



Willemstad, July 10, 2020

Notice to Shipping 13

MAC COVID-19 Contingency Plan and Guidelines

To : Ship owners, Local representatives, Ship operators and agencies, Masters, RO's, Marina and Yacht Association/Operators, PSC MOU's

Applicable to : MAC COVID-19 Contingency Plan and Guidelines

Effective as from : July 1st, 2020

Scope

This contingency plan applies to all ships flying the Kingdom flag of Curacao, including fishing vessels engaged in international trade, registered in Willemstad. It takes [IMO Circular Letter No.4204 and its addendums](#) into account.

Background

This contingency plan and guidelines concern the postponement of inspections and extending the validity of mandatory certificates, *due to difficulties caused by the COVID-19 outbreak, which is considered to be a force majeure*. This includes an extension of statutory certificates or postponement of bottom inspections as a result of unavailable dry-dock facilities, as well as timely completion of ISM Internal Audits and ISM/ISPS/MLC periodical verifications. Certificates of Competency, Certificates of Proficiency, Endorsements, Declarations, Dispensations for the Master and Minimum Safe Manning Documents are taken into account as well. . With periodical is also meant / included the Periodical / Renewal / Additional verifications. Initial verifications are however excluded, this shall have to be dealt with on a case by case situation, as this means that no verification has been done at all so far.

Certificates of Competency, Endorsements, Declarations, Dispensations for the Masters, Certificates of Proficiency and Minimum Safe Manning Documents are taken into account as well.



The guidelines can be used as evidence in Port State Control that Flag has agreed to the extension of certificates and documents issued by her, or on her behalf, and includes instructions on when and how ships will be brought back into the regular cycle of surveys and audits, once the COVID-19 situation stabilizes.

Validity of Certificates

The ship owner is responsible to ensure that all ships are operating according to all applicable regulations. **The basic premise is that ships are regularly surveyed and certified in accordance with the applicable requirements. When this is not possible, the following applies:**

The ship owner shall verify if the insurance coverage remains in place if the expired certificates are extended.

The Maritime Authority of Curacao, in consultation with its RO's and other issuing authorities, has decided that all ships' certificates which expire before October 1st, 2020 will remain valid for 3 months, without approval from Maritime Authority or the RO. The extension will also apply to certificates issued by service providers conducting services on behalf of the Administration or RO, including, but not limited to, service providers re-certifying life-saving equipment, fire-fighting equipment or radio equipment. The subject ship certificates are not required to be replaced by new certificates on which the extended date of expiry is stated.

The above includes certificates that expire, due to the fact that periodic surveys cannot be held within the expiry of the window before October 1st, 2020. In such cases where surveys are to be held / completed outside the time window, due to the COVID-19 situation, the administration will agree with that. The appropriate text for restore shall be used in these cases. The scope of survey that is to be used, may be the same as if subject survey would have been held within the original window.

Surveys and/or audits

Furthermore, the annual ISM internal audits are postponed for 3 months, as described in paragraph 12.1 of the ISM Code in cases where audits cannot be carried out, due to travel restrictions imposed by COVID-19.

However, if the company so wishes an annual internal ISM audit may also be carried out on board by the crew: the Master may audit the Engine Department and the Chief Engineer may audit the Bridge Department, if possible under remote supervision from qualified internal auditor/DPA from company. When the situation of the COVID-19



outbreak allows it, the company should carry out a follow up audit as soon as possible to verify whether safety and pollution-prevention activities comply with the safety management system.

In the ISPS Code Part A paragraph 19.3.5 an extension of the ISPS certificate is allowed for three months. The same extension is granted in these COVID-19 circumstances.

RO's which has the alternative to conduct surveys, audits and/or verification processes to maintain the validity of the certificates via a remote process through external specialists as has been requested already by different RO's are authorized to perform this until indicated by the Flag Administration.

Statutory ship certificates requiring a prolonged extension beyond 3 months

It should be noted that extending the validity of a statutory ship certificate beyond 3 months is an extraordinary measure which is not covered in the relevant Conventions.

Careful consideration should therefore be given to any request (by a shipowner) for an extension of the validity of any statutory ship certificate(s) in addition to the general extension of 3 months granted by the Maritime Authority of Curacao for statutory ship certificates of which the validity originally expired between 19th of March 2020 and 19th of June 2020.

