

CIRCULAR NO. 78***PORTUGUESE MARITIME ADMINISTRATION***

SUBJECT | Issuance of Conditional Certificates and/or Statutory Conditions by Recognised Organisations (RO's)

To | Recognized Organizations, Shipowners, Companies and Operators

DISCLAIMER | This document is for information only and is not intended to interpret or replace the legal referenced documents published by official sources

REFERENCES | Circular No. 76 and Circular No. 77

1. OBJECTIVE

The aim of this Circular is to provide guidance to the Recognized Organizations, on procedures to be followed when the referred equipment's at the present circular are malfunctioning, allowing the Recognized Organizations to make their technical assessment and to issue the relevant conditional certificates, without prior authorization from the Flag Administration.

2. INTRODUCTION

Malfunction of equipment listed in this circular shall be submitted by the Company to the Recognized Organization (RO) in charge for the issuance of relevant statutory certification and be supplemented with the relevant supporting documents, required by Class, as objective evidence.

After receiving the information considered essential, RO is authorised to issue relevant conditional certificate and/or statutory condition with validity strictly necessary for the repair/rectification of equipment to take place not exceeding the period aforementioned in Chapter .6 General.

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The issuance of subsequent consecutive conditional certificates and/or statutory conditions shall be subject to consultation with the Administration by submitting the supporting relevant information for the additional time required.

3. APPLICATION

This circular applies to ships registered in the Portuguese Conventional Register and in the International Ship Register of Madeira (“MAR”).

For Vessels registered at MAR, Malfunction report procedure is available, which consists in reporting the malfunction on equipment’s under SOLAS/IV/15.8 and SOLAS/V/16.2 and defined on SOLAS/IV/4.8 e SOLAS/V the document will be acknowledged by MAR.

The present circular should not constitute a constraint for the adoption of the malfunction procedure as established by the Technical Commission of The International Ship Register.

The RO may carry out the surveys by remote means under its relevant RO requirement. In such situation, RO shall be aware that some surveys are not accepted by Administration to be conducted by remote means. The eligibility of remote surveys shall follow the criteria given by Circular n.76 published by DGRM.

In any case, the verification of actual condition of equipment and implementation of relevant mitigation measures is responsibility of RO’s.

This circular applies for:

- Malfunction of equipment under SOLAS Chapter V - Safety of Navigation
 - X-band (9GHz) radar - SOLAS Chapter V; or
 - S-band (3GHz) radar - SOLAS Chapter V; or
 - Gyro - SOLAS Chapter V; or

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- Gyro Repeater - SOLAS Chapter V; or
 - Automatic Identification System (AIS) - SOLAS Chapter V; or
 - Speed log - SOLAS Chapter V; or
 - Global Positioning System (GPS) - SOLAS Chapter V; or
 - Electronic Chart Display and Information System (ECDIS) - SOLAS Chapter V; or
 - Forward or aft horn/whistle - COLREG; or
 - Echo Sounder - SOLAS Chapter V; or
 - Bridge Navigation Watch Alarm System (BNWAS) - SOLAS Chapter V; or
 - Long-range identification and tracking (LRIT) - SOLAS Chapter V; or
 - Bridge window including wiper, Clearview, and other attachments - SOLAS Chapter V
 - S-VDR/VDR - SOLAS Chapter V
 - Magnetic Compass - SOLAS Chapter V.
- Malfunction of equipment under SOLAS Chapter IV - Radio Communications
 - MF radio installation - SOLAS Chapter IV; or
 - MF/HF radio installation - SOLAS Chapter IV; or
 - VHF/DSC radio installation - SOLAS Chapter IV; or
 - Mobile satellite service ship earth station (e.g., Inmarsat C) - SOLAS Chapter IV;
or
 - NAVTEX receiver - SOLAS Chapter IV
 - EPIRB - SOLAS Chapter IV; or
 - SART and AIS-SART - SOLAS Chapter IV.

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- Malfunction of equipment under MARPOL Annex I
 - Oil filtering equipment (OWS); or
 - Oil filtering equipment oil 15ppm bilge alarm; or
 - Oil Discharge Monitoring and Control System (ODMCS). - ODME

- Malfunction of equipment under MARPOL Annex IV
 - Malfunctioned Sewage Treatment Plant (STP)

- Malfunction of equipment under MARPOL Annex VI
 - Exhaust Gas Cleaning System (EGCS); or
 - Incinerator; or
 - Selective Catalytic Reduction (SCR) for main engine and/or auxiliary engine NOx emission control installation; or
 - Exhaust Gas Recirculation (EGR) for main engine and/or auxiliary engine NOx emission control installation.

