



TUVALU SHIP REGISTRY

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MARINE CIRCULAR

MC-10/2011/1

6/2024

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

SUBJECT: GUIDANCE ON APPLICATION FOR EXEMPTIONS / EQUIVALENCES / DISPENSATIONS / EXTENSIONS

DEFINITIONS:

The following abbreviations stand for:

- “ILO” – International Labour Organization
- “IMO” – International Maritime Organization
- “MARPOL” – International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978
- “MLC” – Maritime Labour Convention
- “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
- “Statutory Conventions” – IMO, ILO and other conventions, such as MARPOL, MLC, SOLAS, STCW etc.
- “Exemptions” – a temporary or permanent release from compliance with a Statutory Convention requirement which may include equivalences, dispensations & extensions
- “Equivalences” – an arrangement which provides the same level of safety or intent of a Statutory Convention requirement
- “Dispensations” – an acknowledgement that a defect, which affects the safety of the ship, crew and protection of the marine environment, has occurred and arrangements has been made for rectification at the next port
- “Extensions” – a postponement of the validity or due date of statutory certificates, docking, surveys or servicing intervals as required by the Statutory Convention

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

PURPOSE:

This marine circular provides the guidance for the application of exemptions / equivalencies / dispensations / extensions as defined above and establishes the Administration’s procedures for review and authorisation.

APPLICATION:

This marine circular applies to all Tuvalu-flagged vessels.

REFERENCES:

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

CONTENTS:

1. Background

In the event that a vessel is unable to comply with the requirements of a Statutory Convention due to exceptional circumstances as authorized by the provisions of that Convention, an exemption from the requirements may be granted by the Administration on a case-by-case basis, with the issuance of an authorization letter. Upon receipt of the authorization letter, the RO may issue the exemption certificate (as required), which shall be attached to the statutory certificate that the exemption has been granted. The request for the exemption may be supported by the authorized RO's recommendations and evidences that equivalent or alternate arrangement is being provided and shall be at least as effective as that required by the Convention.

A Short Term or Conditional (ST/CND) Certificate may be issued by the RO for any dispensation granted to the vessel and shall be attached to the statutory certificate it refers to. (see Tuvalu Marine Circular MC-9/2011/1).

No specific certificate is required when authorization is granted for equivalences or extension purposes.

2. Application procedures

- 2.1. Failure of ANY critical equipment or installation, overdue surveys or servicing intervals, and conducting surveys outside the window period, which are mandated by any Statutory Convention requirement shall immediately be reported to the Administration 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 to ensure the safety of the crew and vessel, and to mitigate possible Administration or PSC action against the vessel and ship owner / ship manager / operator.
- 2.2. To ensure consistent response and handling by the Administration, and to facilitate the communication of all required information for consideration of granting authorisation, "**Form EX**" (downloadable at: <https://tvship.com/forms>) shall be used by ship owners / ship managers / operators / RO when submitting such requests to the Administration. To expedite handling and response, all applicable sections of the form shall be duly filled in with sufficient details supported by RO's recommendations and equivalent or alternate arrangement for the Administration's consideration and approval. The completed form shall be submitted to: technical@tvship.com.
- 2.3. A successful application will generally result in the Administration issuing an Authorization Letter to grant the requested exemption / equivalency / dispensation / extension and may be issued with time specific corrective action requirements and/or conditions imposed.

Yours sincerely,

Deputy Registrar
Tuvalu Ship Registry