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Circular nº 4204/Add.8
14 abril 2020

A: Todos los Estados Miembros de la OMI
Naciones Unidas y organismos especializados
Organizaciones intergubernamentales
Organizaciones no gubernamentales que gozan de carácter consultivo ante la OMI

Asunto: **Coronavirus (COVID-19) – Reunión por videoconferencia con los regímenes de supervisión por el Estado rector del puerto (PSC)**

1 El Secretario General desea comunicar que el 8 de abril de 2020 se celebró una reunión por videoconferencia con 10 regímenes de supervisión por el Estado rector del puerto (PSC) con miras a promover la adopción de medidas armonizadas, la asistencia y el enfoque pragmático con respecto a las inspecciones de PSC durante la pandemia de COVID-19. La reunión acordó una declaración conjunta, que figura en el anexo 1.

2 La presente circular también incluye, en el anexo 2 que se podrá enmendar o actualizar de vez en cuando, las declaraciones y/o las orientaciones provisionales pertinentes comunicadas por el Acuerdo de Viña del Mar, los Memorandos de entendimiento (MOU) del Caribe, el océano Índico, el Mediterráneo, París y Tokio, así como por el Servicio de Guardacostas de los Estados Unidos, como régimen nacional en relación con las actividades de PSC, a la luz de la pandemia de COVID-19.

3 Se invita a los Estados Miembros y a otras partes interesadas a que pongan el contenido de la presente circular en conocimiento de todos los interesados, especialmente las Administraciones de abanderamiento y las autoridades de los Estados rectores de puerto y los Estados ribereños.

ANEXO 1

DECLARACIÓN CONJUNTA

REUNIÓN POR VIDEOCONFERENCIA DE LOS REGÍMENES DE SUPERVISIÓN POR EL ESTADO RECTOR DEL PUERTO PARA ABRIR UN CANAL DE COMUNICACIÓN MUNDIAL SOBRE LAS INSPECCIONES DE PSC DURANTE LA PANDEMIA DE COVID-19

Por invitación del Secretario General de la OMI, Sr. Kitack Lim, los diez regímenes de supervisión por el Estado rector del puerto (PSC), a saber, el Servicio de Guardacostas de los Estados Unidos, el Acuerdo de Viña del Mar y los Memorandos de entendimiento (MOU) de Abuja, el mar Negro, el Caribe, el océano Índico, el Mediterráneo, París, Riad y Tokio sobre PSC, se reunieron por videoconferencia el 8 de abril de 2020, lo que permitió abrir un canal de comunicación mundial sobre las inspecciones de PSC durante la pandemia de COVID-19.

El mundo entero está sintiendo las consecuencias de esta crisis, que está afectando a la cadena de suministro a una escala sin precedentes al crear trastornos en el comercio internacional. Esto también se puso de relieve en los resultados de la Cumbre virtual de los líderes del G20 de marzo de 2020 sobre la COVID-19. Las respectivas funciones de los Estados de abanderamiento y de los Estados rectores de puerto para resolver esta crisis, en lo que respecta al apoyo al comercio marítimo, son fundamentales, y el sector puede prestarles una ayuda considerable. Al mismo tiempo, la seguridad de la vida en el mar, la protección del medio marino y el respeto de la gente de mar como trabajadores clave deben seguir siendo prioridades compartidas, tras tomarse nota también de la publicación, el 7 de abril de 2020, de la "Nota informativa de la OIT sobre cuestiones de trabajo marítimo y el coronavirus (COVID-19)".*

Los distintos Estados de abanderamiento y Estados rectores de puerto, gracias a la coordinación y el apoyo eficaces de los regímenes regionales de PSC, ya han adoptado e implantado medidas pertinentes y han distribuido orientaciones para hacer frente a los problemas actuales. Los regímenes de inspección ya se guían por enfoques prácticos, pragmáticos y flexibles. La OMI aprecia el papel positivo y constructivo desempeñado por los regímenes de PSC en el pleno espíritu de cooperación de todas las partes que se enfrentan a esta crisis sin precedentes. Como parte de los resultados de esta reunión, se ha iniciado una compilación de las orientaciones existentes elaboradas por los regímenes de PSC, con miras a la armonización mundial de esas prácticas, que se adjunta a la presente circular, y que se mantendrá en el sitio web de la OMI.

En este contexto, en la reunión se examinaron la respuesta de emergencia y las medidas adoptadas por la Organización en su conjunto para garantizar que no se interrumpieran las cadenas de suministro del comercio marítimo, incluido el flujo de suministros médicos vitales, productos agrícolas esenciales y otros bienes y servicios. Esas medidas son fundamentales para respaldar la salud y el bienestar de todas las personas, teniendo en cuenta las repercusiones que pueden tener las demoras en los reconocimientos, las inspecciones, las auditorías, el servicio a bordo y la renovación o el refrendo de los certificados de la gente de mar, así como de los buques. Se recomienda un enfoque "pragmático, práctico y flexible", reconociendo que muchos Estados de abanderamiento han concedido exenciones, dispensas y prórrogas de certificados y que la OMI ha distribuido información al respecto. Los regímenes de PSC instaron a que esas prácticas se normalizaran y armonizaran y pidieron a la OMI que apoyara la elaboración de las orientaciones correspondientes.

* https://www.ilo.org/global/standards/maritime-labour-convention/WCMS_741024/lang--en/index.htm

La reunión fue una buena oportunidad para plantear algunas de las preocupaciones específicas que las nueve organizaciones intergubernamentales, reconocidas como entidades consultivas por la OMI, pueden tener en estos tiempos difíciles. A fin de asegurar un seguimiento adecuado y medidas correctivas, la OMI se ha comprometido inicialmente a mantener y mejorar este canal de comunicación en el contexto de la crisis actual.