- Malfunction of equipment under Ballast Water Convention
 - Ballast Water Management System (BWMS) - reference made to circular 77 from DGRM

- Malfunction of equipment under SOLAS Chapter II - Emergency Systems
 - Public Address (PA) equipment. - SOLAS Chapter II

- Malfunction of other SOLAS Chapter II; - Shipboard equipment
 - Accommodation ladder - SOLAS Chapter II; or

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- Cargo tank high or high-high level alarm system for Oil or Chemical Tanker); or
- Water ingress system;

- Malfunction on Safety and Emergency equipment (authorization to be given until next port)
 - Fire Detection System (cargo ships) - Out of order; or
 - Water Mist - Not working in automatic; or
 - Free-fall/Lifeboat - Operational but not possible to recover; or
 - Lifeboat - Engine out of order, single voyage; or
 - Rescue boat - Engine out of order, single voyage; or
 - Rescue boat - Out of order; or
 - Life raft - Lost or damaged; or

4. EXCLUSIONS

RO shall not issue conditional certificate and/or statutory condition for any deficiency observed by port State control.

RO shall inform the Administration when any ship has been issued with two or more consecutive conditional certificates for the same malfunctioning equipment listed in this circular within the same period.

If more than two equipment's above identified are in malfunction RO should inform the administration.

5. DEFINITIONS

To secure consistency when referring to various cases or authorizations that can be granted by MARAD the following basic definitions are established for reference when addressing such cases:

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Extension: An Extension is a postponement of the term of validity of a Statutory certificate ¹, servicing interval, or conditional certificate previously issued, in accordance with the provisions of the relevant Convention, due to extenuating circumstances encountered that prevent the crediting of a requisite task prior to the nominal due date. Extensions of servicing intervals in particular are referred to as “Service Extensions.” Extensions are generally limited to the minimum period of time necessary for the ship to reach a port where rectification of the task can be accomplished and are also issued with time specific corrective action requirements, compliance with which, are reportable to the MARAD by the expiration date.

Equivalence: Equivalence is an equivalent arrangement which provides the same general level of safety or intent of a Convention requirement without meeting all criteria for full compliance. Such arrangements can be accomplished, either independently or in combination with, alternative equipment, additional procedures/precautions, operational restrictions, etc. Equivalences, when granted, are normally communicated to the International Maritime Organization (IMO).

Exemption: An Exemption is a permanent release from compliance with a Statutory Convention requirement due to the existence of specific circumstances as sanctioned by the provisions of that Convention. The Exemption Certificate is linked to, and retained with, its associated statutory

6. GENERAL

The communication should comply with existing procedures as established in the agreement between DGRM and the Recognized Organizations.

After receiving the information considered essential, proceeding with technical evaluation and verify the correct implementation of temporary measures onboard, the RO is authorised to issue relevant conditional certificate and/or statutory condition, for the strictly necessary

¹ Applications for Statutory Surveys extension/postponement (such as Renewal, Intermediate or bottom Surveys) must be supported by the vessel’s class and accompanied by the class’s requirements for accepting the extension

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period to allow repairs to take place, not exceeding in any case two months of validity from the date of receiving the notification.

6.1 Malfunction of equipment under Safety of Navigation - SOLAS Chapter V

1. Pursuant to SOLAS regulation V/16.2, RO shall issue a Conditional Cargo Ship Safety Equipment certificate and/or statutory condition to allow the vessel to continue her voyage, pending repair or replacement of the malfunctioning navigational equipment.
2. RO shall notify the Administration and not to issue conditional certificate and/or statutory condition to Portuguese registered ship:
 - a) No operational radar (e.g. both X-band and S-band radar malfunctioned).
 - b) Both ECDIS malfunctioned and without updated paper charts.
3. RO shall review and be satisfied with the relevant supporting documents including the risk assessment prepared by the Master as per the ISM company's safety management system and to implement on board the ship before the issuance of the Conditional Cargo Ship Safety Equipment certificate and/or statutory condition. Annex 1 - temporary measures to be imposed/considered by the RO.
4. The Master shall take into account of the malfunction equipment when planning and executing a voyage to a port where the repair or replace will be carried out. The Master shall notify the relevant competent authority when calling a foreign port as per SOLAS regulation I/11(C).
5. The repaired or replaced navigational equipment shall be verified to the satisfaction of RO Surveyor. Upon satisfactory verification by the RO, the full-term certificate may be reissued and/or with the statutory condition retracted from the ship's survey status.



