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Konu : COVID-19 Sürecinde Paris Memorandumu
Kapsamında Gemi Denetimleri Uygulamaları Hk.

10.07.2020

Sirküler No: 797

Sayın Üyemiz,

Uluslararası Deniz Ticaret Odasının (ICS) 7 Temmuz 2020 tarih ve COVID-19(20)105 sayılı yazısında, Paris Memorandumu kapsamında COVID-19 sürecinde Liman Devleti Denetimleri uygulamalarına ilişkin güncel bilgilere yer verilmektedir.

Detayları yazı eklerinde sunulan, Paris Memorandumu tarafından yayımlanan "COVID-19 Sürecinde Liman Devleti İdarelerine Yönelik Geçici Kılavuzlarda (PSCircular 97, PSCircular 98)" özetle;

Liman Devleti Denetimlerinde, sertifikaların geçerlilik süreleri ve gemi personeli hizmet sürelerinin uzatılması konularının bayrak devleti tarafından kabulüne ilişkin kanıtların sunulması gerektiği belirtilmekte olup, kanıtların sağlanamaması durumunda gemiye yönelik denetimlerde Paris Memorandumu prosedürlerine göre işlem yapılacağı,

Gemi sertifikaları ile ilgili olarak gemi sahibi ve bayrak devletinin sorumlulukları kapsamında COVID-19 süreci dolayısıyla işlemlerin normal akışındaki şartların sağlanamaması durumunda Liman Devleti Denetçisinin mevcut duruma sürece göre bir yaklaşımla esneklik getirebileceği,

COVID-19 sebebiyle geminin havuza alınamaması, böylelikle Balast Suyu Yönetimi Konvansiyonu gereğince uygun Balast Suyu Yönetim sistemi ile ilgili kurulum işlemlerinin gerçekleştirilememesi halinde Liman Devleti, konuya ilişkin Bayrak Devletinin ek süre, erteleme gibi imtiyaz onayını talep edebileceği,

Gemi personelinin gemi üzerindeki hizmet sürelerinin uzatılması ile ilgili olarak, Paris Memorandumu kapsamındaki denetimlerde esneklik sağlanacağı, ancak ilgili gemi insanının ruhsal sağlığı ve fiziki yorgunluk durumunun uzatılan hizmet süresiyle sağlığını ve güvenliğini tehlikeye sokacak boyuta ulaşabileceği göz önünde bulundurularak ve Denizcilik Çalışma Sözleşmesindeki gemi personeli hakları da gözetilerek, gemi işletmecisinden ilgili gemi personelinin hizmet süresinin uzatılması ile ilgili sürece bayrak devleti, mümkün olduğu taktirde de ilgili personel kuruluşlarının dahil edildiği bir onayın istenmesini,



Bu belge, 5070 sayılı Elektronik İmza Kanuna göre Güvenli Elektronik İmza ile İmzalanmıştır.

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Gemi personeli sertifikalarının yenilenmesine yönelik tazeleme eğitimlerinin gerçekleştirilmesi ve sağlık sertifikaları için muayene olunamaması ile ilgili sorunların yaşanabildiği, bu kapsamda bayrak devleti tarafından gemi personeli sertifikalarının geçerlilik sürelerinin uzatılmasının mücbir sebep kapsamında olduğu değerlendirilerek kabul edilmesinin tavsiye edildiği bildirilmektedir.

Bilgilerinize arz/rica ederim.

Saygılarımla,

e-imza

Cengiz ÖZKAN
Genel Sekreter V.