Any such request shall be well-founded (related to the continuing difficulties due to the COVID-19 outbreak). In case a ship that already made use of the provisions for extending the validity of the statutory ship certificates (period before 19th of June 2020) and still cannot be surveyed by an RO due to continued COVID-19 related difficulties, the ship-owner may submit a well-founded request to the RO for an extension of the validity of a statutory ship certificate(s) in addition to the general extension of 3 months granted by the Maritime Authority of Curacao for statutory ship certificates of which the validity originally expired between the 19th of March 2020 and 19th of June 2020. Upon receipt of the request, for these cases, the IMO Circular Letter No. 4204/Add. 19 and more specific, the annexed Guiding Principles are applicable and the Administration and RO shall use the following step-based approach:

Step 1: Have all options for completing the survey and renewing the certificates (using all available means permitted by the Administration) been exhausted?

Step 2: For each case of demonstrated exceptional circumstances and/or force majeure, examine the available information on the ship and its history as a means to considering



alternative evidence on the condition of the ship in lieu of completing the survey and offering a recommendation to its flag State

Step 3: Consider how the requirements of the convention and classification rules can be shown to be met in the interim without changing the requirements themselves

Step 4: Use verification requirements which are based on accepted survey procedures for each classification society/RO

Step 5: Consider alternative evidence for assessing compliance to account for:

a. confidence (how accurate a representation of the actual condition is this?)

b. durability (i.e. how long can this be considered a valid evidence before revalidation is required?)

Step 6: Concluding with an overall documented evidence on which the extension period and any service restrictions are based

After the RO has received a well-founded request from a shipowner for an extension of the validity of a statutory ship certificate(s) in addition to the general extension of 3 months granted by the Maritime Authority of Curacao for statutory ship certificates of which the validity originally expired between April 1st and October 1st, 2020, and has supplemented the aforementioned shipowner's request in accordance with the Annex to IMO Circular Letter No. 4204/Add.19, the RO shall contact the Maritime Authority of Curacao to determine the conditions under which the extension may be granted. The extension request will also mention, if applicable, the certificates issued by service providers conducting services on behalf of the Administration or RO, including, but not limited to service providers re-certifying life-saving equipment, fire-fighting equipment or radio equipment.

The above mentioned also applies to the extension beyond the already provided extension of the validity for 3 months of the Document of Compliance (ISM), International Safety Management Certificate, or the International Ship Security Certificate.

The ship owner shall notify the RO's Netherlands branch focal point office, in case they make use of the above- mentioned provision. RO will inform MAC afterwards of ships making use of these provisions. Ships sailing under direct MAC supervision, shall notify the MAC directly via expertise@maritimecuracao.org.

This Notice to Shipping can be found on the MAC website: <http://www.maritimecuracao.org>.



Ballast Water Management Convention

For ships that have not yet installed a BWTS the validity of the IOPP certificate determines the applicability of B-3, therefore extension of the IBWMC is only possible if the IOPP certificate is extended for the same period. The discharge of ballast water remains subject to acceptance of the authorities of the country concerned. Reference is also made to any appropriate provisions stipulated in IMO Circular BWM.2/Circ.62 - *Guidance on contingency measures under the BWM Convention.*

Crew documents

Minimum Safe Manning Document (MSMD) exemptions

If a crew member needs to leave the ship, due to urgent circumstances and cannot be replaced immediately due to COVID-19 related travel restrictions, a dispensation can be requested for with the use of the form: "Application for temporary exemption for crew composition", which can be downloaded directly from the MAC website (www.maritimecuracao.org). Subject temporary dispensation for the crew composition will have a period of validity of at least three months. Subject temporary dispensation for the crew composition can, if so desired, have a period of validity of at least 3 months and will be free of charge until **October 1st, 2020**.

Certificates of Competency (CoC's), Certificates of Proficiency (CoP's), Endorsements, Declarations, Dispensations for Masters

MAC has received indications that seafarers may experience challenges completing STCW training courses, required for the renewal of certain merchant marine personnel certificates. This could be caused by community based mitigation measures, such as school closures, social distancing, or travel restrictions. For this reason, MAC will grant a general extension to the validity of all Certificates of Competency and Certificates of Proficiency, Endorsements, Declarations, Dispensations for the Masters which are required by the Curacao Manning Act and accompanying legislation.

As of March 31st 2020, the validity of Curacao Certificates of Competency and - Proficiency which will expire before October 1st, 2020, are granted an extended validity of 4 months (from date of expiry). The individual seafarer will not be required to submit an application for renewal pending the COVID-19 related restrictions. After the period of 4 months, it will be evaluated if this period will be extended for another period of 4 months. As soon as new CoC's, CoP's, Endorsements, Declarations and



Dispensations can be issued, their period of validity of five years will start from the expiry date of the previous certificates.

