
Circular 2020/002

Operational measures concerning certification related to Covid-19

Date: 19/06/2020

This is an updated version of the BMI Circular 2020/002 of 18 March 2020. Adjustments to the text are highlighted in yellow.

To whom it may concern,

The Belgian Maritime Inspectorate hereby wants to inform all concerned parties (shipowners and managing companies, Port State Control officials, ships' crews and all other stakeholders).

This BMI Circular relates to all Belgian flagged ships, including cargo vessels of less than 500 GT. This BMI Circular does not relate to fishing vessels.

On 11 March 2020 the World Health Organization (WHO) determined that the outbreak of Coronavirus (COVID-19) is a pandemic. The areas affected by Coronavirus (COVID-19) and the strategy implementation by countries affected by it is constantly evolving.

Many Governments have now introduced national and local restrictions including:

- Delayed port clearance;
- Prevention of crew or passengers from embarking or disembarking (preventing shore leave and crew changes);
- Prevention of discharging or loading cargo or stores, or taking on fuel, water, food and supplies; and
- Imposition of quarantine or refusal of port entry to ships (in extreme cases).

Since the outbreak of the coronavirus disease in 2019 (COVID-19), the Belgian Maritime Inspectorate (BMI) has been monitoring the situation closely. Since the health of our seafarers is a main issue, instructions regarding managing COVID-19 have been given to the shipowners directly.

Also 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 inspectors and seafarers when needed. Furthermore, numerous shipyards cannot accommodate vessels, even for booked and planned inspections and surveys which require dry-dock. Based on the above conditions, the BMI considers the COVID-19 outbreak to be a force majeure situation.

In this BMI Circular the focus is that ships registered in Belgium to the largest extent possible shall not be out of operation due to possible expired certificates caused by the current and probable COVID-19 situation.

To ensure the quality and safety standards of ships flying the Belgian flag, their shipowners or ship managers and the living and working conditions of their seafarers, the BMI will keep monitoring the ships flying the Belgian flag closely.

Shipowners and managing companies must do their utmost to ensure compliance with all requirements regarding statutory surveys and audits (including internal audits), servicing of equipment, drills, etc. In cases where this is impossible due to the worldwide impact of the effects of the COVID-19 outbreak, the following measures/ actions will be applied.

I. Certification related to ships flying Belgian flag

A. Survey and certification of ships flying Belgian flag

Shipowners and managing companies must ensure that all statutory certificates are kept valid.

Where surveys are due on ships and it becomes difficult for attendance by a surveyor either BMI or RO due to difficulties caused by the COVID-19 outbreak, the Belgian legislation has provided a legal basis for the extension of certificates. BMI will implement this legal possibility on a case by case basis by extending the mandatory statutory survey windows by issuing dispensations or short-term certificates.

Also postponement of hull inspections or postponement of servicing of equipment, especially annual or five-year thorough examination and operational tests due to unavailability of authorized service providers, BMI should be contacted.

All request must be supported with objective evidence supporting the impossibility of survey or the unavailability of the service concerned, together with a plan that covers how the ship will be brought back into compliance with the regulations, or applicable survey or audit cycle afterwards.

Operators must ensure requests are made in good time before the expiry date to avoid Port State Control issues.

BMI will provide dispensations, attestations and/or provisional certificates for all accepted postponements as evidence for all external parties concerned, such as Port State Control.

BMI is to be contacted:

- Through mail: Ship.Belflag@mobiliteit.fgov.be,
- For urgent matters: +32 473 70 03 53.

B. Internal ISM audit

1. Extension of the internal ISM audit

If the internal annual ISM audit as required in the ISM Code Part A, paragraph 12.1 cannot be performed within the 12-months interval for shore-side and shipboard internal audits due to Covid-19 measures, authorization from the BMI is required for an extension up to 3 months.

The Company should contact the BMI to request for this authorization. Evidence should be given that the audit was planned to take place and cannot be completed due to the port restrictions created in response to the COVID-19.

The internal audit may not be further postponed beyond the 3 months extension.

2. Remote internal ISM audit

In case attendance on board cannot be arranged in time, even with the 3 months extension, the Company must organize a remote audit in lieu of a physical audit. The company should contact the BMI to request for authorization for the remote audit prior to performing the audit.

This request has to be supported with a detailed procedure, describing how the remote internal audit will be performed. This procedure has to ensure that the remote internal audit process is an acceptable alternative to the standard internal audits as described by the existing SMS and security procedures.

