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Konu : Koronavirüs Sürecinde Tokyo ve Hint Okyanusu Memorandumları Denetim Rehberi Hk.**Sirküler No :345**

Sayın Üyemiz,

İlgi : Uluslararası Deniz Ticaret Odasının (ICS) 20/03/2020 tarihli ve COVID-19(20)07 sayılı yazısı.

Uluslararası Deniz Ticaret Odası(ICS) tarafından gönderilen ilgi yazıda, Tokyo ve Hint Okyanusu Memorandumlarının yetki alanları içerisinde COVID-19 salgını sebebiyle uygulama değişikliklerine ilişkin rehberler yayımlandığı bildirilmektedir.

Tokyo ve Hint Okyanusu Memorandumlarının Ek'te sunulan basın bildirimlerinde;

COVID-19 virüsü salgını nedeniyle, sektörün Denizcilik Çalışma Sözleşmesi 2006(MLC 2006) ve ilgili IMO sözleşmelerinde öngörülen yasal gerekliliklerin karşılanmasında zorluklarla karşılaşıldığını kabul ederek, mevcut durumun getirdiği koşullarla uyumlu pragmatik bir yaklaşım getirebilecek(gemi üzerindeki personelin hizmet sürelerinin uzatılması, denetim ve kontrollerin ertelenmesi vb.) rehberler oluşturulduğu,

Gemilerin mevcut sertifikalarının yenilenmesine yönelik denetim ve sörveylerin, sertifikaların sona erme tarihinden itibaren 3(üç) ayı geçmeyecek şekilde icrası için Bayrak Devleti ve Yetkili Kuruluşlar tarafından gerekli planlamaların yapılması gerektiği ifade edilmektedir.

MLC kapsamında, Hint Okyanusu Memorandumu rehberi içeriğinde; Liman Devletine, gemideki mevcut MLC uygulamalarının geçerlilik tarihlerinin uzatılması ile ilgili bildirimde bulunulması halinde, gemi işletmecisinin MLC gerekliliklerinin yönetimi konusunda bir plan veya süreç sunması gerektiği bildirilmekte olup, bu plan veya sürecin içerdiği konular kapsamında;

-Denizcilik Çalışma Uygunluk Beyanının ilgili bölümlerinde yapılan değişiklikler, MLC'nin Standart 10. Bölüm A5.1.3, Kısım 1&2 uyarınca, 2019-nCoV virüsü durumuna karşı MLC gerekliliklerine uyum kapsamında alınan eş çözümlerin belirtilmesi,

-Gemi işletmecisi tarafından şartlara uyum için alınan önlemleri ve uygulama planını içeren Liman Devleti tarafından düzenlenen muafiyet mektubunun sunulması gerektiği bildirilmektedir.

Söz konusu MLC uygulamalarına karşılık alınan eş değer yönetim planında, Liman Devleti'nin dikkate alması gereken hususlar aşağıda belirtilmiştir.

- Gemi işletmecisi tarafından Liman Devleti, gemi personeli ve ilgili denizci kuruluşları plan sürecine dahil edildi mi?

- Geminin seferleri hangi bölge ve ülke limanlarına istinaden yapılmaktadır? (COVID-19 riski nedeniyle giriş izni verilmeyen bölge ve liman olabilir.)

- Gemi personeli gemide kalmaya rıza gösteriyor ya da kalmayı talep ediyor mu? (Bazı



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20 March 2020

COVID-19(20)07

TO: ALL MEMBERS AND ASSOCIATED MEMBERS

GUIDANCE FROM THE TOKYO MOU AND INDIAN OCEAN MOU ON DEALING WITH THE COVID-19 PANDEMIC

Action Required: members are requested to distribute the attached guidance from the Tokyo MoU and Indian Ocean MoU to their member shipowner companies for their information.

The Secretariat has received information from the Tokyo MoU and Indian Ocean MoU providing guidance to Port State Control authorities within their respective areas for dealing with the COVID-19 pandemic. The information is attached at Annex. Members are requested to share the information with their member shipowner companies.

Questions or comments should be addressed to the undersigned.

John Bradshaw
Technical Director

Enclosures:

Annex A – Tokyo MoU guidance for dealing with the impact of COVID-19
Annex B - Indian Ocean MoU guidance for dealing with the impact of COVID-19



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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.



**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
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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.