INTERNATIONAL MARITIME ORGANIZATION

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Circular Letter No.4204/Add.18
26 May 2020

To: All IMO Member States
United Nations and specialized agencies
Intergovernmental organizations
Non-governmental organizations in consultative status with IMO

Subject: **Joint Statement IMO-ICAO-ILO on designation of seafarers, marine personnel, fishing vessel personnel, offshore energy sector personnel, aviation personnel, air cargo supply chain personnel and service provider personnel at airports and ports as key workers, and on facilitation of crew changes in ports and airports in the context of the COVID-19 pandemic**

The Secretary-General of the International Civil Aviation Organization (ICAO), the Director-General of the International Labour Organization (ILO) and the Secretary-General of the International Maritime Organization (IMO) have jointly issued the attached statement to enlist the support of Governments for the facilitation of crew changes in ports and airports in the context of the COVID-19 pandemic.

According to information provided by the maritime industry, around 150,000 seafarers will require international flights in order to be changed over to and from the ships they operate from the middle of June 2020. This is one of the biggest challenges facing the shipping industry since, due to COVID-19 restrictions, large numbers of seafarers are having to extend their service on board ships after many months at sea, unable to be replaced or repatriated after long tours of duty. This situation is unsustainable, both for the safety and wellbeing of seafarers and the safe operation of maritime trade.

Member States are strongly encouraged to take urgent action to address this issue and bring the contents of this Circular Letter to the attention of the competent health, immigration, border control and maritime authorities, at both national and local levels; as well as all other parties concerned, in particular ports and airports.

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SUSTAINABLE SHIPPING FOR A SUSTAINABLE PLANET

ANNEX

A Joint Statement on designation of seafarers, marine personnel, fishing vessel personnel, offshore energy sector personnel, aviation personnel, air cargo supply chain personnel, and service provider personnel at airports and ports as key workers, and on facilitation of crew changes in ports and airports in the context of the COVID-19 pandemic
22 May 2020

The coronavirus disease (COVID-19) pandemic has placed the entire world in an unprecedented situation. To slow the spread of the disease and mitigate its impacts, travel is being curtailed and borders are being closed. Transport hubs are being affected. Some ports and airports are being closed and ships and aircraft denied entry.

More than 80% of global trade by volume is moved by maritime transport, which is the lifeblood of the global economy, and is dependent on the world's 2 million seafarers who operate the world's merchant ships. It is estimated that from the middle of June 2020 around 150,000 seafarers a month will require international flights in order to be changed over from the ships that they operate, about half travelling by aircraft for repatriation, the other half joining ships.

Commercial fishing provides a major source of the world's food, and the crews of fishing vessels must also be periodically changed to avoid fatigue.

Air transport carried about 4.5 billion passengers in 2019, according to preliminary ICAO figures while airfreight represents 35% of the value of goods shipped in all modes combined. The total number of licensed aviation professionals, which include pilots, air traffic controllers and licensed maintenance technicians, was 887,000 in 2019, according to ICAO personnel statistics and forecasts.

Material and relevant information produced during the COVID-19 pandemic so far by the International Maritime Organization (IMO), the International Civil Aviation Organization (ICAO) and the International Labour Organization (ILO) is set out in the annex. In particular, this includes, inter alia:

- IMO Circular Letter No.4204/Add.14 of 5 May 2020, Coronavirus (COVID-19) - Recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic;

- IMO Circular Letter No.4204/Add.13 of 5 May 2020, Coronavirus (COVID-19) - Recommendations for Governments and relevant national authorities on facilitating the movement of offshore energy sector personnel during the COVID-19 pandemic;

- ICAO State letter EC 6/3 – 20/46 of 18 March 2020, Adherence to relevant ICAO Annex 9 – Facilitation Standards; and Actions taken by Member States to reduce the spread of the novel coronavirus (COVID-19) by air transport and to protect the health of air travellers and the aviation personnel;

- ICAO State letter EC 6/3 – 20/55 of 15 April 2020, Speedy authorization of repatriation flights; and

- ICAO Electronic Bulletin 2020/30 of 11 May 2020, Implementing a public health corridor to protect flight crew during the COVID-19 pandemic (cargo operations).

Our three Organizations seek to ensure that seafarers, marine personnel, fishing vessel personnel, offshore energy sector personnel, aviation personnel, air cargo supply chain personnel, service provider personnel at airports and ports are designated as 'key workers', regardless of nationality, to exempt them from travel restrictions, to ensure their access to emergency medical treatment and, if necessary, to facilitate emergency repatriation.

We are seeking the support of Governments to facilitate crew changes, operations essential to maintain the global cargo supply chains and operations related to humanitarian aid, medical and relief flights. For humanitarian reasons – and the need to comply with international safety and employment regulations – crew changes cannot be postponed indefinitely.

