



Willemstad, December 14, 2020

Notice to Shipping 15

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 : *October 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

Since the outbreak of the coronavirus disease in 2019 (hereafter referred to as 'COVID-19'), Maritime Authority of Curacao has received inquiries from ship-owners and Recognized Organizations (ROs) regarding postponement of inspections and extending the validity of mandatory certificates due to difficulties caused by the COVID-19 outbreak.

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 on board ships as well as at the office (DOC-audits). Periodical verifications include the annual, periodical, intermediate, additional and renewal verifications. Interim and initial verifications are however excluded and, shall be dealt with on a case by case approach.

Certificates of Competency, Certificates of Proficiency and Minimum Safe Manning



Documents are taken into account as well.

Travelling, both nationally and internationally, has become increasingly difficult as travel bans have been imposed. Combined travel restrictions given by governments and companies cause difficulties with providing ships surveyors. Furthermore, numerous shipyards are not able to accommodate ships, even for booked and planned inspections and surveys which require dry-docking.

Based on the above conditions, Maritime Authority of Curacao considers the COVID-19 outbreak to be a *force majeure* situation.

For Maritime Authority of Curacao, the main focus is that ships registered under the flag of the Netherlands are able to continue to operate despite possible expired certificates caused by the current COVID-19 outbreak.

Validity of Certificates

The ship-owner is responsible for ensuring that all ships are operating according to all applicable regulations.

This provision is applicable to all statutory surveys and certificates. Ship-owners are advised to contact their RO for the extension of all class related certification services.

The ship-owner shall verify as to whether the insurance and liability coverages remain in place following an extension of the validity of the certificates as described in this document.

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:

A. Statutory ship certificates requiring an extended validity

The Maritime Authority of Curacao has decided that all ships' statutory certificates which expire and before or on December 31st 2020 which have not been extended yet by this NTS before or on March 31st 2021 will remain valid with an extension of 3



months without approval from the Maritime Authority of Curacao 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 also applies in relation to expiration of the validity of certificates due to the fact that required annual / periodical / intermediate /renewal / additional surveys cannot be held within the expiry of the window by March 31st, 2021. In such cases where surveys are to be held / completed outside the time window, Maritime Authority of Curacao 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.

ISM and ISPS

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 the COVID-19 outbreak.

However, if the company wishes so 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 the 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.

Based on paragraph 13.14 of the ISM Code and paragraph 19.3.5 of Part A of the ISPS Code, an extension of the validity of the Safety Management Certificate and Ship Security Certificate with 3 months is allowed for.



Remote inspection techniques / remote audits / remote surveys

The intention of the COVID-19 contingency plan is to avoid remote surveys and/or audits. This is especially based on the fact that ship owners / managers are already very busy coping with the inherent consequences of COVID-19.

Also it is acknowledged that remote surveys and/or auditing will most probably take more time.

Therefore, the Maritime Authority of Curacao solely allows for remote survey and/or audits under following conditions;

1. The initiative for remote survey / auditing must come from the ship owner / manager, with the agreement of the Master and the other personnel of the ship;
2. The decision to accept and perform remote survey / audits is up to the RO.

The RO shall have strict guidelines / requirements in order to assess if it is possible at all and the work shall be performed accordingly;

3. Remote survey / audits shall be undertaken in compliance with the procedure developed by the RO and acceptable to the Maritime Authority of Curacao.

For the various remote inspections techniques used for surveys, IACS

Recommendation No.42 Rev 2 is to be followed;

4. As for remote auditing in relation to ISM-Code, ISPS Code and MLC, 2006 Convention: for now such is only allowed for annual DOC audits. (note: for company internal audits, see above)

Please note that the Maritime Authority of Curacao has decided the above because of current exceptional circumstances. This is why above guidance is only valid for the period that this COVID-19 contingency plan is in force.



B. 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 ship-owner) for an extension of the validity of any statutory ship certificate(s) in addition to the general first extension of 3 months granted by the Maritime Authority of Curacao for statutory ship certificates of which the validity originally expired under the conditions mentioned in paragraph 34.

Any such request shall be well-founded (related to the continuing difficulties due to the COVID-19 outbreak).

