



INDIAN OCEAN MOU ON PORT STATE CONTROL SECRETARIAT

PRESS RELEASE

AMENDMENT TO GUIDANCE FOR DEALING WITH IMPACT OF THE OUTBREAK OF THE COVID-19 ISSUED VIDE PRESS RELEASE DATED 20 TH MARCH 2020.

1. The International Maritime Organization (IMO) along with the World Health Organization (WHO), issued a circular No. 4204/Add.2 dated 21 February 2020, in the form of a "Joint Statement", on the response to the outbreak of "COVID-19 Pandemic". In the stated IMO circular letter, all the member States are requested to take appropriate pragmatic flexible measures within the scope of the relevant IMO instruments for the purpose of smooth sailing, protection of the ships crews' certification, health certificates, statutory survey and other mandatory certification including Audit certificates, dry dock, annual surveys, etc. Accordingly, the member Authorities of the Indian Ocean MOU (IOMOU), were advised to take proactive measures vide issuance of a press release on 20 March 2020. The said press release outlined the guidance, for dealing with the situations arising due to the impact of the outbreak of the COVID-19, within the scope of the relevant IMO Conventions (Refer Annex 1, affixed at the end of this press release).
2. The IOMOU members have adopted above referred guidance for the purpose of issuance of extension of various STCW certificates, Statutory certificates, Annual surveys, extension of Dry-docking and Audit certificates as relevant to the International Shipping.
3. Subsequently, many flag States and other MoUs also made similar arrangements for their fleet for the purpose of granting exemptions of survey and certification with respect to various IMO instruments, and also for granting extension of the MLC /ILO, STCW certificates within the scope of their national applicable rules and regulations.
4. After WHO declared COVID-19 as Pandemic outbreak, IMO issued few more circular letters (4204/Add.3, 4204/Add.4, 4204/Add.5, 4204/Add.6 and 4204/Add.7) requesting all the IMO member states for further necessary actions. Particularly in the Addendum 6 of the circular letter 4204, Mr. Kitak Lim, the Secretary General of the IMO urged all the IMO Member States to take a practical, pragmatic and more flexible approach, in these unusual unprecedented critical situations, to the issues like crew change-over, supplies, repairs, survey & certification and licensing of seafarers.

5. Thereafter, many IMO member States, considering that this is an absolutely unprecedented critical situation due to outbreak of COVID-19 Pandemic, (approximately 75 flag States of different PSC regimes) issued new circulars or have revised their earlier circulars extending the period of exemptions of the STCW certificates, Statutory and other mandatory certificates etc, without compromising with the ship's safety, seafarers' health, protection of the sea and marine environment.
6. During the video conference meeting held between IMO and 10 MoUs of the PSC regimes on 8 April 2020, various important issues were discussed with respect to PSC activities during this critical phase of the outbreak of COVID-19 pandemic. It was concluded that *"The respective roles of the flag States and port States to solve this crisis, in terms of supporting maritime trade, are paramount, and can also be significantly assisted by the industry. At the same time, the safety of life at sea, the protection of the marine environment and the respect of seafarers as keyworkers must remain shared priorities"*. (Refer Annex 2 for the Joint Statement agreed by the video meeting provided in Annex 1 of the IMO Circular Letter No. 4204/Add.8)
7. In view of the foregoing and as the COVID-19 has taken an unprecedented pandemic situation, anticipating its long term effect, understanding from the present scenario that this critical situation is not going to improve substantially, in near future, also realizing that there is a vital need for maritime administrations to grant a reasonable period of exemption / extension / relaxation beyond three months for the STCW, MLC/ILO related certificates and other mandatory/statutory certificates of the vessels relevant to IMO conventions, the member Authorities of the Indian Ocean MOU have decided to revise the earlier guidelines issued vide Press Release dated 20th March 2020 with respect to relaxation period mentioned in various scenarios is now to be read as follows:
"This pragmatic relaxation / exemptions / dispensations granted by the flag state administration / R.O for an appropriate grace period beyond the relaxation periods permitted under various conventions for surveys, inspections and audits of ships and for certificates / documents of seafarers required as per MLC and STCW conventions specific to situations arising due to outbreak of COVID-19 pandemic should be accepted by the port State authorities. Any vessel beyond this grace period should be treated in the normal manner".
8. The above revision to the annex guidance issued vide press release dated 20th March 2020 will be effective from 16 April 2020.
9. The guidance may be further reviewed upon any future initiatives taken by the IMO/ILO/member Authorities or based on the developments of the situation.

