



# Technical Circular

No.: 021/2022

Date: 25<sup>th</sup> March 2022

## **Subject: Netherlands – Corona virus (COVID-19) Contingency Plan and Guidelines.**

1. Netherlands Maritime Administration vide 'COVID-19 Contingency Plan and Guidelines', Revision No.9 has provided following interim instructions which are to be applied in exceptional cases where various attempts made to meet the statutory certification requirements for both the ship and/or crew were without success, due to COVID-19 related restrictions.

### **a) Statutory ship certificates requiring an extended validity:**

If a ship cannot be surveyed by a RO or in case audits need to be postponed due to continued COVID-19 related difficulties, the ship-owner may submit a well- founded request to the RO for an extension of the validity of the statutory ship certificate(s).

Upon receipt of the request from a shipowner for an extension of the validity of a statutory ship certificate(s), a step-based approach will be used, which is based on Annex to IMO Circular Letter No. 4204/Add.19/Rev.3, to determine the conditions under which the extension may be granted in consultation with the Administration.

The above also applies to the extension of the Document of Compliance (ISM), International Safety Management Certificate, or the International Ship Security Certificate.

### **b) Remote verification (remote audits / remote surveys):**

Request for remote surveys and/or audits are no longer accepted without prior acceptance of the Administration.

Further, Administration permits remote surveys and/or audits only under the following conditions:

- i. The initiative for remote survey / audits must come from the ship owner / manager, with the agreement of the Master and the other personnel of the ship;
- ii. The decision to accept and perform remote surveys / audits is up to the RO. The RO to have strict guidelines / requirements in order to assess if it is possible at all and the work shall be performed accordingly;
- iii. Remote surveys / audits to be undertaken in compliance with the procedures developed by the RO and which are acceptable to the Administration. For the various remote inspections techniques used for surveys, IACS Recommendation No.42 Rev. 2 must be followed;

- iv. As for remote auditing in relation to ISM-Code, ISPS Code and MLC, 2006 Convention: such is allowed if a combination of on-site and off-site audit arrangement is provided for. The on-site audit is to be carried out at the first reasonable possibility.
- c) Exemptions to the Minimum Safe Manning Document (MSMD):**

If a crew member needs to leave the ship due to urgent circumstances and cannot be replaced immediately due to COVID-19 travel restrictions, a dispensation can be requested from the Administration.
- d) Certificate of Proficiency (CoP) for ratings:**

CoPs for ratings of which the validity has been extended by a generic measure by the subject Administration, will also remain to be accepted as valid for service on board Dutch flagged ships.
- e) Acceptance of Certificates of Proficiency (CoP) issued by or on behalf of other Administrations:**

Certificates of Proficiency issued by another administration, other than those issued under STCW Regulations V/I-1 and V/I-2, of which the validity has been extended by a generic measure by the subject administration will remain to be accepted as valid for service on board Dutch flagged ships.
- f) Recognition of a Certificates of Competency (CoC) or Certificate of Proficiency (CoP):**
  - i. **Dutch recognitions issued before COVID-19 pandemic:**
    - a. The Recognition of the CoC/ CoP is still valid - No additional measures needed.
    - b. The underlying CoC / CoP and therefore the Recognition has expired or will expire soon - If the validity of the underlying CoC / CoP is individually or generically extended by the national maritime authority, the validity of the Recognition is also extended automatically. No action required.
  - ii. **Application of a new or renewed Dutch recognition since the COVID-19 pandemic:**
    - a. The national CoC / CoP is valid - An application for a Dutch recognition can be submitted according to the normal procedure at KIWA Register. The seafarer will automatically be granted a Certificate of Receipt of Application (CRA), valid for 3 months. If more time is needed for the verification, a second CRA will be issued. After the successful verification has taken place, a Dutch Recognition of the national CoC is issued.
    - b. The national CoC / CoP has expired but it has been individually or generically extended by the national maritime authority - An application for a Dutch recognition can be submitted at KIWA Register. The seafarer will automatically be granted a Certificate of Receipt of Application (CRA), valid

for 3 months or shorter if the extension is less than 3 months. The application will be put on hold until a new national CoC / CoP is issued.

