

ANAVE – Circular de Régimen Interior

Madrid, 29 de octubre de 2019

Ref: SMA 41/2019/AB

Asunto: Registro de Madeira, novedades normativas:

- 1. Expedición de certificados y documentos electrónicos.**
- 2. Piratería: Autorización para embarcar seguridad privada en buques de pabellón portugués.**

Muy Srs. nuestros:

1. Expedición de certificados y documentos electrónicos.

El 15 de octubre, el Registro Internacional de Buques de Madeira (MAR) anunció mediante la Circular nº2/MAR que les adjuntamos que, a partir de ahora, tiene previsto expedir todos sus certificados, documentos y comunicaciones de manera electrónica.

De acuerdo con las normas nacionales de Portugal para la digitalización de los servicios públicos y la administración, se van a introducir los procedimientos y sistemas necesarios para la emisión digital de certificados y otros documentos para buques y marinos. Dichos procedimientos cumplen las directrices de la OMI para el uso de para el uso de certificados electrónicos (FAL.5/Circ.39/Rev.2) e incluyen poner a disposición de todas las partes implicadas los medios para su verificación.

Los documentos que se podrán **verificar** de esta manera son:

- Certificados de registro de buques.
- Certificados de los convenios de responsabilidad (CLC, Bunkers, Atenas, Nairobi,...).
- Documento relativo a la dotación mínima de seguridad.
- Registro sinóptico continuo (*Continuous Synopsis Record*, CSR).

También van a emitir otros documentos electrónicos, en los que se utilizará el mismo método de autenticación: firma electrónica por medio de un certificado digital calificado, equivalente, desde el punto de vista legal, a la firma manual en un documento en papel.

Los certificados y documentos electrónicos emitidos por el MAR se firmarán electrónicamente sobre la base de un certificado digital emitido por una entidad acreditada de acuerdo con las normas portuguesas y de la UE. Dicho certificado servirá como método de autenticación del emisor autorizado y de la integridad de los contenidos de los documentos. La administración portuguesa ya ha probado con éxito el uso de documentos digitales en los certificados de competencia de los marinos de acuerdo con la regla I/10 del convenio STCW. Todos los documentos digitales emitidos por el MAR permiten comprobar su validez mediante un "número de seguimiento único" y un código QR, en la página *web* especialmente desarrollada para ello: www.portuguese-flag-control.pt

2. Piratería: Autorización para embarcar seguridad privada a bordo de buques de pabellón portugués.

El 24 de octubre se ha publicado el [Decreto-Lei n.º 159/2019](#), por el que se aprueba el régimen jurídico de la seguridad privada armada a bordo de buques que enarbolan pabellón portugués y

transitan por zonas de alto riesgo de piratería, que les adjuntamos en un Anexo. Dicha norma entrará en vigor a los 30 días de su publicación.

ANAVE ya conocía el borrador de este proyecto de Decreto-Ley que, en una primera fase de su tramitación, establecía requisitos muy restrictivos que en la práctica eran tan difíciles de cumplir como los de la norma española.

Sin embargo, gracias a las propuestas de enmienda que presentaron coordinadamente ANAVE y la Asociación de armadores con buques inscritos en Madeira a las autoridades portuguesas, finalmente se ha incluido en el Decreto el artículo 42, que permite a las empresas navieras contratar los servicios de compañías de seguridad establecidas en otros Estados miembros de la UE, con una redacción lo suficientemente flexible que entendemos sería la que se necesitaría introducir en nuestra normativa española.

Muy atentamente,

Manuel Carlier
Director General

Subject:	Adoption of electronic certificates and documents
Approved:	15/10/2019

1. Objective

The purpose of this Circular is to advise all stakeholders that the International Shipping Register of Madeira (MAR) is issuing ships' electronic certificates and documents and to provide information thereof.

2. Introduction

Portugal considers digitalization in the maritime transport as a very relevant development, namely in respect to expediting sharing of information, improving security and traceability of documentation and reducing administrative burdens.