16 April 2020

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Annex 1



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PORT STATE CONTROL SECRETARIAT**

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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.

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Circular Letter No.4204/Add.8
14 April 2020

To: All IMO Member States
United Nations and specialized agencies
Intergovernmental organizations
Non-governmental organizations in consultative status with IMO

Subject: **Coronavirus (COVID-19) – Video meeting with port State control (PSC) regimes**

1 The Secretary-General wishes to advise that a video meeting with 10 port State control (PSC) regimes was held on 8 April 2020 with a view to promote harmonized action, assistance and a pragmatic approach with respect to PSC inspections at this time of the COVID-19 pandemic. The meeting agreed a joint statement, as set out in annex 1.

2 This circular letter also contains the statements and/or relevant temporary guidance issued by the Viña del Mar Agreement, the Caribbean, Indian Ocean, Mediterranean, Paris and Tokyo Memoranda of Understanding (MoUs), as well as the United States Coast Guard as a national regime in relation to PSC activities in light of the COVID-19 pandemic, as set out in annex 2, which may be amended or updated from time to time.

3 Member States and other stakeholders are invited to bring the contents of this circular letter to the attention of all concerned, especially flag Administrations and port State and coastal State authorities.

ANNEX 1

JOINT STATEMENT

**VIDEO MEETING OF PORT STATE CONTROL REGIMES
TO OPEN A GLOBAL COMMUNICATION CHANNEL ON PSC INSPECTIONS
DURING THE COVID-19 PANDEMIC**

At the invitation of IMO Secretary-General Mr. Kitack Lim, the 10 port State control (PSC) regimes, namely the United States Coast Guard, the Viña del Mar Agreement and the Abuja, Black Sea, Caribbean, Indian Ocean, Mediterranean, Paris, Riyadh and Tokyo Memoranda of Understanding (MoUs) on PSC, came together in a video meeting on 8 April 2020, opening a global communication channel on PSC inspections during the COVID-19 pandemic.

The world in its entirety can feel the consequences of this crisis, which is impacting the supply chain at an unprecedented scale by creating international trade disruptions. This was also highlighted in the outcome of the March 2020 Virtual Summit of G20 Leaders on COVID-19. The respective roles of flag States and port States to solve this crisis, in terms of supporting maritime trade, are paramount, and can also be significantly assisted by the industry. At the same time, the safety of life at sea, the protection of the marine environment and the respect of seafarers as key workers must remain shared priorities, having also noted the release on 7 April 2020 of the ILO Information note on maritime labour issues and coronavirus (COVID19)*.

Individual flag and port States, through the efficient coordination and support of regional PSC regimes, have already adopted and implemented relevant measures and have circulated guidance to address current challenges. Inspection regimes are already guided by self-determined practical, pragmatic and flexible approaches. IMO appreciates the positive and constructive role of PSC regimes in a full spirit of cooperation of all actors confronted with this unprecedented crisis. As part of the outcome of this meeting, a compilation of existing guidance developed by PSC regimes is initiated, with a view to global harmonization of these practices, as an annex to this circular letter, and will be maintained on the IMO website.

In this context, the meeting reviewed emergency response and measures taken by the Organization, as a whole, to ensure no disruption to sea trade supply chains, including, the flow of vital medical supplies, critical agricultural products, and other goods and services. Such measures are critical to support the health and well-being of all people, taking into account the impact of delays for surveys, inspections, audits and onboard service, and renewal or endorsement of certificates of seafarers as well as ships. A "pragmatic, practical and flexible" approach is being recommended, recognizing that exemptions, waivers and extensions to certificates have been granted by many flag States and information thereon has been circulated by IMO. PSC regimes urged that such practices be standardized and harmonized and called on IMO to support the development of related guidance.

The meeting was a timely opportunity to raise some of the specific concerns the nine intergovernmental organizations, in consultative status at IMO, may have in these challenging times. In order to ensure proper follow-up and remedial action, IMO is committed to maintain and to enhance this communication channel in the context of the current crisis, initially.

All participants agreed to promote, as echoed and amplified by such a meeting, the value of the prevailing spirit of cooperation and, the importance of a better understanding of the issues being faced by all actors, including PSC regimes, and the development of sensible, practical and unified solutions, in the true spirit of our "voyage together".

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