



Rev. 0

**REPUBLIC of SAN MARINO
MARITIME AUTHORITY**

MAIN CONTACT: SAN MARINO SHIP REGISTER

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San Marino Policy Letter

SMPL – 2022-TEC-013

09 November 2022

San Marino Ship Register SMSR

**Directions on exemptions, equivalence and single
voyage**

TO: Recognised Organisations, Shipowners, Managers, Masters, Seafarers, SMSR partners, SMSR brokers, Surveyors, and the general public.

Rev. n	Date	Changes	Initials
0	09/11/2022	n/a	nc

PROCEDURE TO BE FOLLOWED FOR THE APPLICATION FOR AN EXEMPTION FROM, AN EXTENSION OF AND/OR AN ACCEPTANCE OF AN EQUIVALENT ARRANGEMENT TO AN INTERNATIONAL CONVENTION REQUIREMENT

0. REFERENCES

There are general provisions in SOLAS Chapter I, Regulation 4 which allow a Flag State to exempt a ship from a requirement of the convention, which exceptionally makes a single international voyage, provided that it complies with safety requirements which are adequate in the opinion of the Administration for the voyage which is to be undertaken by the ship; Same criteria applies in case of novel design that still need an adequate assessment and / or approval.

SOLAS Chapters II-1, II-2 and III also allow a flag State to grant certain exemptions to a ship which does not proceed more than 20 miles from the nearest land.

SOLAS Chapter I, regulation 5 also has an “equivalence” clause whereby a flag Administration may allow the use of another fitting, material, appliance or apparatus or any other provision if it is satisfied by trial or otherwise it is at least as effective as a convention requirement.

Other IMO conventions have similar exemption and equivalence provisions. In the case of exemption for novel design or equivalence the flag administration is required to inform IMO of the details which then circulates to other flag administrations for their information. ILO (International labour organisation) has no general exemption provision but some of its conventions have the possibility to exempt or “relax” the requirements.

Extension and postponements of surveys and/or servicing intervals may be needed when, in extraordinary circumstances, it is demonstrated the practical impossibility to comply with the Class/statutory deadlines.

1. INTRODUCTION

There are circumstances where The Flag’s State Administration may grant an exemption from a Convention requirement and consequently allow the ship to sail, eventually for a single Voyage with the scope to reach a port or a repair yard or a facility where the compliance with all the conventions will be restored. Said circumstances may include but not limited to the following cases:

- a) An exemption issued under a provision in a convention relevant the temporary impossibility to fully comply with said provision with the scope to allow the vessel to reach a port where the facilities to restore the full compliance are available.
- b) A temporary document with a condition issued by the flag State to a ship with a deficiency or a failure, also consequence of an incident or an event, that

allows the ship to reach a port where the facilities needed to deal with the deficiency or perform the repairs are available.

- c) A temporary document with a condition issued by the flag State as a solution to a deficiency found by the PSCO (Port State control Officer) that allows the ship to reach a port where the facilities needed to deal with the deficiency or perform the maintenances and or repairs are available.
- d) A temporary document that extend and / or postpone a survey or servicing deadline due to impossibility to perform it within the due date

The purpose of this policy letter is to establish the procedure for the Owners/Managers and Class Societies / Recognized organizations (Class/RO) to follow when requesting:

- a. Exemption from an IMO Convention or National requirement;
- b. Extension of statutory survey period or validity of a certificate issued under an international convention;
- c. Postponement of a survey, servicing period or any other applicable national or international requirement;
- d. Acceptance of an equivalent arrangement to an IMO convention requirement;
- e. Acceptance, at the time of reflagging to San Marino, of the continuation of an existing Exemption, granted under the previous Flag.

In case of an accidental damage, failures or defects discovered and related to the ship's structures and its equipment, the Company or Master of the ship shall immediately report to the San Marino Maritime Authority and to the RO proposing the necessary corrective actions. The Masters shall also report to the Port State control service when the ship is on arrival or is berthed at a foreign port. If a ship is detained by a PSCO, (Port State Control Officer), the principle is that all deficiencies should be rectified.

2. PROCEDURE

The request for above must be submitted by the Owner/Manager in writing to flagstate@smsr.sm using the application form under annex I of this Policy Letter.

If applicable, the request should be submitted at the same time to the Class/RO.

Information supplied with the application should include but not be limited to, the following:

- a. Reason and justification for application
- b. Time period requested
- c. Safety measures that have been or will be introduced
- d. Supporting documentation

e. Details of ship's schedule should a verification by Flag and/or Class/RO will be required.

Owner/Managers should support the application where necessary with the details of any technical analysis conducted by themselves citing any IMO methodology / provision / instrument that justify the request. The safety measures adopted as per point c. should be the result of a formal risk assessment to be submitted together with the supporting documents as per point d. The Risk assessment methodology to be used can be the same used by the Owner/Manager to comply with the ISM Code provisions.

Class/RO shall review the application and then submit their assessment in writing to flagstate@smsr.sm. The assessment should consider, but not limited to:

- Provisions contained in any applicable IMO Convention, Code or IMO Circulars;
- Any relevant National (San Marino) requirements;
- Reason and justification for application;
- Urgency of the application;

The Owner/Manager application, the Class/RO review and the Flag state approval must consider the obligation, as applicable, to inform the local ports of call Authorities.

