




Electronic Ship Certificates

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8 September 2020



Outline

- What is an electronic ship certificate?
- Is it legally valid?
- What is IMO doing to make it happen?
- What are countries doing?
- What is the industry doing?
- What issues are there?

Definitions

(tbc)

A certificate is 'a statement in writing by a person having a public or official status concerning some matter within his knowledge or authority'.

Jowitt's Dictionary of English Law (5th edn)

Definitions

(tbc)

'Certificate' means a document issued by an Administration or its representatives that is used to show compliance with IMO requirements and used to describe operating conditions, crewing requirements, and ship equipment carriage requirements. The term 'certificate' does not include publications, manuals, instructions or ships' logs used to record ongoing operations'.

FAL.5/Circ.39/Rev.2. 20 April 2016, Guidelines for the Use of Electronic Certificates, para 3.1.

Definitions

'Electronic certificate means a certificate issued in an electronic format'.

FAL.5/Circ.39/Rev.2. 20 April 2016, Guidelines for the Use of Electronic Certificates, para 3.2.

Is it legally valid?

‘Administrations that use electronic certificates should ensure that these certificates have the following features: ... validity and consistency with the format and content required by the relevant international convention or instrument, as applicable. ...’

FAL.5/Circ.39/Rev.2. 20 April 2016, Guidelines for the Use of Electronic Certificates, para 4.1.1.

Is it legally valid?

(tbc)

'All stakeholders should accept electronic certificates containing the features identified in section 4. These electronic certificates should be verified, when necessary, following the instructions available on board the ship (see paragraph 3.4). Furthermore, port State control officers, in accepting electronic certificates, should follow the Procedures for Port State Control, 2011 (resolution A.1052(27)).' (Emphasis added.)

FAL.5/Circ.39/Rev.2. 20 April 2016, Guidelines for the Use of Electronic Certificates, para 7.



Merchant Shipping Directorate

5 December 2017

Secretary General
International Maritime Organisation
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United Kingdom



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Sir

May I refer to FAL.5/Circ.39 on Guidelines for the use of electronic certificates.

The Government of Malta would like to inform all concerned of its acceptance of the use of electronic certificates on board ships flying the Malta Flag.

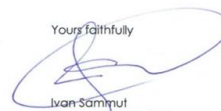
In this regard, please note that, the Maltese Registry is now accepting electronic documents and certificates that comply with the recently adopted "Guidelines for the use of electronic certificates" (FAL.5/Circ.39/Rev.2) by IMO, as an equivalent to the usual practise of paper documents.

It is to be noted that statutory certificates issued by Recognised Organisations on behalf of the Malta flag Administration may either be presented in an electronic format in accordance to the FAL.5/Circ.39 or still be presented in an original paper format.

The Maltese Administration encourages the use of electronic certificates as part of the initiative to reduce the administrative burden in the industry and advocates the maritime industry's transformation towards smarter ships and intelligent ports.

The Government of Malta avails itself of this opportunity to renew to the Secretary General of the International Maritime Organisation the assurances of its highest consideration and esteem and requests him to bring the contents of this letter to the attention of all Member States.

Yours faithfully



Ivan Sammut
Registrar General of
Shipping and Seamen



Transport Malta is the Authority for Transport in Malta set up by ACT XIV of 2005

IMO Circular Letter No 3794

What is IMO doing to make it happen?

- FAL.5/Circ.39/Rev.2. 20 April 2016, Guidelines for the Use of Electronic Certificates
- STCW Convention amendments, IMO Doc HTW 7/9 (20 February 2020)
- Maritime Single Window
- Revision of all current work
- MASS (autonomous ships)

What are countries doing?

- At IMO, communications from:
 - Germany
 - Sierra Leone
 - Malta
 - UK
 - France
 - Portugal
- National legislation?

What is the industry doing?

Several business solutions are on offer, ranging from full Maritime Single Window to e-certs



Bureau Veritas E-Certification

Bureau Veritas Group, 'Bureau Veritas E-Certification' 28 Feb 2018

<https://www.youtube.com/watch?v=q8ROZn-gQUg&feature=youtu.be>

Recognition

- Will electronic certificates be accepted?
- The COVID-19 pandemic has given a strong impetus to digitalisation.