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Circular Letter No.4248
2 April 2020

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

Subject: **Communications from the Governments of:**
i **New Zealand; and**
ii **Saint Vincent and the Grenadines**

The Governments of New Zealand and Saint Vincent and the Grenadines have sent the attached communications, dated 31 March and 1 April 2020 respectively, with the request that they are circulated by the Organization.

31 March 2020

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Level 11,1 Grey Street, Wellington 6011

PO Box 25620, Wellington 6140
New Zealand

Secretary General
International Maritime
Organization
4 Albert Embankment
London SE1 7SR
United Kingdom

Dear Secretary General:

Re: Extending the Validity of New Zealand Seafarer Certificates

In light of the COVID-19 situation and Circular Letter 4204/Add.5, please find attached general exemptions "Extending the Validity of New Zealand Seafarer Certificates." I would appreciate it if you could circulate these documents to IMO member States and observer organizations.

Summary of exemption outcomes

New Zealand issued

- Seafarer certificate of competency (STCW and STCW-F);
- Seafarer medical certificate; and
- Associated ancillary certificates;

that expire between 11 March 2020 and 30 June 2020 are extended for an additional three months from the date of expiry, subject to conditions outlined in the attached exemptions.

Individual seafarers who hold a New Zealand certificate do not have to submit an application for the extension to apply.

Further information for Seafarers is available at

<https://www.maritimenz.govt.nz/commercial/certification/documents/Seafarer-certificates-expiring-during-COVID19.pdf>

Yours sincerely



Keith Manch

Director and Chief Executive Officer

Maritime New Zealand

EXEMPTION FROM THE REQUIREMENTS OF MARITIME RULES 31.25(1) AND 32.10(1)

PURSUANT TO Section 47 of the Maritime Transport Act 1994,

I, **KENNETH CRAWFORD**, Deputy Director Maritime Systems Assurance, acting under delegated authority, being satisfied that –

- (a) the granting of the exemption will not breach New Zealand's obligations under any convention; and
- (b)(iv) events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case; and
- (ba) the risk of harm to the marine environment will not be significantly increased by the granting of the exemption; and
- (c) the risk to safety will not be significantly increased by the granting of the exemption,

HEREBY EXEMPT:

Seafarers who hold a certificate of competency or endorsement issued under Part 32 of the Maritime Rules or a certificate of recognition issued under section 41 of the Maritime Transport Act, whose certificates expire between 11 March 2020 and 30 June 2020

FROM:

After the date of expiration, the requirements of Maritime Rules 31.25(1) and 32.10(1)

31.25 Duty of crew to hold certificates and to be able to demonstrate ancillary proficiencies

- (1) No person may act in a crew position for which a specific certificate or endorsement is required under either a Minimum Safe Crewing Document or a provision of this Part unless that person holds the specific certificate or endorsement or a higher grade of certificate or endorsement that gives the required privileges.*

32.10 Requirement to hold certificate and associated endorsements

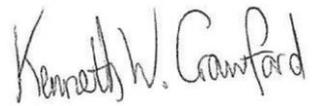
- (1) No person may, except under the authority of, and in accordance with, a current certificate issued under this Part or other authority under the maritime rules, together with any endorsements relating to that certificate—*
- (a) operate a commercial ship as a master or member of crew; or*
 - (b) exercise the privileges relating to a certificate or prescribed endorsement that is issued under this Part; or*
 - (c) hold himself or herself out as a person who is entitled to exercise the privileges relating to a certificate or prescribed endorsement issued under this Part.*

PROVIDED THAT:

- a) Once their certificate or endorsement expires, seafarers may only exercise privileges that were previously provided by the expired document;
- b) Seafarers remain subject to the limitations, conditions or suspensions of expired documents;
- c) Seafarers may only exercise the privileges for an additional **THREE MONTHS** past the date of expiration;
- d) Individual seafarers must cease exercising privileges after the date of expiration if required to do so in writing by the Director;
- e) For expired certificates of recognition, the underlying document must remain valid.

This exemption shall be valid until **30 September 2020** unless withdrawn earlier in writing by the Director.

SIGNED at Wellington on this 30th day of March 2020.

A handwritten signature in black ink that reads "Kenneth W. Crawford". The signature is written in a cursive style with a large initial 'K'.

