



دولة ليبيا
وزارة المواصلات
Ministry of Transport
مصلحة الموانئ والنقل البحري
Ports & Maritime Transport Authority



Ref No .

Date :

الرقم الإشاري : 278 / 10 / 39
التاريخ : 20 / 4 / 7 م

Circular No. (04/2020)

Date: 01/04/2020

تعميم رقم (2020/04)

التاريخ : 2020/04/01

الى : ملاك ومشغلي وربابنة وأطقم السفن وهيئات التصنيف المعترف بها.

الموضوع : تعميم مصلحة الموانئ والنقل البحري رقم 2020/04 بشأن السياسة المؤقتة لتمديد / تأجيل المعاينات ، المراجعات والتفتيش بسبب اندلاع كورونا فيروس COVID-19.

TO : Ship Owners, Operators, Masters, Crews and Recognised Organisations.

Subject: Libyan Ports & Maritime Transport Authority Circular No. 04/2020 Regarding Interim Policy on Extension/ Postponement of surveys/ audits and inspections due to the outbreak of COVID-19

1. In view of the ongoing COVID-19 pandemic, Libyan Ports & Maritime Transport Authority (LP&MTA), has established interim policy with regard to extensions, postponements of surveys, audits, inspections etc as outlined below. These measures are temporary and their duration will be based on the global evolution of the COVID-19 pandemic.

A. Extension of Seafarers Employment Agreement:

- In cases where crew members may have to exceed the 12 months or contractual period onboard as stated in their original Seafarers' Employment Agreement (SEA) because of travel restrictions imposed due to the outbreak of the Corona virus, such extensions will be considered to be *force majeure* and therefore not a breach of the Maritime Labour Convention, 2006, (MLC) as amended.
- In such cases, an entry is to be made in the ship's Official Logbook describing the situation and listing the crew members who have had to extend their stay.
- A new SEA is to be arranged for the crewmembers in question with following text inserted in to the renewed contract:

The seafarer is permitted to terminate the contract giving 7 days' notice when the force majeure situation caused by the COVID-19 pandemic permits personnel to travel to their destination safely and securely.

1/6



STATE OF LIBYA دولة ليبيا
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الرقم الإشاري :

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التاريخ : / / 20 م

B. Expired Medical Certificates:

- If a seafarer's medical certificate expires whilst they are on board, the seafarer can continue their service for up to 3 months or until a new certificate can be issued, whichever comes first. If the medical certificate expires prior to 01 July 2020 the validity of the certificate is automatically extended to 01 October 2020.
- An entry is to be made in the Official Logbook with reasons why it is necessary to extend the certificate.

C. Expired STCW Certificates and Certificates of Recognition (Endorsements):

- If a Certificate of Competency (CoC) or a Certificate of Proficiency (CoP) that the Libyan Ports & Maritime Transport Authority (LP&MTA) has endorsed, expires and the issuing State has extended the period of validity of the certificate, this endorsement will automatically be extended by the Libyan Administration for the same period.
- If a Certificate of Competency (CoC) or a Certificate of Proficiency (CoP) that the Libyan Ports & Maritime Transport Authority (LP&MTA) has issued expires prior to the 01 October 2020, the validity period is extended until latest 01 October 2020.
- The LP&MTA recognises that all CoPs that are issued by other States (these do not need to be endorsed) are valid for use on Libyan ships for the period that the issuing State has allowed, including CoPs that are extended to no later than 01 October 2020.
- Details of any expired STCW certificates are to be recorded in the Official Logbook. All STCW and Minimum Safe Manning Documents will be issued electronically by e-mail during COVID-19 restrictions.

D. Initial and Annual Inspections:

- Where an initial or annual inspection cannot be carried out before the end of the inspection window, the owner/operator are required to advise the LP&MTA Maritime Affairs Department (smepm@lma.ly), providing full supporting information. Inspections are to be carried out at the first port where an inspector is available.