If a seafarer has not been issued a Curaçao Recognition of a CoC before and an extension is therefore not the case, it is not possible to apply for a Recognition of a CoC without a valid, long term CoC issued by the maritime authority in his home country.

The extended validity has been granted, in order to provide sufficient time for the situation to get back to normal and to avoid reduced capacity issues, when new STCW courses become again available.

Seagoing service

All days spent on the ship when it is fully crewed and operational or in hot lay-up, although not carrying cargo, will be accepted as valid seagoing service for the revalidation of the CoC.

Curacao Seaman's Book

As of March 31st, 2020, the validity of Curacao seaman's books which expire before October 1st, 2020, are granted an extended validity of 4 months (from date of expiry).

Validity of Endorsements

The validity of endorsements is linked to the validity of the seafarer's national Certificate of Proficiency (CoP) or Certificate of Competence (CoC). If the seafarer's national CoC or CoP is renewed, *and in cases where a seafarer is unable to apply for a new CoC in his home country, he must request the maritime authority of the home country to issue a Statement, to prolong the validity of the original CoC for a period of min. three months.*

If the administration that has issued the seafarer's national CoC or CoP, chooses a general extension of the validity of the national CoC or CoP, the validity of the Curacao endorsement issued based on the current CoC/CoP, will automatically be considered extended accordingly. In this case, the seafarer will not be required to submit an application.



Certificates of Proficiency (= safety training)

For a Curacao CoC holder, whose Safety Training certificates have expired or will expire before October 1st, 2020, an extended validity of 4 months (from date of expiry) is granted, provided that the certificates were valid on March 1st 2020.

Crew drills and training

Ships that have no cases of COVID-19 can continue to carry out drills and training as normal. For all other ships, the following applies: crew drills will be restricted to those mandatory drills required by SOLAS. Crew drills will be conducted by individual teams, to maintain Social Distancing and can be (partly) conducted as table top exercises. Not all teams are required to participate at the same time, the drill can be spread out. Drills with external organizations, such as shipyards, are not to be carried out. *Ships designated as being "in quarantine" are not to conduct drills and training until the quarantine is lifted.*

Maritime Labour Convention (MLC 2006)

The ILO is in the process of writing a Guidance for COVID-19 in relation to MLC.

Information for seafarers, who remain onboard a ship beyond their Seafarer Employment Agreement (SEA), for reasons connected to COVID-19, the master of ship owner shall inform its seafarers at all times of the risks of infection, the reasons why they must remain on board, the protective measures which have been taken, and the arrangements for their repatriation. *A SEA shall remain valid, until the seafarer has been repatriated. If the SEA has expired, the validity of the SEA must be extended, or a new SEA shall be issued and the reasons for this decision shall be documented. The company shall make sure that the seafarers are repatriated at the first available opportunity. Any extension shall be recorded in the ship's official logbook.*

A SEA can only be extended beyond 11 months if there is a mutual and documented consent of both the seafarer and the employer. The master may sign the extension of the SEA on behalf of the employer. The seafarer shall receive a copy of the extension of the SEA. The already accrued entitlement to paid annual leave continues to exist and continues to accrue during the extension of the SEA.

Shipping companies remain liable for costs pending repatriation such as medical care, crew transfer, isolation etc. If in doubt, please contact the financial security provider to confirm that the insurance or other financial security is in place for additional costs.



Seafarer Medical Certificate

If a Seafarer Medical Certificate expires during the voyage, or at a location where it is not possible to obtain a new medical certificate, the medical certificate which is expired can still be used for a period of maximum 3 months beyond the expiry date. Seafarer Medical Certificates with expire date between March 31st and October 1st, 2020, are recognized as valid Seafarer Medical Certificates. For the application of a CoC, such a Seafarer Medical Certificate may be expired for maximum 3 months.

Port State Control (PSC)

The Maritime Authority of Curacao uses the Caribbean MoU Guidelines on COVID-19 for its PSC activities in the ports of Curacao. If a ship cannot comply with the requirements of the surveys, inspections and audits contained in the relevant convention instruments, due to the COVID-19 situation, the ship must provide evidence that its Flag state has agreed to an exceptional delay specific to COVID-19. There should also be evidence that the ship has a plan that covers how the ship will be brought back into the regular survey or audit cycle, after the period of extension has ended.

The Minister of Traffic, Transport and Urban Planning,
On his/her behalf,



Jan Sierhuis, director
Head of the Shipping Inspection in Curacao