In case the validity of the national CoC / CoP is further extended, individually or generically, a new CRA will be issued to cover the further extension.

**g) Seafarer Employment Agreement (SEA):**

A SEA will remain valid until the seafarer has been repatriated. If the SEA has expired, the validity of the SEA must be extended or a new SEA is to be issued and the reasons for this decision to be documented. The shipowner to make sure that the seafarers are repatriated at the first available opportunity. A SEA can only be extended beyond 11 months if there is a mutual and documented consent of both the seafarer and the employer. The master may sign the extension of the SEA on behalf of the employer. The seafarer to receive a copy of the extension of the SEA. The already accrued entitlement to paid annual leave continues to exist and continues to accrue during the extension of the SEA.

Upon request of the shipowner together with a copy of the extension of the SEA, a recent crew list and a repatriation plan, Administration can issue a statement to the ship serving as written evidence of the flag State's authorization for that ship and its individual seafarers on board that ship to perform any period of service on board beyond the default 11 months. This request can be send to: [nsi-tez-kv@ilent.nl](mailto:nsi-tez-kv@ilent.nl)

**h) Joining and Repatriation of seafarers from ships:**

Before or during the process of repatriation, any expense for medical care and boarding and lodging for periods spent by seafarers in self-isolation or in quarantine – whether the seafarers have symptoms, have been exposed or are quarantined as a safety precaution – must be covered by the shipowner / employer until the seafarers are considered to be duly repatriated, unless the expenses are assumed by public authorities in accordance with the applicable national legislation.

2. The above interim requirements are valid until **30<sup>th</sup> June 2022**.
3. A copy of the enclosed COVID-19 Contingency Plan is to be kept onboard the ship for presentation to the relevant authorities upon request.
4. Ship owners/ operators and masters of Netherlands flagged ships are advised to be guided by above.
5. **This Technical Circular supersedes and revokes earlier Technical Circular No. 034/2020, dated 03<sup>rd</sup> April 2020.**

**Enclosure:**

1. Netherlands - Coronavirus (COVID-19) Contingency Plan and Guidelines, Revision 9.

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## **Corona virus (COVID-19) Contingency Plan and Guidelines Revision 9**

### **1) Scope**

Unless otherwise stated, this contingency plan applies to all ships flying the flag of the Netherlands (including fishing trawlers  $\geq 75$  meters) as well as holders of Certificates of Competency and Proficiency issued by or on behalf of the Netherlands

**Ships shall remain subject to the existing regime of statutory surveys and certifications as per Harmonized System of Survey and Certification (HSSC, as amended).**

**Crews shall remain subject to certification and training.**

In exceptional cases where various attempts have been made to meet the requirements for both the ship and/or the crew without success, due to COVID-19 related restrictions, the provisions of this Contingency Plan may be applied.

Whilst compiling the contingency plan, the Human Environment and Transport Inspectorate has taken into account [IMO Circular Letter No.4204, as amended, and its addenda](#).

### **2) Background**

Since the pandemic of the coronavirus disease in 2019 (hereafter referred to as 'COVID-19'), the Human Environment and Transport Inspectorate has received inquiries from ship-owners and Recognized Organizations (ROs) regarding postponement of inspections and extending the validity of mandatory certificates due to difficulties caused by the COVID-19 pandemic. This includes an extension of statutory certificates, postponement of bottom inspections (as a result of unavailable dry-dock facilities), timely completion of ISM Internal Audits and ISM/ISPS/MLC periodical verifications on board ships as well as at the office (DOC-audits).

Certificates of Competency, Certificates of Proficiency and Minimum Safe Manning Documents are taken into account as well.

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Travelling, both nationally and internationally, to some countries is occasionally difficult where travel bans are applicable. Combined travel restrictions given by governments and companies, especially where vessels operate in a specific region only, can sometimes still cause difficulties with providing ships surveyors. Furthermore, some shipyards may still not be able to accommodate ships, even for booked and planned inspections and surveys which require dry-docking.