Following principles must be taken into account:

- The opening meeting must state the objectives and the audit process to the crew of the ship. This may be done by e-mail.
- The shore based auditor(s) must be in the possibility to verify a sufficient amount of evidence covering the scope of the internal audit: access to software applications and relevant documents, as well as photographic or video-based evidence to verify the actual condition of the vessel. A sufficient amount of interviews by phone or video conference must be performed, covering all departments and ranks on board within the scope of the internal audit. Special attention should be given to the potential challenges of remote audit and of the use of digital means, as well as the actions to mitigate these challenges.
- During the internal ISM audit, the shore based auditor can be assisted by a seafarer on board for conducting interviews and collecting the evidence. This seafarer must have sufficient knowledge and understanding of the audit process and of the audited department. However, independence of the department being audited must be ensured. In addition, the BMI would like to encourage the Master or Chief Officer to assist the audit of the engine room and the Chief Engineer or 2nd Engineer to assist the audit of the deck department in close cooperation with the shore based auditor.
- The remote internal audit must have a follow-up by an on-board visit of the auditor or superintendent. This must be planned within 3 months after the remote internal audit. This visit will close the remote internal audit process.

3. Contact

For requests for authorization or additional guidance regarding remote internal audits, BMI can be contacted through mail: Ship.Belflag@mobiliteit.fgov.be.

C. Electronic copy of certificates

As difficulties are expected to get traditional paper certificates onboard in time due to Covid-19 measures, BMI will provide and accept electronic copies of mandatory certificates for the time Covid-19 measures are in place.

The certificates are signed either with a hand signature, or by an electronic signature. They are all provided with a stamp.

The BMI urges all concerned parties to accept the electronic copy of the original paper certificate as genuine and on the same level as paper certificates during this time.

The use of original electronic certificates on board Belgian Flagged Vessels is described in BMI Circular 2019/001 and remains valid.

If there is any doubt on the authenticity of these certificates, please contact BMI:

- Through mail: Ship.Belflag@mobiliteit.fgov.be,
- For urgent matters: +32 473 70 03 53.

D. Certificates of registry and certificates of insurance

Following certificates and documents will temporarily only be issued electronically:

- Certificates of Registry (Zeebrief),
- Certificates of insurance:
 - o CLC-certificate,
 - o Bunker-certificate,
 - o WRC-certificate,
 - o PAL-certificate,
- MLC-certificates of insurance:
 - o Repatriation,
 - o Shipowners' liability,
- Exemptions of nationality requirement for command on Belgian flagged ships,
- Permission from our Director-general for bareboat out/in.

The certificates and other documents are signed by an electronic signature (official Belgian e-ID). They are all provided with a stamp.

For any information, please contact DGMAR.REG@mobilit.fgov.be.

For urgent matters outside office hours in case there is any doubt on the authenticity of these certificates, please contact BMI:

- Through mail: Ship.Belflag@mobilit.fgov.be,
- By phone: +32 473 70 03 53.

E. Safe Manning Document and dispensations to it

Where it can be demonstrated that a crew member is required to be disembarked from the vessel due to illness or local imposed measures related to Covid-19, and the shipowner/operator is unable to replace him or her, dispensations to Safe Manning Document will be considered on a case by case basis. Each request should be supported by objective evidence and a risk assessment from the company, together with a plan that covers how the ship will be brought back into compliance.

In the event of a suspected virus infection or quarantines, etc. causing any challenges to the crew replacement or the operation of a ship, the BMI needs to be contacted:

- Through mail: Ship.Belflag@mobilit.fgov.be,
- For urgent matters: +32 473 70 03 53.

I refer to BMI Circular 2008/002 Notification of incidents to the flagstate.

BMI assistance will be related to possible solutions for operational challenges, not for infected patients or suspicion of infection, as this type of assistance will only be given by the health authorities.

F. Drills and exercises related to EU Regulation 725/2004

[EU Regulation 2020/698](#) of 25 May 2020 allows extension of certain time limits provided for in Regulation 725/2004 on enhancing ship and port facility security (ISPS) related to the frequency of security drills and exercises for ships' crews and for company and ship security officers:

- Derogation from Part B, Section 13.6, of Annex III Regulation 725/2004: if drills to ensure the effective implementation of the provisions of the ship security plan could not have been conducted or cannot be conducted within the intervals specified therein in 2020, they shall be conducted at least twice during 2020 with a maximum interval of six months between them.
- Derogation from Part B, Sections 13.7, of Annex III, Regulation 725/2004: if the 18-month time limits for the carrying out of the various types of security exercises which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended by six months in each case, but in any event not beyond 31 December 2020.

II. Certification of seafarers

The actions taken worldwide as a result of the outbreak pose a serious challenge to allow the continued training of seafarers, revalidate certificates, including medical certificates, and issuance of endorsements attesting recognition of certificates in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for seafarers (STCW Convention), 1978, as amended.

