



Instruction to RO

Nr. 6. Transfer of ships to Curaçao registry

Date entry into force: 27 February 2018

1 Introduction

Article 2.4.2 of annex 1 to the agreement regulates the recognition of statutory international (IMO) certificates in case of transfer of ships to Curaçao registry.

In broad terms: statutory full term certificates issued in compliance with the international conventions (as ratified by Curaçao) are recognized. It is the RO's duty to ascertain that the condition of the ship, its equipment and procedures (ISM and security) are in compliance with the specifications of these certificates and whether issued exemptions are in accordance with the applicable instruments. Plans and documents, which in accordance with the conventions need to be approved by the Administration, shall be clearly marked "On behalf of the Administration" by the RO.

This document contains instructions for RO's with regard to:

- ships that do not carry full term certificates (paragraph 2)
- specific country requirements (paragraph 3)
- ships that carry full-term certificates issued by, or on behalf of, another Flag state (paragraph 4)
- procedure to be followed (Convention vs. Non-Convention and within the EU vs. from outside the EU)

2 Ships that do not carry full-term certificates

In case no full-term certificates are available (the ship is operating under short-term / interim certificates) the RO shall assess the reasons why the losing Flag state has not (yet) issued full-term certificates. Based on the results of this assessment the RO will propose a course of action to MAC.

Possible actions could be (not exhaustive):

- issue full term certificate on behalf of the Curaçao Administration
- additional survey
- issue short-term certificate under conditions
- granting an exemption
- refuse issuance of the statutory certificates

Vessels without certificates¹ for commercial trade from the former Flag state shall be considered as new building. This means that surveys with a scope of initial surveys and approval of all relevant documents should be carried out.

3 Specific Curaçao requirements

Based on the regulatory framework as published by the MAC on the website in December 2017 (see www.maritimecuracao.org), the RO will determine any specific Curaçao requirements that are applicable to the ship in question. The RO assesses whether the ship is in compliance with these requirements. If the ship is not in compliance the RO will propose a course of action to the MAC. Special attention should be paid to the references made in the document "Areas of special attention for vessels flying the flag of the Kingdom of the Netherlands".

¹ or certificates for another type of ship, e.g. cargo ship with the losing Flag State but certification as a Special Purpose Ship under Curaçao flag. Vessels are to be considered as new building for those areas that are affected by the change of ship type.



4 Procedure to be followed

The RO is requested to make the owner aware of the following items:

- the owner should investigate the possibility to meet the requirements of the Curaçao rules and regulations;
- the owner should investigate eligibility for registration of the ship in the Curaçao;
- the owner should apply to the Maritime Authority of Curaçao for the certificates that are to be issued by the Administration.

If, according to the RO, the ship fulfils all international and national requirements, the RO will inform the owner and the MAC.

In mutual arrangement the RO and the MAC will issue the applicable certificates and complete the registration.

Below mentioned procedures are the minimum requirements. In cases where **IACS PR28** (see annex to this Instruction) supersedes the requirements of this Instruction to RO no. 6, IACS PR28 should be followed.

4.1 *Flag-in of ships non-EU RO's or non IACS members*

In case of a proposed flag-in (and transfer of class) of a vessel which former classification society is not recognised by the MAC and/or not a member of IACS, MAC should be contacted for further instructions.

4.2 *Flag-in Convention ships from another EU Member State*

Article 2.4.2 of Annex 1 to the Agreement states that for the transfer of a ship from another EU Member State to the Curacao Registry, the international conventions are applicable. The receiving Flag State or RO acting on its behalf may subject the vessel to an inspection and vessels older than 15 years are subject to additional inspections to the satisfaction of the Administration. MAC prescribes that a flag-in survey with the minimum of the scope of an annual survey, is carried out to determine full compliance with the Curaçao applicable rules and regulations.

Furthermore, a review of the Fire Control (or, if provided, Safety) Plan and report on noise levels (compliance with IMO Resolution A.468 (XII)) should be carried out. All plans and documents, which in accordance with the conventions need to be approved by the Administration, shall be clearly marked "On behalf of the Administration" by the RO.

If deviations are found, the RO shall inform the MAC immediately (also see below: Non-compliance). MAC will contact the losing Flag state to discuss the deviations and determine if further steps are necessary.

