



# REPUBLIC OF THE MARSHALL ISLANDS

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## **YACHT TECHNICAL CIRCULAR**

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**Revision: 0**

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**Date: 23 May 2016**

### **Procedures for the Transfer of Services from One Appointed Representative to Another Appointed Representative**

#### **1.0 INTRODUCTION**

This circular outlines the procedures for the transfer of statutory services and Compliance Verifications from one Appointed Representative (AR) (i.e. losing AR) to another AR (i.e. gaining AR). The procedure is applicable regardless of whether the Certification is mandatory or voluntary.

For reference, Annex I of this circular provides a flow chart that outlines the procedure for the transfer of services.

It is recommended that the transfer of services is carried out within the Compliance Verification, statutory survey, and/or inspection window.

Contact details of each AR can be found in Republic of the Marshall Islands (RMI) Marine Guideline [MG 2-11-15](#).

#### **2.0 TRANSFER OF COMPLIANCE VERIFICATION SERVICES**

##### **2.1 Gaining AR's Obligations and Reporting**

###### **2.1.1 General**

Upon receiving a request from a yacht owner to transfer the yacht's flag State Compliance Verifications to a new AR, the gaining AR must inform the owner in writing that an application for such transfer can only be accepted by the gaining AR after it has received confirmation that:

- (a) The existing Compliance Certificate has not been withdrawn or otherwise invalidated by the losing AR or the RMI Maritime Administrator (the "Administrator");
- (b) All Compliance Verifications that have been commenced by the losing AR have been satisfactorily completed by the losing AR;
- (c) Any deficiencies have been closed out by the losing AR; and
- (d) The Owner/manager has notified the Administrator of the intended change of AR by completing the appropriate MI-127 declaration form. A copy of this form should be reviewed by the gaining AR.

###### **2.1.2 Compliance Verification and Certification Procedures:**

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**(a) Expired Compliance Certificates and Statements of Voluntary Compliance**

If the yacht's Compliance Certificate is expired, the gaining AR shall carry out a full renewal Compliance Verification prior to issuing any new certificates.

**(b) Full term certificates**

If the yacht has a full term Compliance Certificate issued by the Administrator, the gaining AR shall carry out a mandatory Compliance Verification, within the window as stated on the endorsement page of the Compliance Certificate.

Where an Annual Compliance Verification is completed to the satisfaction of the gaining AR within the annual window, the existing Compliance Certificate shall be endorsed accordingly. A new Compliance Certificate shall not be re-issued.

**(c) Short term certificates**

A change of AR may not occur within the validity date of a short term Compliance Certificate, unless otherwise authorized by the Administrator.

**(d) Tender Statement of Compliance (TSC)**

If a tender has a full term TSC issued by the losing AR, the gaining AR shall carry out a mandatory verification, within the window stated on the endorsement page of the TSC.

Upon completion of the mandatory verification to the satisfaction of the gaining AR, a new TSC shall be issued. The new TSC will have the same expiration and anniversary date as the Compliance Certificate.

**(e) Yacht Record of Safety Equipment (Form E)**

If a yacht has a short term or full term Form E issued by the losing AR, the gaining AR shall review the Form E, during the Annual Compliance Verification. Upon satisfactory review of the Form E, the gaining AR shall issue a new Form E.

### **2.1.3 Notification procedures**

- (a)** Where a written request for transfer of certification has been received from the Owner, the gaining AR shall complete Step 1 of YTEC-05A (*Form Transfer of AR*) and send to the losing AR and the Administrator. The losing AR shall complete Step 2 of YTEC-05A and send to the gaining AR and the Administrator.
- (b)** If the gaining AR does not receive evidence of the certification status listed in Step 2 of YTEC-05A within five (5) working days, the gaining AR may utilize the evidence and certification information provided by the owner.
- (c)** Upon completion of the Compliance Verifications as per 2.1.2 above, the gaining AR shall complete Step 3 of YTEC-05A and submit a copy to the losing AR and the Administrator.

