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Circular Letter No.4246/Add.1
9 April 2020

To: All IMO Members
Intergovernmental organizations
Non-governmental organizations in consultative status

Subject: **Communication from the Government of the Socialist Republic
of Viet Nam**

The Government of the Socialist Republic of Viet Nam has sent the attached communication, dated 9 April 2020, with the request that it is circulated by the Organization.

Ha Noi, 9 April 2020
Ref. No.: 11/TB

To Whom it may concerns

Subject: The extension of the ship's existing statutory certificates and the extension or postponement of the surveys, audits or inspections for Vietnamese flagged ships in situations of force majeure due to COVID-19 pandemic..

Dear Sirs/Madams,

As you well know the COVID-19 pandemic has caused many difficulties in the operation of ships due to the operation suspension of ports, ship repair facilities, technical service providers, etc. In many cases, due to travel bans, border closures and quarantine measures, surveyors and auditors have not been able to attend on board ships to carry out surveys, audits or inspections.

Concerning the above difficulties, on 19 February 2020, the Secretariat of the International Maritime Organization (IMO) issued Circular Letter No.4204/Add.1, addressed to all Member States. In this circular, the IMO Secretary-General addresses COVID-19's impacts on the shipping industry, including implementation and enforcement of mandatory IMO requirements. The circular provides encouragement for flexibility.

In March 2020, the Memorandum of Understanding on Port State Control in the Asia-Pacific Region, the Indian Ocean Memorandum of Understanding on Port State Control and the Paris Memorandum of Understanding on Port State Control each adopted temporary guidance for their respective member authorities on dealing with the impact of the outbreak of COVID-19. In general, they call for a pragmatic approach to be adopted on a case-by-case basis, for periods of up to three months, with regard to medical and competence certification, the extension of seafarers' periods of service onboard and the delay of periods for inspections.

Early April 2020, the International Labour Office of ILO issues Information note on maritime labour issues and coronavirus (COVID-19) that mentions some governments and port State control regimes have referred to the possibility to extend the validity of maritime labour certificate for periods that shall not exceed three months from the date of expiry of the original certificate.

Article 34 of the Vietnam Maritime Code, 2015 stipulates: *"The validity period of each certificate in technical maritime safety and security and conformity with conditions for assurance of maritime labor and environmental pollution prevention must be specified. This validity period may be extended to a maximum of 90 days in the event that these ships are not, in fact, able to turn up at the designated location of inspection but their actual technical conditions remain conformable to standards of maritime safety and security and conditions for assurance of maritime labor and environmental pollution prevention. This*

extended period shall end immediately once these ships arrive at the designated port for inspection.”

The Vietnam national technical regulations on safety and environmental pollution prevention of sea-going ships contains the provisions for extension of statutory certificates of ships and for extension or postponement of surveys, audits or inspections of ships in situations of force majeure.

Implementing the relevant guidance of IMO, ILO, the port state control regimes, and provisions of the Vietnam Maritime Code and the Vietnam national technical regulations, at the request of the ship owner/ship management companies, Vietnam Register as the Vietnam Authority for technical surveys, verification and certification of Vietnamese flagged ships, will consider, in each specific case, the extension of the ship's existing statutory certificates and the extension or postponement of the surveys, audits or inspections in situations of force majeure due to COVID-19 epidemic.

For carrying out the above extension/postponement, the ship owner/ship management company shall submit a written request to Vietnam Register, clearly stating the reasons why it is impossible to arrange for the surveys, audits or inspections, together with the ship master's reports endorsed by the ship owner/ship management company showing that the items related to the surveys, audits or inspections are well maintained in satisfactory conditions, that the ship has implemented equivalent measures and arrangements, if appropriate, and the plan for the surveys, audits and inspections of the ship at the next ports of call.

The extension of the certificates and the extension or postponement of the surveys, audits or inspections shall not exceed 90 days from the date of expiry of the original certificates or from the due date of the surveys, audits or inspections. The anniversary date of the certificates shall not be changed, and the ship owner/ship management company and the ship's masters remain responsible for the continuous compliance of the ship with the applicable requirements set out in the international and national legislations/technical regulations, as applicable)

All Vietnamese flagged ships shall carry on board the present document in order to be presented to any third party, e.g. Port State Control Officers and other relevant stakeholders, as necessary.

Your faithfully, 



Trần Kỳ Hình
General Director
Vietnam Register