
Circular 2022/002

Lay-up and recommissioning of a seagoing commercial vessel

Date: 24-03-2022

To whom it may concern,

This circular issued by the Belgian Maritime Inspectorate (BMI) provides guidance and instructions in the process of laying up and recommissioning of a Belgian ship. This circular is intended for Companies (as per the definition in Regulation 1.1.2 of the ISM Code) and Recognised (Security) Organisations (R(S)O's).

I. Application

This instruction applies to all Belgian seagoing commercial ships to which SOLAS Chapter IX applies, which are either to be idle or to be laid up and recommissioned.

II. Definitions

Depending on the source, many terms are in use for lay-up conditions. For the sake of clarity, the Belgian Maritime Inspectorate only uses the following terminology, regardless of the duration of the period:

- **Idle:** The vessel has stopped its normal operations, however it is ready to immediately resume them at any time. At all times, the vessel must comply with all applicable Conventions, Codes and other relevant regulations.
Therefore, the vessel's machinery is kept in operation, maintenance of the vessel's equipment is performed as usual, drills are being done as per normal schedule, annual/periodical statutory and Class surveys and audits are continued as normal. No lay-up status or annual lay-up condition survey(s) are required.
The vessel can resume its normal operations without any additional survey or audit.
- **Lay-up:** After having taken the necessary actions to preserve the vessel's equipment, the vessel is taken out of service. The vessel's machinery may be taken out of service partly or completely, but there must be enough (electrical) power available to ensure the safety and security of the vessel and provide the basic needs for the remaining crew on board at all times.

Before the lay-up status is granted to the vessel, a lay-up survey must be completed. The vessel is also subject to annual lay-up condition surveys.

Before resuming its normal activities, the vessel must be recommissioned. A lay-up recommissioning survey, which includes the scope of the overdue surveys (if any) must be done.

III. General

The Company must notify all relevant parties involved such as, but not limited to, local port authorities, R(S)O, equipment manufacturers, insurers,... that the ship is going to be idle or to be laid up to seek their guidance and to determine if these parties require additional measures to be taken.

In case of lay-up, a lay-up maintenance plan must be submitted to the RO for approval. A copy of the approved plan must be forwarded to BMI.

Afterwards, the Company must notify BMI via the general e-mail address (Ship.Belflag@mobiliteit.fgov.be) regarding the intentions for an idle or lay-up period. This notification to BMI must be made in due time before the start of the idle or lay-up period. It must also include the agreement and eventual additional requirements of the above-mentioned involved parties.

If no notification is made by the Company, BMI will assume that the vessel is trading normally and maintaining a full regime of certification, surveys, audits and inspections, including normal manning for such operations.

The Company must also notify BMI and the R(S)O regarding any changes in the conditions of the idle or lay-up period, such as, but not limited to, location, number of persons on board, changes to the lay-up maintenance plan, additional requirements from local authorities,...

Failure to notify BMI and/or the R(S)O and failure to maintain a safe and secure idle or lay-up period, will be regarded as a major non-conformity for ISM and/or ISPS.

When a vessel is idle or laid-up at an anchorage, the vessel must remain fully serviceable from shore at all times. This includes services such as, but not limited to, crew changes, delivery of food and fresh water, collection of garbage, assistance in case of emergency,...

IV. Surveys and certification

A. Idle

As per previous definition, all statutory certificates and related surveys and audits must be maintained at all times on idle vessels.

B. Lay-up

Upon successful completion of an initial lay-up survey by the RO and/or BMI, the vessel's status is changed to "laid-up". If this initial lay-up survey is done by the RO on behalf of BMI, a full report has to be submitted to BMI.

BMI requires vessels to remain classed with an RO (i.e. not class suspended) and comply with all applicable Class Rules throughout the entire lay-up period. Statutory certification is however normally only required when vessels are trading. Therefore, depending on the intended duration of the lay-up, and taking into account any requirements of the port or coastal state of the lay-up site, the Company should consider whether to maintain or suspend the statutory certificates:

- If the Company decides to maintain the statutory certificates, all related surveys must be done accordingly within their window.
- If the Company decides to suspend the statutory certificates, the vessel is still subject to an annual lay-up condition survey by the RO and/or BMI. This annual lay-up condition survey must be done during the window which opens 3 months before and closes 3 months after the anniversary date of the statutory certificates.

In either case, the vessel's Certificate of Seaworthiness (CoS) will be withdrawn and replaced by a new CoS which is not intended for sailing due to lay-up of the vessel. This new CoS (hereafter referred to as "lay-up CoS") is formally identical to a normal CoS, but will mention any specific conditions regarding the lay-up.