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## **2.2 Losing AR's Obligations and Reporting**

### **2.2.1 General**

The losing AR shall co-operate by providing the information specified in Step 2 of YTEC-05A within five (5) working days of completion of Step 1 of the YTEC-05A. The documentation to be attached by the losing AR includes:

- (a) All documents listed in YTEC-05A;
- (b) Confirmation that all deficiencies have been closed to the satisfaction of the losing AR, as appropriate; and
- (c) Any other information that may be relevant to decide acceptance or rejection of transfer.

### **2.2.2 Notification of Invalidation**

Upon receipt of information that a new certificate has been issued by the gaining AR, the losing AR complete the YTEC-05D (*Notice of Invalidation of Compliance Certification*). A copy of the YTEC-05D shall be sent to the yacht owner, the gaining AR and the Administrator.

## **3.0 TRANSFER OF INTERNATIONAL CONVENTION CERTIFICATES**

### **3.1 Gaining AR's Obligations and Reporting**

#### **3.1.1 General**

When a yacht changes ARs, the statutory certificates are required to be re-issued by the gaining AR. Upon receiving a request from the owner to change AR services, the gaining AR must inform the owner, in writing, that an application for such statutory certification can only be accepted by the gaining AR after it has received confirmation that:

- (a) The existing statutory certificates have not been withdrawn or otherwise invalidated by the losing AR or the Administrator;
- (b) All surveys, inspections and/or audits that have been commenced by the losing AR have been satisfactorily completed by the losing AR, unless otherwise authorized by the Administrator; and
- (c) Any deficiencies and/or major non-conformities have been closed out or down-graded by the losing AR.

#### **3.1.2 Survey, inspection, audit and statutory certification procedures**

A survey, inspection or audit in accordance with section 3.3 below is required before the issuance of a new statutory certificate.

#### **3.1.3 Notification procedures**

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- (a) Where a written request for transfer of statutory certification has been submitted by the Owner, the gaining AR shall notify the losing AR and the Administrator of the Owner's request by completing Step 1 of YTEC-05B (*Transfer of Statutory Certification*) and/or YTEC-05C (*Transfer of ISM/ISPS/MLC, 2006 Certification*), as appropriate.
- (b) If the gaining AR does not receive evidence of the certification status listed in Step 2 of YTEC-05B or YTEC-05C from the losing AR within five (5) working days, the gaining AR may utilize the evidence and certification information provided by the owner.
- (c) The gaining AR must complete the survey, inspection or audit within 30 days from the completion of Part 1 of the YTEC-05B or YTEC-05A. Once the survey, inspection or audit by the gaining AR has been successfully completed and a new statutory certificate is issued, the gaining AR must inform the Administrator within five (5) working days of completing Step 3 of YTEC-05B and/or YTEC-05C. A copy of the completed form shall be send to the losing AR and the Administrator.
- (d) If the required survey, inspection or audit has not been successfully completed and the transfer of certification is not accepted, the gaining AR shall inform the Administrator, within two (2) working days of the date of the survey, inspection or audit, by completing Step 3 of YTEC-05B and/or YTEC-05C. The inspection report indicating the reason for the rejection should be attached to the appropriate form. The Administrator will determine a plan of action on a case-by-case basis.

### **3.2 Losing AR's Obligations and Reporting**

#### **3.2.1 General**

The losing AR shall co-operate by providing the information specified in Step 2 of YTEC-05B and/or YTEC-05C within five (5) working days. The documentation to be attached to the form by the losing AR includes:

- (a) The last survey report or external audit report, including any deficiencies/non-conformities and failures identified;
- (b) In the case of ISM non-conformities, documentation should include the corrective action plan and the time period(s) proposed for implementation;
- (c) In the case of ISPS failures, evidence that corrective action has been proposed and the failure has been properly addressed;
- (d) A copy of all certificates that are subject of the transfer; and
- (e) Any other information that may be relevant to the decision to accept or reject the transfer of certification.

