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CIRCULAR

Exemption, Conditional, Interim and Full-Term Certificates

Notice to: Ship Owners/ Managers/ Operators | Surveyors/Auditors

C22038 | September 2022

The Panama Maritime Administration issued a Circular with the number MMC-156 which replaces the Merchant Marine Circular MMC-39. The purpose of this Merchant Marine Circular is to clarify the policy of this Administration in connection to the issuance of Exemption, Conditional, Interim and Full-Term Certificates.

This Circular provides definitions for various types of certificates issued by the Recognized Organizations authorized by this Administration and is intended to provide a common standard language understandable to all Recognized Organizations authorized by the Administration issuing certificates on its behalf.

This Circular does not apply to **ISM Code, ISPS Code, MLC 2006, and ITC 1969** certification.

The changes in this policy will take effect from August 1, 2020.

Definitions

Exemption Certificate is a certificate issued under and in accordance with the provisions of relevant international conventions as prescribed in paragraph 4. Of this Circular, in addition, a reference can be made to the IMO Circular SLS.14/Circ.115 to the issue of exemption certificates under the 1974 SOLAS Convention and amendments thereto, as amended. However, each Convention and Code may content its own definitions.

Conditional Certificate according to IACS Rec. No. 98 2007/Rev.3 2019, “is a certificate with the appropriate expiry dates that is issued by the attending surveyor when deficiencies/defects exist which cannot be corrected in the port of survey. Conditional Certificate is valid only for a period long enough to permit the ship to proceed to the port where the correction will be made. The Recognized Organization, with previous authorization of the Administration may issue a Conditional Certificate with a validity date not exceeding ninety (90) days. This particular certificate shall be identified by the wording Conditional Certificate printed under the name of the certificate, and all outstanding deficiencies/defects

including the details of any relevant requirements or provisions and the assigned due date for the time needed to rectify and should be annotated on or attached to the Conditional Certificate.

Interim Certificate, According IACS Rec. No. 98 2007/Rev.3 2019, “is a certificate issued by the attending surveyor upon satisfactory completion of a survey in order to permit the ship to trade while the Full-Term Certificate is prepared.” The surveyor should be nominated for the Recognized Organization duly approved by this flag Administration, and the Interim Certificate should be valid for a maximum period of five (5) months from the survey completion date.

Full-Term Certificate, According IACS Rec. No. 98 2007/Rev.3 2019, “is a certificate issued upon satisfactory completion of an initial or renewal survey. Full Term Certificate is valid until the next periodical/renewal survey is due. Full-Term Certificate may also be issued or reissued when all deficiencies which led to the issuance of a Conditional Certificate are corrected.” Full-Term Certificate validity shall not exceed five (5) years from the completion date of the periodical/renewal survey on which this Full-Term Certificate is based.

Types of survey

The types of survey used in the most updated version of IMO Resolution A.1156(32) “Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021”, and guided through MMC-152.

Exemption Certificates

This Administration may grant to an individual ship, exemptions from the provisions of a Convention, if the ship complies with the conditions established by such convention, for the specific exemption.

When an exemption is granted to a ship under and in accordance with the provisions of an International Convention, an Exemption Certificate shall be issued in addition to the certificates requested by those Conventions.

A request for an Exemption Certificate shall be sent to any of the Segumar Offices by the Ship’s owner/ operator, legal representative, or Recognized Organization.

The request must be made for each individual ship separately and must include the following:

- Copy of the Provisional/Permanent Certificate of Registry (Patente), (optional)
- Copy of the relevant full-term statutory certificate and its attached forms and/or supplements.
- Application for exemption Certificate properly filled out.

In cases where the Exemption Certificate is requested for the first time, the issuance of such Certificate is of complete prerogative of this Administration; it means that recognized organizations will not issue Interim Exemption Certificates without authorization of Segumar Offices.

In cases where there is a renewal or the original Full-Term Exemption Certificate, previously issued by this Administration, is lost or damaged, Recognized Organizations may issue an Interim Exemption Certificate which validity will not exceed thirty (30) days. During this period, the users must apply for the issuance of the Full-Term Exemption Certificate and proceed with the correspondent payment.