Kenneth Crawford

Deputy Director Maritime Systems Assurance
Maritime New Zealand
Acting under Delegated Authority

EXEMPTION FROM THE REQUIREMENTS OF MARITIME RULES 31.25(2) AND 32.16(1)

PURSUANT TO Section 47 of the Maritime Transport Act 1994,

I, **KENNETH CRAWFORD**, Deputy Director Maritime Systems Assurance, acting under delegated authority, being satisfied that –

- (a) the granting of the exemption will not breach New Zealand's obligations under any convention; and
- (b)(iv) events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case; and
- (ba) the risk of harm to the marine environment will not be significantly increased by the granting of the exemption; and
- (c) the risk to safety will not be significantly increased by the granting of the exemption,

HEREBY EXEMPT:

Seafarers who hold or applying for a certificate of competency or certificate of proficiency or endorsement issued under Part 32 of the Maritime Rules or a certificate of recognition issued under section 41 of the Maritime Transport Act, whose ancillary proficiencies expire between 11 March 2020 and 30 June 2020

FROM:

After the date of expiration of the ancillary proficiency, the requirements of Maritime Rules 31.25(2) and 32.16(1)

31.25 Duty of crew to hold certificates and to be able to demonstrate ancillary proficiencies

(2) No person may act in a crew position for which a specific ancillary proficiency is required under either a Minimum Safe Crewing Document or a provision of this Part unless the person is able to demonstrate the ancillary proficiency in accordance with rule 32.16 and 32.170 of Part 32.

32.16 Requirement to hold certificate and associated endorsements

1) A requirement in this Part, Part 31 or under any New Zealand maritime security legislation for a person to demonstrate an ancillary proficiency provided for in the Schedule to this Part is met if the Director is satisfied that—

- (a) the person has achieved the relevant competency and training standard as set out in the Schedule to this Part (which may have been achieved for a pre-requisite certificate); and
- (b) for STCW certificates, in any case in which column 5 of the Schedule indicates a person is required to demonstrate continued competence, the person has demonstrated continued competence in the 5 years preceding the date of the relevant application or as otherwise required by the Schedule; and
- (c) for certificates to which subpart B or D applies, the person has demonstrated continued competence for first aid as prescribed in row (a) of the Schedule.

PROVIDED THAT:

- a) Continued competence of the expired ancillary proficiency is demonstrated within **THREE MONTHS** after the date of expiration;

This exemption shall be valid until **30 September 2020** unless withdrawn earlier in writing by the Director.

SIGNED at Wellington on this 30th day of March 2020.

A handwritten signature in black ink that reads "Kenneth W. Crawford". The signature is written in a cursive style with a large initial 'K'.

Kenneth Crawford

Deputy Director Maritime Systems Assurance
Maritime New Zealand
Acting under Delegated Authority

EXEMPTION FROM THE REQUIREMENTS IN MARITIME RULE 34.22(1) AND 34.22(4)

PURSUANT TO Section 47 of the Maritime Transport Act 1994,

I, KENNETH CRAWFORD, Deputy Director Maritime Systems Assurance, acting under delegated authority, being satisfied that –

- (a) the granting of the exemption will not breach New Zealand's obligations under any convention; and
- (b)(iv) events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case; and;
- (ba) the risk of harm to the marine environment will not be significantly increased by the granting of the exemption; and
- (c) the risk to safety will not be significantly increased by the granting of the exemption,

HEREBY EXEMPT:

- (a) Seafarers to whom rule 34.20 applies whose medical certificates expire between 11 March 2020 and 30 June 2020; and
- (b) persons employing or engaging seafarers described in (a)

FROM:

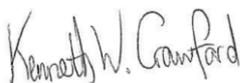
- For seafarers, the requirement in Maritime Rule 34.22(1) to hold a current certificate of medical fitness category A, A(T) or B issued under Part 34 after the date of expiry;
- For employers of seafarers or those engaging seafarers, the requirement in 34.22(4) to only employ or engage persons to whom rule 34.20 applies for employment on a ship if that person holds a current certificate of medical fitness category A, A(T) or B issued under Part 34;

PROVIDED THAT:

- The expired medical certificate was of category A, A(T) or B;
- Seafarers obtain a new medical certificate within **THREE** months of the date of expiry of the previous medical certificate;
- Seafarers continue to meet any conditions of the expired medical certificate;
- If a seafarer has been incapacitated by illness or injury for 30 or more days, the seafarer must not exercise the privileges of his or her certificate of competency or certificate of proficiency until an approved medical practitioner has re-examined the seafarer and is satisfied the seafarer meets the standard for the category of the expired certificate;
- If rule 34.20(1) applies, the expired medical certificate would have applied to the new certificate of competency or certificate of proficiency;
- A seafarer to whom this rule exemption applied must produce his or her expired certificate of medical fitness, when requested to do so by the Director; or the master of the ship on which the seafarer is employed or engaged; and
- Seafarers obtain a new medical certificate if required by the Director.

This exemption shall be valid until **30 September 2020**, unless withdrawn earlier in writing by the Director.

SIGNED at Wellington on this 30th day of March 2020.



Kenneth Crawford
Deputy Director Maritime Systems Assurance
Maritime New Zealand
Acting under Delegated Authority

Geneva, 01st April 2020

COVID-19 Contingency Measures

Due to the exceptional situation resulting from the COVID-19 pandemic, please be informed that Saint Vincent and the Grenadines Maritime Administration has adopted the measures cited in the attached circular GEN 025 Rev. 1, in relation to the certification of seafarers and the survey and certification of Saint Vincent and the Grenadines flagged vessels.

