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Circular Letter No.4245/Add.6
22 December 2020

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

Subject: **Communication from the Government of the Kingdom of Sweden**

The Government of the Kingdom of Sweden has sent the attached communication, dated 22 December 2020, with the request that it be circulated by the Organization.

DecisionDate
22 December 2020Reference
TSG 2020-2577

To whom it may concern

Swedish measures due to the impact of Covid-19

This information notice has been reissued in a revised version on 22nd of December 2020 to incorporate recent developments regarding the COVID-19 pandemic. It replaces the information notice dated 1st September 2020.

The Swedish Transport Agency has adopted the following measures in order to mitigate disruption to the maritime sector caused by the worldwide coronavirus pandemic (COVID-19 outbreak) and to protect the health and well-being of employees in the sector.

The Swedish Transport Agency considers the COVID-19 outbreak to be a force majeure situation and has implemented the following measures with immediate effect from 1 April 2020.

This information can be found and downloaded from the Swedish Transport Agency's website: <https://transportstyrelsen.se/en/About-us/coronavirus-covid-19/>

1. Survey and Statutory Certification of Swedish Ships

Ship owners 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 with regard to all Swedish flagged ships, including vessels of less than 500 GT.

1.1 Duration of statutory certificates

The Swedish government has decided that all ships' statutory certificates that expire on or after the 1st of April 2020 and before 31st of May 2021 will remain valid for an additional 15 months from the original date of expiry of the certificate, but not longer than until the 30th of September 2021, *without*

a specific decision or approval from the Swedish Transport Agency or the RO.

The certificate, which has a date of validity, which has passed, remains valid along with this notice. There is no need to approach the Swedish Transport Agency to take advantage of this extension, but ships are encouraged to retain a copy of this notice on board for the guidance of officials should it be required.

Note that the automatic extension of certificates does not include extensions related to ISM or ISPS, further information is found below under *1.2 Interval of surveys and audits and under 7, Port facility security*.

In case the above-mentioned provision allowing for an extension of the validity of a certificate is applied, the shipowner shall upon request notify the Swedish Transport Agency and, where applicable the RO, hereof. Such notification may for example be required to include evidence that the shipowner has a plan that covers how and when the ship will be scheduled to be subject to the renewal survey and audits, and how the ship is to return to the regular cycle of surveys and/or audits. A Port State Control Authority may also request this type of information, in accordance to temporary guidelines for port state control (for example, Paris MoU PS Circular 97, 17 December 2020, *Temporary Guidance Related to Covid-19 for Port State Control Authorities (Rev.5)*¹). Therefore, it is advisable that such information is documented and kept along with the certificates that have been extended.

Surveys and audits that are to be performed by the Swedish Transport Agency, regarding certificates whose validity has been extended due to covid-19, must be booked at least one month in advance.

ROs must make sure that necessary surveys and certifications can be carried out as soon as possible within the extended time of validity for all ships making use of the extensions. In all cases, the RO must maintain a record of ships receiving extensions to surveys or certificates and ensure that the Swedish Transport Agency is kept informed about the ongoing status.

1.2 Interval of surveys and audits

Shipowners and managing companies must make efforts to make arrangements for the survey/audit/inspection of their vessels at the earliest opportunity within the window provided by the regulations and, where the operation of the vessel permits, in an area with no or limited instances of infection by coronavirus.

¹ <https://www.parismou.org/paris-mou-covid-19-publications>

In the event that it is not possible for a shipowner to comply with the requirements concerning interval surveys and audits, including annual/periodical/intermediate/bottom- surveys, these may be postponed for a maximum of 15 months, but not longer than until the 30th of September 2021. This applies to surveys that should otherwise have been carried out before 31st of May 2021.

This extension also applies to servicing of equipment and issuance of certificates by service providers performing surveys, verifications and inspections on behalf of the Swedish Transport Agency, including, but not limited to, service providers certifying life-saving equipment, fire-fighting equipment, etc.

Surveys and audits, that should have been carried out by the Swedish Transport Agency but have been postponed due to covid-19, must be booked at least one month in advance.

a. ISM and ISPS

Annual ISM internal audits may be postponed for 3 months, as described in paragraph 12.1 of the ISM Code in cases where audits cannot be carried out due to travel restrictions imposed by COVID-19. Similarly, annual internal audits under the ISPS Code may also be postponed for 3 months. In such case the shipowner shall notify the RO or, where applicable the Swedish Transport Agency, hereof.

According to Regulation (EU) 2020/698 ship security drills referred to in Section B.13.6 of the ISPS Code need only be conducted twice in 2020 with a maximum interval of six months. Ship security exercises referred to in Section B.13.7 of the ISPS Code that should be conducted before 1 September 2020 may be postponed by up to six months.

b. General information

The IMO Conventions allows an extension of statutory certificates by 3 months, however, the Swedish Government has, due to the exceptional situation in relation to COVID-19, chosen to allow an extension longer than these 3 months to cause the least possible disruption.

The IMO has published guidelines on surveys and renewal of certificates during the covid-19 pandemic, through “Circular Letter No.4204/Add.19/Rev.2 22 July 2020, Coronavirus (COVID-19) – Guidance for flag States regarding surveys and renewals of certificates during the COVID-19 pandemic.

The Swedish Transport Agency’s contact details with regard to this matter:

sjofartstillsyn@transportstyrelsen.se

2. Extension of the validity of seafarer documents beyond their expiry date

The Swedish government has adopted regulation (SFS 2020:154) that stipulates that a medical certificate for seafarers, a Certificate of Competency (CoC) and/or a Certificate of Proficiency (CoP) that expires on or after the 1st of April 2020 and before 31st of May 2021 will remain valid for 15 months from the date of expiry of the certificate, but not longer than until the 30th of September 2021, without a specific approval from the Swedish Transport Agency.