#### **3.2.2 Notification procedures**

Upon receipt of information that a new statutory certificate has been issued by the gaining AR, the losing AR shall complete the YTEC-05E (*Notice of Invalidation of Statutory Certification*) and/or YTEC-05F (*Notice of Invalidation of ISM/ISPS/MLC, 2006 Certification*). A copy of this notification shall be send to the gaining AR and the Administrator.

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### **3.3 Scope of statutory survey / inspection / audit**

The mandatory survey, inspection and audit required in section 3.3.1 below, shall be completed within thirty (30) days from completion of Step 1 of YTEC-05B and/or YTEC-05C.

If during the mandatory statutory survey, inspection or audit (as referenced in section 3.3.1 below) any major deficiencies or a significant number of minor deficiencies are found, which indicate the condition of the vessel does not correspond substantially with the certificate issued by the losing AR, a full renewal survey may be required, subject to agreement by the Administrator.

#### **3.3.1 Statutory certificates**

The gaining AR shall carry out the below statutory surveys, taking into consideration the type of certificate and its remaining period of validity. For ISM/ISPS audit and MLC inspection requirements, refer to section 3.3.2 and 3.3.3 below.

##### **(a) Expired or extended statutory certificates**

If the statutory certificate is expired or extended, the gaining AR shall carry out a full renewal survey prior to issuing any statutory certificate.

##### **(b) Full term statutory certificates**

If the vessel has a full term statutory certificate issued by the losing AR, the gaining AR shall carry out a mandatory annual survey. Based on satisfactory completion of the survey, the gaining AR may issue a new statutory certificate taking section 3.4 into account.

##### **(c) Cargo Ship Safety Radio Certificate**

When within the survey window, the gaining AR shall carry out a periodical survey, prior to the issuance of a Cargo Ship Safety Radio Certificate taking section 3.4 into account. When outside the survey window, the gaining AR shall perform a general review based on the last service report.

##### **(d) Short term statutory certificates**

If the yacht has a short term statutory certificate issued by the losing AR, the gaining AR shall carry out a mandatory annual survey. The gaining AR may issue a new statutory certificate based on re-examination of the deficiencies noted by the losing AR and satisfactory completion of the mandatory annual survey.

##### **(e) Interim certificates**

If the vessel has an interim statutory certificate issued by the losing AR, the gaining AR shall carry out a mandatory annual survey. The gaining AR may issue a new interim statutory certificate based on satisfactory completion of the mandatory annual survey.

#### **3.3.2 ISM/ISPS Certificates**

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- (a) Successful completion of a audit by the gaining AR is required for the issuance of a new statutory certificate.
- (b) The audit by the gaining AR shall address all elements of the ISM/ISPS Codes, any RMI national requirements and any matters arising from the last audit carried out by the losing AR.

For further details regarding ISM Code requirements, please refer to RMI Marine Notice [MN-2-011-13](#).

For further details regarding ISPS Code requirements, please refer to RMI Marine Notice [MN-2-011-16](#).

### **3.3.3 MLC, 2006 certificate**

- (a) If the Declaration of Maritime Labour Compliance (DMLC) Part II was reviewed and certified previously by the losing AR, the gaining AR shall re-review the DMLC Part II before the onboard inspection required by 3.3.3(b) below.
- (b) The gaining AR must complete an onboard inspection addressing all required elements of the MLC, 2006 convention, any RMI national requirements and any matters arising out of the last inspection carried out by the losing AR. Successful completion of the inspection is required for the issuance of a new DMLC Part II.

For further details regarding MLC, 2006 requirements, please refer to RMI Marine Notice [MN-2-011-33](#).

### **3.4 Type and validity of certificates**

The validity of a new certificate issued by the gaining AR in accordance with section 3.3 above shall not exceed the validity of the full term certificate issued by the losing AR which it replaces.

ARs may issue interim certificates pending issuance of the full term certificate by their head office, if specified within their internal procedures.

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## Annex I - Flow chart

