



Coronavirus (COVID-19) - Use of alternative measures for the completion of surveys on internationally trading UK registered ships.

Notice to all Surveyors, Recognised Organisations, Authorised Persons, Ship Operators, Ship Owners, Masters, Officers and Crew

*This notice should be read with MIN 612(M+F) as amended and MIN 623(M+F) as amended.
This MIN expires 01st June 2022*

Summary

This MIN describes a scheme for the use of alternative measures by UK registered vessels operating under the requirements of the main international Conventions to meet the intents of the requirements for survey, audit or inspection as necessary. The scheme will remain in place until formally withdrawn by the MCA when the restrictions to the activities of the relevant survey organisations resulting from the COVID-19 Pandemic are judged to have sufficiently eased internationally so as to no longer make its continuation necessary

1. Introduction

- 1.1 The COVID-19 pandemic and the measures put in place by national governments to control the spread and impact of the virus internationally has resulted in an unprecedented disruption to the provision of normal shipping services. The initial response by the UK was set out in MIN 612(M+F) as amended which put in place short-term measures aimed at maintaining the services provided by the shipping industry as a whole. It is recognised that, although a gradual relaxation of the restrictions imposed is anticipated they will, to varying degrees, continue into the future.
- 1.2 Although the gradual relaxation of measures around the world has resulted in improvements in access to ships, it is inevitable that the provisions of MIN 612(M+F) as amended in allowing for the issue of short term certification limited to three months, and based on declarations from the operator, will not be sufficient to ensure the continuity of services required to maintain the industry in operation nor for an adequate level of assurance for the UK as a responsible flag State.
- 1.3 Recognising that the global mechanisms for assuring the safety and environmental protection of shipping and compliance have been limited by the COVID-19 Pandemic, the MCA still require compliance with the various international requirements to be assured to



the maximum extent possible and this document forms the basis of the UK policy, consistent with that of other flag States, for the certification of UK registered vessels based on an evidence-based assessment substantially equivalent to the intent of the existing prescriptive regulatory regime. This system will provide an effective level of assurance and limit the exposure of the parties covered by the guiding principles.

- 1.4 Notwithstanding the principles set out in this MIN, Masters and owners are reminded of their responsibilities under Regulation 10 of Statutory Instrument 2015 No. 508, The Merchant Shipping (Survey and Certification) Regulations 2015, to ensure that the ship and its equipment is maintained so as to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board.

2. **General principles**

- 2.1 There are five guiding principles to the maintenance of an effective system of assurance of the condition and operation of ships trading internationally under the main Conventions:

- 2.1.1 An examination as to whether all options for the completion of the required activity have been exhausted.

- 2.1.2 An examination of all relevant available information on the ship and its history as a means to considering alternative evidence on the condition of the ship in lieu of completing a survey.

- 2.1.3 Consideration of how the requirements of the Convention and Classification Society rules can be shown to be met in the interim without changing the requirements themselves.

- 2.1.4 The use of verification activities which are based on survey procedures, bespoke to each Classification Society/RO and, in the case of statutory surveys, accepted by the MCA.

- 2.1.5 The consideration of alternative evidence for assessing compliance.

3. **Completion of traditional methods of survey**

- 3.1 The overarching principle for the survey, inspection and audits is that UK registered ships remain subject to the mandatory statutory and classification regime of surveys and certification under the relevant Conventions.

- 3.2 It is the responsibility of the operator to investigate all relevant avenues to arrange for the necessary activity to be undertaken to the required standard, and within the relevant timeframe, in full compliance with the requirements.

- 3.3 The MCA acknowledges that in exceptional circumstances, compliance with the established statutory requirements contained within IMO Conventions and Classification Society rules may not be possible however it is a fundamental requirement that all avenues are explored from the earliest opportunity to arrange for the activity to be completed in line with the requirements

4. **Consideration of the use of alternative measures**

- 4.1 Where it is demonstrably not possible to complete the required activities, the considerations set out in this MIN will be used to determine the acceptability of proposed alternative measures.

- 4.2 The decision as to whether appropriate measures are acceptable to credit for statutory



surveys is the responsibility of the MCA.

- 4.3 The MCA will not consider an application for alternative measures without the full support of the relevant Recognised Organisation (RO) as appropriate and applications for the use of such measures will only be accepted by the MCA from the RO.
- 4.4 An application direct to the MCA from an operator will not be considered.
- 4.5 Any application to consider alternative measures must contain a full and detailed description of the circumstances which dictate that the relevant activity cannot be completed within the appropriate timeframe and to the required standard.
5. **Initial assessment of ship related criteria.**
 - 5.1 ROs should adopt a safety-first approach to the consideration of alternative measures as to whether it is appropriate to recommend its use in lieu of survey to the MCA.
 - 5.2 The initial assessment of whether a vessel may be considered for alternative measures will be based on the following information:
 - 5.2.1 Review of Class records;
 - 5.2.2 Review of Port State Control performance;
 - 5.2.3 Review of the Company performance;
 - 5.2.4 Review of ISM Performance of Company/Vessel;
 - 5.2.5 Proposals for mitigating actions or operational restrictions;
 - 5.2.6 Reports of any incidents, accidents or casualties associated with the vessel;
 - 5.2.7 Other available information relevant to the condition or operation of the vessel.
 - 5.3 Should the review of the ship's history not give rise to concerns, the RO may formally recommend to the MCA for permission to issue an extension or endorsement/postponement beyond three months on the basis of alternative measures. It is critical that these recommendations are made in full recognition of the need for the ship to demonstrate compliance with the intent of applicable regulations at the time of the application and the ability to maintain compliance during the deferral period.
 - 5.4 Submissions should be made electronically to alternative.measures@mcga.gov.uk
 - 5.5 The MCA will review the request and, if considered appropriate alongside their internal profiling of the company and vessel, will grant permission for alternative measures to be used in lieu of a physical survey.
 - 5.6 The decision of the MCA will be communicated to the RO without delay including any relevant data held by the Agency relevant to the decision.
 - 5.7 If the history of the ship's performance identifies concerns which cannot be properly addressed with any proposed mitigating actions, such as service and/or operational restrictions, ROs should not recommend consideration of additional information in lieu of survey. In such instances, this may result in the suspension of class and statutory certificates may become invalid unless surveys are satisfactorily completed.
 - 5.8 Where an application is made to an RO which does not result in a recommendation for the consideration of alternative information, the MCA should be advised without delay with the details of the vessel and surveys affected by the rejection however the MCA are not required to endorse the decision.