Todos los participantes convinieron en promover, según se hizo eco y amplió en esa reunión, el valor del espíritu de cooperación imperante y la importancia de una mejor comprensión de los problemas a que se enfrentan todas las partes, incluidos los regímenes de PSC, y la elaboración de soluciones sensatas, prácticas y unificadas, en el verdadero espíritu de nuestro "viaje juntos".

ANNEX 2

STATEMENTS AND/OR RELEVANT TEMPORARY GUIDANCE ISSUED BY THE UNITED STATES, THE ACUERDO DE VIÑA DEL MAR AND THE CARIBBEAN, INDIAN OCEAN, MEDITERRANEAN, PARIS AND TOKYO MOUS

United States



Marine Safety Information Bulletin

Commandant
U.S. Coast Guard
Inspections and Compliance Directorate
2703 Martin Luther King Jr Ave SE, STOP 7501
Washington, DC 20593-7501

MSIB Number: 09-20
Date: March 26, 2020

E-Mail: OutbreakQuestions@uscg.mil

Vessel Inspections, Exams, and Documentation

The uninterrupted flow of commerce on our Marine Transportation System (MTS) is critical to both National Security and National economic well-being. During this National emergency for COVID-19 it is paramount that the Coast Guard safeguards the continued operation of the MTS to ensure our domestic supply chain continues uninterrupted. Commercial vessel compliance activities should, to the extent possible, continue so as to safeguard the MTS and prevent an undue backlog from causing future delays. To facilitate the safe flow of commerce, the Coast Guard will liberally use remote inspection techniques to verify vessel compliance and, if needed, defer inspections. The following is the Coast Guard's current position on commercial vessel compliance activities:

Prior to boarding a vessel or immediately prior to conducting a pre-exam/inspection meeting, Marine Inspectors, Port State Control Officers (PSCOs), and Commercial Fishing Vessel Examiners will verify with the vessel representative that there are no ill persons onboard. Coast Guard personnel will practice the appropriate protective measures as outlined by the Centers for Disease Control and Prevention (CDC).

U.S. Flagged Vessel and Outer Continental Shelf (OCS) Inspections:

1. U.S. flagged vessels and OCS units due for Certificate of Inspection (COI) Renewals, Annual Inspections, Periodic Inspections, Dry Dock Exams, and Internal Structural Examinations (ISE) that are based on statutory or regulatory requirements should be addressed on a case-by-case basis by the local OCMI. Based on the OCMI's evaluation of the history of the vessel and in consultation with the vessel owner or operator, the OCMI may:
 - o Require Coast Guard attendance onboard the vessel to conduct a full or abbreviated inspection;
 - o Accept objective evidence such as recent classification surveys, pictures, video, vessel logs, machinery alarm reports, etc., in lieu of Coast Guard attendance onboard the vessel to credit a required inspection or exam. (A dry dock, pressure vessel, or other non-annual exam may only be credited for a maximum of one year.);
 - o Defer a required inspection or exam for up to 90 days; or
 - o Issue a CG Form CG-835V to restrict the vessel movement as a worklist item.
2. Recognized Organizations (ROs) and Third Party Organizations (TPOs) that are conducting surveys and audits on behalf of the Coast Guard may request extensions on a case-by-case basis on behalf of the vessel owner or operator. This includes both internal and external surveys for those companies/vessels subject to Subchapter M requirements. Surveys and audits that require travel to or through high-risk affected areas will generally constitute sufficient reason for the Coast Guard to grant an extension. When evaluating if an extension will be granted, the OCMI or the Office of Commercial Vessel Compliance (CG-CVC) will evaluate the vessel's history of compliance and may require objective evidence to verify if the vessel complies with the applicable laws and regulations. Any extension of a statutory or

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regulatory required survey or audit will be documented in writing by the RO/TPO and should generally not be more than 90 days. ROs/TPOs that seek to use remote survey in lieu of attendance on vessels that are both classed and certificated should contact the Flag State Control Division (CG-CVC-4) or the Towing Vessel National Center of Expertise (TVNCOE) to propose the methods and administrative procedures that will be used. Extension requested for vessels subject to Subchapter M requirements should be relayed by the TPO to the OCMI.

3. The same allowances should be considered for companies that are required to complete internal vessel and management audits as required by ISM or TSMS. These companies should work through their RO/TPO for extension requests; however, extensions granted for this work is not required to be reported to the CG, but rather documented by company and RO/TPO.

Port State Control (PSC) Exams:

1. The Coast Guard will continue to use a risk based program to determine which vessels will be required to undergo a Port State Control Exam. The Coast Guard will not issue deficiencies or detain vessels for expired certificates, documents or mariner credentials until October 1, 2020.
2. Certain Certificate of Compliance (COC) exams are a statutory and regulatory requirement. Based on the OCMI's evaluation of the history of the vessel, the OCMI may:
 - o Require Coast Guard attendance onboard the vessel to conduct a full or abbreviated exam;
 - o Accept objective evidence such as vessel status within Qualship 21, previous port state or flag state exams, recent classification surveys, pictures, video, vessel logs, machinery alarm reports, etc. in lieu of Coast Guard attendance onboard the vessel to credit a required inspection or exam; or
 - o Defer a required inspection or exam for up to 90 days

Fishing Vessel Safety (FVS) Exams:

1. U.S. flagged commercial fishing industry vessels that are due for a 5 year commercial fishing vessel safety dockside exam that is based on statutory or regulatory requirements, will be addressed on a case-by-case basis by the local OCMI.
2. Based on the OCMI's evaluation of the history of the vessel and in consultation with the vessel owner or operator, the OCMI may:
 - o Require Coast Guard attendance onboard the vessel to conduct a full or abbreviated exam; or
 - o Defer a required exam for up to 90 days.
3. If a deferral is made, the OCMI will issue a letter of deferral to the vessel owner/operator. The letter of deferral will be retained on board the vessel.
4. Accepted Organizations (AO) and Similarly Qualified Organizations (SQO) that are recognized TPOs conducting FVS Exams on behalf of the Coast Guard. The TPO may defer a required FVS Exam for up to 90 days. If a deferral is made, a signed letter of deferral will be issued by the TPO to the vessel owner/operator. The letter of deferral will be retained on board the vessel. If a deferral is made, the TPO shall notify the cognizant OCMI or Coast Guard District Commercial Fishing Vessel Safety (CFVS) Coordinator.