In light of the foregoing, BMI takes a pragmatic and practical approach with regard to the extension of the above-mentioned certificates and endorsements, as strictly necessary.

Reference is made to IMO Circular Letter No. 4204/Add.5 – Coronavirus (COVID-19) – Guidance relating to the certification of seafarers and fishing personnel, as revised. The latest version of this circular letter can be found:

<http://www.imo.org/en/MediaCentre/HotTopics/Pages/Coronavirus.aspx>

A. Medical certificates

The Belgian legislation on Maritime Inspection, as well as the Maritime Labour Convention permit a seafarer whose medical fitness certificate expires during a voyage in a location where it is not possible to obtain a medical fitness certificate accepted for working on a Belgian ship to continue working for up to three months after the expiry date of the medical fitness certificate.

If in exceptional circumstances this 3 months period is likely to be exceeded, the shipowner should contact the BMI for advice: Ship.Belflag@mobiliteit.fgov.be. The Belgian legislation has provided a legal basis for the extension of the medical certificates.

B. Certificate of Competency/Certificate of Proficiency

When a Belgian holder of a Certificate of Competency and/or an additional Certificate of proficiency which need renewal and are absolutely necessary for seagoing service, is not in the possibility to follow the required recognized refresher courses due to the measures imposed by the COVID-19 crisis, the holder needs to send a corresponding declaration of an accredited training institute or a corresponding self-declaration to the BMI to apply for a temporary Certificate of Competency and/or Certificate of proficiency with a validity of 6 months.

For each application for a recognition of foreign STCW certificate, the BMI will issue as an alternative a temporary document (Declaration of receipt of an application for an endorsement).

Individual seafarers can send their application by mail: STCW95@mobiliteit.fgov.be. Registered companies are requested to use the application STCW-on-Web.

C. Certificates related to seafarers

As difficulties are suspected to get paper version of certificates (f.e. Certificates of Competency) onboard in time due to Covid-19 measures, the Belgian legislation provided a legal basis for electronic copies of mandatory certificates.

BMI urges all concerned parties to accept the electronic copy of the original paper certificate as genuine and on the same level as paper certificates during this time.

If there is any doubt on the authenticity of these certificates, please contact BMI:

- For verification of STCW-certificates issued by the Kingdom of Belgium:
<http://www2.mobiliteit.fgov.be:8888/stcw95/>
Access may be granted only if a legal ground is proven. Applications have to be sent to stcw95@mobiliteit.fgov.be. Please mention the reasons for your request.
- For other questions through mail: stcw95@mobiliteit.fgov.be.

III. Seafarers Employment Agreement

This relates to seafarers who are onboard vessel beyond their contracts for reasons connected with the Covid-19 virus. The MLC shipowners and/or managing companies of ships flying Belgian flag should ensure that seafarers are kept informed of the risks of infection, reasons why they are required to stay on board, any measures being taken for their protection, and arrangements for their repatriation.

A valid Seafarers Employment Agreement (SEA) must remain in force until repatriation. If any of the SEAs have expired, they must be extended, or new ones issued. The company needs to ensure that the seafarers are sent home at the first available opportunity. Evidence should be retained by both the seafarer and the company clearly demonstrating the reason why the seafarer was asked to extend their contract.

When the SEA has just expired or is about to expire, and the maximum period of service on board, in accordance with the relevant Collective Bargaining Agreement (maximum 7 months (non-pool) or less), is applicable, and there is no possibility to safely change the crew member in the intended port of call and the seafarer agrees with the extension, an exceptional extension can be granted by BMI. The extended stay on board has to be covered by the SEA.

This will be considered on a case by case basis. Each request should be supported by objective evidence from the company, together with a plan that covers how the ship will be brought back into compliance.

BMI should be contacted through: mlc@mobilit.fgov.be.

IV. Shipowner liability

If in doubt, shipping companies should contact their financial security provider to confirm that insurance or other financial security is in place for additional costs pending repatriation (e.g. isolation), medical care, and any costs and expense of crew transfer for suspected cases.

Under MLC provisions relating to repatriation and medical care, shipowners remain liable for costs pending repatriation (e.g. isolation), medical care and any costs or expense of crew transfer for suspected cases.

V. General information

IMO has dedicated a special webpage on the Coronavirus pandemic (COVID-19) with useful links: <http://www.imo.org/en/MediaCentre/HotTopics/Pages/Coronavirus.aspx>.

On board ships flying Belgian flag a copy of this BMI Circular shall be posted in a conspicuous place on board where it is available to the seafarers.