



**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. 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.



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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.