E. Surveys:

- Where a surveyor is not able to undertake scheduled surveys due to restrictions imposed by COVID-19, including cancellation of scheduled dry docking and/or bottom survey, and remote survey is not practicable, the Administration

216



دولة ليبيا
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Ministry of Transport
مصلحة الموانئ والنقل البحري
Ports & Maritime Transport Authority



Ref No

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Date :

التاريخ : 20 / / م

authorises its Recognised Organisations to consider applications for extension/postponement under force majeure or unforeseen exceptional circumstances and administratively issue short term statutory certificates for up to 3 months without prior approval of the LP&MTA. This is to be followed up by a physical survey at the earliest opportunity.

- b. For statutory surveys delegated to Libyan Recognised Organisations, the Recognised Organisation to consider the application, which should include full supporting information, before issuing short-term certification. The Master is to provide a statement to the Recognised Organisation confirming the structure or equipment to be surveyed remains fit for purpose and has not been subject to any damage.
- c. Where the structure or equipment to be surveyed does not remain fit for purpose, or has suffered damage, or the Recognised Organisation does not support the application, the Recognised Organisation is to provide full details to the LP&MTA. The LP&MTA will consider on a case-by-case basis and provide instructions to the Recognised Organisation.

F. ISM and ISPS Internal Audits:

- a. The Administration (LP&MTA) temporarily permits extensions to annual ISM internal audits for up to 3 months, in cases where it is not physically possible to attend and remote audit is not practicable. This is to be followed up by a physical audit at the earliest opportunity.
- b. The Company Security Officer may postpone internal ISPS audits for up to 3 months in cases where it is not physically possible to attend, and remote audit is not practicable. This is to be followed up by a physical audit at the earliest opportunity.

G. ISM External Audits:

- a. For interim ISM DOC audits, where it is not physically possible to attend and remote audit is not practicable, the Administration may permit the issue of interim DOC upon receipt by the Recognised Organisation of a statement from the Company confirming that the safety management system is in place and meets the objectives of paragraph 1.2.3 of the ISM Code. This is to be followed up by a physical audit at the earliest opportunity.
- b. The requirement for the Recognised Organisation to advise the LP&MTA of any request for audit for the first issue of a Libyan DOC, remains in effect.

3/6



دولة ليبيا
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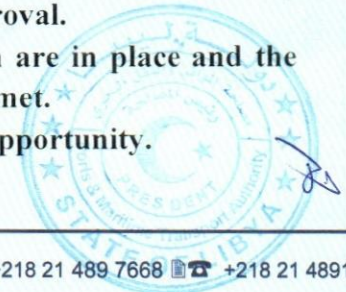
التاريخ : / / 20 م

- c. For interim ISM SMC audits where it is not physically possible to attend and remote audit is not practicable, the LP&MTA permits the issuance of interim SMC, without prior approval of the LP&MTA, upon receipt by the Recognised Organisation of a statement from the Master confirming that the safety management system is in place and meets the objectives of paragraph 1.2.3 of the ISM Code. This is to be followed up by a physical audit at the earliest opportunity.
- d. For initial ISM DOC and SMC audits where it is not physically possible to attend and remote audit is not practicable, the LP&MTA permits the issue of a second interim DOC/SMC for up to 6 months, without prior approval of the LP&MTA, upon receipt by the Recognised Organisation of a statement from the Company/Master confirming that the safety management system meets the objectives of paragraph 1.2.3 of the ISM Code. This is to be followed up by a physical audit at the earliest opportunity.
- e. For SMC and DOC periodical audits, if these are not completed within the range date, the certificate ceases to be valid as per ISM Code. In such circumstances, the Recognised Organisation may issue a new SMC or DOC valid for 3 months or until the audit can take place, whichever comes first, without prior approval of the LP&MTA.
- f. For SMC and DOC renewal audits, and noting the provisions of ISM Code 13.14, the LP&MTA authorises its Recognised Organisations to issue 3-month extensions, where requested by the Company, to existing SMC and DOC Certificates, without prior approval of the LP&MTA.