The COVID-19 related flag state NTS that have so far been published are:

- 1) NTS 10 issued May 31st 2020
- 2) NTS 11 issued May 18th 2020
- 3) NTS 12 issued June 12th 2020
- 4) NTS 13 issued July 10th 2020

The current NTS:

- 5) NTS 15 issued October 1st 2020 valid until March 31st 2021.

If a ship that already made use of the provisions for extending the validity of the statutory ship certificates (subject to NTS 10, 11, 12 and 13) and still cannot be surveyed by an RO due to continued COVID-19 related difficulties, the ship-owner may submit a well-founded first or second 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, or statutory ship certificates of which the validity originally expired between December 31st, 2020



Upon receipt of the request, for these cases, the IMO Circular Letter No. 4204/Add. 19/Rev.2 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?

Evidence must be shown to the Maritime Authority of Curacao that in all the ports in which the ship has called in the three months prior to the postponement request, survey by the RO and/or service engineer was indeed not possible.

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 (these are bespoke to 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 ship-owner 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 19th of March 2020 and 19th of June 2020, and has supplemented the aforementioned ship-owners request in accordance with the Annex to IMO Circular Letter No. 4204/Add.19/Rev.2, 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 rototoflag@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 and will be free of charge until March 31st, 2021.

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 Curaçao Manning Act and accompanying legislation.

As of March 19th 2020, the validity of Curaçao Certificates of Competency and - Proficiency which will expire before or on March 31st 2021, are granted an extended validity of 6 months (from date of expiry) but no longer than June 30th 2021 whichever date comes first.

The individual seafarer will not be required to submit an application for renewal pending the COVID-19 related restrictions. After the period of 3 months, it will be evaluated if this period will be extended for another period of 3 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 October 1st, 2020, the validity of Curacao seaman's books which expire before December 31st 2020, are granted an extended validity of 3 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 December 31st, 2020, an extended validity of 3 months (from date of expiry) is granted, provided that the certificates were valid on **December 31st 2020**.

Crew drills and training

In order to safeguard the health of the crew, but still maintain compliance as much as possible from a safety perspective it is in principle up to the ship owner to take appropriate measures.

With respect to the drills as required by SOLAS such measures may include, but are not limited to:



- Crew drills may be restricted to those mandatory drills required by SOLAS;
- Crew drills may be conducted by individual teams, to maintain social distancing as much as possible;
- The use of table top exercises may be taken into consideration as an alternative for certain teams;
- Drills, such as Damage Control and Tank Entry/Rescue drills, which require crew to be in close proximity may be conducted as table top exercises or instructional sessions, so that social distancing is maintained
- Ships designated as being “in quarantine” should not to conduct any drills until the quarantine has been 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 6 months beyond the expiry date. Seafarer Medical Certificates with expire date between March 19th 2020 and December 31st 2020 , are recognized as valid Seafarer Medical Certificates. For the application of a CoC, such a Seafarer Medical Certificate may be expired for maximum 6 months but no later than March 31st 2021 which ever date comes first.

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.

Ships which are not allowed to enter a port

If your ship is not allowed to enter a port, please contact the Maritime Authority of Curacao for assistance (+5999 5627000/5647000).

Important information

The Government of Curaçao is leading in the response to the Coronavirus (COVID-19) global outbreak. The latest news you can find here: <https://gobiernu.cw/corona-travel-to-curacao/> and in the Circular(s) issued by the IMO(ICS Coronavirus (COVID-19) Guidance for ship operators for the protection of the health of seafarers)

For questions regarding merchant shipping please contact rotoflag@maritimecuracao.org / expertise@maritimecuracao.org, or tel. +5999 562-7000 / 564-7000

The Maritime Authority of Curacao will notify the IMO secretariat, the relevant stakeholders such as Port State Control MoUs of this contingency plan and guidance.



This contingency plan has been drawn up taking into account the current information available concerning the COVID-19 outbreak. Any significant developments necessitating a revision of this document will be considered by the Maritime Authority of Curacao and implemented accordingly.

Ship-owners and managers are encouraged to make a printed copy of this COVID-19 Contingency Plan which can be found on maritimecuracao.org and keep this available on board the ship, which may be presented upon request to the relevant authorities.

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

Jan Sierhuis, director
Head of the Shipping Inspection in Curacao