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Commercial Fishing Industry:

1. Certain commercial fishing vessels request a FVS Exam prior to carrying a National Oceanic & Atmospheric Administration National Marine Fisheries Service (NOAA-NMFS) observer. These requests shall continue to be coordinated through the cognizant OCMI. Processing and accommodating requests for a FVS Exam will be addressed on a case-by-case basis by the OCMI.

For additional information, please use the following contact information:

U.S. Flagged vessels CGCVC@uscg.mil

PSC examinations PortStateControl@uscg.mil

Commercial Fishing Vessel Safety CGFishSafe@uscg.mil

Richard V. Timme, RDML, U. S. Coast Guard, Assistant Commandant for Prevention Policy sends

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Acuerdo de Viña Del Mar



Email

FOR: Member Maritime Authorities
FROM: Viña del Mar Agreement Secretariat
SUBJECT: "PROVISIONAL GUIDANCE TO FACE THE IMPACT OF COVID-19, WITH REGARD TO IMO CONVENTIONS AND MLC 2006"

DATE: 06 ABR 2020

No. 30/20

The Secretariat of the Viña del Mar Agreement takes this opportunity to convey our regards to your Maritime Authority and addresses you to submit, for your consideration, a draft of a "Provisional Guidance to face the impact of COVID-19" in the framework of the Latin American Agreement on Port State Control of Vessels.

Following the statement, from last March 11, 2020, made by the World Health Organization (WHO), referring to the outbreak of the new coronavirus (COVID-19) as a pandemic, the crisis that international shipping is undergoing and the challenges that the industry faces to meet the regulatory requirements under the relevant IMO conventions and the Maritime Labour Convention 2006 (CTM 2006) are acknowledged.

On this basis, the Latin American Agreement Secretariat, in view of the concerns raised regarding the effects of this pandemic in the region, has been carrying out a constant information exchange to find common guidelines on a regional basis to protect the health and safety of port State control officers and seafarers on board of vessels, while recognising that in these times of global crisis it is essential to maintain supply chains open and trade, transport and maritime services in movement.

Besides, associated difficulties have arisen for ship owners and companies to coordinate inspections and/or audits to ships and, at the same time, seafarers are also experiencing difficulties to attend the required training courses and to revalidate certificates.

Due to the implications of the outbreak of the coronavirus (COVID-19) for shipping, it is necessary that Member Maritime Authorities, in the exercise of port State control jurisdiction, ensure the full and effective implementation of measures for the safety of navigation, maritime protection, safety of persons and property on board and environmental protection, though considering the possibility to allow an exceptional delay in compliance under these special circumstances.

In this regard, the need for flexibility under these special circumstances is being considered, by adopting a pragmatism and practical approach regarding the actions implemented by flag States as a result of the impact of delays in surveys, inspections, audits, extensions in the validity of titles, certificates and endorsements of seafarers, etc, and their acceptance in the

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exercise of the port State control procedures, so as to avoid the adoption of non-coordinated measures that affect the regional port State control regime.

In this context, marked by the global public health emergency, and with a view to provide the member Maritime Authorities with common guidelines to address in a harmonized way the issues concerning international shipping in the region, the Agreement Secretariat submits for its consideration the document called "PROVISIONAL GUIDANCE TO FACE THE EFFECTS OF THE OUTBREAK OF COVID-19, WITH REGARD TO IMO CONVENTIONS AND MLC 2006", which sets out the concerns and courses of action arising from the recent information exchange.

This provisional document will be reviewed and updated based on future initiatives by the IMO/ the ILO or future developments of the pandemic in the region.

Yours sincerely,



Italo D'Amico
REAR ADMIRAL
Deputy Executive Secretary
Latin American Agreement of Viña del Mar

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For: Members, Cooperating Members and Observers of the Latin American Agreement on Port State Control of Vessels – Viña del Mar 1992

PROVISIONAL GUIDANCE TO FACE THE EFFECTS OF THE OUTBRAKE OF COVID-19, WITH REGARD TO THE RELEVANT IMO CONVENTIONS AND THE MARITIME LABOUR CONVENTION OF THE ILO

Introduction

In view of the global impact of the outbreak of the new coronavirus (COVID-19) and based on the IMO Circular Notes regarding the effects of the pandemic on international shipping, the Member Authorities of the Latin American Agreement on Port State Control of Vessels agreed to address the potential delay of surveys, inspections and audits and the extension of the validity of titles, including medical certificates and endorsements of seafarers and personnel on board of fishing vessels, and acknowledged that it may be necessary to allow some degree of flexibility under certain circumstances. As a general principle, the member Maritime Authorities of the Viña del Mar Agreement will implement the following guidance on a case-by-case basis.

General aspects

As the visit on board by port State control officers (PSCOs) in compliance with their duties implies a high level of exposure and it is essential to protect their health and physical integrity while health risks arising from the pandemic COVID-19 persist and pursuant to the basic security measures circulated in this regard by the World Health Organization (WHO), it is recommended that the port State control activities focus on those vessels that, according to the database of the Latin American Agreement Information Centre (CIALA), present a high risk factor, though recognising the effect that this may have on one of the pillars that the Agreement upholds: the commitment undertaken by the member Maritime Authorities to comply with a minimum number of inspections.