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Based on the above, the Human Environment and Transport Inspectorate considers the COVID-19 pandemic **still** to be an extraordinary situation. **Although the last three months have proven that the necessity for the provisions in this Contingency Plan have become much less tailor made measures are considered still necessary. Since circumstances have however vastly improved with this new Contingency Plan more of the earlier measures are phased out.**

For the Human Environment and Transport Inspectorate, the main focus is that ships registered under the flag of the Netherlands are able to continue to operate under the condition that it has been proven that it is not possible to complete (part of) the required surveys / services / audits for subject vessel caused by the current measures for controlling the COVID-19 pandemic.

The Contingency Plans that have so far been published are:

- 1) Contingency Plan issued March 20<sup>th</sup> 2020 valid until June 19<sup>th</sup>, 2020;
- 2) Revision 1 Contingency Plan issued April 3<sup>rd</sup> 2020 valid until June 19<sup>th</sup>, 2020;
- 3) Revision 2 Contingency Plan issued June 19<sup>th</sup> 2020 valid until September 19<sup>th</sup>, 2020;
- 4) Revision 3 Contingency Plan issued September 19<sup>th</sup>, 2020 valid until December 31<sup>st</sup>, 2020;
- 5) Revision 4 Contingency Plan issued December 31<sup>st</sup>, 2020 valid until March 31<sup>st</sup> 2021;
- 6) Revision 5 Contingency Plan issued March 31<sup>st</sup>, 2021 valid until June 30<sup>th</sup>, 2021;
- 7) Revision 6 Contingency Plan issued June 30<sup>th</sup>, 2021 valid until September 30<sup>th</sup>, 2021;
- 8) Revision 7 Contingency Plan issued September 30<sup>th</sup>, 2021 valid until December 31<sup>st</sup>, 2021.
- 9) Revision 8 Contingency Plan issued December 31<sup>st</sup>, 2021 valid until March 31<sup>st</sup> 2022.**

**The current Revision 9 Contingency Plan issued March 31<sup>st</sup>, 2021 is valid until June 30<sup>th</sup>, 2022.**

### **3) Ship certificates and surveys**

**The shipowner is responsible for ensuring that all ships under its management comply with all applicable regulations.**

This provision is applicable to all statutory surveys and certificates. Shipowners are advised to contact their RO for the extension of all class related certification services.

The shipowner shall verify as to whether the insurance and liability coverages remain in place following an extension of the validity of the certificates as described in this document.

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**The basic premise is that ships are regularly surveyed and certified in accordance with the applicable requirements (HSSC, as amended). Ship owners must make the necessary arrangements in such a manner that surveys are planned / attempted as soon as the window opens, thus preventing unnecessary postponement.**

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#### **A Statutory ship certificates requiring an extended validity**

If a ship cannot be surveyed by a RO or in case audits need to be postponed due to continued COVID-19 related difficulties, the ship-owner may submit a well-founded request to the RO for an extension of the validity of the statutory ship certificate(s).

Upon receipt of the request, for these cases, the RO **shall use the following step-based approach:**

**Step 1:** Have all options for completing the survey and renewing the certificates (using all available means permitted by the Human Environment and Transport Inspectorate ) been exhausted?

Evidence must be presented to the Human Environment and Transport Inspectorate that in none of the ports which the ship has called at in the three months prior to the expiry date of the certificates and (completion of) the survey(s), the undertaking of the survey(s) by the RO and/or service provider was possible. In those cases where such evidence cannot be presented while vessel is subject to the ISM-Code this shall be reported to the RO dealing with ISM-certification as per [IACS PR17](#).

**Step 2:** For each case of demonstrated exceptional circumstances and/or force majeure, examine the available information on the ship and its history as a means to considering alternative evidence on the condition of the ship in lieu of completing the survey and offering a recommendation to its flag State

**Step 3:** Consider how the requirements of the convention and classification rules can be shown to be met in the interim without changing the requirements themselves

**Step 4:** Use verification requirements which are based on accepted survey procedures (these are bespoke to each classification society/RO)

**Step 5:** Consider alternative evidence for assessing compliance to account for:

- a. confidence (how accurate a representation of the actual condition is this?)
- b. durability (i.e. how long can this be considered a valid evidence before revalidation is required?)