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6.2 Malfunction of equipment under Solas Chapter IV - Radio communications

1. Pursuant to SOLAS regulation IV/15.8, RO shall issue a Conditional Cargo Ship Safety Radio certificate and/or statutory condition to allow the Portuguese registered ship to continue her voyage, pending repair or replace of the malfunctioned radio communication equipment as listed.
2. RO shall review and be satisfied with the relevant supporting documents including the risk assessment prepared by the Master as per the ISM company's safety management system and to implement on board the ship before issuance of the Conditional Cargo Ship Safety Radio certificate and/or statutory condition. Annex 2 - Temporary measures to be imposed/considered by the RO.
3. The Master shall take into account of the malfunction equipment when planning and executing a voyage to a port where the repair or replace will be carried out. The Master shall notify the relevant competent authority when calling to a foreign port as per SOLAS regulation I/11(C).
4. The repaired or replaced radio communication equipment shall be verified to the satisfaction of RO. Upon satisfactory verified by the RO, full term certificate may be issued and/or with the statutory condition retracted from the ship's survey status.

6.3 Malfunction of equipment under MARPOL Annex I

1. RO shall issue a Conditional International Oil Pollution Prevention Certificate (IOPPC) and/or statutory condition to allow the Portuguese registered ship to continue her voyage, pending rectification of the malfunctioned equipment as listed.

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2. The Master shall consider the malfunction equipment when planning and executing the voyage to a port where repairs have been arranged. Under regulation 15.9 and 34.9 of MARPOL Annex I, the Master shall ensure any oil or oily mixtures shall be retained on board for subsequent discharge to reception facilities and the malfunction equipment to be recorded into the oil record book.
3. RO shall review and be satisfied with the relevant supporting documents including the risk assessment prepared by the Master as per the ISM company's safety management system and to implement on board the ship before issuance of the Conditional International Oil Pollution Prevention Certificate and/or statutory condition. Annex 3 - Temporary to be imposed/considered by the RO.
4. The Master shall notify the relevant competent authority as required by regulation 6.4.3 of MARPOL Annex I when the ship is calling to a port.
5. The repaired or replaced equipment shall be verified to the satisfaction of RO. Upon satisfactory verification by the RO, full term certificate may be issued and/or with the statutory condition retracted from the ship's survey status.

6.4 Malfunction of equipment under MARPOL Annex IV

1. RO shall issue a Conditional International Sewage Pollution Prevention Certificate (ISPPC) and/or statutory condition to allow the Portuguese registered ship to continue her voyage, pending rectification of the following equipment as listed.
2. The Master shall take into account the malfunctioned STP when planning and executing the voyage to a port where repairs have been arranged. The Master shall ensure proper arrangement is made (e.g. discharge to reception facilities, or according to Resolution

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MEPC175(55)) while pending rectification of the malfunctioned STP and ensure any discharge of sewage is in accordance to regulation 11 of MARPOL Annex IV.

3. RO shall review and be satisfied with the relevant supporting documents including the risk assessment prepared by the Master as per the ISM company's safety management system and to implement on board the ship before issuance of the Conditional International Sewage Pollution Prevention Certificate and/or statutory condition. Annex 4 - Temporary measures to be imposed/considered by the RO.
4. The Master shall notify the malfunction STP to the relevant competent authority as required by regulation 4.9 of MARPOL Annex IV.
5. The repaired or replaced equipment shall be verified to the satisfaction of RO. Upon satisfactory verification by the RO, full term certificate may be issued and/or with the statutory condition from the ship's survey status.

6.5 Malfunction of equipment under MARPOL Annex VI

1. RO shall issue a Conditional International Air Pollution Prevention Certificate (IAPPC) and/or statutory condition to allow the Portuguese registered ship to continue her voyage, pending rectification of the following equipment listed.
2. Manager shall contact the manufacturer of EGCS installed on board and/or follow the MEPC.1/Circ.883, in order to get Interim indication of ongoing compliance demonstrated. If indication of ongoing compliance cannot be demonstrated, then malfunction shall be considered as an accidental breakdown. The ship should then change over to compliant fuel. Local authorities shall be informed about this malfunction, which shall be included in the EGCS Record Book. In case the vessel incinerator is not operational, only a statutory memorandum may be issued by the RO.



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3. RO shall review and be satisfied with the relevant supporting documents including the risk assessment prepared by the Master as per the ISM company's safety management system and to implement on board the ship before issuance of the Conditional International Air Pollution Prevention Certificate and/or statutory condition/memorandum. Annex 5 - Temporary measures to be imposed/considered by the RO.
4. The Master shall notify the relevant competent authority as required by regulation 5.6 of MARPOL Annex VI when the ship is calling to a port.
5. The repaired or replaced equipment shall be verified to the satisfaction of RO. Upon satisfactory verification by the RO, full term certificate may be issued and/or with the statutory condition/memorandum retracted from the ship's survey status.

