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13.07.2020

Konu : COVID-19 Sürecinde Gemilerdeki Kaldırma
Donanımlarının Periyodik Test ve Muayeneleri Hk.

Sirküler No: 809

Sayın Üyemiz,

Uluslararası Deniz Ticaret Odasının (ICS) 8 Temmuz 2020 tarih ve COVID-19(20)108 sayılı Ek'te sunulan yazısında, Uluslararası Çalışma Örgütü'nün (ILO) İş Sağlığı ve Güvenliği Konvansiyonu (Occupational Safety and Health Convention,1979-NO.152) ve Koronavirüs Pandemisi" hakkındaki bilgi notuna yer verilmektedir.

Bahse konu yazıda, konvansiyon gereği yük kaldırma donanımlarının emniyetli bir şekilde çalışmalarını sağlamak için düzenli periyodik testler ve muayeneler yapıldığı, ancak pandemi dolayısıyla seyahat yasakları, sınırların kapalı olması ve karantina önlemlerinin bahse konu test ve muayeneler konusunda yetkili olan kişilerin gemilere çıkarak gerekli işlemleri yapabilmesi konusunda güçlük yarattığı bildirilmektedir.

Bu kapsamda, İdareler veya İdareler tarafından yetkilendirilmiş kuruluşların sorunun çözümüne yönelik pragmatik yaklaşım izlemesi gerektiği, 5 yıllık periyodik testler ve belgelendirme işlemleri yapılacak kaldırma donanımları ve 1 yıllık periyodik test yapılacak olan serbest yük teçhizatlarının periyodik test ve muayeneleri ile ilgili işlemlerin gerçekleştirilmesine yönelik eldeki tüm imkanlar değerlendirilerek girişimde bulunulduğu, ancak pandemi dolayısıyla gerçekleştirilemediğine dair kanıtların sunulması gerektiği,

COVID-19 sürecinde yük donanımlarının ilgili sözleşme uyarınca periyodik test ve muayenelerinin gerçekleştirilmesi hakkında, bayrak devleti tarafından yetkilendirilmiş kuruluşlarca hazırlanmış bir kılavuzun gemide bulundurulması ve gemi tarafından kullanım öncesi kontrol kayıtlarının tutulmasının gerektiği belirtilmektedir.

Bilgilerinize arz/rica ederim.

Saygılarımla,

e-imza
İsmet SALİHOĞLU
Genel Sekreter

Ek: ICS Yazısı ve Eki (7 sayfa)



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

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8 July 2020

COVID-19(20)108

TO: BOARD

**Copy: Marine Committee
All Full and Associate Members (for information)**

ILO INFORMATION NOTE ON THE OCCUPATIONAL SAFETY AND HEALTH (DOCK WORK) CONVENTION, 1979 (NO. 152) AND THE COVID-19 PANDEMIC

Action required: *Members are invited to note that the ILO has issued an "Information note on the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152) and coronavirus (COVID-19)", and to bring it to the attention of their national Administrations and member companies as appropriate.*

Members are advised that the ILO has issued an "Information note on the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152) and coronavirus (COVID-19)". Members will recall that ILO Convention No. 152 addresses, *inter alia*, the safety of lifting appliances and loose gear onboard ships.

The "Information Note" is a direct result of ICS bringing the difficulties being faced regarding arranging the periodic testing and examinations required by Convention No. 152 during the COVID-19 pandemic to the attention of the ILO. Specifically, that travel bans, border closures and quarantine, amongst other issues, have affected the ability of competent persons to travel to and from ships to carry out the testing and examinations. Therefore, ICS requested the ILO to issue guidance to Administrations (and ROs) to encourage a pragmatic approach to the application of the requirements of Convention No. 152 during the exceptional circumstances of the pandemic, similar to the "Information Note" it has previously issued on the MLC, 2006.

The "Information Note" is attached at the **Annex**, but also available on the ILO [website](#).

Members are advised that the ILO guidance is intended to encourage pragmatism and promote a common approach amongst Administrations and their ROs regarding the periodic testing and examinations required by Convention No. 152 during the COVID-19 pandemic.

