



**Ministry of Sustainable Infrastructure and Mobility  
Italian Coast Guard Headquarters**

-----

Department VI  
Safety of Navigation and Maritime Security

**Subject: COVID-19 Measures**

The repercussions of the COVID-19 pandemic have had a significant impact on global trade and global shipping industry.

The outbreak and subsequent measures have led to disruptions of regular shipping operations which are currently returning to normal although criticalities remain in some far east geographical areas.

Therefore, the following initiatives are underway:

**A. STCW Convention – Certification for seafarers**

Certificate of Competence (COC):

In light of the persisting health emergency which, as known, does not allow the usual turnover of seafarers on board, the Italian administration decided to extend the validity of Certificates of Competence and endorsements issued to foreign seafarers embarked on Italian ships.

The extension of validity for the endorsements of Certificates of Competence issued by foreign countries shall not in any case exceed the validity of the Certificate of Competence held.

The above extensions of validity are automatically extended until disembarkation without any administrative formality.

The above was communicated by the ITCG to IMO and published (Circular Letter No. 4231/Add. 14) with the aim to share the approach with all Member States.

Recognition of certificates (Ch. I - Regulation I/10 point 5)

The restrictions imposed to contain the pandemic, including travel bans, quarantine and the cancellation of courses, may, under certain circumstances, constitute a situation of force majeure in which it becomes materially impossible to allow the continued training of seafarers, to revalidate certificates and to issue endorsements attesting recognition of certificates in compliance with Regulation 1.3 of the MLC, 2006, and the relevant provisions of the STCW Convention.

In this context the Italian competent authority - taking a pragmatic and practical approach and in order to provide the Italian consular representations of EU/EFTA countries with a more extended time margin to finalize and issue the endorsement – has allowed seafarers to serve for a period not exceeding six months - instead of three months as required by Ch. I - Regulation I/10 point 5 - on board a ship entitled to fly its flag while holding an appropriate and valid certificate issued and endorsed as required by another party.

The above has been communicated by the ITCG to IMO and published (Circular Letter No. 4231/Add.10) with the aim to share the approach with all Member States.

## **B. MLC, 2006 – Maritime Labour Certificate and inspections**

On 3<sup>rd</sup> February 2021 (revised version 3.0), the “*International Labour Organization*” released the “*Information note on maritime labour issues and coronavirus (COVID-19)*” by which the Committee of Experts urged all ratifying Countries, with responsibilities as flag States to adopt the necessary measures and/or reinforce the existing ones without delay, to ensure that the ships flying their flags fully comply with the provisions of the Convention.

In this regard and having consulted the National Competent Authority, the ITCG HQs will no longer extend the validity of the “Maritime Labour Certificate” for 3 months as per Circular Letter No. 20/2021 (Italian language published on web page <http://www.guardiacostiera.gov.it/normativa-e-documentazione/Pages/circolari.aspx>) and is proceeding - on a case by case approach – to dispense any single ship for any specific voyage from the prohibition on forgoing annual leave under Standard A2.4, paragraph 3, of the MLC,2006 providing that the Shipowner produces the following evidences:

- seafarer’s consent to remain on board 3 months beyond the default 11-month maximum period of service established by MLC,2006 demonstrated by the SEA signed by the parties;
- Master’s statement assuring that the danger caused by the fatigue of seafarers - especially those whose duties involve navigational safety and the safe and secure operation of the ship - will be taken into account;
- Voyage plan proving that the ship is bound for a COVID-19 area;
- Amendments to the relevant parts of the Declaration of Maritime Labour Compliance – Part II;
- Company declaration stating how the rights of the crew are protected and assured in light of the extended stay on board
- Evidence of planned repatriation of the crew in an expeditious manner.

Furthermore, in exceptional cases, where 14 months are exceeded, an additional assurance from the shipowner and the master regarding the application of the following precautionary measures is required as follows:

- the assigned working period is limited according to the rank and the period of granted rest is longer than the provisions of Standard A2.3 para 5 letter (b) of the MLC, 2006;
- the reduction of working hours doesn’t affect the seafarers’ wages;
- the work/rest record book is filled out in accordance with the work/rest hours actually performed even if the company decides to provide additional emoluments to crew members, regardless of the work performed;
- telephone cards or internet access to connections with family are distributed free of charge;
- video conference or telephone contact with the competent occupational doctor, assisted by a psychologist, are arranged.

The above has been forwarded to IMO with the aim of publication and communication to all Member States.

## **C. Crew change**

The combined reading of MLC,2006 Standard A2.4, paragraphs 2 and 3, on annual leave and Standard A2.5.1, paragraph 2(b) on repatriation, highlights that the maximum continuous period of shipboard service is 11 months.

From the current rule mentioned above it is crystal clear that the 11 months are referred to MLC,2006, as maximum continuous period, and in this regards the ITCG considers of a paramount importance to take into consideration also the national rules and that inter alia, for the Italian flagged ships, the relevant CBAs state that the period of embarkation is 5 months, and it can be extended by the Shipowner for additional 30 days. In line with the above, Italian Coast Guard Headquarters (attachment to the Circular letter 31/2020 and published on web page <http://www.guardiacostiera.gov.it/normativa-e-documentazione/Pages/circolari.aspx>) asked the port State Control Officers and the port Authorities to give proper consideration to the above while processing the Italian/EU applications for the crew changes of the seafarers.