Prior to boarding the ship, the port State control officers (PSCOs) will confirm obtain confirmation from the master or the ship legal representative in the port of arrival that are no persons infected with COVID-19 or suspected of having contracted the virus. It will be considered that ships arriving from areas deemed as potentially dangerous by the public health authorities will dock, pursuant to the International Health Regulations, only after health checks have revealed that they pose no risk and free talking has been allowed.

Furthermore, it is advisable that PSCOs have appropriate personal protective equipment (which may include masks, hand sanitizers and other means to prevent the spread of the virus) before having contact with the crew, limiting, to the extent possible, the number of interactions with the personnel on board. It is also possible that the PSCO is invited to comply with other protocols or procedures introduced by the visiting ships to deal with the COVID-19.

Member Maritime Authorities are encouraged, in the event that PSCOs have applied follow-up measures for deficiencies identified during an inspection, which due to their nature do not present an unreasonable threat for the ship, the persons on board, the cargo carried and the marine environment (for example, codes 15 and 16), to apply the remote procedure approved to follow-up deficiencies (see paragraphs 26 to 28 of document CERP 16/J6), considering also to do it more broadly (code 17) and that the masters/companies submit the relevant documentary evidence (RO reports, dispensations by the flag State, photographic records, videos, etc) of the corrective actions implemented on board.



In relation to IMO relevant instruments

Surveys and Audit intervals

Whenever a ship has not complied with the surveys and audits required by IMO instruments and, as appropriate, with the provisions of the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) in force, the ship must submit the port State evidence that the flag State has agreed to admit an exceptional delay, specifically with regard to the COVID-19. Furthermore, there should be available evidence that the ship has an action plan that envisages the ways in which the ship will return to the regular cycle of surveys and/or audits.

In case there is no evidence from the flag State, the ship will be given the treatment normally applied under the port State control procedures of the Viña del Mar Agreement.

This pragmatical flexibilization of the requirements determined in IMO instruments should be adopted by port States control regimes, provided that the lack of compliance with the requirements by the vessels does not exceed three (3) months. Every ship exceeding that period of grace of three (3) months must receive the normal treatment.

Duration of certificates

Pursuant to the requirements of the relevant conventions, the flag State Administration may extend the validity of certificates up to three (3) months or it may issue short-term certificates. The periods of validity will not exceed three (3) months from the date of expiry of the original full-term certificates. In this case, the ship must submit the port State control evidence that the flag State Administration agreed to admit an exceptional delay, specifically with regard to the COVID-19 and that there is an action plan that envisages the way in which the ship will undergo the renewal survey and audits, as appropriate.

In case there is no evidence from the flag State, the ship will be given the treatment normally applied under the port State control procedures of the Viña del Mar Agreement.

This pragmatical flexibilization of the requirements determined in IMO instruments should be adopted by port States control regimes, provided that the lack of compliance with the requirements by the vessels does not exceed three (3) months. Every ship exceeding that period of grace of three (3) months must receive the normal treatment.

Installation of a Ballast Water Management System

In case the ship is not able to meet the specific requirements of Regulation B-3 of the Ballast Water Management Convention (BWM 2004), mainly due to dry-docking delays arising from the outbreak of coronavirus (COVID-19), the port State must confirm that the flag State has agreed to admit an exceptional delay, specifically with regard to the COVID-19. Furthermore, there should be available evidence that the ship has a dispensation issued by the flag State and an action plan that envisages that the ship will meet the requirements set out in Regulation B-3 of BWM.

This pragmatical flexibilization of the requirements determined in BWM should be adopted by port States control regimes, provided that the lack of compliance with the requirements by the vessels does not exceed three (3) months. Every ship exceeding that period of grace of three (3) months must receive the normal treatment.



In relation to the Maritime Labour Convention (MLC 2006)

In view of the global impact of the outbreak of the new coronavirus (COVID-19), many flag States have agreed to consider the extension of duty periods of seafarers on board of vessels and acknowledged that it may be necessary to allow some degree of flexibility under certain circumstances. As a general principle, the relevant port State authorities will implement the following guidance on a case-by-case basis.

Extension of duty periods on board

When the ship notifies the port State of the need to extend duty periods of seafarers on board, the owner must submit an action plan or a documented process that envisages the way in which the amendments to the MLC will be managed. Such action plan or documented process should include or consist of:

- Amendments to the relevant parts of the Declaration of Maritime Labour Compliance- Parts I and II- regarding paragraph 10 of the Standard A5.1.3 of MLC, which provides substantially equivalent solutions to address the situation of the virus COVID-19, adopted under paragraph 3 of article VI of such convention; or
- a dispensation letter issued by the flag State that includes the appropriate conditions and action plan submitted by the shipowner with the description of the measures adopted to meet the conditions imposed by the flag State.

Regarding some of the possible aspects that the port State should be attentive to, the following details are relevant to any action plan or equivalent document that may be submitted in this regard:

- .1 The flag State has contacted the owner and he has inquired the crew and the relevant seafarers' organizations?
- .2 What are the intended voyages, in case the ship is not heading to areas affected by the pandemic COVID-19?
- .3 Do the members of the crew wish or request to stay on board? It has been noted that in certain cases crew members wish to stay on board as they cannot return to their homes because they live in areas affected by the COVID-19.
- .4 How will the rights of crew members be protected pursuant to MLC? The shipowner should specify how crew members' rights will be protected in view of their extended stay on board and the plans that the shipowner has conceived to repatriate them.

If the port State is satisfied, it may accept the proposals and will also consider the possibility to communicate this decision to the competent authorities of the next port that the ship proceeds to.

