

Alert on the PCR certificate quarantine requirements set by Korea Disease Control and Prevention Agency (KDCA)

In midst of continued enhancement of COVID-19 restrictions/regulations set by the Korean authorities, we note a recent surge of cases where the Members have been unable to comply to the COVID-19 requirements for circumstantial reasons resulting in heavy penalty being imposed on the crew & vessel. It seems that the Members have not received the relevant information from the local agents in advance of calling to Korean ports and consequently, we feel it necessary to inform the Members via the P&I Club so that proper preparations can be made to comply with the requirements. Although there have been numerous notices sent out to the local agents by the authorities with updates, rather than sharing the same, I have summarized the most recent procedure as below for Club/Member's easy reference.

The problematic regulation is the mandatory submission requirement of COVID-19 Polymerase Chain Reaction negative test result to the Korean authorities upon vessel's arrival at Korean ports. The certificate requirement applies for crew members that have embarked the vessel at a port of 'high-risk' country otherwise known as 'enhanced quarantine measure required country'. For the PCR certificate to be acceptable to the Korean authorities, the certificate must have been issued within 48 hours prior to departure from the port of high risk country and also must be issued by the medical institutes designated by the Ministry of Foreign Affairs. This regulation was initially announced by KDCA on 30th July 2020 and applies to vessel that departed a 'high-risk' country port from 3rd August 2020 onwards.

The 'high-risk' countries are designated by the Korean government and is updated routinely. The list currently stands as:

- Russia
- Philippine
- Pakistan
- Bangladesh
- Kazakhstan
- Kyrgyzstan
- Uzbekistan

As advised, the PCR certificate must be issued by the designated medical institutes in those countries of which the list is available in the attachment 'Designated Medical Institutes for PCR Certificate'.

Please be reminded that PCR certificate issued by medical institutes not designated on the list or issued at a time earlier than 48 hours of departure from port, will not be accepted by the Korean authorities.

Consequence in failing to submit satisfactory PCR certificate.

Failure to submit the PCR certificate will result in vessels having to undergo a full quarantine inspection by the National Quarantine Station (NQS) requiring COVID-19 test on all crew onboard. No one will be allowed to disembark the vessel and the cargo operation may be carried out only after the receipt of negative result for all the crew tested.

Since its first implementation on 3rd August 2020, the Korean government noticed that many vessels failed to comply to the PCR certificate requirement. Accordingly, a decision was made by the KDCA to instruct the NQS regional office Directors to press charges to the Coast Guard against the crew/Owners that fail to submit the PCR certificate for breach of local Quarantine Act. Such measure was applied to vessels entering Korean port from 8th September 2020 onwards.

The relevant Quarantine Act in question is Article 12 (3) and once the Korean court rules that there was a breach of Quarantine Act by the individual, the applicable punishment is imprisonment with labour for not more than one year or a fine not exceeding KRW10,000,000. Likely penalty will be a fine and the fine will be imposed per crew that have been found to have breached the Quarantine Act and one additional fine will be levied on the Owners (i.e. if 3 crew member breached the Quarantine Act, it will result in a total of 4 fines = 1 for each crew and 1 for the Owner).

After the quarantine inspection by the NQS, the NQS will file charges to the local Coast Guard against each crew that have failed to submit the PCR certificate despite falling into the required category. Upon receiving the official notice from the NQS, the Coast Guard will carry out an investigation on the case including interrogation of each crew that failed to submit the PCR certificate. The Master will also be requested to attend the interrogation on behalf of the Owners. Once the interrogation is complete, the vessel may depart port only after the local agent has submitted a 'Letter of Intent' on behalf of the Owners, guaranteeing payment of the fine when finally determined by the local court. The local agent will normally require a counter guarantee from the Owners or an advance deposit of significant fund from the Owners prior to issuing the LOI.

The Coast Guard investigation report will be submitted to the public prosecutor's office upon which the prosecutor will review the case and indict the crew & Owners along with determining the appropriate penalty. Thereafter, the local court will make a final judgement on the penalty to be imposed. As this is a new measure, we are awaiting a precedence that could be of a reference of expected fines in such breach of Quarantine Act.

Additional penalty is imposed on the vessel by the Ministry of Oceans & Fisheries (MOF). Vessels that have breached the Quarantine Act will require approval from the authorities prior to entry to Korean ports at their next calling for the subsequent 6 months. Having checked with the MOF today, we are informed that as long as the vessel & crew is in compliance with the Quarantine regulations including satisfactory submission of the required PCR certificate, the authorities will grant approval at next entry without too much difficulty. However, if the vessel fails to comply to the quarantine regulations again at the next calling, the vessel will be banned from entering Korean ports until further notice. On the other hand, if the vessel manages to acquire 3 consecutive approvals for entry, the vessel will be removed from the 'blacklist' earlier than 6 months.

We would strongly recommend the Members to routinely check with the agents for updates on the list of 'high-risk' countries and designated medical institutes and for any additional quarantine measure the Korean authorities may implement in the future.

I emphasize and caution that the above reported procedure is the general expected outcome based on recent cases handled. The actual situation may progress differently depending on the NQS, MOF, Coast Guard personnel or regional office involved. We are still very much at the initial stage of the implementation and the situation is continuously changing as time progresses.

Please do not hesitate to contact me if you require further clarification or information.

Best regards,
Joseph Park
Attachments.