



Willemstad, March 28, 2022

Notice to Shipping 22

REVISED

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 : April 01, 2022. (retroactivity)

1-Scope

Unless otherwise stated, this contingency plan applies to all ships flying the Kingdom flag of Curacao, including fishing vessels engaged in international trade, registered in Willemstad.

Ships shall remain subject to the existing regime of statutory surveys and certifications as per Harmonized System of Survey and Certification (HSSC, as amended).

Crews shall remain subject to certification and training.

In exceptional cases where various attempts have been made to meet the requirements for both the ship and/or the crew without success, due to COVID-19 related restrictions, the provisions of this contingency plan may be applied.

Whilst compiling the contingency plan, the Maritime Authority of Curacao has taken into account IMO Circular Letter No.4204 and its addenda.

2-Background

Since the pandemic 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 pandemic. 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, to some countries is occasionally difficult where travel bans are applicable. Combined travel restrictions given by governments and companies, especially where vessels operate in a specific region only, can sometimes still cause difficulties with providing ships surveyors.

Furthermore, some shipyards may, possibly, still not be 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 pandemic to be still an extraordinary situation.

Although the last three months have proven that the necessity for the provisions in this Contingency Plan have become much less tailor made measures are considered still necessary. Since circumstances have however vastly improved with this new Contingency Plan more of the earlier measures are phased out.

For Maritime Authority of Curacao, the main focus is that Curaçao registered ships are able to continue to operate under the condition that it has been proven that it is not been possible to complete (part of) the required surveys/ services/ audits for subject vessel caused by the current measures for controlling the COVID-19 pandemic.

The COVID-19 related flag state NTS's regarding the Covid Contingency Plans that have so far been published are:

- 1) NTS 13 issued July 10th 2020
- 2) NTS 15 issued October 1st 2020 valid until March 31st 2021.
- 3) NTS 16 is issued March 31, 2021 valid until June 30th, 2021.
- 4) NTS 18 is issued June 30, 2021 valid until September 30, 2021.
- 5) NTS 20 is issued November 19, 2021 until December 31, 2021.
- 6) NTS 21 is issued December 31, 2021 until March 31, 2022.

Current Revision NTS 22 Contingency Plan issued March 31, 2022 valid until **June 30, 2022 in particular phases out the generic exemptions.**

3-Ship certificates and surveys.

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 (HSSC, as amended).

Ship owners must make the necessary arrangements in such manner that surveys are planned/attended as soon as the windows open, thus preventing unnecessary postponement.

A. Statutory ship certificates requiring an extended validity

If a ship cannot be surveyed by a RO or in case audits need to be postponed 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 the statutory ship certificate(s).

Upon receipt of the request, for these cases, the 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 Maritime Authority of Curacao) been exhausted?

Evidence must be presented to the Maritime Authority of Curacao that in none of the ports which the ship has called at in the three months prior to the expiry date of the certificates and (completion of) the survey(s), the undertaking of the survey(s) by the RO and/or service provider was possible. In those cases, where such evidence cannot be presented while vessel is subject to the ISM-Code this shall be reported to the RO dealing with ISM certification as per IACS PR17.

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 to be bespeaking 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 the aforementioned ship-owners request in accordance with the step-based approach, which is based on Annex to IMO Circular Letter No. 4204/Add.19/Rev.3, 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 Maritime Authority of Curacao or RO, including, but not limited to service providers recertifying life-saving equipment, fire-fighting equipment or radio equipment.

The above mentioned also applies to the extension of the Document of Compliance (ISM), International Safety Management Certificate, or the International Ship Security Certificate.

Application to specific ship types

The provisions as stated above may also be applied to the following ship types:

- Any ship classed and certified under the Maritime Authority of Curacao (SI Klasse)



Reporting

This paragraph has been withdrawn per December 31st, 2021.

B. Statutory ship certificates requiring a prolonged extension beyond 3 months

This paragraph has been withdrawn per December 31, 2021.

C. Remote inspection techniques / remote audits / remote surveys

Given the improvements in travel and access to both vessels as well as companies remote surveys and/or audits are no longer accepted without prior acceptance of the Administration.

And even then 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: such is allowed if a combination of on-site and off-site audit arrangement is provided for (note: for Company internal audits, see ISM and ISPS paragraph above). The on-site audit is to be carried out at the first reasonable possibility.

Please note that the Maritime Authority of Curacao in principle follows the developments within IMO and that we have decided the above only because of exceptional circumstances. This is why above guidance is intended to be ended after expiry of this latest Contingency Plan.