Review of the provisional guidance

This provisional guidance will be reviewed as appropriate, to stay aligned with the effects of the virus COVID-19 on international shipping and with the future initiatives of the IMO and the ILO, as applicable.

Caribbean MoU



PRESS RELEASE

GUIDANCE FOR DEALING WITH IMPACT OF THE OUTBREAK OF THE COVID-19

Recognizing that, due to the outbreak of the COVID-19, the industry is facing challenges in meeting statutory requirements and obligations required by the CMOU's Relevant Instruments (IMO and ILO Conventions), the member Administrations of the Caribbean MOU have agreed to adopt guidance for dealing with the circumstances (such as extending periods of service onboard of seafarers, delaying periods for surveys, inspections and audits, etc.) in a pragmatic and harmonized approach.

The guidance is prepared based on the general principle that any requests/issues would be considered on a case-by-case basis by the relevant port State. In accordance with the guidance, the port State should request the operator concerned to confirm that the flag State and/or RO, relevant seafarers organisations (if appropriate) have been involved in the process. For consideration of the request by the port State, operators/companies concerned should provide a plan or process containing equivalent solutions to address the COVID-19 situation and letters of dispensation or exemption by the flag State or RO, under which the period of grace for delaying surveys, inspections or audits should be no more than three months, in accordance with the relevant regulations of conventions.

The guidance will be reviewed upon any future initiatives IMO/ILO or developments of the situation.

March 18, 2020

Contact:

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Mr. Michel Amafo – Chairman * Mr. Joel Walton – Vice Chairman * Mrs. Judi Barrow – Secretary General
Member States: Antigua and Barbuda * Aruba * Bahamas * Barbados * Belize * Bermuda * Cayman Islands * Cuba * Curaçao * France * Grenada * Guyana
* Jamaica * Netherlands, The Kingdom of * St. Lucia * St. Christopher & Nevis * Sint Maarten * St. Vincent & the Grenadines * Suriname * Trinidad & Tobago
Associate Member States: British Virgin Islands



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CARIBBEAN MOU GUIDANCE REGARDING THE IMPACT OF COVID-19

The Caribbean Memorandum of Understanding on Port State Control (CMOU) along with other regional MOUs recognises the crisis which is affecting the globe on a whole and in particular the international shipping industry. As such, the CMOU has been working along with its Member States to ensure that their port State control officers are able to carry out their duties in a safe and efficient manner while also protecting the welfare of seafarers on the ships. The CMOU also recognises that due to the nature of the Caribbean region it is essential to ensure that trade among our islands remains open, however at the same time it is proving somewhat difficult for shipowners to arrange vessel surveys and other obligations under the various IMO/ILO Conventions.

It has therefore become necessary for the CMOU to develop temporary guidance for its Member States during the COVID-19 crisis which will allow our PSCOs to apply flexibility under these special circumstances. In addition, Governments of the regions have also enacted national measures which can also affect the region's port State control regime.

As a general principle, a pragmatic approach regarding the delays for surveys, inspections and audits; the extension of validity of the ship's certificates; extended periods of service on board and delaying periods for personnel certification (STCW'95 and MLC, 2006) will be utilised on a case-by-case basis for periods up to maximum three months. In such cases, it is expected that there is active involvement of the flag State, and, if appropriate, the Recognised Organisation, where necessary.

The temporary instruction might also be reviewed, as appropriate, to keep aligned with the swiftly successive developments of the COVID-19 virus and future initiatives by applicable stakeholders.

The CMOU would like to express its concern for the safety of our PSCOs and seafarers globally and reiterates its support during this very difficult and ever-changing time.

COMMITTEE MEMBERS:

Mr. Michel Amato – Chairman * Mr. Joel Walton – Vice Chairman * Mrs. Jodi Barrow – Secretary General
Member States: Antigua and Barbuda * Aruba * Bahamas * Barbados * Belize * Bermuda * Cayman Islands * Cuba * Curaçao * France *
Grenada * Guyana * Jamaica * Netherlands, The Kingdom of * St. Lucia * St. Christopher & Nevis * Suriname * Trinidad & Tobago
Associate Member States: St. Vincent & the Grenadines



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GUIDANCE FOR DEALING WITH IMPACT OF THE OUTBREAK OF THE COVID-19 RELATING TO MLC 2006

Introduction

Noting the impact of the COVID-19 the Caribbean MOU has agreed to consider the issue of extending periods of service on board ships and accept there may be a need to apply flexibility under the circumstances. As a general principle requests would be considered on a case by case basis by the relevant port State.

Guidelines for port States

In doing so the port State should request the operator of the ship confirm that the flag State and relevant seafarer organisations (if applicable) have been involved in the process.

When advising the port State of the need to extend periods on board the operator should provide a plan or process that covers how variations to the MLC requirements would be managed. This plan or process may include, or consist of:

- Amendments to the relevant parts of the Declaration of Maritime Labour Compliance – Part I & II respect of section 10 of Standard A5.1.3 of the MLC that to provide specific equivalents solutions to address the 2019-nCoV virus situation.
- Letter of dispensations issued by flag States including appropriate conditions, accompanied by a plan submitted by the ship owner describing what measures being taken to comply with the conditions imposed by the flag State.

As an indicator of what the port State should look at, details such as those listed below would be relevant to any plan or equivalent issued:

1. Has the flag state been engaged and has the operator also consulted with the crew and relevant seafarer organisations?
2. What are the anticipated voyages noting such latitude may not be required where the vessel is not headed toward a COVID-19 area.
3. Are the crew willing to, or requesting to, stay on board? There can be no uncertainty about this element. We note that in some cases crew may want to remain on board as they cannot get home where they live in a COVID-19 area.
4. How are the crew' entitlements under MLC to be protected? The ship owner should advise how the crews' entitlements are to be protected in light of the extended stay on board and what plans the ship owner has to repatriate them.