4.3 *Flag-in Convention ships from outside the EU*

Article 2.4.2 of Annex 1 to the Agreement prescribes that 'essentially' the statutory full term certificates will be recognized. The flag-in survey shall be carried out with the minimum of the scope of a periodical² survey before issuing any new certificates on behalf of the Administration. If the ship remains with the same RO, the periodical survey may be replaced by a flag-in survey with the minimum of the scope of an annual survey. Special attention should (in both cases) be paid to community (EU) and national legislation.

² Or the scope of an intermediate survey if applicable (SafCon, Marpol etc.). For Load Line items, the scope of an annual may be applied.



In addition, if the plan and document review is (partly) carried out by the losing Flag State and not by a RO, the RO shall carry out a full review³ for, minimal, those plans and documents listed in Annex 1 of this document in combination with the necessary surveys.

If deviations are found, the RO shall contact the MAC immediately for further instructions (also see below: Non-compliance). MAC will examine these deviations and determine if further steps are necessary.

4.4 *Flag-in of Non-Convention ships (EU or from outside EU)*

For the flag-in of Non-convention ships, a full initial survey, in combination with a full review of those plans and documents listed in Annex 1 of this document, shall be carried out by the MAC, for verification of compliance with the Curaçao applicable instruments according to the Ships Decree and instructions as found on the MAC website (<http://maritimecuracao.org/services/flag-state/>). Special attention should be paid to community (EU) and national legislation. Furthermore, the non-convention ship shall meet the Curaçao requirements based on the keel-laying date, taken into consideration that retroactive requirements are applicable.

5 Non compliance

If the ship does not comply with the Curaçao applicable rules and regulations, the RO shall require the ship owner to submit a well-founded proposal to the RO for consideration. If found acceptable, the RO shall submit a well founded recommendation together with all relevant documentation, calculations etc. and suggested conditions to MAC via the Netherlands focal office of the RO for approval.

RO shall process the request and make any necessary plan approvals etc. before forwarding its well founded recommendation including all relevant documentation calculations etc. and suggested conditions to the Administration.

Annex 1 Plans and documents for Flag-in to Curacao Flag

Ad 4.3 + 4.4 Drawings to be reviewed (and marked approved on behalf of the Administration if approval is required by the International Conventions) for Convention vessels and non-convention vessels.

The following plans and documents need to be reviewed (and, if applicable, marked approved), if the review was carried out by the losing Flag State:

1. Record of approved cargo ship safety equipment (IMO SLS.14/Circ. 1)
2. Structural Fire Protection
3. Fire Control (or, if provided, Safety) Plan
4. Damage Control Plan
5. Definitive Stability information (as required by the SOLAS Convention)
6. Report on noise levels (compliance with IMO Res. A.468(XII) and Regulation IENM/BSK-2016/273177 for fishing vessels published in the Kingdom gazette nr. 66374/2016).
7. In addition, for passenger vessels: Escape Plans

³ All plans and documents, which in accordance with the conventions need to be approved by the Administration, shall be clearly marked "On behalf of the Administration" by the RO.



Annex 2 to instructions to ROs nr. 6

CLASS
PR No.28
(Rev.0 July 2009)
(Rev.1 June 2016)

Procedure for Statutory Certification at Change of Flag without Change of Class

1. General

1.1 The purpose of this Procedural Requirement is to lay down common procedures and minimum statutory survey requirements for Societies in case of Change of Flag.

1.2 However, this Procedural Requirement does not prevent the Societies from expanding the scope of statutory surveys at their own discretion or upon specific instructions of the relevant flag State Administration.

1.3 Surveys carried out for Change of Flag at a date which is outside of appropriate time windows for the periodical surveys of the corresponding certificate issued by, or on behalf of, the losing flag Administration are to be understood as additional surveys which are carried out solely for the purpose of Change of Flag. These surveys do not replace the surveys required to be carried out within the appropriate time windows.

1.4 If a vessel was constructed originally without a known flag State, the Society shall verify the vessel complies with national requirements of the gaining flag State Administration prior to issue the relevant certification.