D Ballast Water Management Convention

This paragraph has been withdrawn per March 31st, 2022



4-Exemptions to the Minimum Safe Manning Document (MSMD)

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 shall clearly state the reason for the request and provide a motivation on how the ship owner intends to operate subject vessel in a safe manner with less crew. If the temporary dispensation for the crew composition is related to COVID-19 travel restrictions the temporary dispensation will be free of charge until and including **June 30th, 2022.**

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

1. Curaçao recognitions issued before COVID-19 pandemic:
 - a. The Recognition of the CoC/ CoP is still valid – no additional measures needed.
 - b. The underlying CoC/ CoP and therefore the Recognition as expired or will expire soon. If the validity of the underlying CoC/ CoP is individually or generically extended by the national maritime authority, the validity of the Recognition is also extended automatically. No action required.
2. Application of a new or renewed Curaçao recognition since the COVID-19 pandemic:
 - a. The national CoC/ CoP is valid. An application for a Ditch recognition can be submitted according to the normal procedure at MAC. The seafarer will automatically be granted a Certificate of Receipt of Application (CRA) valid for 3 months.
 - b. The national CoC/ CoP has expired but it has been individually or generically extended by the national maritime authority. An application for a Curaçao recognition can be submitted according to the normal procedure at MAC. The seafarer will automatically be granted a Certificate of Receipt of Application (CRA) valid for 3 months or shorter if the extension is less than 3 months. The application will be put on hold until a new national CoC/ CoP is issued.

In case the validity of the national CoC/ CoP is further extended, individually or generically, a new CRA will be issued to cover the further extension.

6-Seagoing service

This paragraph has been withdrawn per March 31st, 2022.

7-Curacao Seaman's Book

This paragraph has been withdrawn per December 31, 2021.



8-Validity of Endorsements

This paragraph has been withdrawn per December 31, 2021.

9-Certificates of Proficiency (= safety training)

For a Curacao CoP holder, whose Safety Training certificates have expired or will expire **before December 31, 2021 is granted an extended validity (from date of expiry) of maximum 6 months.**

10-Crew drills and training

This paragraph has been withdrawn per March 31st, 2022.

11-Maritime Labour Convention (MLC 2006)

Seafarers who are 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.

12-Shipowner liability

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.

13-Joining and Repatriation of seafarers from ships

The instructions and restrictions issued by several affected countries is constantly updated.

Many Governments have now introduced national and local restrictions such as:

- Delayed port clearance
- Prevention of crew or passengers from embarking or disembarking which makes shore leave and crew changes impossible
- Prevention of unloading or loading cargo or stores, or taking on fuel, water, food and supplies



- Imposition of quarantine or refusal of port entry to ships in extreme cases.

Passengers at airports can be screened before boarding an aircraft or they are obliged to fill in a health check questionnaire as well as a thermal scan test. The Master should verify with the local port authority if crew change or repatriation is possible.

It's important to note that, before or during the process of repatriation, any expense for medical care and board and lodging for periods spent by seafarers in self-isolation or in quarantine – whether the seafarers have symptoms, have been exposed or are quarantined as a safety precaution – must be covered by the ship-owner until the seafarers are considered to be duly repatriated, unless the expense is assumed by public authorities in accordance with the applicable national legislation.

For more information, the ILO has provided:

- 1) Information note on maritime labour issues and coronavirus (COVID-19) (published February 3rd 2021)
- 2) New Statement of the Officers of the STC on the coronavirus disease (COVID-19) - 1 October 2020
- 3) Statement of the Officers of the Special Tripartite Committee 1 on the coronavirus disease (COVID-19) regarding increased collaboration between ship owners and charterers to facilitate crew changes.
- 4) Resolution concerning the implementation and practical application of the MLC 2005 during the COVID-19 pandemic (Geneve, 9-23 April 2021).

14-Seafarer Medical Certificate

This paragraph has been withdrawn per March 31st, 2022.

15-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.

Furthermore, they require written evidence of the flag State's authorization for each vessel including (a list of) individual seafarers performing any period of service on board beyond the default 11 months. It is recalled that, in any way, a valid seafarers' employment agreement must remain in force until the seafarer is duly repatriated in accordance with Regulation 2.5 of the MLC, 2006. 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.

16-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 (+599 9 562 7000/ 564 7000).



17-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 pandemic. Any significant developments necessitating a revision of this document will be considered by the Maritime Authority of Curacao and implemented accordingly. In individual cases of force majeure in relation to the deleted paragraphs, the MAC can be contacted with a well-founded request for exemption.

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,

Anthony Palma
Deputy Director / Head of the Shipping Inspection in Curacao

