replacement of a non-compliant lifeboat release and retrieval system.

In this respect, for ships built according to the same plans and with identical installation of rescue boat(s) and launching arrangement(s), the successful results from the launch test at 5 knots headway speed on the mother ship are acceptable as documented evidence of the similar ability to launch the rescue boat(s) from the sister ship(s) in the series.

The RO may, without having to consult MAC, and on above mentioned basis, issue an exemption for the 5 knots installation test on those sister ships.

Anyhow, MAC recommends the test to be performed at the end of the sea-trial in case of new ships. A tug could then tow the boat(s) inside, or if the weather/sea state is favorable, the boat(s) could be recovered.

Furthermore, the introduction of MSC.81(70) states that the Maritime Safety Committee

“RECOMMENDS Governments to ensure that life-saving appliances are subjected to:

- .1 the tests recommended in the Annex to the present resolution; **or**
- .2 such tests as the **Administration is satisfied are substantially equivalent** to those recommended in the Annex to the present resolution.”

In this respect, in the case of existing ships and in particular to address the problems with the application of MSC.1/Circ.1392, MAC allows the following test to be performed, as an equivalent to the 5 knots installation test:

A tugboat is tied alongside the ship at the quay, whereby the tug engines create a ‘5-knot wash’. In this ‘5-knot wash’ the installation test is performed.