



TUVALU SHIP REGISTRY

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MARINE CIRCULAR

MC-10/2011/1

9/2012

FOR: Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Classification Societies

SUBJECT: GUIDANCE ON APPLICATION FOR EXEMPTIONS / EXTENSIONS / DISPENSATIONS

DEFINITIONS:

The following abbreviations stand for:

- “IMO” – International Maritime Organization
- “LRIT” – Long Range Identification and Tracking of Ships
- “MARPOL 73/78” – International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978
- “MODU” – Mobile Offshore Drilling Unit
- “MOU” – Mobile Offshore Unit
- “PSC” – Port State Control
- “RO” – Recognized Organization as defined by IMO Resolution A.789(19).
- “SOLAS” – International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended

The term “Administration” shall mean the Tuvalu Ship Registry.

PURPOSE:

This marine circular provides clarification to the terminology used to describe allowances granted by this Administration in accordance with statutory provisions, and establishes the Administration’s policy for their issuance and use.

APPLICATION:

This marine circular applies to all Tuvalu flagged vessels including MODUs and MOUs.

REFERENCES:

- (a) MARPOL 73/78 Convention
- (b) MODU Code
- (c) SOLAS Convention
- (d) Tuvalu Marine Circular MC-3/2012/1
- (e) Tuvalu Marine Circular MC-9/2011/1

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1. Terminology

It has been noted while assessing certain technical issues, there is an occasional lack of consistency when referring to various allowances or authorizations that can be issued by the Administration. Due to differences associated with the handling of these actions, there is a need to provide a clear definition for each allowance or authorization. Therefore, the Administration is establishing the following basic definitions for reference when addressing such issues:

1.1. Exemption

An Exemption is a temporary or permanent release from compliance with a Statutory Convention requirement due to the existence of specific circumstances as authorised by the provisions of that Convention. The EX certificate is linked to, and retained with, its associated statutory certificate, and is issued by the RO issuing that certificate under authorization from the Administration, which shall be in accordance with reference (d). Authorization for issuance of an Exemption certificate is considered on a case by case basis formed on the existence of some measure of equivalency to meet the intent of the requirement being exempted and a recommendation from the RO. Certain Exemptions, when granted, are required to be communicated to the IMO.

1.2. Equivalence

Equivalence is an 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 required to be communicated to the IMO.

1.3. Extension

This is a postponement of the validity or due date of a docking / special survey, statutory certificate, or servicing interval, 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 also issued with time specific corrective action requirements compliance and/or conditions.

The Administration recognizes that occasionally due to exceptional circumstances, difficulty can be encountered when scheduling the servicing of certain equipment or life-savings / fire-fighting appliances, as required by various Convention regulations, at approved servicing facilities. Requests to extend the servicing intervals in accordance with the provisions of reference (c) are only considered by the Administration when exceptional circumstances exist. Requests should be fully justified by substantiation of circumstances and plans to service at first opportunity.

Service Extensions are generally limited to the minimum period of time necessary for the vessel to reach a port where rectification of the task can be accomplished.

2. Application Procedures for Exemption / Equivalence / Extension

- 2.1. To ensure consistent response and handling of such requests by the Administration, and to facilitate the communication of all required information for consideration, the application FORM EX shall be used by ship owners / operators when submitting such requests to the Administration. To expedite handling and response, all applicable sections of the form shall be filled in with sufficient detail and accuracy. The completed form shall then be submitted to Technical Department at: technical@tvship.com or fax number +65-6227-2345.
- 2.2. Form EX can be downloaded from: www.tvship.com
- 2.3. A successful application will usually result in the Administration issuing an Attestation Letter to grant the requested exemption / equivalence / extension
- 2.4. Attestation Letters may be issued with time specific corrective action requirements compliance and/or conditions e.g. Attestation Letter the authorize the issuance of a short term Cargo Ship Safety Equipment Certificate when LRIT conformance test report cannot be carried out in time after change of flag to Tuvalu due to unforeseen circumstances.
- 2.5. While it would not be practical to list every situation in which an Attestation Letter would be required, the same basic principle should be followed when considering what situations would necessitate notification. For example, damage to or failure of any life saving or survival equipment required under SOLAS Chapter III (such as Lifeboat damage, Lifeboat engine failure, Inflatable Liferaft lost, etc.) or failure of any navigational equipment installation required under SOLAS Chapter V (such as Radar, VDR, Speed Log, etc.) would necessitate the need for an application for exemption.

2.5.1. Ultimately, it shall be understood that the failure of or damage to ANY piece of equipment, installation or appurtenance mandated by any Statutory Convention requirement shall be immediately reported to the Administration with a completed application for exemption (Form EX), along with all relevant supporting documentation demonstrating the nature of the difficulty encountered, temporary measure of equivalency in place and proposed corrective action plan to rectify the deficiency as expeditiously as possible. Prompt notification is critical to ensure the deficiency is properly addressed and to mitigate possible Administrative or PSC action against the vessel and ship owner / operator.

Yours sincerely,

Deputy Registrar
Tuvalu Ship Registry