COMMITTEE MEMBERS:

Mr. Michel Amado – Chairman * Mr. Joel Walton – Vice Chairman * Mrs. Jodi Barrow – Secretary General

Member States: Antigua and Barbuda * Aruba * Bahamas * Barbados * Belize * Bermuda * Cayman Islands * Cuba * Curaçao * France *

Grenada * Guyana * Jamaica * Netherlands, The Kingdom of * St. Lucia * St. Christopher & Nevis * St. Vincent & the Grenadines * Sint Maarten

* Suriname * Trinidad & Tobago

Associate Member States: British Virgin Islands

CARIBBEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL

LETTER (Continued)

If the port State was satisfied then they would not object to such proposals and should communicate this fact to the administration of the next port the vessel is headed to. It is up to the operator to confirm the next port similarly has no objection.

COMMITTEE MEMBERS:

Mr. Michel Amadi – Chairman * Mr. Joel Walton – Vice Chairman * Mrs. Judi Barrow – Secretary General

Member States: Antigua and Barbuda * Aruba * Bahamas * Barbados * Belize * Bermuda * Cayman Islands * Cuba * Curaçao * France *

Grenada * Guyana * Jamaica * Netherlands, The Kingdom of * St. Lucia * St. Christopher & Nevis * Suriname * Trinidad & Tobago

Associate Member States: St. Vincent & the Grenadines

Indian Ocean MoU



INDIAN OCEAN MOU ON PORT STATE CONTROL SECRETARIAT

PRESS RELEASE

INDIAN OCEAN MOU ISSUING GUIDANCE FOR DEALING WITH IMPACT OF THE OUTBREAK OF THE COVID-19

Recognizing that, due to the outbreak of the COVID-19, the entire Global Shipping industry is facing numerous challenges in meeting statutory requirements stipulated in the Maritime Labour Convention 2006 (MLC 2006) and other relevant IMO conventions,

Understanding that there is a necessity to deal with such crucial circumstances (such as extending periods of service onboard of seafarers, delaying periods for surveys, inspections and audits, etc. as necessary) by adopting some important and critical guidance among the member Authorities, and

Also realising that the Indian Ocean MOU's one of the primary responsibilities is to harmonise its port State control activities along with the other MOUs associated with IMO,

The Member Authorities of the IOMOU have agreed to adopt an important and pragmatic guidance in the most practical and harmonized approach.

This guidance is prepared based on the general principle that requests/issues from the operators/owners/managers would be considered on a case-to-case basis by the relevant port State Authority.

In accordance with the guidance, the port State Authority should request the operator/owner/manager concerned to confirm that the flag State and/or the RO, relevant seafarers' organizations (as appropriate) have been involved in the process. For consideration of the request by the port State Authority, operators/owners/ship managers concerned should provide a plan or process containing equivalent solutions to address the COVID-19 situation and letters of dispensation or exemption issued by the flag State or RO, under which the period of grace for delaying surveys, inspections or audits should be reflected, however, such period at this moment, shall not be exceeding more than three months from the date of expiry of the applicable certificates, in accordance with the relevant regulations of the conventions.

The guidance will be reviewed upon any future initiatives taken by the IMO/ILO or developments of the situation.

20 March 2020

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Circular Letter No. 2/2020
Date: 20.03.2020

GUIDANCE FOR DEALING WITH IMPACT OF THE OUTBREAK OF THE COVID-19 RELATING TO RELEVANT IMO CONVENTIONS

Introduction

Noting the global impact of COVID-19 and considering the relevant IMO Circular Letters, the member Authorities of the Indian Ocean have agreed to consider the issue of delaying periods for the surveys, inspections and audits, and accept there may be a need to apply flexibility under the special circumstances. As a general principle the following guidelines would be applied on a case by case basis by the relevant port State Authority.

Guidelines for port States

Interval of surveys and audits required by the conventions

In the event that a ship has not complied with the requirements of the surveys, inspections and audits contained in relevant convention requirements (SOLAS Chapter I Regulation 10 etc.), the ship must provide evidence to the port State that the flag State has agreed to an exceptional delay specific to COVID-19. There should also be evidence that the ship has a plan that covers how the ship will be brought back into the regular survey or audit cycle.

This pragmatic relaxation of requirements should be applied by port States on ships which have exceeded the requirements by not more than three months. Any vessel beyond the grace period of three months should be treated in the normal manner.

Duration of certificates

In accordance with the relevant convention requirements, the flag State Administration may extend the validity of certificates up to three months or may issue short term certificates, the period of the validity is no more than three months from the expiry date of the full term original certificates. In such case the ship must provide the evidence to the port State that the flag State Administration has agreed to an exceptional delay specific to COVID-19 and that the ship has a plan that covers when the ship will be scheduled to be subject to the renewal survey and audits.

Where there is no evidence from the flag State, the ship should be treated in the normal manner as per the Indian Ocean MOU procedures.

This pragmatic relaxation of requirements should be applied by port States on ships which have exceeded the requirements by not more than three months. Any vessel beyond the grace period of three months from the expiry date of the full term original certificates should be treated in the normal manner.

Installation of Ballast Water Management System

In the event that a ship cannot meet the requirements of Regulation B-3 of the Ballast Water Management convention due to delay of dry-docking caused by disruption from COVID-19, the port State should seek confirmation that the flag State has agreed to an exceptional delay specific to COVID-19. There should also be evidence that the ship has a plan that covers how the ship will comply with the requirements of Regulation B-3 of BWM.

This pragmatic relaxation of requirements should be applied by port States on ships which have exceeded the date required by not more than three months. Any vessel beyond the grace period of three months should be treated in the normal manner.