**Step 6:** Concluding with an overall documented evidence on which the extension period and any service restrictions are based

After the RO has received a well-founded request from a shipowner for an extension of the validity of a statutory ship certificate(s), and has supplemented

the aforementioned ship-owners request in accordance with the step-based approach, which is based on Annex to IMO Circular Letter No. 4204/Add.19/Rev.3, the RO shall contact the Human Environment and Transport Inspectorate to determine the conditions under which the extension may be granted.

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The extension request will also mention, if applicable, the certificates issued by service providers conducting services on behalf of the Human Environment and Transport Inspectorate or RO, including, but not limited to service providers re-certifying life-saving equipment, fire-fighting equipment or radio equipment.

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The above mentioned also applies to the extension of the Document of Compliance (ISM), International Safety Management Certificate, or the International Ship Security Certificate.

### **Application to specific ship types**

The provisions as stated above may also be applied to the following ship types:

- Any ship classed and certified under the Human Environment and Transport Inspectorate (SI Klasse); and
- Any ship classed by Register Holland Classebureau Zeevaart; and
- Sport fisherman's vessels; and
- Seagoing sailing passenger ships.

In cases where ships are intended to sail with passengers (e.g. seagoing sailing passenger ships and sport fisherman's vessels), taking into account the COVID-19 measures of the Dutch government and the RIVM in particular, this may lead to requirements for the operation of the ship.

### **Reporting**

This paragraph has been withdrawn per December 31<sup>st</sup>, 2021.

### **B Statutory ship certificates requiring a prolonged extension beyond 3 months**

This paragraph has been withdrawn per December 31<sup>st</sup>, 2021.

### **C Remote verification (remote audits / remote surveys)**

Given the improvements in travel and access to both vessels as well as companies remote surveys and/or audits are no longer accepted without prior acceptance of the Administration.

And even then the Human Environment and Transport Inspectorate solely allows for remote survey and/or audits under the following conditions:

1. The initiative for remote survey / audits must come from the ship owner / manager, with the agreement of the Master and the other personnel of the ship;
2. The decision to accept and perform remote surveys / audits is up to the RO. The RO shall have strict guidelines / requirements in order to assess if it is possible at all and the work shall be performed accordingly;
3. Remote surveys / audits shall be undertaken in compliance with the procedures developed by the RO and which are acceptable to the Human Environment and Transport Inspectorate. For the various remote inspections techniques used for surveys, IACS Recommendation No.42 Rev. 2 must be followed;

4. As for remote auditing in relation to ISM-Code, ISPS Code and MLC, 2006 Convention: such is allowed if a combination of on-site and off-site audit arrangement is provided for (note: for Company internal audits, see ISM and ISPS paragraph above). The on-site audit is to be carried out at the first reasonable possibility.

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Please note that the Human Environment and Transport Inspectorate in principle follows the developments within IMO and that we have decided the above only because of exceptional circumstances. This is why above guidance is intended to be ended after expiry of this latest Contingency Plan.

#### **D Ballast Water Management Convention**

This paragraph has been withdrawn per March 31<sup>st</sup>, 2022.

#### **E Ship recycling**

This paragraph has been withdrawn per December 31<sup>st</sup>, 2021.

#### **4) Musterlists and drills on board passenger ships**

This paragraph has been withdrawn per March 31<sup>st</sup>, 2022.

#### **5) Maritime Declaration of Health in the Port of Rotterdam / Amsterdam**

This paragraph has been withdrawn per March 31<sup>st</sup>, 2022.

#### **6) Exemptions to the Minimum Safe Manning Document (MSMD)**

If a crew member needs to leave the ship due to urgent circumstances and cannot be replaced immediately due to COVID-19 travel restrictions, a dispensation can be requested for with the use of the form "Application for temporary exemption for crew composition", which can be downloaded as follows:

- [for English](#), or
- [for Dutch](#).

Subject temporary dispensation for the crew composition shall clearly state the reason for the request and provide a motivation on how the shipowner intends to operate subject vessel in a safe manner with less crew.

If the temporary dispensation for the crew composition is related to COVID-19 travel restrictions the temporary dispensation will be free of charge until and including **June 30<sup>th</sup>, 2022**.

#### **7) Issue or Revalidation of a Dutch Certificate of Competency (CoC) or a Certificate of Proficiency (CoP) for tankers, Polar Code or IGF**

This paragraph has been withdrawn per December 31<sup>st</sup>, 2021.