Ek: ICS Sirküleri ve Ekleri (11 sayfa)

Dağıtım:

Gereği:

- Tüm Üyeler (Web sayfasında)
- Türk Armatörler Birliği
- S.S. Gemi Armatörleri Motorlu Taşıyıcılar Kooperatifi
- GİSBİR
- Vapur Donatanları ve Acenteleri Derneği
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7 July 2020

COVID-19(20)105

TO: BOARD

**Copy: Marine Committee
Labour Affairs Committee
Manning & Training Sub-Committee
All Full and Associate Members (for information)**

**UPDATED INFORMATION FROM THE PARIS MOU ON PSC INSPECTIONS
DURING THE COVID-19 PANDEMIC**

Action required: Members are invited to not updated information from the Paris MoU on PSC inspections during the COVID-19 pandemic

Members are advised that the Paris MoU has issued updates on its approach to PSC inspections during the COVID-19 pandemic, in the form of two circulars:

PSCircular 97 TEMPORARY GUIDANCE RELATED TO COVID-19 FOR PORT STATE CONTROL AUTHORITIES (REV.3)

PSCircular 98 GUIDANCE FOR PORT STATE CONTROL AUTHORITIES ON RESUMING INSPECTIONS RELATED TO COVID-19

These are attached at the **Annex**, but can also be found on the Paris MoU [website](#).

Members are advised that the recommendations from the Paris MoU are intended to promote a common approach amongst its member PSC authorities, notwithstanding that each may have their own national requirements or measures.

The Secretariat has reviewed the recommendations and considers that they provide important insight for shipowners into how PSC inspections will be conducted during the remainder of the COVID-19 pandemic in the Paris MoU region.

Specifically, the Secretariat considers that they confirm that the:

- Paris MoU is recommending continued pragmatism by port States and their PSCOs;

- Paris MoU has aligned its recommendations with guidance issued by IMO and ILO and, in doing so, appears to endorse the approaches in those documents; and
- Paris MoU is recommending protocols for resuming (or increasing) PSC inspections of ships from the current situation, which companies and ships can take into account in their procedures for managing visitors to ships and preparations for inspections.

However, Members are advised that the Paris MoU also makes it clear that central to a ship being able to benefit from pragmatism by a PSCO during a PSC inspection, the ship should have evidence demonstrating acceptance of the situation (e.g. any extensions of the validity of certificates or extensions of service periods of seafarers) from the flag State. Specifically, it cautions that:

“Where [...] the required evidence from the flag State is missing, the ship should be treated in the normal manner as per the Paris MoU procedures”; and

“The pragmatic relaxation of requirements, which may include the acceptance of copies of certificates of which the validity can be verified, should be applied by port States on ships which have not exceeded the requirements by the appropriate and proportional grace period specific to COVID-19, unless it is evident that the COVID-19 pandemic is used as an excuse to breach the Convention requirements.”

PSCircular 97

PSCircular 97 addresses and provides recommendations on:

- *Ship certification issues* (paragraph 6-11)
 - General – Paris MoU recommends that where the shipowner and flag State have demonstrated their responsibility, but due to the current situation cannot comply with what normally would be required, PSCOs should adopt a pragmatic approach and be flexible.
 - Statutory surveys and audits – Paris MoU recognizes that ships may not have been able to comply with the requirements for surveys, inspections and audits contained in the relevant international conventions. In these cases, it states that *“the ship must provide evidence to the port State that the flag State has agreed to an exceptional delay specific to COVID-19”*. Specific reference is made to the guidance regarding the extension of the interval of surveys and audits in IMO Circular Letter No.4204/Add.19 on “Guidance for flag States regarding surveys and renewals of certificates during the COVID-19 pandemic”.
 - Ship certificates – Paris MoU recognizes that the exceptional extension of the validity of ship certificates was inevitable due to the COVID-19 pandemic and notes that flag States (or ROs acting on their behalf) *“may extend the validity of certificates to an appropriate and proportional grace period specific to COVID-19”*. Specific reference is again made to IMO Circular Letter No.4204/Add.19.
 - Installation of Ballast Water Management System – Paris MoU recognizes that ships may be unable to meet the requirements of Regulation B-3 of the Ballast

Water Management Convention due to delay of dry-docking caused by disruption from the COVID-19 pandemic. Therefore, it recommends that *“the port State should seek confirmation that the flag State has agreed to an exceptional delay specific to COVID-19”* and that 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”*.