In this context and in line with national policies concerning digitalization within public services and administration, the Portuguese maritime administration has also taken the task to develop and implement systems and procedures to issue electronic certificates and documents to ships and seafarers.

These procedures and systems take in due consideration the IMO Guidelines for the use of electronic certificates (FAL.5/Circ.39), thus, means for authorities and other parties to promptly verify the validity of the electronic statutory certificates and documents issued by Portuguese authorities were also implemented.

In the scope of this development Portugal has communicated the decision to IMO, which circulated the information to all member States through the Circular Letter No. 3822 dated 06/03/2018.

Seafarers' electronic documentation, namely documents of recognition of certificates of competence in accordance with STCW/I/10 (endorsements and proof of application), have already been implemented with success by the relevant organization within the Portuguese maritime administration (DGRM).

3. Authentication

Electronic certificates and documents issued by MAR will be signed electronically in compliance with relevant Portuguese legislation by means of a qualified digital certificate, which serves as method of authentication of the authorized issuer and of the integrity of the contents of the documents.

The digital certificate used to sign the documents electronically is issued by a certifying entity accredited in accordance with national and EU relevant regulations.

The documents are issued in PDF format and the signature and the respective status of validity can be checked within the software used to open the file.

4. Verification

Following the IMO guidelines for the facilitation of the use and acceptance of electronic certificates, MAR issued documents also include information and elements, which are harmonized in all electronic documents issued by the authorities within the Portuguese maritime administration, to provide for the verification of their validity at a national dedicated website.

The electronic documents verification dedicated website can be found at the following address: www.portuguese-flag-control.pt

For the verification purpose, the electronic documents include an “unique tracking number” (UTN), as per IMO guidelines FAL.5/Circ.39, and a QR code.

As an example, it is shown below the relevant part of the electronic documents with the UTN and the QR Code circled in blue:

Documento emitido nos termos da IMO FAL.5/Circ.39/Rev.2.

A autenticidade e validade pode ser confirmada, usando o UTN ou o código QR, em www.portuguese-flag-control.pt

Issued in accordance with IMO FAL.5/Circ.39/Rev.2

The authenticity and validity can be verified, using the UTN or QR Code, at www.portuguese-flag-control.pt

Unique Tracking Number (UTN): **wKgDUkYQH7wBZmerVOLMrQ**



The UTN can be entered at the website or, alternatively, the QR code can be used with an appropriated device connected to the internet (ex.: smartphone), which will query directly the website.

5. List of electronic documents

These are the electronic documents issued by MAR which validity can be verified as per above explanations:

- Registry certificates:
 - Ownership Registration Certificate;
 - Provisional Ownership Registration Certificate;
 - Bareboat Charter Registration Certificate.
- Liability certificates:
 - Certificate of Insurance or Other Financial Security in respect of Civil Liability for Oil Pollution Damage (CLC);

- Certificate of Insurance or Other Financial Security in respect of Civil Liability for Bunker Oil Pollution Damage (BCLC);
 - Certificate of Insurance or Other Financial Security in respect of Liability for the Death of and Personal Injury to Passengers (PLR);
 - Certificate of Insurance or Other Financial Security in respect of Civil Liability for Removal of Wrecks (WRC).
- Minimum Safe Manning Document;
 - Declaration of Maritime Labour Compliance – Part I;
 - Continuous Synopsis Record (CSR).

6. Other electronic documents

MAR intends to also issue other electronic documents, such as statements and declarations. The same method of authentication will be used – electronic signature by means of a qualified digital certificate – equivalent, from the legal point of view, to the manual signature in a paper document.

Due to their nature, the verification in accordance with IMO guidelines of those documents is not applicable, therefore, they will not include the verification elements described above in section 4.

7. Additional information

If any additional information is required concerning the contents of this circular, or in case of doubts about documents issued or said to be by MAR, the Technical Commission may be contacted using the details below:

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