#### **8) Seagoing service**

This paragraph has been withdrawn per March 31<sup>st</sup>, 2022.

#### **9) Dutch Seaman's Book**

This paragraph has been withdrawn per June 30<sup>th</sup>, 2021.



### **10a) Certificates of Proficiency (CoP) for ratings**

CoPs for ratings of which the validity has been extended by a generic measure by the subject Administration will also remain to be accepted as valid for service on board Dutch flagged ships.

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### **10b) Acceptance of Certificates of Proficiency (CoP) issued by or on behalf of other administrations**

Certificates of Proficiency issued by another administration, other than those issued under STCW Regulations V/I-1 and V/1-2, of which the validity has been extended by a generic measure by the subject administration will remain to be accepted as valid for service on board Dutch flagged ships.

### **11) Recognition of a Certificate of Competency (CoC) or Certificate of Proficiency (CoP)**

1. Dutch recognitions issued before COVID-19 pandemic:
  - a. The Recognition of the CoC / CoP is still valid – no additional measures needed.
  - b. The underlying CoC / CoP and therefore the Recognition has expired or will expire soon. If the validity of the underlying CoC / CoP is individually or generically extended by the national maritime authority, the validity of the Recognition is also extended automatically. No action required.
2. Application of a new or renewed Dutch recognition since the COVID-19 pandemic:
  - a. The national CoC / CoP is valid. An application for a Dutch recognition can be submitted according to the normal procedure at KIWA Register. The seafarer will automatically be granted a Certificate of Receipt of Application (CRA), valid for 3 months. If more time is needed for the verification, a second CRA will be issued. After the successful verification has taken place, a Dutch Recognition of the national CoC is issued.
  - b. The national CoC / CoP has expired but it has been individually or generically extended by the national maritime authority. An application for a Dutch recognition can be submitted at KIWA Register. The seafarer will automatically be granted a Certificate of Receipt of Application (CRA), valid for 3 months or shorter if the extension is less than 3 months. The application will be put on hold until a new national CoC / CoP is issued.

In case the validity of the national CoC / CoP is further extended, individually or generically, a new CRA will be issued to cover the further extension.

### **12) Seafarers with expired Certificates of Proficiency issued on behalf of the Netherlands (= safety or security training)**

This paragraph has been withdrawn per December 31<sup>st</sup>, 2021.

### **13) Seafarers with expired Certificates of Proficiency issued on behalf of the Netherlands (= medical training)**

This paragraph has been withdrawn per December 31<sup>st</sup>, 2021.

#### **14) Seafarer Medical Certificate**

This paragraph has been withdrawn per March 31<sup>st</sup>, 2022.

#### **15) Medical equipment**

This paragraph has been withdrawn per December 31<sup>st</sup>, 2021.

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#### **16) Maritime Labour Convention (MLC 2006)**

##### **Seafarers who are onboard a ship beyond their Seafarer Employment Agreement (SEA) for reasons connected to COVID-19.**

The Shipowner shall inform its seafarers at all times of the risks of infection, the reasons why they must remain on board, the protective measures which have been taken, the appropriate personal protective equipment that is provided and the arrangements for their repatriation.

A SEA shall remain valid until the seafarer has been repatriated. If the SEA has expired, the validity of the SEA must be extended or a new SEA shall be issued and the reasons for this decision shall be documented. **The shipowner shall make sure that the seafarers are repatriated at the first available opportunity.** A SEA can only be extended beyond 11 months if there is a mutual and documented consent of both the seafarer and the employer. The master may sign the extension of the SEA on behalf of the employer. The seafarer shall receive a copy of the extension of the SEA. The already accrued entitlement to paid annual leave continues to exist and continues to accrue during the extension of the SEA.

##### **Joining and Repatriation of seafarers from ships**

The instructions and restrictions issued by several affected countries is constantly updated.

Many Governments have now introduced national and local restrictions such as:

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

Passengers at airports can be screened before boarding an aircraft or they are obliged to fill in a health check questionnaire as well as a thermal scan test. The Master should verify with the local port authority if crew change or repatriation is possible.