Review of the guidance

This guidance will be reviewed as appropriate to keep aligned with developments of the COVID-19 virus and future initiatives by IMO.



Circular Letter No. 1/2020
Date: 20.03.2020

GUIDANCE FOR DEALING WITH IMPACT OF THE OUTBREAK OF THE COVID-19 RELATING TO MLC 2006

Introduction

Noting the impact of the COVID-19 the member Authorities of Indian Ocean MOU has agreed to consider the issue of extending periods of service on board ships and accept there may be a need to apply flexibility under the circumstances. As a general principal requests would be considered on a case by case basis by the relevant port State.

Guidelines for port States

In doing so the port State should request the operator of the ship confirm that the flag State and relevant seafarer organisations (if applicable) have been involved in the process.

When advising the port State of the need to extend periods on board the operator should provide a plan or process that covers how variations to the MLC requirements would be managed. This plan or process may include, or consist of:

- Amendments to the relevant parts of the Declaration of Maritime Labour Compliance – Part I & II respect of section 10 of Standard A5.1.3 of the MLC that to provide specific equivalent solutions to address the 2019-nCoV virus situation.
- Letter of dispensations issued by flag States including appropriate conditions, accompanied by a plan submitted by the ship owner describing what measures being taken to comply with the conditions imposed by the flag State.

As an indicator of what the port State should look at, details such as those listed below would be relevant to any plan or equivalent issued:

1. Has the flag state been engaged and has the operator also consulted with the crew and relevant seafarer organisations?
2. What are the anticipated voyages noting such latitude may not be required where the vessel is not headed toward a COVID-19 area.

3. Are the crew willing to, or requesting to, stay on board? There can be no uncertainty about this element. We note that in some cases crew may want to remain on board as they cannot get home where they live in a COVID-19 area.
4. How are the crew' entitlements under MLC to be protected? The ship owner should advise how the crews' entitlements are to be protected in light of the extended stay on board and what plans the ship owner has to repatriate them.

If the port State was satisfied then they would not object to such proposals and should communicate this fact to the administration of the next port the vessel is headed to. It is up to the operator to confirm the next port similarly has no objection.

Mediterranean MoU



الأمانة العامة لرقابة دول البحر المتوسط على الموانئ
Mediterranean MoU On PSC Secretariat

Med MoU on PSC Circular regarding COVID-19 Pandemic

Alexandria in 1st of April 2020

To: All Med MoU Member States

In the current context of the outbreak of COVID-19; The Mediterranean Memorandum of Understanding on Port State Control is keeps a close eye on the difficulties faced by member States and their Port State Control Officers with regards the implementation of port state control obligations.

And, in light of the attendant lockdown during this pandemic; the Med MoU on PSC Secretariat has also received several communications from numerous interested parties regarding the extensions of validity of the ships' certificates, seafarers' certificates and extensions of the seafarers' service periods onboard.

Recalling the circulars issued by the IMO which encourage Port State control Authorities to take a pragmatic and practical approach in relation to these certificates and endorsement extensions to avoid unduly detaining or delaying ships. The Circulars also seek to safeguard and protect our Port State Control Officers and the Seafarers on board the ships. The Med MoU on PSC is issuing this Circular to encourage Med MoU member states to take immediate and pragmatic action with regards to the extensions of validity of the ship's certificates, seafarers' certificates including medical certificates and extensions of service period onboard.

In the same context and in line with the suggested immediate and pragmatic actions, the Med MoU on PSC Secretariat is announcing the reduction of the annual total number of inspections corresponding to 7% instead of 15% of the estimated number of individual foreign ships which entered the ports of a member State during the year 2020.

This circular should not contradict any of the National Procedures currently implemented by any member State and the Circular will be updated, as appropriate, to remain in line with the developments of the COVID-19 Pandemic.

All Med MoU member States are kindly requested to communicate any information on the measures adopted by its maritime Authorities with regards to Port State Control, to the Secretariat of the Med MoU on PSC.

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Paris MoU



Press release

26 March 2020

PARIS MOU GUIDANCE REGARDING THE IMPACT OF COVID-19

The Paris Memorandum of Understanding on Port State Control (Paris MoU) acknowledges the crisis which the international shipping industry is facing. The Paris MoU is working to help Member Authorities protect the health and safety of our Port State Control Officers and also the seafarers on the ships. The Paris MoU acknowledges further that at this time it is essential to keep supply chains open and also that it is proving very difficult for shipowners to arrange vessel surveys. It is also very difficult for seafarers to attend the required training courses and to revalidate their certificates.

In this regard the Paris MoU has developed temporary guidance for its Member Authorities during the COVID-19 crisis. The guidance recognises that there is a need to apply flexibility under these special circumstances. Forced by the current situation, Member Authorities have implemented national measures which are affecting the region's port State control regime.

The temporary guidance sets out parameters for the adoption of a pragmatic approach to be taken in the region. The key to this approach is the recognition that measures are being taken by flag States recognising the challenges the maritime industry is facing. Guidance for the port State control Authorities has been drafted regarding:

- Impact of delays for surveys, inspections and audits
- extensions of validity of the ship's certificates
- extended periods of service on board
- delaying periods for personnel certification (STCW'95 and MLC,2006)

As a general principle, a pragmatic approach regarding the mentioned issues is suggested to be taken on a case-by-case basis for periods up to maximum three months. In such cases it is expected that there is active involvement of the flag State, and, if appropriate, the Recognised Organisation. This would include evidence that

the ship has a plan that covers how the ship will be brought back in compliance with the requirements.

Whether an inspection takes place remains the decision of the port State. A vessel can be considered self-isolating only if there are no ship-shore interfaces.