The expiry date of the lay-up CoS will coincide with the limit date for the next annual lay-up condition survey (anniversary date + 3 months). A new lay-up CoS must be requested from BMI upon successful completion of the annual lay-up condition survey. If the annual lay-up condition survey is done by the RO on behalf of BMI, a full report of this survey must be submitted to BMI together with the request for issuance of a new lay-up CoS.

C. Certificates of insurance or other financial security

The following Conventions require a vessel to have a policy of insurance or another form of financial security in accordance with the subject Convention, if applicable to the vessel:

- CLC: International Convention of 1992 on Civil Liability for Oil Pollution Damage, as amended,
- BUNKER: International Convention of 2001 on Civil Liability for Bunker Oil Pollution Damage, as amended,
- PAL: Protocol of 2002 of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, as amended,
- WRC: Nairobi International Convention on the Removal of Wrecks 2007, as amended,
- MLC 2006: Maritime Labour Convention 2006, as amended.

These Conventions do not contain specific definitions or requirements regarding idle or lay-up periods. However, they may still require a vessel to have a policy of insurance or another form of financial security in accordance with the subject Convention, even though the vessel is not operational.

When these Conventions require a certificate of insurance or other financial security to be issued by the Administration, a certificate must be applied for to BMI and a valid certificate must be available on board throughout the entire duration of the idle or lay-up period.

V. International Safety Management (ISM) Code

A. Idle

As per previous definition, all statutory certificates and related surveys and audits must be maintained at all times on idle vessels. This implies that all requirements of the ISM Code must be complied with at all times as per the vessel's Safety Management Manual (SMM).

B. Lay-up

The care of a vessel during a lay-up period should remain with the Company. BMI may accept the suspension of the Safety Management Certificate (SMC) of the vessel provided that:

- all requirements of the port or coastal state are met;
- all requirements of the RO are met;
- depending on the type of lay-up a minimum safe manning is agreed upon by the port or coastal state and BMI;
- emergency procedures are in place for situations such as, but not limited to, fire, flooding, environmental pollution,... ; and
- emergency procedures are in place for the minimum safe manning, crew or other watchmen remaining on board, if any.

The audit requirements upon recommissioning of the vessel will be considered on a case-by-case basis by BMI. Among other things, this consideration will depend on the duration of the lay-up period and will be based on IMO MSC-MEPC.7/Circ.9. In general, lay-up in excess of 6 months will require interim certification in accordance with ISM Code 14.4. An additional verification may be considered for shorter lay-up periods.

VI. International Ship and Port Facility Security (ISPS) Code

A. Idle

As per previous definition, all statutory certificates and related surveys and audits must be maintained at all times on idle vessels. This implies that all requirements of the ISPS Code must be complied with at all times as per the vessel's Ship Security Plan (SSP).

B. Lay-up

Keeping the vessel secure throughout the entire lay-up period is important. Continuing the full implementation of the SSP and maintaining the International Ship Security Certificate (ISSC) is therefore recommended. If required by the RSO, specific lay-up procedures must be added to the SSP. These additional procedures must be reviewed and approved by the RSO.

BMI may however accept the suspension of the ship's ISSC provided that:

- all requirements of the port or coastal State are met;
- all requirements of the RSO are met;
- adequate procedures are in place to keep the ship secure throughout the lay-up period, to avoid security risks when the ship is recommissioned and to tackle any security related emergency, these procedures must be reviewed and approved by the RSO; and
- a sufficient number of crew or other watchmen remains on board to execute these procedures, unless specific arrangements, having the same effect, have been made with shore-based personnel. Any such arrangements must be reviewed and approved by the RSO.

Suspension of the ISSC may also be accepted in case the vessel is integrated into the port facility security system, if this is relevant for the lay-up site. This integration is the responsibility of the Port Facility Security Officer (PFSO). It is then also the PFSO's responsibility to keep the required records to clearly demonstrate the continuity of security at any time, especially upon recommissioning of the vessel. At any time, the PFSO must provide these records to BMI upon request.

The audit requirements upon recommissioning of the vessel will be considered on a case-by-case basis by BMI. Among other things, this will depend on the duration of the lay-up period and/or the suspension of the ISSC. In general, a suspension in excess of 6 months will require interim certification in accordance with ISPS Code 19.4. An additional verification may be considered for shorter lay-up periods.

VII. LRIT

Normal procedures for LRIT will apply. If the LRIT equipment is deactivated or switched off, the Company must inform BMI (LRIT@mobilit.fgov.be). Upon reactivating the LRIT equipment, BMI must also be informed via the same e-mail address.