6. **Alternative measures.**

6.1 Where ship operators are unable to meet the prescriptive detail of a requirement but have developed a proposal for an alternative measure which is intended to meet its intent, the MCA accepts the need to consider such measures as to whether they provide a satisfactory degree of temporary assurance as compared to the original prescribed intent of the relevant IMO Convention. The same applies to compliance with the rules of a Classification Society, however, the MCA will only note recommendations from RO's in respect of deviation from Classification Society rule requirements.

6.2 The proposal for the consideration of alternative measures needs to be detailed. The body of evidence provided should be clearly aligned with the intent of the relevant statutory requirements and/or Classification Society rules and set out the means of achieving the intent both at the time of consideration and during the deferral time period in a controlled manner.

6.3 The proposal, and ultimate recommendation to the MCA, should consider the elements set out in sections 2.1.3 to 2.1.5 of this MIN with guidance as follows:

6.3.1 Consideration of how the requirements of the Convention and Classification Society rules can be shown to be met in the interim without changing the requirements themselves.

6.3.2 IMO Conventions have been developed based on the technically sound scrutiny of facts and measures to mitigate determined risks. In this respect they are based on a defined intent and have been subject to critical review by the recognised international maritime community. In majority of cases, they prescribe detailed measures as means of achieving that intent.

6.3.3 When determining possible ways of ensuring the control of the safety, environmental protection and the protection of the crew on board a ship which is subject to exceptional circumstances, the MCA will assess the proposed risk mitigating measures, as recommended by the RO, based on the owner's intended steps and course of action.

6.3.4 The MCA will decide whether the measures provide a satisfactory degree of temporary assurance as the original prescribed intent of the measures in the IMO Convention.

6.3.5 The same applies to compliance with the rules of a Classification Society, which have undergone strict development supervision, however in this case the equivalency of the proposal will be the responsibility of the relevant Classification Society.

6.3.6 Proposals and subsequent recommendations under this section should ensure that the body of evidence presented clearly sets out the alignment with the intent of the statutory requirements and Classification Society rules, the means of achieving it at the time of consideration and its maintenance over the deferral time period in a controlled manner.

7. **Survey procedures.**

7.1 The mechanics of the survey processes needed to verify compliance rely on the translation of the statutory requirements of the Conventions into procedures that RO and MCA surveyors use to satisfy themselves that the ship is in compliance with those Conventions.



7.2 Where a variation to the traditional survey processes are to be considered, the review and technical consideration of those processes are to be recorded and presented by the RO to the MCA with a recommendation for their use as alternative measures. This review constitutes a body of evidence which supports the formal recommendation to the MCA on how the alternative measures are to be applied to the operation of the ship.

7.3 It will be for the MCA to accept the recommendation when deciding to permit the extended operation of the ship beyond permitted three months. The body of evidence, including the acceptance by the MCA, should be retained by the RO for later review or audit as necessary.

8. **Consideration of alternative evidence for assessing compliance.**

8.1 Recommendations, and the supporting evidence behind them, provided to the MCA should clearly demonstrate that it is representative of the condition of the ship and in accordance with the intent of the Conventions at that time.

8.2 Recommendations, and the supporting evidence behind them, provided to the MCA should clearly demonstrate the conditions required to maintain the validity of the presented evidence over the full duration of the proposed extension and should set out any control measures required to be put in place to preserve the validity of that extension.

8.3 In the case that it becomes not possible to maintain the validity of the control measures or evidence for the complete duration of the extension, the ship shall undergo the full suite of surveys prescribed in IMO Conventions and Classification Society rule requirements, at the determined point in time.

9. **Documentation of evidence.**

9.1 The collection of evidence which supports the decision, including that provided by the operator, obtained from records of the RO and Port State Control and, where appropriate, provided by the MCA, should be retained by the RO with the documented assessment of the evidence and subsequent recommendation to the MCA.

9.2 The assessment by the RO, supplemented by the body of evidence, should result in a recommendation to the MCA for either:

9.2.1 The rejection of the application for the consideration of alternative measures on the basis that the evidence provided does not support that all avenues have been explored to arrange for the activity to be completed in line with the requirements.

9.2.2 The extension of operation of a ship beyond statutory three months;

9.2.3 Immediate measures to bring the ship into compliance in accordance with the provisions of IMO Conventions and Classification Society requirements.

9.3 The responsibility for the decision to permit the extension of statutory certificates resides with the MCA as the flag State.



More Information

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