- **Seafarer issues** (paragraph 12-15)
 - Extension of seafarer service periods – Paris MoU recognizes the need for flexibility on the issue of extending periods of service on board ships, but notes that fatigue and mental health of seafarers may have deteriorated to a point that they may endanger health and safety. Therefore, it recommends, with regards to the extension of service periods and contracts, that the *“port State should request the operator of the ship to confirm that the flag State, the relevant crew members and relevant seafarer organisations (if applicable) have been involved in the process of extending contracts, as well as other issues that have an impact on the rights of seafarers as set out in the MLC”*. Furthermore, it recommends that *“where there are clear grounds to believe that crew members are suffering from fatigue or otherwise not fit for duty, the port State should require appropriate corrective action and consider to inform the flag State.”*¹
 - STCW certificates – Paris MoU recognizes that seafarers have faced issues with completing refresher courses for the renewal of personal certification for various reasons and thus the Administration under whose authority their certificate was issued may have extended the validity of such certificates. Therefore, it recommends that PSCOs these extensions of validity, including of flag State endorsements, *“should be accepted as a case of force majeure”*,
 - Medical certificates – Paris MoU recognizes that flag States may have allowed seafarers to remain onboard where it has been difficult for seafarers to extend their medical certificates. Therefore, it recommends that PSCOs *“should accept documents produced by flag States which acknowledges seafarers extended stay on board due to force majeure associated with COVID-19”*.

PSCircular 98

PSCircular 98 addresses and provides recommendations on:

- **Preventive measures to halt the spread of COVID-19** (paragraphs 3-4)
 - The Paris MoU recommends PSCOs be guided by the preventive measures for COVID-19 adopted by their maritime Administrations, including the use of appropriate PPE in order to protect themselves as well as the ship’s crew.

¹ The Paris MoU makes reference to the ILO “Information note on maritime labour issues and coronavirus (COVID-19)”, which has the appearance of endorsing the guidance provided by the ILO therein. It provides no guidance as to how a PSCO should determine whether a seafarer is suffering from fatigue or otherwise not fit for duty.

- The Paris MoU advises that it is the decision of the port State if a PSC inspections will take place onboard a vessel, and that *“a vessel can be considered self-isolating only if there are no ship-shore interfaces”*.

- *PSC inspections during the COVID-19 pandemic* (paragraphs 6-7)
 - Ship is suspected of COVID-19 contamination – Paris MoU provides recommendations, including on use of PPE, familiarization with the ship’s outbreak management plan, liaising with sanitation and port health authorities.
 - Ship is not inspected of COVID-19 contamination – Paris MoU provides recommendations on the restricted conditions under which PSC inspections should be conducted by PSCOs, including on measures to reduce the risk of contamination by reducing time onboard ship and some recommended practices for when boarding, when conducting the inspection and when disembarking.

Any comments or questions about the updated information from the Paris MoU should be sent to the undersigned (stewart.inglis@ics-shipping.org). If necessary, the Secretariat can raise any questions directly with the Secretariat of the Paris MoU.

Stewart Inglis
Senior Adviser

PSCircular 97

25 JUNE 2020

TEMPORARY GUIDANCE RELATED TO COVID-19 FOR PORT STATE CONTROL AUTHORITIES (REV.3)

Introduction

- 1 MAB has considered and agreed that, noting the global impact of COVID-19, there is need to apply flexibility under these special circumstances. In Paris MoU member States, national measures are implemented which are to a large extent affecting the port State control regime. In view of a common approach in the region, not withstanding any possible national measures, and in view of the continued effects of the COVID-19 crisis, as a general principle the following guidelines should be applied on a case by case basis by the relevant port State control authority.
- 2 This guidance focusses on the effect of the COVID-19 crisis on the Paris MoU in relation to:
 - preventive measure to halt the spread of COVID-19
 - non-compliance with the Relevant Instruments due to COVID-19
- 3 A summary of relevant publications can be found on a dedicated COVID-19 page of the Paris MoU website:
<https://www.parismou.org/publications/covid-19/pmou-covid-19-publications/paris-mou-covid-19-publications/paris-mou-covid-0>

Preventive measure to halt the spread of COVID-19

- 4 PSCOs should be guided by the preventive measures adopted by their Maritime Administrations, including the use of appropriate personal protective equipment in order to protect themselves as well as the ship's crew. During the Covid-19 crisis MAB has noted that some Paris MoU member States continued with PSC inspections and that others have resumed or are planning to re-commence their inspections. During this period a number of P1 (and P2) ships may not have been inspected. As a result of this some Port States may decide to focus on P1 overriding priority inspections and P1 inspections with outstanding deficiencies.
- 5 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.