The main elements of the ILO guidance are the following:

- ILO recognizes the difficulties that ICS raised regarding the conducting of the periodic testing and examinations of lifting appliances and items of loose gear in accordance with Convention No. 152 (see paragraph 6);
- ILO encourages pragmatism by Administrations and their ROs, and port States where applicable, specifically they “*are encouraged to take a pragmatic approach to the periodic testing and examinations of ship’s lifting appliances and items of loose gear in accordance with Convention No. 152*” (see paragraph 7);
- ILO limits the scope of the guidance to the provisions concerning periodic testing and examinations where the attendance of a competent person is required onboard the ship by Convention No. 152 (see paragraph 7);
- ILO aligns its guidance with IMO Circular Letter No.4202/Add.19 on “Guidance for flag States regarding surveys and renewals of certificates during the COVID-19 pandemic”, which addresses the situation with respect to surveys and renewal of certificates under IMO Conventions (see paragraph 8);
- ILO provides a set of detailed elements of what a “pragmatic approach” might include, which should ensure a consistent approach by Administrations and ROs (see sub-points of paragraph 8);
- ILO encourages Administrations and their ROs to consider using “alternative means to conduct the examinations and/or to credit records of regular inspections conducted by responsible persons onboard ship as evidence that a lifting appliance or item of loose gear is safe for continued use” (see paragraph 9); and
- ILO encourages Port States to take a pragmatic approach to the verification of compliance with Convention No. 152, and accept compliance with the approach determined by the flag State as compliance with the provisions (see paragraph 10);

The Secretariat considers that the “Information Note” should encourage useful pragmatism by Administrations and their ROs regarding the conducting of the periodic testing and examinations of lifting appliances and items of loose gear in accordance with Convention No. 152 during the pandemic.

Members are encouraged to share the “Information Note” with their member companies and bring it to the attention of their national Administrations, as well as contacts at classification societies that act as ROs, as soon as possible.

Any comments about the “Information Note” should be forwarded to the undersigned (stewart.inglis@ics-shipping.org) and John Bradshaw (john.bradshaw@ics-shipping.org).

Stewart Inglis
Senior Adviser

▶ Information note on the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152) and coronavirus (COVID-19)

International Labour Standards Department (NORMES) / Sectoral Policies Department (SECTOR)

Geneva, 6 July 2020



1. The coronavirus (COVID-19) pandemic has created a global crisis that has affected all aspects of life and the world of work.¹ In the maritime shipping sector, it has severely disrupted the functioning of shipping, including through the imposition of restrictions implemented to control the pandemic but that affect the maintenance and inspection of ships and the examination of their equipment for purpose of ensuring the safety. The International Labour Office (hereinafter the Office) has received a request to provide guidance on how to address challenges to the application of the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)² for ships during the current crisis. This Information note responds to that request.
2. Due to restrictions and measures introduced as a result of the COVID-19 pandemic, inter alia, travel bans, border closures and quarantine requirements, the competent persons authorized to carry out the periodic examinations of lifting appliances and items of loose gear under Convention No. 152 are unable to travel to and from ships, particularly to ships trading to remote areas and/or areas that remain significantly affected by the coronavirus (COVID-19).
3. The Office has been requested to provide technical guidance for use by competent authorities of Parties to Convention No. 152, as well as representatives of employers/shipowners and workers/seafarers concerned, to ensure that, in these unprecedented circumstances the application of certain provisions does not have the unintended consequence of disrupting the flow of essential goods and commodities required to be transported worldwide during the COVID-19 pandemic.
4. The information provided below are subject to the usual understanding that the Constitution of the ILO confers no special competence upon the Office to give an authoritative interpretation of an international labour Convention and that the guidance provided is without prejudice to any

¹ See ILO, [COVID-19 and the world of work: Impact and policy responses](#). For more general information on international labour standards see [ILO Standards and COVID-19 \(coronavirus\), FAQ](#).

² Ratified by 27 ILO member States as of 18 June 2020.

position that the ILO's supervisory bodies might take with respect to its subject matter.