#### **D. Seafarers as “key workers”**

In the context of the COVID-19 pandemic, temporary restriction of non-essential travel to Italy have been applied. However, the government of the Republic of Italy, by means of the decree of 22<sup>nd</sup> March 2020, considers sea transport as a necessary and essential service and, consequently, seafarers as essential workers.

In the light of the above, confirming that seafarers are designated as "key workers", in order to facilitate crew changeover and repatriation, the government of the Republic of Italy – by the Minister of Infrastructure and Transport - asks the Secretariat to kindly have this information circulated to all member states of the IMO and to add Italy to the list of Countries that have designated seafarers as "key workers" (see Circular Letter No. 4231/Add.16).

#### **E. “No crew change” clauses in charterparties**

As per IMO Circular letters No. 4204/Add.36 dated 18<sup>th</sup> December 2020 and No. 4204/Add.36/Rev. 1 of 23<sup>rd</sup> December 2020 “*Certain charterers are demanding the inclusion of “no crew change” clauses in charterparties, that is, no crew changes can occur whilst the charterer’s cargo is aboard*”.

In this context the ITCG invited the Companies to adhere, in a convinced and decisive manner, to the appeal of the IMO and to what is in the present Circular by enforcing the regulatory instruments which-impose the correct and natural turnover of personnel on board.

#### **F. Periodic services performed by external companies.**

Statutory verification and certification processes that are related also to activities to be performed by the external companies can be categorized in three macro-areas:

1. verification overseen by National, Union or International law to be completed within 3 months before or after each anniversary date;
2. repair, test and/or verification following damages, equipment and system failure, detention etc.;
3. services different from those referred to in points 1. and 2. required by the Recognized Organization (RO) or in application of instructions provided by equipment’s manufacturer.

Considering the above, the following instructions were delivered:

- As regards the activities referred in point 1., the extension of the relevant certifications’ validity is also applied to all related services;
- As regards the activities referred in point 2., if the RO confirms the good working condition of the concerned equipment, the ships’ RO will issue a specific “deficiency card” with a maximum validity of 3 (three) months;
- The services referred to in paragraph 3., which are not covered by the specific rules set out in paragraphs 1 and 2, will be managed through specific instructions to be issued by the RO or the maker.

The above was regulated by Circular letter 6/2020 (Italian language published on web page <http://www.guardiacostiera.gov.it/normativa-e-documentazione/Pages/circolari.aspx>)

#### **G. Manufacturing and servicing of Life-Saving Appliances (LSA).**

The ITCG HQs - as outlined under the Decrees issued by Government of the Republic of Italy in the context of the COVID-19 pandemic – considers that the staff of all Life-Saving Appliance Original Equipment Manufacturers (OME) and Approved Service Providers, who are directly involved in manufacturing and servicing, should be considered as key workers and permitted to continue to working during this period in order to carry out the required and essential service work related to life-saving appliances and arrangements.

## **H. Conformity assessment procedures carried out by Notified Bodies under the directive 2014/90/EU (Marine Equipment Directive – MED) for the certification of marine equipment.**

1. The Covid-19 restrictions implemented and enforced by the responsible Authorities had also an important impact in the regular conduct of the conformity assessment activities to be carried out by the Notified Bodies in the framework of the directive 2014/90/EU transposed with legislative decree n. 53/2011.

In order to administer the current situation, with Circular n. 14/2020 ITCG HQs – as lead Administration for the subject matter and in consultation with the various Administrations involved in the process with regard to marine equipment under examination – established that Notified Bodies can postpone periodical audits or the validity of existing Modules D or E up to a maximum of 3-months based on no changes in the applicable requirements supporting the aforesaid certificates.

After this period:

- case 1. If a postponement of the periodical audit was applied, Notified Bodies shall carry out the verification on-site – or, if not possible due to exceptional circumstances – remotely in compliance with a specific procedure developed by Italy after consultation with the involved Bodies.
- Case 2. If an extension of the validity was applied, Notified Bodies shall carry out the renewal of concerned certificates on site (expiry date will be in line with MarED Approved Recommendation (AR) GEN 006 Rev. 19) – or, if not possible due to exceptional circumstances – remotely (expiry date will not exceed 12-months).

Notified Bodies shall be committed to keep appropriate records of all activities addressed under the afore mentioned Circular.

2. In addition, pursuant to instructions disseminated by the European Commission, DG for Internal Market, Industry, Entrepreneurship and SMEs with e-mail on March 19<sup>th</sup>, 2020 to face the exceptional circumstances related to the outbreak and spillover of Covid-19, on May 2020 ITCG HQs – as lead Administration responsible for the coordination of the activities leading to the authorization of Bodies engaged in the conformity assessment procedures under the captioned directive – requested the Notifying Authority of the State (Ministry of economic development) to provide NANDO with a 3-months extension of the validity of the notification with an indication that reassessment will be performed as soon as the restriction due to the Covid-19 will be relaxed. For the time being, the application is under evaluation of the aforesaid Authority. Involved Notified Bodies were duly informed accordingly.

Rome, 31 October 2022

THE HEAD OF THE DEPARTMENT  
Rear Admiral UH (ITCG) Luigi GIARDINO