The Class/RO review shall indicate their support or reservation of any aspect of the application and, if relevant, any recommendation(s) and or conditions that should be considered.

For all the cases, the attention of Class/RO is drawn to "Agreement Governing the Delegation of Statutory Functions and Certification Services for Vessels Registered in San Marino" between themselves and this administration.

In any case the San Marino Authority can send, if deemed necessary, a Flag State Surveyor on board to ascertain together with the RO and the local Port Authorities the real situation and the conditions under which the application can be accepted.

All the submissions shall be in written format as specified.

The San Marino Flag State Authority shall notify the Owner/Manager and the Class/RO of its decision and/or any comment that may include: additional safety measures to enforce; limit the time period requested; request of additional information or evidences.

If the application is accepted, the San Marino Flag Authority issues the relevant “Exemption Certificate”, to be sent to the Owner/Manager and to the Class/RO. In addition, specific instruction relevant to the certificates issued on behalf of the Administration shall be sent; these instructions may include the issuance of new interim certificates to limit their validity or issue a statutory recommendation with a clear expiry date.

A fee shall be charged to the Owner/Manager in accordance with the price list in force.

If San Marino Flag Authority approves the application, Class/RO must ensure that the conditions, if any, under which the approval was accepted are complied with. In case of specific certificate endorsement or issue of new interim certificates or issue a Class or Statutory recommendation, copy of said documents must be sent as soon as possible to flagstate@smsr.sm.

When the application of an IMO convention or Code and/or national rules cannot be met and the identified specific measures require a permit to allow the vessel to proceed to a suitable port where permanent repairs or rectification can be performed, then the section “Single Voyage Authorization” of this Policy Letter also applies.

In cases where an Exemption is granted by the previous Flag and at the time of reflagging the Owner/Manager wishes to continue with the Exemption, this administration may temporarily allow the Exemption, subject the original conditions under which it was granted still being valid, whilst an application to San Marino Authority is made as described above.

In all the cases the decision taken by this Administration shall be treated on a case-by-case basis and are not a general approval unless otherwise stated.

3. SINGLE VOYAGE AUTHORIZATION

The single voyage authorization follows the same procedure and criteria as described at paragraphs 0., 1. And 2.

In any case when it is not practicable to rectify a deficiency(s) the flag State may issue single voyage certificates or endorse existing certificates to allow the ship to reach a repair yard or a facility where the full compliance with all the conventions is restored. In this case, the voyage should be in ballast and exclude any commercial operations. The ship could also be towed subject to necessary documentation being made available (e.g. Loadline Exemption, Fitness for towage, etc). Exceptionally, cargoes already on board may be carried to the repair ports, when it is safe to do so. Alternatively, it is Company responsibility to arrange the cargo unloading prior to

commence the repairs, subject to the approval of the Administration. These ports shall be informed, and this obligation must be included in the conditions for a single voyage. In any case the San Marino Authority can send, if deemed necessary, a Flag State Surveyor on board to ascertain together with the RO and the local Port Authorities the real situation and the conditions under which the single voyage can be granted.

The Company should in any case submit to this Administration a formal risk assessment showing that all the mitigating measures have been undertaken and that the residual risk for the crew, for the environment and for the ship, is acceptable. The methodology to develop the risk assessment must be the same used by the company to comply with the ISM code requirements.

The statutory certificate(s) issued by the RO on behalf of this administration relevant the single voyage granted must be limited in term of time and have a clear expiry date. This can be done by issuing short terms certificates with the new expiry date. The Local Port Authorities of the ports involved must be always informed and without their confirmation the authorization for the single voyage cannot be granted.

This Administration shall send to the RO detailed instructions for each specific case.



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Annex I

San Marino Maritime Authority – San Marino Ship Register

Form to be completed by the Owner/Manager when requesting a dispensation, an exemption, an equivalence or a postponement as detailed in the Policy Letter SMPL – 2022 – Tec – 003

VESSEL DETAILS

NAME OF THE VESSEL	OFFICIAL NO.	IMO NO.

DETAILS OF OWNER

NAME OF OWNER	IMO OWNER NO.
NAME OF MANAGER (if different)	IMO MANAGER NO.

We, being the Owners / Managers (delete as appropriate) of the above mentioned vessel, do hereby apply to San Marino Maritime Authority for an Exemption Certificate / Letter of Dispensation / statement of Equivalence / Postponement / Extension (delete as appropriate) for the reasons described below.

0. Equipment and/or regulation for which the Exemption / Dispensation / equivalence / postponement / extension (delete as appropriate) is requested

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1. Reason for the request

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2. Regulation that grants the right to the Exemption / Dispensation / equivalence / postponement / extension (delete as appropriate)

3. Validity of the statutory or other certificate to which the application refers (include copies of certificates).

4. Classification Society / recognized organization responsible for the issuing of the statutory certificate(s).

5. Special condition or further remarks

6. Time period requested: state a date

7. Measures planned to be put in place or already enforced to mitigate any risk for the crew, the environment and the vessel. The same must be the outcome of a formal dedicated risk assessment.

8. List of supporting documents attached to this application (must include the specific risk assessment and the ship's schedule including ports of call nominated agents).

9. Name, position, and signature of the applicant. Company Stamp

10. Date of application