
Circular 2020/002

Operational measures concerning certification related to Covid-19

Date: 18/03/2020

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 have been given to the shipowners directly.

Also travelling, both nationally and internationally, has become more 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 of 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 Belgian flag, their shipowners or ship managers and the living and working conditions of their seafarers, the BMI will remain to monitor the ships flying 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.

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 BMI will consider the extension of mandatory statutory survey windows by issuance of a dispensation or short-term certificates, on a case by case basis.

Also postponement of bottom 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.

Electronic copy of certificates

As difficulties are suspected 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@mobilit.fgov.be,
- For urgent matters: +32 473 70 03 53.

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](#) (17 March 2020) – Coronavirus (COVID-19) – Guidance relating to the certification of seafarer.

Medical certificates

The Belgian Regulation 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.

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) with a validity of 3 months.

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

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, BMI will accept electronic copies of mandatory certificates for the time Covid-19 measures are in place.

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 send to stcw95@mobiliteit.fgov.be. Please mention the reasons for your request.
- For other questions through mail: stcw95@mobiliteit.fgov.be.

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 need 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.

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 need 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 of 11 months as required by the MLC 2006 is applicable, and there is no possibility to change the crew member in question, an exceptional extension can only be granted by BMI, subject to the consent of the seafarer(s) and subject to the agreement between the Belgian Shipowner Association and the representative organizations of seafarers, through the terms and conditions established in the applicable collective bargain agreements. The exceptional conditions may include the impossibility for repatriation (quarantine, lack of transport, government restrictions for disembarkation...).

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.

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.

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