5. Convention No. 152 contains provisions relating to the periodic testing and examination of lifting appliances and items of loose gear:
 - Article 22 requires that “lifting appliances forming part of a ship's equipment shall be retested at least once in every five years,” and, upon the completion of every test, “the appliance or gear shall be thoroughly examined and certified by the person carrying out the test”; and
 - Article 23 requires that “every lifting appliance and every item of loose gear shall be periodically thoroughly examined and certified by a competent person. Such examinations shall take place at least once in every 12 months.”
6. The Office notes that:
 - a. the current circumstances of the COVID-19 pandemic may at times lead to significant challenges to conducting the periodic testing and examinations of lifting appliances and items of loose gear in accordance with Convention No. 152, and
 - b. concerns that the practical difficulties to arrange attendance of a competent person will affect the validity and good order of a ship's certificates and other documentation, which ultimately could prevent a ship from continuing to operate.
7. Therefore, the competent authorities of Parties to Convention No. 152 (i.e. flag States) are encouraged to take a pragmatic approach to the periodic testing and examinations of ship's lifting appliances and items of loose gear in accordance with Convention No. 152. This should be limited to the provisions concerning periodic testing and examinations where the attendance of a competent person is required onboard the ship and should not be construed as encouraging any derogations any of the other requirements of Convention No. 152.³

³ This would not, for example, apply to the requirements concerning for testing every lifting appliance and item of loose gear before being put into use for the first time and after any substantial alteration or repair to any part liable to affect its safety.



8. It is recommended that such a pragmatic approach⁴ to the periodic testing and examinations required under Convention No. 152, would include requiring ships to:
 - a) where possible, continue to arrange for the conduct of periodic testing and examinations in accordance with Convention No. 152, such as the next port of call or port where a competent person may be available;
 - b) document efforts to arrange for conduct of the periodic testing and examination or tests in accordance with Convention No. 152 where circumstances associated with the COVID-19 pandemic made it impossible to arrange for the attendance of a competent persons to conduct the test or examination;
 - c) carry onboard the guidance issued by the competent authority of the flag State outlining its approach to the periodic testing and examinations required under Convention No. 152 during the COVID-19 pandemic;
 - d) operate and maintain their lifting appliances and items of loose gear in conformity with the conditions as described on the ship's relevant certificates and other documents, such as its register of the lifting appliances and items of loose gear;
 - e) continue to comply with the requirement for every item of loose gear to be inspected regularly before use by the responsible person onboard appointed by the ship's Master (or the Company) and records kept of these inspections; and
 - f) develop and agree a plan, a copy of which should be carried on board, with the flag State, or recognized organization (RO), for when the attendance of a competent person to conduct the testing or examination should take place.
9. Competent authorities, or ROs authorized to act as competent persons on their behalf under Convention No. 152, are encouraged to consider using

⁴ The International Maritime Organization (IMO), in Circular Letter No.4202/Add.19 concerning "Coronavirus (COVID-19) – Guidance for flag States regarding surveys and renewals of certificates during the COVID-19 pandemic" addresses this situation with respect to surveys and renewal of certificates related to IMO Conventions, and the approach suggested with respect to Convention No. 152 is consistent with the IMO approach.



alternative means to conduct the examinations and/or to credit records of regular inspections conducted by responsible persons onboard ship as evidence that a lifting appliance or item of loose gear is safe for continued use.

10. Port State control authorities, where Parties to Convention No. 152, are also encouraged to take a pragmatic approach to the verification of compliance with Convention No. 152, and accept compliance with the approach determined by the flag State as compliance with the provisions thereof, unless a visual inspection indicates, insofar as can be ascertained in such manner, that a lifting appliance or item of loose gear is not safe for continued use.
11. Finally, it is recommended that competent authorities regularly review any guidance setting out a pragmatic approach to the periodic testing and examinations required under Convention No. 152, taking into account developments with regard to the COVID-19 pandemic and the developments within the IMO concerning the approach to the inspection of ships and their equipment, with the aim of revoking the guidance as soon as possible.