



To: Member States of Abuja MoU and Observers of the Port State Control Committee of Abuja MoU
Date: 15 April 2020
Reference: Circular - SG/A-MoU/20/02

ABUJA MOU GUIDELINES FOR DEALING WITH THE IMPACT OF THE COVID-19 RELATING TO RELEVANT IMO CONVENTIONS AND MLC 2006

Noting the global impact of COVID-19 and challenges of the shipping industry in meeting statutory requirements stipulated in relevant IMO Conventions and Maritime Labour Convention 2006 and considering the relevant IMO Circular Letters, the Abuja MoU has considered the issue of delaying periods for surveys, inspections and audits, and accept there may be a need to apply flexibility under the current special circumstances. As a general principle the following guidelines would be applied on a case by case basis by the relevant port State Administrations.

Guidelines for port States

1. 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 specified in relevant convention (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.

Where there is no evidence from the flag State, the ship should be treated in the normal manner in accordance with the Abuja MoU procedures.

This pragmatic relaxation of requirements should be applied by port States on ships after confirmation from the flag State and/or RO that an appropriate grace period had been given to the ship. Any ship beyond the grace period given by the flag State and/or RO should be treated in the normal manner.

2. Duration of certificates

Considering that an exceptional extension of validity of certificates specific to COVID-19 would be inevitable for certain ships, the flag State and/or RO may extend the validity of certificates to an appropriate grace period specific to COVID-19. Where there is no appropriate extension issued by the flag State and/or RO, the ship should be treated in the normal manner in accordance with the Abuja MoU procedures.

This pragmatic relaxation of requirements should be applied by port States on ships which have been given appropriate extension for its certificates by the flag State and/or RO. Any vessel beyond the grace period given by the flag State and/or RO should be treated in the normal manner.

3. 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 BWB.



This pragmatic relaxation of requirements should be applied by port States on ships after confirmation from the flag State and/or RO that an appropriate grace period had been given to the ship. Any vessel beyond the grace period given by the flag State or RO should be treated in the normal manner.

GUIDANCE FOR DEALING WITH IMPACT OF THE OUTBREAK OF THE COVID-19 RELATING TO MLC 2006

Guidelines for port States

The port State should request the operator of the ship to confirm that the flag State and relevant seafarer organisations (if applicable) have been involved in the process of applying for extensions.

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 provide specific equivalent solutions to address the COVID-19 virus situation.
- Letter of dispensations issued by flag States including appropriate conditions, accompanied by a plan submitted by the shipowner describing the measures 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:

- a. Has the flag State been engaged and has the operator also consulted with the crew and relevant seafarer organisations?
- b. What are the anticipated voyages noting such latitude may not be required where the vessel is not headed toward a COVID-19 area.
- c. 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.
- d. How are the crew' entitlements under the MLC to be protected? The shipowner should advise how the crews' entitlements are to be protected in light of the extended stay on board and what plans the shipowner has to repatriate them.

If the port State is satisfied and there are no objections to such proposals, the port State should communicate this fact to the Administration of the next port the vessel is headed to. It is up to the operator of the ship to confirm that the next port similarly has no objection.

Review of the guidance

This guidance may be further reviewed as appropriate to keep aligned with developments of the COVID-19 virus and future initiatives by IMO and the ILO.

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