H. ISPS External Audits:

- a. For interim ISSC audits where it is not physically possible to attend and remote audit is not practicable, the LP&MTA permits the issue of an interim ISSC, without prior approval of the LP&MTA, upon receipt by the Recognised Organisation of a statement from the Company Security Officer and Ship Security Officer confirming that:
- i. A Ship Security Assessment has been completed.
- ii. A copy of the Ship Security Plan (SSP) is on board and there is evidence that the SSP has been submitted to the Recognised Organisation for approval.
- iii. The security measures identified in the Ship Security Plan are in place and the provisions of paragraph 19.4.2 of the ISPS Code have been met.
- This is to be followed up by a physical audit at the earliest opportunity.

4/6





دولة ليبيا
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Ministry of Transport
مصلحة الموانئ والنقل البحري
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Ref No

الرقم الإشاري :

Date :

التاريخ : / / 20 م

- b. For initial ISSC audits where it is not physically possible to attend and remote audit is not practicable, the LP&MTA permits the issue of a second interim ISSC for up to 6 months upon receipt by the Recognised Organisation of a statement from the Company Security Officer and Ship Security Officer, as per 'H a, i to iii', without prior approval of the LP&MTA.

This is to be followed up by a physical audit at the earliest opportunity.

- c. For ISSC intermediate audits, if these are not completed within the range date, the certificate ceases to be valid as per ISPS Code A19.3.8. In such circumstances, the Recognised Organisation may issue a new SMC or ISSC valid for 3 months or until the audit can take place, whichever comes first, without prior approval of the LP&MTA.

- d. For ISSC renewal audits, noting the provisions of ISPS Code A-19.3.5, the LP&MTA authorises its Recognised Organisations to issue 3-month extensions, where requested by the Company, to existing ISSC Certificates, without prior approval of the LP&MTA

1. Maritime Labour Inspections:

- i. For interim MLC inspections where it is not physically possible to attend and remote inspection is not practicable, the LP&MTA permits the issuance of an interim MLC for up to 6 months, without prior approval of the LP&MTA, upon receipt by the Recognised Organisation of a statement from the Company/Master confirming that:

1. The applicable requirements of MLC 2006 have been met.
2. An approved Declaration of Maritime Labour Compliance Part I is on board or evidence provided that it has been requested from the LP&MTA.
3. DMLC Part II is available in draft or evidence provided that it has been submitted to the Recognised Organisation.

This is to be followed up by a physical audit at the earliest opportunity.

- ii. For initial MLC inspections where it is not physically possible to attend and remote audit is not practicable, the LP&MTA permits the issuance of a second interim MLC for up to 6 months, without prior approval of the LP&MTA, upon receipt by the Recognised Organisation of a statement from the Company/Master, as per 'I a, i to iii'. This is to be followed up by a physical audit at the earliest opportunity.

5/6





دولة ليبيا
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Ref No

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Date :

التاريخ : / / 20 م

iii. MLC 2006 does not provide for the issuance of extensions to existing MLC Certificates without inspection. However, in this exceptional situation, the LP&MTA authorises its Recognised Organisations to administratively issue a short-term Maritime Labour Certificate for 3 months, without prior approval of the LP&MTA, in cases where the renewal or intermediate inspection cannot be conducted due to COVID-19 restrictions.

iv. The Recognised Organisation to state that the Statement has been issued to allow the ship to continue on its intended voyage and complete the inspection at the first port where inspectors are available. When the renewal or intermediate inspection has been completed a full-term Maritime Labour Statement may be issued with its expiry date not later than 5 years from the expiry date of the original full-term Maritime Labour Statement.

J. Remote audits and surveys:

1. The LP&MTA will consider requests for remote audits and surveys where supported by the Recognised Organisation.
2. The temporary measures described above will remain in place until 30 June 2020 and are subject to review as the situation develops.
3. Ship owners/ operators and masters of Libyan flagged ships are advised to be guided by above.

Eng. Omar A. Algawashi

President of Libyan Ports & Maritime
Transport Authority

CC : Manager Maritime Affairs dept.
Ship registration and Seafarers dept.
International Maritime Conventions follow-up dept.

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6/6