The temporary guidance may be reviewed, as appropriate, to keep aligned with the rapidly successive developments of the COVID-19 virus and future initiatives by relevant stakeholders.

The Paris MoU wishes to express its solidarity with the international shipping sector and the seafarers at this difficult time.

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Notes to editors:

Regional Port State Control was initiated in 1982 when fourteen European countries agreed to coordinate their port State inspection effort under a voluntary agreement known as the Paris Memorandum of Understanding on Port State Control (Paris MOU). Currently 27 countries are member of the Paris MOU. The European Commission, although not a signatory to the Paris MOU, is also a member of the Committee.

The Paris MoU is supported by a central database THETIS hosted and operated by the European Maritime Safety Agency in Lisbon. Inspection results are available for search and daily updating by MoU Members. Inspection results can be consulted on the Paris MoU public website and are published on the Equasis website.

The Secretariat of the MoU is provided by the Netherlands Ministry of Infrastructure and Water Management and located in The Hague.

Port State Control is a check on visiting foreign ships to verify their compliance with international rules on safety, pollution prevention and seafarers living and working conditions. It is a means of enforcing compliance in cases where the owner and flag State have failed in their responsibility to implement or ensure compliance. The port State can require deficiencies to be corrected, and detain the ship for this purpose, if necessary. It is therefore also a port State's defence against visiting substandard shipping.

Tokyo MoU



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PRESS RELEASE

TOKYO MOU ISSUING GUIDANCE FOR DEALING WITH IMPACT OF THE OUTBREAK OF THE COVID-19

Recognizing that, due to the outbreak of the COVID-19, the industry is facing challenges in meeting statutory requirements stipulated in Maritime Labour Convention 2006 (MLC 2006) and relevant IMO conventions, member Authorities of the Tokyo MOU have agreed to adopt guidance for dealing with the circumstances (such as extending periods of service onboard of seafarers, delaying periods for surveys, inspections and audits, etc.) in a pragmatic and harmonized approach.

The guidance is prepared based on the general principle that requests/issues would be considered on a case-by-case basis by the relevant port State Authority. In accordance with the guidance, the port State Authority should request the operator concerned to confirm that flag State and/or RO, relevant seafarers organizations (if appropriate) have been involved in the process. For consideration of the request by the port State Authority, operators/companies concerned should provide a plan or process containing equivalent solutions to address the COVID-19 situation and letters of dispensation or exemption by the flag State or RO, under which the period of grace for delaying surveys, inspections or audits should be no more than three months, in accordance with the relevant regulations of conventions.

The guidance will be reviewed upon any future initiatives IMO/ILO or developments of the situation.

12 March 2020

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Notes to editors:

* The Memorandum of Understanding on Port State Control in the Asia-Pacific Region, known as the Tokyo MOU, was signed among eighteen maritime Authorities in the region on 1 December 1993 and came into operation on 1 April 1994. At present, Tokyo MOU consists of 21 member Authorities: Australia, Canada, Chile, China, Fiji, Hong Kong (China), Indonesia, Japan, Republic of Korea, Malaysia, Marshall Islands, New Zealand, Panama, Papua New Guinea, Peru, Philippines, Russian Federation, Singapore, Thailand, Vanuatu and Viet Nam. Mexico adheres to the Tokyo MOU as a co-operating member Authority. The Democratic People's Republic of Korea, Macao (China), Samoa, Solomon Islands, Tonga, the United States Coast Guard, the International Maritime Organization, the International Labour Organization and the Secretariats of the Paris, the Indian Ocean, the Black Sea, the Riyadh, the Caribbean and the Abuja Memoranda of Understanding on Port State Control and the Viña del Mar Agreement are associated with the Tokyo MOU as observers.

The Secretariat of the Memorandum is located in Tokyo, Japan. The PSC database system, the Asia-Pacific Computerized Information System (APCIS), was established. The APCIS center is located in Moscow, under the auspices of the Ministry of Transport of the Russian Federation.

Port State Control (PSC) is a check on visiting foreign ships to verify their compliance with international rules on safety, security, marine environment protection and seafarers living and working conditions. It is a means of enforcing compliance in cases where the owner and flag State have failed in their responsibility to implement or ensure compliance. The port State can require defects to be put right, and detain the ship for this purpose if necessary. It is therefore also a port State's defense against visiting substandard shipping and PSC is the second defense for ensuring safety, security, marine environment protection and seafarers living and working conditions.



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PRESS RELEASE

TOKYO MOU REVISING THE GUIDANCE FOR DEALING WITH IMPACT OF THE PANDEMIC OF THE COVID-19

For dealing with the impact of the outbreak of COVID-19 in a pragmatic and harmonized approach in the region, Tokyo MOU adopted the relevant guidance on 12 March 2020 for port State Authorities to apply pragmatic relaxation on requests for extending periods of service onboard of seafarers, delaying periods for surveys, inspections and audits on a case-by-case basis. In accordance with the guidance, port State Authorities would accept the period of grace for delaying surveys, inspections or audits extended by flag State Administration and/or RO up to three months from the middle of January 2020 (starting of the outbreak of COVID-19). Taking into account that serious interruptions to the shipping industry become long-lasting as the consequence of the COVID-19 situation changed from epidemic into the world pandemic, Tokyo MOU reviewed and revised the relevant guidance in order to cope with the uncertain circumstances.

Noting that no end sign of the situation can be expected at the moment, the guidance is revised to allow port State Authorities to apply the pragmatic relaxation for an appropriate grace period for delaying periods for surveys, inspections and audits specific to COVID-19 given to ship by the flag State Administration and/or RO. The revised guidance will be effective from 15 April 2020.

The guidance may be further reviewed upon any future initiatives IMO/ILO or developments of the situation.

10 April 2020

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