These measures are also published on the official website of the Maritime Administration (www.svg-marad.com)

Ms Najla Dabinovic

Permanent Representative to IMO



ST. VINCENT AND THE GRENADINES

MARITIME ADMINISTRATION

CIRCULAR N° GEN 025 - Rev 1.

COVID-19 ADVICE FROM MARITIME ADMINISTRATION

TO: SHIP OWNERS/SHIP OPERATORS/MANAGERS,
MASTERS AND RECOGNIZED ORGANIZATIONS
AND FLAG STATE INSPECTORS

APPLICABLE TO: All ships

EFFECTIVE AS FROM: 18 March 2020

Date: 25th March 2020

The ongoing COVID-19 pandemic is resulting in various restrictions and limitations which seriously affect the continuity of maritime operations on a global scale.

Ability to travel, both nationally and internationally, has become increasingly difficult as travel bans have been imposed. Based on the above conditions, this Administration considers the COVID-19 outbreak to be a force majeure situation

In order to assist the Shipowners/Ship Operators/Managers and Recognized Organizations (RO) as much as possible please note the following:

Scheduled Statutory Surveys

In cases where RO surveyors are not able to undertake scheduled surveys due to restrictions imposed by COVID-19, this Administration will consider applications for extension/postponement under force majeure on a case-by-case basis. The Shipowners/Ship Operators/Managers should use application form as per GEN 001 circular. The application form should be stamped, signed and commented by RO.

Dry docking surveys and servicing of ship's equipment

Extension of a vessel's dry docking surveys or servicing of ship's equipment as required by IMO Conventions due to COVID-19 may be requested. The Shipowners/Ship Operators/Managers should use application form as per GEN 001 circular. The application form should be stamped, signed and commented by RO. The applications should be submitted before the due date of the surveys or expiry date of the statutory certificate in order to avoid port State Control issues.

ISM internal audits

This Administration will, at the ISM Manager's request, extend annual ISM internal audits for up to three (3) months, as per para 12.1 of the ISM Code in cases where audits cannot be carried out due to travel restrictions imposed due to COVID-19.

Safety Management Certificates (SMC) and International Ship Security Certificates (ISSC)

With regards to SMC and ISSC renewal audits, and noting the provisions of ISM Code 13.14 and ISPS Code A-19.3.5, this Administration may authorise its Recognised Organisations to issue three (3) month extensions to existing SMC and ISSC Certificates.

The ISM Manager should use application form as per GEN 001 circular. The application form should be stamped, signed and commented by RO.

Maritime Labour Certificats (ML Certificats)

MLC 2006 does not allow extensions to existing MLC Certificates without an MLC inspection. Due to COVID-19 restrictions this Administration may authorise its Recognised Organisations to administratively issue a ML Certificate for three (3) months where the renewal inspection cannot be conducted.

Annual Flag State Inspections and Pre-registration inspections

Due Annual Flag State Inspections will be carried out subject to availability of the Flag State Inspectors.

In case that Pre-registration inspection cannot take place due to COVID-19 restrictions an Inspector of this Administration will attend the vessel at a mutually agreed location, for an initial general inspection after the registration on a case-by-case basis.

Seafarers Employment Agreements and repatriation

In cases where crew members may have to exceed the twelve (12) months or contractual period onboard as stated in their original Seafarers' Employment Agreement (SEA) because of travel restrictions imposed due to COVID-19, this Administration will consider such extensions to be force majeure and therefore not a breach of the Maritime Labour Convention, 2006, as amended. A new SEA shall be signed by both parties with the clause that the seafarer is entitled to repatriation at no cost to the seafarer at seven (7) days notice.

Extension of the validity of STCW Endorsements attesting the Recognition of Certificates of Competency or Certificates of Proficiency

Endorsements attesting the Recognition of Certificates of Competency or Certificates of Proficiency expire may be extended if national Certificates of Competency or Certificates of Proficiency are extended as well.

Applications should be submitted to this Administration including Certificates of Competency or Certificates of Proficiency endorsed with a new expiry date by the issuing Administration. Some of the issuing authorities have issued circulars with general extension of Certificates of Competency or Certificates of Proficiency until certain dates. A copy of such circular may be forwarded as supporting documentation.

Seamen's Books may be extended upon request to this Administration.

Medical Certificates

Due to the exceptional circumstances this administration follows the Regulation I/9 of the STCW Convention as amended, and Regulation 1.2 of the MLC Convention 2006, as amended. Seafarers with a medical certificate about to expire or no longer valid will be allowed to keep serving on board for a period of up to three (3) months.

These temporary measures shall remain in place for a period of **three (3) months** starting from **18 March 2020** and are subject to review as the situation develops.

This Circular should be kept on board ready to be disclosed to PSC Officers.

Revision history:

REV-1, Added titles:

Extension of the validity of STCW Endorsements attesting the Recognition of Certificates of Competency or Certificates of Proficiency, Seamen's Books, Medical Certificates.