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Circular letter 2020-1
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To: Members, co-operating members and observers of the Port State Control Committee of the Tokyo MOU

Subject: **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 Tokyo 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 principle 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.