



# NIUE SHIP REGISTRY

Website: [www.niueship.com](http://www.niueship.com)

## **FORCE MAJEURE MEASURES INVOKED BY COVID-19 ON STATUTORY CERTIFICATES & SURVEYS INCLUDING ISM, ISPS, MLC 2006 AND FLAG STATE INSPECTIONS (Circular NMC5.2020 (rev1))**

### **PURPOSE:**

The measures contained in this circular shall be valid unless notified otherwise.

The measures serve to address the challenges faced by ship owners, managers and operators when it comes to arranging vessel attendance by RO, RSO and Flag State Inspectors, as well as arranging the delivery and/or repair of ship spares and equipment due to restrictions and safe-distancing measures imposed by countries around the world to curb the spread of COVID-19.

### **RELATED DOCUMENTS:**

- Niue Marine Circular NMC2.2020 – Coronavirus Pandemic (COVID-19)

### **DEFINITIONS:**

The following abbreviations stand for:

- “ISM Code” – International Management Code for the Safe Operation of Ships and for Pollution Prevention
- “ISPS Code” – International Ship and Port Facility Security Code implemented through chapter XI-2
- “MLC 2006” – Maritime Labour Convention, 2006
- “PSC” – Port State Control
- “RO” – Recognized Organization as defined by IMO Resolution A.789(19)

The term “Administration” shall mean Niue Ship Registry.

### **APPLICATION:**

This Marine Circular applies to all Niue flagged vessels.

### **CONTENTS:**

The Niue Administration fully endorses and supports the IMO guidances relating to COVID-19 found in Circular Letter No.4204 and its addendums and has recognised this as a force majeure situation that will necessitate flexibility in the shipping industry.

Therefore, Niue will work closely with ship owners and ROs to ensure that the validity of the statutory certificates of Niue flagged vessels continue to remain valid by adopting the use of remote survey techniques where physical attendance is not possible.

But where remote survey techniques cannot be employed due to restrictions imposed by COVID-19, the Administration will allow the following force majeure measures:

#### **1. Statutory Surveys and Certificates:**

Postponement of survey, servicing of equipment, and/or certificate extension beyond the maximum three (3) months in the event where scheduled surveys (drydock surveys, statutory surveys including IOPP renewal survey) are unable to be performed, either by physical attendance or remote means, due to restrictions imposed by COVID-19.

**2. Document of Compliance (ISM Code):**

Extending the DOC where the company cannot complete the required initial or annual verifications.

**3. Safety Management Certificate (ISM Code):**

**3.1.** Extending the Interim SMC where the initial ISM shipboard audit cannot be carried out.

**3.2.** Extending the intermediate ISM audit and authorize RO to issue Short Term SMC with the corresponding validity.

**3.3.** Extending the SMC where the renewal ISM shipboard audit cannot be carried out.

**4. International Ship Security Certificate (ISPS Code):**

**4.1.** Extending the Interim ISSC where the initial ISPS shipboard verification cannot be carried out.

**4.2.** Extending the intermediate ISPS verification and authorize RO to issue Short Term ISSC with the corresponding validity.

**4.3.** Extending the ISSC where the renewal ISPS shipboard verification cannot be carried out.

**5. Maritime Labour Certificate (MLC 2006):**

**5.1.** Extending the Interim MLC where the initial MLC 2006 shipboard verification cannot be carried out.

**5.2.** Extending the intermediate MLC 2006 verification and authorize RO to issue Short Term MLC with the corresponding validity.

**5.3.** Extending the MLC where the renewal MLC 2006 shipboard verification cannot be carried out.

**6. Flag State Inspections:**

All Flag State Inspections shall be arranged on a remote basis until further notice.

**7. Instructions for Ship Owners and ROs:**

Applications for the above force majeure measures shall be made to [technical@niueship.com](mailto:technical@niueship.com) with supporting documentation in the form of PDF or emails such as:

**7.1.** Notice by a port authority stating that the vessel is quarantined and/or that no one is authorized to attend the vessel; or

**7.2.** Confirmation from a RO that their auditor and/or surveyor is unable to attend the vessel in the port where the schedule inspection, audit or survey was to take place; or

**7.3.** Confirmation from a shipyard stating that it is unable to accommodate the vessel on a previously agreed schedule.

The RO should record and track the status of all extensions granted by the above force majeure measures and provide vessels with the necessary certification evidence.

Please do not hesitate to contact the Registry at [operations@niueship.com](mailto:operations@niueship.com) or call: +65 6226-2001 for clarification.