Ship Certification Issues due to COVID-19

- 6 In relation to the COVID-19 situation, it may occur that a ship cannot fulfill the requirements from the Relevant Instruments or the follow-up on inspection results as would normally be required. As a basic principle the primary responsibility regarding compliance with the Conventions remains with the owner and flag State. However in

the case where the owner and flag State have demonstrated to take that responsibility, but due to the current situation cannot carry out those duties that normally would be required, the Paris MoU should adopt a pragmatic approach and also be flexible as this is a rapidly developing situation.

7 Interval of surveys and audits required by Conventions

In the event that a ship has not complied with the requirements of the surveys, inspections and audits contained in the relevant convention requirements (e.g. SOLAS Chapter I Regulation 7-10 and 14, etc.), the ship must provide evidence to the port State that the flag State has agreed to an exceptional delay specific to COVID-19. Further guidance regarding the extension of the interval of surveys and audits can be found in IMO Circular Letter No.4204/Add.19 – “Guidance for flag States regarding surveys and renewals of certificates during the COVID-19 pandemic”.

8 Duration of statutory certificates

Giving consideration that an exceptional extension of validity of certificates specific to COVID-19 would be inevitable for certain ships, the flag State or RO, acting on behalf of the flag State, may extend the validity of certificates to an appropriate and proportional grace period specific to COVID-19. Further guidance regarding the extension of validity of certificates can be found in IMO Circular Letter No.4204/Add.19.

9 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 (ballast water management instead of ballast water exchange) 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.

10 Where, under par. 7 to 9, the required evidence from the flag State is missing, the ship should be treated in the normal manner as per the Paris MoU procedures. This also applies to any vessel operating beyond any indicated grace period.

11 The pragmatic relaxation of requirements, which may include the acceptance of copies of certificates of which the validity can be verified, should be applied by port States on ships which have not exceeded the requirements by the appropriate and proportional grace period specific to COVID-19, unless it is evident that the COVID-19 pandemic is used as an excuse to breach the Convention requirements.

Personnel issues due to COVID-19

12 MLC 2006

MAB has considered that there may be a need to apply flexibility under the circumstances on the issue of extending periods of service on board ships. However as several months have passed since the start of the pandemic, issues of fatigue and mental health of seafarers may have deteriorated to a point that they may endanger health and safety. With respect to the issue of the application of flexibility, the port State should request the operator of the ship to confirm that the flag State, the relevant crew members and relevant seafarer organisations (if applicable) have been involved in the process of extending contracts, as well as other issues that have an impact on the rights of seafarers as set out in the MLC. Furthermore where there are clear grounds to believe that crew members are suffering from fatigue or otherwise not fit for duty, the port State should require appropriate corrective action and consider to inform the flag State.

Further guidance regarding what the port State should look at in case of non-compliance with MLC due to force majeure related to COVID-19, could be found in ILOs “Information note on maritime labour issues and coronavirus (COVID-19)”:

<https://www.parismou.org/system/files/ILO%20Covid.pdf>

13 STCW Certification

MAB has considered cases where seafarers have faced issues with completing refresher courses for the renewal of personal certification. This could be caused by cancelled courses, quarantine or travel bans. In such cases the maritime administration may have extended the validity of such certificates and this should be accepted as a case of force majeure. For foreign certificates if the flag administration has granted an extension due to force majeure then this should be accepted as similarly extending the endorsement of the flag state of the ship on which the seafarer is serving.

14 Medical Certificates

In cases where it has been difficult for seafarers to extend their medical certificate the flag administration may allow seafarers to remain on-board. PSCO should accept documents produced by flag States which acknowledges seafarers extended stay on board due to force majeure associated with COVID-19.

