



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)”:

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

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- 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.