2. Application

2.1 This document is applicable if the new registering flag State Administration has authorized the Society for survey and/or certification on its behalf and if the ship is subject to the requirements of the applicable international Conventions and mandatory Codes. Survey procedures are in accordance with the applicable international Conventions and mandatory Codes.

2.2 This document does not specifically deal with audit/verification and/or certification procedures in accordance with the ISM Code, the ISPS Code and MLC 2006. Relevant procedures for ISM are more specifically laid down in item 14.4 of the ISM Code and PR 9, for ISPS in section A.19.4.2 of the ISPS Code and PR 24 and for MLC 2006 in Standard A5.1.3.7 of MLC 2006 and PR 36. For ISM, ISPS and MLC 2006 these more specific requirements refer in connection with Change of Flag.

2.3 For flag States being Party of the SOLAS and LL1988 Protocols, the 'Survey Guidelines under the Harmonized System of Survey and Certification' / IMO Resolution A.1104(29), as amended, are to be observed.



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For flag States not signatory to the SOLAS and/or LL1988 Protocols, the requirements for SOLAS 1974, Regulation I/14 and/or for LL 1966, Article 14 are to be observed.

Note:

1. This Procedural Requirement applies from 1 July 2009.
2. Revision 1 of this Procedural Requirement applies from 1 January 2017.

3. Scope of Surveys

3.1 In addition to the surveys indicated in 3.2, it will be insured that the new flag, port of registry and ship's name are indicated, as applicable, on statutory documents (Stability booklet, SOPEP, etc.) and life boats, life rafts, life buoys, etc..

3.2 If the Change of Flag is to be undertaken outside the windows of the **due dates** for surveys of new certificates which are going to be issued by, or on behalf of, the gaining Flag Administration, then the scope of surveys for the main statutory certificates are to be:

3.2.1	SOLAS Safety Construction:	Annual Survey
3.2.2	SOLAS Safety Radio:	Renewal Survey/Periodical
3.2.3	SOLAS Safety Equipment:*	Annual Survey
3.2.4	SOLAS Passenger Ship Safety Cert.:	3.2.1 + Lifesaving and Fire-fighting means and 3.2.2
3.2.5	Load Line:	Annual Survey
3.2.6	MARPOL Annex I:	Annual Survey
3.2.7	MARPOL Annex II:	Annual Survey
3.2.8	MARPOL Annex IV:	Renewal Survey
3.2.9	MARPOL Annex VI:	Annual Survey
3.2.10	Fitness Cert. Gas/Chemicals:	Annual Survey

* When changing from HSSC to Non-HSSC, the following applies:

- a. If Change of Flag occurs within 2 years of the initial/last renewal, an Annual Survey is required.
- b. If Change of Flag occurs after 2 years of the initial/last renewal, a renewal survey is required.

Note: Specific requirements of the Flag State Administration related to the above statutory certificates are also to be



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considered.

3.3 For other statutory certificates not listed above the scope of survey is to be at least the scope of the relevant annual survey.

3.4 If **due dates** for surveys of new certificates, which are going to be issued by, or on behalf of, the gaining Flag Administration, are **within the applicable time windows** for surveys, then the appropriate renewal/intermediate/periodical/annual surveys shall be carried out. Due consideration to the circumstances shall be given in order to avoid unreasonable burdens as could be inter alia a necessary dry-docking of the ship for renewal survey of the SOLAS Cargo Ship Safety Construction Certificate or similar.

3.5 Surveys conducted within a three months' time period prior to the date of Change of Flag may be credited towards Change of Flag with the exception of SOLAS Safety Radio survey.

3.6 If the Society was not authorized by the previous flag State Administration for survey and/or certification or if the losing flag State Administration was not a Party to the relevant Convention, then appropriate initial/renewal surveys are to be carried out for SOLAS Safety Radio, Safety Equipment, Passenger Ship Safety Certificate, Load Line, MARPOL Annex I, Annex II, Annex IV & Annex VI and Fitness Cert. Gas/Chemicals.

4. Obligations and reporting

4.1 The Society has the obligation to address the information related to Change of Flag as specified by the gaining flag State Administration in terms of authorization. In case of Alternative Design and Arrangements or exemptions are involved, the information or documentation for approval of the Alternative Design and Arrangements or an exemption pertaining to statutory aspects should be addressed to the gaining flag State Administration for any further instructions.