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San Marino – exemptions, equivalence and single voyages

Notice to: Ship Owners / Managers / Operators / Surveyors / Masters

C23045 | 18 August 2023

This circular is issued to advise the procedures to be followed by Owners/Managers and Class Societies / Recognized Organizations when requesting, from the San Marino Maritime Authority:

- 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.

The requirements are detailed in the San Marino Policy Letter: [SMPL-2022-TEC-013](#). Key points are:

Procedure:

Requests must be submitted by the Owner/Manager in writing to flagstate@smsr.sm using the application form under annex 1 of Policy Letter SMPL-2022-TEC-013. The request should also be submitted to the Class/RO. The application should include 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.

The application is to be supported with details of any technical analysis conducted, citing any IMO methodology / provision / instrument that justifies the request.

A formal risk assessment is to be undertaken to determine the necessary safety measures to be taken, and submitted with the application

Class/RO are to review the application and submit their assessment to flagstate@smsr.sm. The assessment is to consider, as a minimum:

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

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 San Marino Authority may send, 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.

The San Marino Flag State Authority will notify the Owner/Manager and the Class/RO of its decision and may include any 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 an "Exemption Certificate", together with any specific instructions relevant to the certificates issued on behalf of the Administration; these instructions may include the issuance of new interim certificates to limit their validity or issue a statutory recommendation with a clear expiry date.

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 of a Class or Statutory recommendation, a copy must be sent as soon as possible to flagstate@smsr.sm.

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, the administration may temporarily allow the Exemption, subject to the original conditions under which it was granted still being valid, whilst an application to San Marino Authority is made.

Single Voyage Authorization:

When it is not practicable to rectify a deficiency 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 may also be towed subject to necessary documentation being made available.

It is the Company's responsibility to arrange the cargo unloading prior to commence the repairs, subject to the approval of the Administration. The ports shall be informed, and this obligation must be included in the conditions for a single voyage, exceptionally, cargoes already on board may be carried to the repair ports, when it is safe to do so.

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.

The San Marino Authority may send, 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 is to submit to the 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 statutory certificate(s) issued by the RO on behalf of the administration relevant to the single voyage granted must be limited in term of time and have a clear expiry date. This can be done by issuing short term certificates with the new expiry date.

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

Act now

Ship Owners, Managers, Operators, Surveyors and vessel Masters should note the contents of the San Marino Policy Letter, and be guided accordingly.