15 Rectification and follow-up on inspection reports

In relation to the rectification of recorded or outstanding deficiencies, guidance should be taken from PSCC Instruction 50/2017/11 - Guidance on Detention and Action Taken (including eg. AT code 48 - as in the agreed flag State condition) and PSCC43-2010-11 - Flag State exemptions. In case a ship is detained on ISM, but no external audit can be organised, despite best efforts by the company and flag State (which may include temporarily authorization of another RO), the ship may be allowed to proceed to the next port to carry out the external audit. In order to use AT code 48 in combination with ISM deficiency 15150, a ticket with a justification has to be send to thetis@emsa.europa.eu to activate the possibility in THETIS. Consequently, the guidance regarding the use of AT code 48 should then be applied.

Review of the guidance

- 16 This PSCircular will be reviewed, as appropriate, to keep aligned with developments of the COVID-19 virus and future initiatives by relevant stakeholders.

* * *



PSCircular 98

3 JULY 2020

GUIDANCE FOR PORT STATE CONTROL AUTHORITIES ON RESUMING INSPECTIONS RELATED TO COVID-19

This PSCircular is solely drafted for the purpose of providing recommended practices to PSCOs for their consideration during PSC inspections, where and when appropriate. National and local arrangements and regulations regarding preventive measures to halt the spread of COVID-19 prevail and PSCOs should always act accordingly. Third parties cannot claim any rights based on these recommended practices with regard to the PSC inspection as performed by the PSCO.

Introduction

- 1 MAB has considered and agreed that, noting the global impact of COVID-19, there is need to apply flexibility under these special circumstances. In Paris MoU member States, national measures are implemented which are to a large extent affecting the port State control regime. In view of a common approach in the region, notwithstanding any possible national measures, and in view of the continued effects of the COVID-19 crisis, as a general principle the following guidelines would be applied on a case by case basis by the relevant port State Authority.
- 2 A summary of relevant publications can be found on a dedicated COVID-19 page of the Paris MoU website:
<https://www.parismou.org/publications/covid-19/pmou-covid-19-publications/paris-mou-covid-19-publications/paris-mou-covid-0>

Preventive measure to halt the spread of COVID-19

- 3 PSCOs should be guided by the preventive measures adopted by their Maritime Administrations, including the use of appropriate personal protective equipment in order to protect themselves as well as the ship's crew. During the COVID-19 crisis MAB has noted that some Paris MoU member States continued with PSC inspections and that others have resumed or are planning to re-commence their inspections. During this period a number of P1 (and P2) ships may not have been inspected. As a result of this some Port States may decide to focus on P1 overriding priority inspections and P1 inspections with outstanding deficiencies.
- 4 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.

Ship inspection during COVID-19

- 5 The possibility to carry out a PSC inspection needs to be verified, through e.g. information received from other departments responsible for health and safety issues:

1. the Maritime Declaration of Health, MDoH;
2. reports from Maritime Police, Coast guard, Pilots, or other local authorities indicating possible COVID-19 contamination or suspicion thereto.

6 Ships suspected of COVID-19 contamination

1. Check first if the vessel is not under quarantine by the Local Health authorities;
2. When COVID-19 cases are pre-announced (through the MDoH or other means) the highest precautions should be taken. In these cases always warn the Port Authorities and consult before boarding the vessel. Risks should be assessed and mitigation measures by the port State and the ship should be taken into consideration before boarding the vessel;
3. The PSCO should also make himself/herself familiar with the ship's protective measures against COVID-19 and the ship's Outbreak Management Plan for COVID-19;
4. PSC inspectors should preferably be accompanied by qualified staff of the Port Sanitation/Health Offices to assist where technically required;
5. The highest available standards of PPE (Personal Protection Equipment) should be applied (FFP2/FFP3 mask, overall, nitril/vinyl gloves, safety goggles or face shielding mask);
6. Member Authorities may consider that PSCOs having a High Risk Profile (e.g. >60y, underlying medical conditions, undergoing medical treatment, etc.) should not be boarding these vessels.