6.6 Malfunction of equipment under Ballast Water Convention

1. RO shall issue a Conditional International Ballast Water Management Certificate (IBWMC) and/or statutory condition to allow the Portuguese registered ship to continue her voyage.
2. The Master shall take into account the malfunctioned BWMS when planning and executing the voyage to a port where repairs have been arranged. The Master shall implement the "contingency measures" in the ship's Ballast Water Management Plan (BWMP).
3. RO shall review and be satisfied with the relevant supporting documents including the risk assessment prepared by the Master as per the ISM company's safety management system and to implement on board the ship before issuance of the Conditional



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International Ballast Water Management Certificate and/or statutory condition.
Annex 6 - Temporary measures to be imposed/considered by the RO.

4. The Master shall notify the relevant competent authority as required by regulation of the Ballast Water Management Convention when the ship is calling to a port.
5. The repaired or replaced equipment shall be verified to the satisfaction of RO. Upon satisfactory verification by the RO, full term certificate may be issued and/or with the statutory condition removed from the ship's survey status.
6. Reference made to complementary circular 77 - from DGRM

6.7 Malfunction of equipment under Emergency Systems under Solas Chapter II

1. RO shall issue a Conditional Cargo Ship Safety Equipment Certificate and/or statutory condition valid with a validity to allow the Portuguese registered ship to continue her voyage until next port.
2. RO shall review and be satisfied with the relevant supporting documents including the risk assessment prepared by the Master as per the ISM company's safety management system and to implement on board the ship before issuance of the Conditional Cargo Ship Safety Equipment Certificate and/or statutory condition.
Annex 7 - Temporary to be imposed/considered by the RO.
3. The Master shall consider the malfunction equipment when planning and executing a voyage to a port where the repair or replace will be carried out. The Master shall notify the relevant competent authority when calling to a foreign port as per SOLAS regulation I/11(C).



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4. The repaired or replaced equipment(s) shall be verified to the satisfaction of RO. Upon satisfactory verified by the RO, full term certificate may be issued and/or with the statutory condition retracted from the ship's survey status.

6.8 Malfunction of other Shipboard equipment under Solas Chapter II

1. RO shall issue a Conditional Cargo Ship Safety Construction certificate and/or statutory condition to allow the Portuguese registered ship to continue her voyage.
2. RO shall notify the Administration and not to issue Conditional Certificate and/or statutory condition to Portuguese registered ship with both malfunctioned (damaged/in-operational) port and starboard side accommodation ladder are defective.
3. The Master shall take into account of the malfunction equipment when planning and executing a voyage to a port where the repair or replace will be carried out. The Master shall notify the relevant competent authority when calling to a foreign port.
4. RO shall review and be satisfied with the relevant supporting documents including the risk assessment prepared by the Master as per the ISM company's safety management system and to implement on board the ship before issuance of the Conditional Cargo Ship Safety Construction Certificate and/or statutory condition. Annex 8 - Temporary measures to be imposed/considered by the RO.
5. The repaired or replaced equipment shall be verified to the satisfaction of RO. Upon satisfactory verification by the RO, full term certificate may be issued and/or with the statutory condition removed from the ship's survey status.



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6.9 Malfunction on Safety and Emergency equipment under Solas Chapter II

In general, on the equipment identified in this point, all efforts shall be done to have the equipment or system back to working condition without being necessary to proceed to the next port with the equipment or system malfunctioning.

Notwithstanding the above and in cases where all the efforts have been done by the Company or Service provider, but it shows impossible to have the equipment or system back to good working conditions and being the Vessel at a port where there is no spare parts or service, the RO shall issue a conditional certificate and/or statutory condition with a validity until the next port or, up to a maximum of fifteen days from the date of receiving the notification to allow the Portuguese registered ship to continue her voyage.

1. Class shall ensure before the issuance of any condition or conditional certificates the following:
 - a. Should evaluate the reason to not carry out repairs at the present port.
 - b. Should evaluate if the Vessel and Crew will be in danger.
2. In this point if any other equipment identified in this circular and other safety or security equipment's are malfunctioning Class shall notify the Administration and not to issue conditional certificate and/or statutory condition
3. The Master shall take into account of the malfunction equipment when planning and executing a voyage to a port where the repair or replace will be carried out. The Master shall notify the relevant competent authority when calling to a foreign port.

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RO shall review and be satisfied with the relevant supporting documents including the risk assessment prepared by the Master as per the ISM company's safety management system and to implement on board the ship before issuance of the Conditional Cargo Ship Safety Equipment Construction Certificate and/or statutory condition.