It is important to note that, before or during the process of repatriation, any expense for medical care and board and lodging for periods spent by seafarers in self-isolation or in quarantine – whether the seafarers have symptoms, have been exposed or are quarantined as a safety precaution – must be covered by the shipowner / employer until the seafarers are considered to be duly repatriated, unless the expenses are assumed by public authorities in accordance with the applicable national legislation.

For more information, the ILO has provided:

- 1) [Information note on maritime labour issues and coronavirus \(COVID-19\)](#) (published February 3<sup>rd</sup>, 2021)
- 2) [New Statement of the Officers of the STC on the coronavirus disease \(COVID-19\) - 1 October 2020](#)
- 3) [Statement of the Officers of the Special Tripartite Committee 1 on the coronavirus disease \(COVID-19\) regarding increased collaboration between shipowners and charterers to facilitate crew changes](#)
- 4) [Resolution concerning the implementation and practical application of the MLC, 2006 during the COVID-19 pandemic](#) (Geneva, 19–23 April 2021)

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### **17) Shipowner's liability**

Shipping companies remain liable for costs pending repatriation such as medical care, crew transfer, isolation etc. If in doubt, please contact the financial security provider to confirm that the insurance or other financial security is in place for additional costs.

### **18) Port State Control**

The Paris Memorandum of Understanding on Port State Control has issued the [TEMPORARY GUIDANCE RELATED TO COVID-19 FOR PORTSTATE CONTROL AUTHORITIES \(REV.6\)](#) on April 23<sup>rd</sup>, 2021 in which it is required that when a ship does not comply with the requirements of the surveys, inspections and audits contained in the relevant convention instruments, the ship must provide evidence to the Port State that the Flag State has agreed to an exceptional delay specific to COVID-19.

Upon request of the shipowner together with a copy of the extension of the SEA, a recent crew list and a repatriation plan, ILT can issue a statement to the ship serving as written evidence of the flag State's authorization for that ship and its individual seafarers on board that ship to perform any period of service on board beyond the default 11 months. This request can be send to: [nsi-tez-kv@ilent.nl](mailto:nsi-tez-kv@ilent.nl).

It is recalled that, in any way, a valid seafarers' employment agreement must remain in force until the seafarer is duly repatriated in accordance with Regulation 2.5 of the MLC, 2006.

There should also be evidence that the ship has a plan that covers how the ship will be brought back into the regular survey or audit cycle.

### **19) Ships which are not allowed to enter a port**

If your ship is not allowed to enter a port, please contact the Human Environment and Transport Inspectorate for assistance (**088-489 0000**).

## **20) Important information**

The *Rijksinstituut voor Volksgezondheid en Milieu* (RIVM) is leading in the response of the Netherlands to the Coronavirus (COVID-19) global pandemic. The latest news you can find [here](#).

Further information can be found on [the website of the World Health Organization](#) and in [the Circular\(s\) issued by the IMO](#) and the [ICS' \(COVID-19\) Guidance for Ship Operators for the Protection of the Health of Seafarers](#)

For questions regarding merchant shipping please contact: [nsi-tez-kv@ilent.nl](mailto:nsi-tez-kv@ilent.nl) or **088-489 0000**

For questions regarding fishery or sport fisherman's vessels please contact: [visserij@ilent.nl](mailto:visserij@ilent.nl) or **088-489 0000**

The Human Environment and Transport Inspectorate will notify the IMO secretariat, the relevant stakeholders such as Port State Control MoUs of this contingency plan and guidance.

For information about the vaccination program for seafarers please check: [KVNR Vaccination Programme](#)

**This contingency plan has been drawn up taking into account the current information available concerning the COVID-19 pandemic. Any significant developments necessitating a revision of this document will be considered by the Human Environment and Transport Inspectorate and implemented accordingly. In individual cases of force majeure in relation to the deleted paragraphs, the NSI can be contacted with a well-founded request for exemption.**

**Shipowners and managers are encouraged to make a printed copy of this COVID-19 Contingency Plan which can be found on [www.ilent.nl](http://www.ilent.nl) ([English](#) and [Dutch](#)) and keep this available on board the ship, which may be presented upon request to the relevant authorities.**

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