VIII. Manning and MLC

A. General

On a case-by-case basis, BMI may consider a temporary reduction of the vessel's manning level during an idle or lay-up period. Depending on the precautions taken, BMI may consider a vessel to be laid up without crew on board.

The Company first has to consult their intentions for reducing the manning level with the relevant local port or coastal state authorities. Afterwards a proposal for the reduced manning level must be submitted to BMI well in advance of the start of the idle or lay-up period.

If BMI agrees with this proposal, the reduced safe manning is only allowed from the moment that all mooring operations have been completed and it only remains valid until the start of the preparations

to bring the vessel back into full operation. Any major or unforeseen job must be done with a suitable crew on board, if necessary with the assistance of shore-based personnel.

For an idle vessel, BMI will issue a statement confirming its acceptance of the reduced manning level. Such a statement will have a maximum validity of 3 months. If required, the Company can request an extension from BMI, which will also be considered on a case-by-case basis.

For vessels in lay-up, the reduced manning level will be indicated on the lay-up CoS.

B. Guidance when drafting a manning plan

BMI recommends the following to be considered when assessing an appropriate manning level during an idle or lay-up period:

- during an idle period, continued compliance with all applicable Conventions, Codes and other relevant regulations must be ensured;
- a suitably qualified person should remain in charge of the vessel for the proposed idle or lay-up period;
- the manning available should include sufficient numbers of trained persons to tackle any emergency situation;
- the requirements regarding work or rest hours must be met at all times;
- the location of the vessel;
- the equipment and systems remaining in operation;
- the method by which the vessel is kept in position (moorings, anchorage,...);
- availability of any form of remote monitoring, such as, but not limited to, camera monitoring, remote monitoring of bilge and fire alarms,...;
- availability of any form of assistance from outside in case of emergency; and
- the requirements of the local authorities.

C. MLC

All requirements of MLC 2006, as amended, including certification, must be complied with for all seafarers on board throughout the entire idle or lay-up period.

Where watchmen or other personnel, who are not considered as seafarers as per MLC 2006, as amended, are accommodated on board a vessel which is idle or laid up, appropriate welfare facilities are to be made available. This includes, as a minimum:

- adequate provision of, or access to, drinking water;
- adequate provision of, or access to, fresh food;
- adequate provision of, or access to, cooking, cleaning, washing, sanitary and laundry facilities;
- arrangements for access to medical facilities, particularly for any emergency; and
- adequate heating, ventilation and lighting facilities.

IX. Recommissioning

A. Idle

As per previous definition, the vessel is ready to immediately resume its normal operations at all times.

B. Lay-up

The Company must inform BMI and the RO in due time about its intention to bring the vessel back into operation. The Company must propose an action plan for the recommissioning of the vessel, in consultation with the RO and BMI. This action plan must be based on for example, but not limited to, guidance from equipment manufacturers, records of the preservation of the vessel's machinery, records of the lay-up maintenance plan, reports of the annual lay-up condition surveys,...

A suitable number of qualified and competent crew members must be on board to carry out the recommissioning process, with the assistance of service engineers and/or other shore-based personnel, if necessary. All requirements of MLC 2006, as amended, including certification, must be complied with for all seafarers on board during the recommissioning process. If the MLC certificate was cancelled, suspended or expired during the lay-up period, an interim MLC inspection (including an inspection of the accommodation, life-saving appliances, fire detection and fire extinguishing systems,...) must be completed and an interim MLC certificate must be issued by BMI or the RO before seafarers are allowed to be accommodated on board.

All previously cancelled, suspended or expired certificates, audits and inspections are to be revalidated and the manning level must be restored to – as a minimum – the level required by the Safe Manning Document, before the vessel will be allowed to sail from its lay-up site.

In order to get the vessel fully certified, below procedures are to be followed. All mentioned surveys will be performed by BMI and/or the RO. BMI's attendance will be considered on a case-by-case basis, also taking into account the working agreement between BMI and the RO.

1. When all statutory certificates have remained valid throughout the entire lay-up period and all periodical surveys and audits have been carried out within the required window, no additional surveys or audits are required.
2. When (some of) the statutory certificates have lost their validity or have been suspended, a restoration procedure is to be applied. The extent of this procedure depends on how long the certificates' validity has been expired or how long the certificates have been suspended. Reference is made to the latest version of the IMO resolution on Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), more specifically '5.6 Revalidation of certificates'.
3. If the recommissioning cannot be completed on the lay-up site, e.g. when dry-docking and/or extensive repairs are required, the Company must contact BMI to apply for an authorisation of departure for a single direct voyage in ballast condition to a suitable repair yard. This authorisation of departure will only be granted upon successful completion of a survey by the RO, based on the provisions of IACS Procedural Requirement PR 1C, A.1.8, as amended.