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Circular Letter No.4231/Add.19
18 March 2021

To: All IMO Member
Intergovernmental organizations
Non-governmental organizations in consultative status

Subject: **Communication from the Government of the Republic of Italy**

The Government of the Republic of Italy has sent the attached communication, received on 17 March 2021, with the request that it be circulated by the Organization.

This is an English courtesy translation of the original documentation prepared in Italian language. Please consider that only the original version in Italian language has legal value.



Ministry for Ecological Transition

DIRECTORATE GENERAL FOR THE SEA AND THE COASTLINES

THE DIRECTOR GENERAL

To H.E. Mr. Kitack Lim
Secretary- General of the
International Maritime Organization
secretary-general@imo.org

Subject: Instructions for measures related to the SARS-CoV-2 epidemiological emergency in the context of certifications related to international conventions. (Marpol 73/78 Convention, Ballast Water Management Convention, Antifouling System Convention).

Rif. Prot. MAT*TM 24573 del 06/04/2020 e Prot. MAT*TM 67640 del 01/09/2020

Excellency,

The Italian Ministry for Ecological Transition presents its compliments to the International Maritime Organization and has the honour to draw your attention to the continuing epidemiological emergency situation due to SARS-CoV-2, which has led to the need for a change in the procedural and regulatory framework of all the national and international bodies and organisations involved in the maritime sector, which over the last few months have been working to ensure the continuation of normal maritime operations, maintaining high safety standards by issuing specific guidelines and instructions addressed to all operators in the sector and to the stakeholders involved.

In view of the recurring indications provided by the IMO on this subject, this Directorate General therefore deems it necessary to revise the instructions given in the reference notes referred to in the subject above.

Specifically, with regard to the instructions provided in Prot. Note MATTM 24573 of 06/04/2020, in light of the consolidated international recommendations (see IMO Circular Letter No. 4204/Add.19/Rev.3) aimed at a progressive normalization of statutory activities, it is considered necessary to withdraw the automatic three-month extension of the validity of statutory certificates and to re-establish the previous inspection procedures and the ordinary period of validity of certificates, also in compliance with the provisions of IMO Resolution A.1140(31) ("HSSC Guidelines").

However, the possibility of requesting extensions of the validity of existing certificates as well as the execution of remote surveys remains unchanged, on the basis of the procedures already indicated in the note Prot. MATTM 67640 dated 01/09/2020, which were set out by the Italian Coast Guard Headquarters with the non-serial circular 32/2020 (prot. 90316 dated 18/08/2020).

However, in this regard, it is necessary to reiterate that the derogations to the usual methods of inspection for the renewal or validation of statutory certificates apply only in exceptional cases of evident and proven impossibility of carrying out on-board (on-site) inspections by the survey staff of the RO, for reasons strictly related to health restrictions imposed by individual competent authorities in the port of call of the ship. If this is not possible, the normal on-board inspection procedures apply, while respecting the health prevention provisions and guidelines in force at the time of the inspection (e.g. masks, spacing, etc.). Therefore, in view of the above, with regard to the initial inspections or inspections for purposes of renewal relating to the certifications of competence in question, this Directorate General may - based on a proposal by the RO concerned - grant authorization for the issue of an extension of validity by the RO concerned, with a validity not exceeding three months from the last expiry date specified by the respective certificates, or the issue of a new certificate of short duration.

Any application must be submitted by the applicant through the relevant RO, which, after checking the documentary evidence proving the restrictions in place due to the SARS-CoV-2 epidemic, will send a request to this Directorate, including technical proposals and verification solutions to guarantee the environmental safety requirements of the Conventions, taking into account the ship's conditions and performance. Such proposals or modifications must take into account the state of activity of the ship, as well as any previous deficiency or detentions identified during previous surveys activities by the PSC and pertaining to the international Conventions in question, which will have to be duly highlighted. However, in all cases, the obligation to carry out a full survey in the shortest possible time at the first available port remains, and the results will

subsequently be communicated to this Directorate on the basis of a written report by the RO.

With regard to the annual and/or intermediate surveys of the relevant statutory certificates - as provided for under the harmonised certification regime of the "HSSC" guidelines - such surveys may be carried out primarily remotely, when access on board is not possible for restrictive reasons related to health emergencies, taking into account the indications and procedures already indicated in the note Prot. MATTM 67640 of 01/09/2020 and laid down by the Italian Coast Guard Headquarters with the non-series circular 32/2020 (prot. 90316 of 18/08/2020). These surveys will be aimed at issuing a short-term certificate valid for no more than 6 months and may be carried out by the RO without a prior request for authorization from this Directorate and the outcome of the operations carried out must then be reported. This report must be accompanied at least by documentary evidence of the health-related reasons for the restrictions in place that have made it necessary to carry out the survey remotely, the state of the ship's statutory certificates and the presence of any anomaly relating to its recent activity, as well as a written report containing the results of the surveys and inspections carried out.

For example, the following are considered documentary justification for the restrictions in place:

- A declaration by the shipowner specifying what special circumstances or conditions due to the restrictions from Covid-19 make it impossible to carry out a survey on board;
- Port-state enforcement orders or regulations that indicate the restrictions in place at the time of the request;
- Notification by the dry dock/manufacturer of specific marine equipment of the delay or inability to deliver the equipment on time due to restrictions imposed by local authorities delaying its entry/installation on board.

We reiterate that any request for exemptions or extensions coming directly from commanders or individual companies will not be taken into consideration by this Directorate.

In view of the above, we would like to ask the Secretariat of the International Maritime Organization to kindly have this information circulated to Member States and interested parties.

Italy avails itself of this opportunity to renew the assurances of its highest consideration.

(signed)

Carlo Zaghi

Ministry for Ecological Transition

Director General for the Sea and the Coastlines

23rd February 2021

This document is signed electronically, in accordance with Presidential Decree no. 445/2000 and Legislative Decree no. 82 of 7 March 2005 and related regulations. This electronic document replaces the hard copy.