The certificates are not required to be replaced by new certificates on which the extended date of expiry is stated.

3. Swedish endorsement of foreign certificates

The Swedish government has adopted regulation (SFS 2020:154) that stipulates that if another country than Sweden has issued the seafarer's national CoC or CoP and that country issues an extension of the validity, (a general extension is acceptable), the validity of the Swedish endorsements, based on the national CoC or CoP, will automatically be considered extended for the same period but in no case longer than 15 months from the original expiry date.

The individual seafarer will not be required to submit an application or replace his/her endorsement with a new document on which the extended date of expiry is stated.

4. Information regarding permission for a seafarer to serve in a capacity for which he/she does not hold the appropriate certificate

In compliance with Article VIII of the STCW Convention and Chapter 4, Section 22 of the Swedish Ship Safety Ordinance (2003:438), the Swedish Transport Agency may issue a dispensation permitting a specified seafarer to serve in a capacity for which he/she does not hold the appropriate certificate. Any dispensation granted for a post shall be granted only to a person properly certificated to fill the post immediately below. Where certification of the post below is not required, a dispensation may be issued to a person whose qualifications and experience are of clear equivalence to the requirements for the post to be filled. If a person holds no appropriate certificate, he or she can be granted a dispensation for a capacity requiring

the lowest certificate of competency, if it is evident that he/she on account of his/her training and experience is able to perform the duties concerned.

Before issuing a dispensation the Swedish Transport Agency shall request the opinion of the relevant national maritime labour union.

A shipping company can apply to the Swedish Transport Agency for a temporary dispensation regarding their employed seafarers that are unable to obtain or renew a CoC or CoP. Applications are reviewed on a case-to-case basis. In near-coastal or greater trade, a dispensation can never be valid for a longer period than 6 months.

An application for dispensation shall be made to the Swedish Transport Agency on the following e-mail address:
sjofart.behorighet@transportstyrelsen.se

5. Information in case of difficulties to maintain safe manning in circumstances of exceptional urgency/force majeure

According to Swedish law (SFS 2003:364), the Master has authority to decide that the ship shall undertake a voyage even if the crew does not comply with the requirements in the table found in the safe manning document, under the following conditions:

1. the reason that the requirements have not been complied with, is a sudden case of illness in the crew, or some other unforeseen event;
2. the deficiency cannot be rectified before the ship's planned departure; and
3. the ship's existing crew is composed in such a way that the ship's safe navigation and all other aspects of maritime safety are satisfactorily met.

The decision must not entail the ship to undertake a voyage in any other trade area than stated in the safe manning document; nor must the decision entail deviations from the safe manning document as regards the master's qualifications.

The decision may be valid for a maximum of one week or, if the voyage to the closest port of destination takes longer, the time needed to sail there.

Before the Master makes such a decision, he/she shall consult with the safety committee onboard or, if the committee is not available, with the safety representative.

Such a decision made by the Master must be recorded in the ship's log and notified to the administration. It should be noted that such a decision, does not require any written approval by the Swedish Transport Agency in order to be valid.

6. PSC

PSC inspections are carried out based on judgement whether the conduct of the inspection would create a risk to the safety of the inspectors, the ship, its crew or the port and taking into consideration the relevant instructions from the Health Authorities; in cases of suspected or reported COVID-19 infection, a PSC inspection may be cancelled by the Swedish Transport Agency, in accordance with Art 8.2.a of Directive 2009/16.

The arrangements set out in this notice are intended to provide a pragmatic framework to permit the continued operation of Swedish registered vessels during the current period of disruption caused by the COVID-19 outbreak. The allowances set out in the notice, specifically in the extension of survey periods, are not expressly permitted under the relevant conventions.

Some Port State Control Authorities have already issued guidance on the acceptability of delaying periods for surveys, inspections and audits, etc. in a pragmatic and harmonised manner, however, operators taking advantage of this notice should be aware that non-compliance with fundamental aspects of the relevant conventions may lead to control action being imposed by an attending Port State Control Officer

7. Port facility security

Regulation (EU) 2020/698 lay down specific and temporary measures applicable to the renewal and extension of provisions in Regulation (EC) No 725/2004 and Directive 2005/65/EC.

Port security assessments and port security plans that according to Article 3(6) of Regulation (EC) No 725/2004 and article 10 of Directive 2005/65/EC would expire between 1 March 2020 and 31 August 2020 shall be deemed to be extended until 30 November 2020.

Drills that cannot be conducted in accordance with the time intervals specified in Section 13.6 of Annex III, Part B to Regulation (EC) No 725/2004 in 2020, should be conducted at least twice during that year with a maximum interval of six months.

If the 18 month time limits for the carrying out of the various types of exercises as regulated in Sections 13.7 and 18.6 of Annex III, Part B to Regulation (EC) No 725/2004 would expire between 1 March 2020 and 31 August 2020, they shall be deemed to be extended by six months in each case.

If the 18 month time limits for completion of training in accordance with Article 7(7) and Annex III of Directive 2005/65 would expire between 1 March 2020 and 31 August 2020 it shall be deemed to be extended by six months in each case but in no case beyond 30 November 2020.

8. Final information

It should also be noted that if any maritime administration authority has any questions or difficulties with regard to the extension of Swedish certificates or the content of this notice, please contact the Swedish Transport Agency.

Matters relating to certification of ships:

sjofartstillsyn@transportstyrelsen.se

Matters relating to certification of seafarers and manning:

sjofart.behorighet@transportstyrelsen.se

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