7 Ships **NOT** suspected of COVID-19 contamination

1. PSCOs may board the vessel without assistance
2. PPE should be used at standard level, including appropriate masks (e.g. surgical masks, in some countries the PPE standard level might be different and may require other equipment such as FFP2/FFP3 mask)

8 The COVID-19 related PSC inspections take place under restricted conditions compared to the previous PSC inspections. These restrictions are set out in the next paragraph and focus on the avoidance of contamination between the vessel's crew and PSCOs and cross-contamination with other vessels. Guidelines to observe on COVID-19 PSC inspections:

1. Contamination reduction by reducing on-board time:
 - a) The PSCO or PSC administrator should contact the vessel before or through the Agent to make sure that:
 - i. all documents and certificates as set out in Annex 10 of the Memorandum, to the extent applicable, are prepared by the crew and ready in a specific location where adequate social distancing can be maintained, prior to the boarding of the vessel;
 - ii. the crew members whom will be interviewed are advised that they will be the only contact persons and will have to be equipped with masks for their own and PSCO safety.
2. Contamination reduction hazard when boarding / on board:
 - a) Wear clothing with long sleeves to avoid contact with possibly contaminated surfaces;
 - b) Always put on PPE before boarding the vessel;
 - c) First put on your Nitril/vinyl gloves;
 - d) Then put on your surgical/FFP mask;
 - e) Try avoiding touching PPE after having put them on;
 - f) Do not accept any drinks and food on board, be self-sufficient.
3. Contamination reduction whilst inspecting

- a) Before commencing the inspection discuss with the Master about how the inspection will be carried out and the safety measures to be considered and addressed;
- b) When boarding isolate the "visitor-pass" in a plastic sealable bag, never put it around your neck;
- c) Sign-in only using your own pen;
- d) Do not shake hands with the crew;
- e) The meeting to review the certificates should be with no more than two crew members, one for deck related matters and one for engine related matters. These crewmembers are the same as the ones accompanying the PSCO during the vessel's inspection;
- f) Maintain an adequate social distance at all times: e.g. 1.5m when sitting, 2.5m when moving around, or other distances as determined by national requirements;
- g) Contact with other crew members should be avoided whilst inspecting;
- h) Crew should also wear appropriate PPE in relation to COVID-19 at all times (e.g. protective masks) during the inspection, in accordance with MLC and flag State requirements;
- i) The inspection report should be, if possible, made in an electronic way, signed electronically and mailed electronically to the Master
- j) Finish the inspection maintaining adequate social distancing (use as an alternative a head nod, salute, etc ...)

4. Contamination reduction whilst leaving the vessel

- a) Return the visitor-pass in the bag (do not unpack);
- b) Sign-off with own pen;
- c) Do not shake hands;
- d) Before entering the car, remove all PPE and dump it into a dirt bag. Note: Do not push out the air of the dirt bag when closing it since you may risk vaporisation of the virus whilst not wearing any PPE;
- e) Dispose of the dirt bag in a safe way;
- f) Proceed with the disinfection of the used material: pen, laptop/keyboard, backpack or bag and hands before entering your vehicle;
- g) Preferably wash the clothes at the end of the day at minimal 40°C, or other recommended temperature;
- h) Preferably take shower after each inspection.

Important: when performing more than one vessel inspection on the same day always change PPE and disinfect to avoid cross-contamination between the different vessels!

Following these steps will reduce the risk of contamination. Since it is not possible to provide absolute certainty, it is additionally advised to use professional judgement where ever risks may be determined, suspected or spotted.

- 9 Whenever required a COVID-19 related inspection shall be interrupted in order to guarantee the safety of the PSCO.
- 10 Further guidance is also available from the IMO and in particular in Circular Letter 4202, Add. 15 - Coronavirus (COVID-19) - Personal protective equipment.

Review of the guidance

- 11 This PSCircular will be reviewed, as appropriate, to keep aligned with developments of the COVID-19 virus and future initiatives by relevant stakeholders.