Considering the entry into force of amendments to MARPOL Convention Annexes I and IV (Res. MEPC.330(76), June 17, 2021 - Exemption of unmanned non-self-propelled barges from certain survey and certification requirements) adopted through Resolution No. 107-OMI-258-DGMM dated May 24, 2022, and amendment to Annex VI (Res. MEPC.328(76), June 17, 2021 - 2021 Revised MARPOL Annex VI) adopted through Resolution No.107-OMI-256 dated May 24, 2022; the following exemptions will be issued according to the regular procedure indicated above:

- International Oil Pollution Prevention Exemption Certificate: applicable to Unmanned Non-self-propelled Barges. Valid for a period not exceeding five (5) years provided that the UNSP barge has undergone a survey by a Recognized Organization to confirm that the conditions referred to in regulations 1.40.1 to 1.40.5 of MARPOL Annex I are met.
- International Sewage Pollution Prevention Exemption Certificate: applicable to Unmanned Non-self-propelled (UNSP) Barges. Valid for a period not exceeding five (5) years provided that the barge has undergone a survey by a Recognized Organization to confirm that the conditions referred to in regulations 1.16.1 to 1.16.4 of MARPOL Annex IV are met.
- International Air Pollution Prevention Exemption Certificate: applicable to Unmanned Non-self-propelled (UNSP) Barges, for a period not exceeding five (5) years provided that the barge has undergone a survey by a Recognized Organization to confirm that conditions referred to in regulations 2.1.32.1 to 2.1.32.3 of MARPOL Annex VI are met.

Conditional Certificates

In cases where the condition of a ship or its equipment does not comply with the requirements of an International Convention, this Administration may authorize the Recognized Organization which has issued the vessel's statutory certificate, to issue a Conditional Certificate, provided that the ship is fit to proceed to sea without harm to the ship, persons on board, or without presenting unreasonable threat of harm to the marine environment, allowing the vessel to proceed to a port where the necessary repairs may be carried out.

The Recognized Organization will ensure that the corrective action will be taken and shall, in due course, notify this Administration. Evidence of the corrective actions taken, may include, but are not limited to survey reports, re-issued certificate, or a formal notification in written. If such corrective action is not taken before the expiration date of the Conditional Certificate, the Certificate shall be withdrawn, and the Administration shall be notified immediately.

In cases where a certificate loses its validity due to overdue annual or intermediate endorsements, an authorization to issue a Conditional Certificate may be requested to the Administration through Segumar Offices, as a transitional measure until the correspondent revalidation survey is carried out and new certificates is issued.

The request for authorization to issue Conditional Certificates shall be sent to the Segumar Offices in cases were considered necessary by the owner, operator or legal representatives, however the Recognized Organization shall support this request. Under no circumstances the Conditional Certificate shall be issued without the previous authorization of Segumar Offices.

The request must be made for each individual ship separately and must include:

- Reasons to issue a Conditional Certificate,
- Copy of the current statutory certificate, available onboard, relevant to the Conditional Certificate.

The validity of a Conditional Certificate must not exceed ninety (90) days. This Administration will not authorize the extension or re-issuance of such Conditional Certificates and will not authorize extensions of statutory certificates exceeding ninety (90) days. In exceptional circumstances and previous a comprehensive evaluation by Segumar Offices, it might be consider granting longer validity periods of Conditional Certificates, either the extension or re-issuance of existing Conditional Certificates.

Interim Certificates (Interim DOC, SMC, ISSC, MLC & ITC69 are excluded)

When a vessel has been found to comply with all the requirements of an International Convention and the additional requirements of this Administration, after the correspondent surveys, the Recognized Organization may issue an Interim

Certificate (as defined in subparagraph item 2.3 of this Circular), as a transitional measure until the correspondent Full Term Certificate (as defined in subparagraph 2.4 of this Circular) is issued and placed on board. The maximum validity of this Interim Certificate shall not exceed five (5) months.

ISPS Code and MLC, 2006 Certificates

For certificates issued by virtue of the ISPS Code please refer to MMC-359, and for certificates issued by virtue of the MLC, 2006 please refer to MMC-269; as mentioned in subparagraph 1.2, this Circular does not apply to the ISM Code, ISPS Code, MLC 2006 certification. The use of “Short-term” Certificates is only accepted within the Certification process related to the Certificates described in this paragraph.

Handling fees

In addition to each Exemption Certificate regular fee, from September 25, 2022, an additional charge applies for reviewing and handling documentation of fifty dollars (USD50.00), for the issuance of any other technical certificate duly authorized by the General Directorate of Merchant Marine or through any SEGUMAR Office in a Merchant Marine Consulate, including the SEGUMAR offices in the State of Florida, the United States of America based in the city of Miami and SEGUMAR Head Office. The additional charge applies for the issuance in Panama of technical certificates by the General Directorate of Merchant Marine. This charge shall be reflected in the official receipt, as fees for this service. (Resolution J.D. No. 028-2022 dated June 14, 2022).

Act now

Ship Owners/ Managers/ Operators should take into consideration the above requirements concerning certification of Panamanian flagged vessels.

Surveyors / Auditors shall ensure compliance with the above requirements during respective surveys / audits.