To facilitate crew changes in ports and airports in the context of the COVID-19 pandemic, we encourage Governments and relevant national and local authorities to:

- designate seafarers, marine personnel, fishing vessel personnel, offshore energy sector personnel, aviation personnel, air cargo supply chain personnel, service provider personnel at airports and ports, regardless of nationality when in their jurisdiction, as 'key workers' providing an essential service;[1]

- grant seafarers, marine personnel, fishing vessel personnel, offshore energy sector personnel, aviation personnel and service provider personnel at airports and ports any necessary and appropriate exemptions from national travel-related, health-related or movement restrictions in order to facilitate their joining or leaving ships, aircraft, airports and cargo facilities;[2];

- accept, inter alia, official seafarers' identity documents, discharge books, STCW certificates, employment agreements, fishers' work agreements and letters of appointment from the employer, as evidence of being a seafarer, marine personnel, fisher, offshore energy sector personnel or personnel at ports, where necessary, for the purposes of crew/key personnel changes;

- accept, inter alia, official air operator crew identity cards and Crew Member Certificates (CMC) as evidence of being aviation personnel, where necessary, for the purposes of crew changes;

- permit seafarers, marine personnel, fishers and offshore energy sector personnel respectively, to disembark ships in port and transit through their territory (i.e. to an airport) for the purpose of crew changes and repatriation;

- implement appropriate approval and screening protocols for seafarers, marine personnel, fishers, offshore energy sector personnel, and aircraft crew seeking to disembark ships and aircraft, respectively, for the purpose of crew changes and repatriation;

- provide information to ships and aircraft and their crews, on basic protective measures against COVID-19 based on WHO advice;[3]

- adhere to the relevant Annex 9 Standards intended to ensure sustainable air cargo operations and global air cargo supply chain;

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1 See Statement of the Officers of the Special Tripartite Committee of the MLC, 2006 on COVID-19 available at https://www.ilo.org/global/standards/maritime-labour-convention/special-tripartite-committee/WCMS_740130/lang--en/index.htm

2 Ibid.

3 https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public

- Implement a Public Health Corridor as outlined in the Electronic Bulletin 2020/30 published on 11 May 2020 to protect flight crews of cargo operation;

- expedite authorization of "repatriation flights" and flights for the purpose of conducting crew changes during the COVID-19 pandemic as per State Letter 2020/55 dated 15/04/2020; and

- ensure the avoidance of undue or inadvertent restrictions.

We invite Governments and other stakeholders to bring the contents of this joint statement to the attention of the competent authorities and all concerned.

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ANNEX

1 The International Maritime Organization (IMO) has issued the following Circular Letters relevant to seafarers and shipping since the COVID-19 outbreak:

- Circular Letter No.4204 of 31 January 2020, providing information and guidance on the precautions to be taken to minimize risks to seafarers, passengers and others on board ships from the novel coronavirus (COVID-19);
- Circular Letter No.4204/Add.1 of 19 February 2020, COVID-19 – Implementation and enforcement of relevant IMO instruments;
- Circular Letter No.4204/Add.2 of 21 February 2020, Joint Statement IMO-WHO on the Response to the COVID-19 Outbreak;
- Circular Letter No.4204/Add.3 of 2 March 2020, Operational considerations for managing COVID-19 cases/outbreak on board ships prepared by WHO;
- Circular Letter No.4204/Add.4 of 5 March 2020, ICS Coronavirus (COVID-19) Guidance for ship operators for the protection of the health of seafarers;
- Circular Letter No.4204/Add.5/Rev.1 of 2 April 2020, Coronavirus (COVID-19) – Guidance relating to the certification of seafarers and fishing vessel personnel;
- Circular Letter No.4204/Add.6 of 27 March 2020, Coronavirus (COVID-19) - Preliminary list of recommendations for Governments and relevant national authorities on the facilitation of maritime trade during the COVID-19 pandemic;
- Circular Letter No.4204/Add.7 of 3 April 2020, Coronavirus (COVID-19) - Guidance concerning unforeseen delays in the delivery of ships;
- Circular Letter No.4204/Add.8 of 14 April 2020, Coronavirus (COVID-19) - Video meeting with port State control (PSC) regimes;
- Circular Letter No.4204/Add.9 of 16 April 2020, Joint Statement IMO-WCO on the integrity of the global supply chain during the COVID-19 pandemic;
- Circular Letter No.4204/Add.10 of 22 April 2020, Joint Statement IMO-WHO-ILO on medical certificates of seafarers, ship sanitation certificates and medical care of seafarers in the context of the COVID-19 pandemic;
- Circular Letter No.4204/Add.11 of 24 April 2020, EC Guidelines on protection of health, repatriation and travel arrangements for seafarers, passengers and other persons on board ships;
- Circular Letter No.4204/Add.12 of 27 April 2020, Coronavirus (COVID-19) - Declaration by Port Authorities Roundtable (PAR) members in view of the global COVID-19 situation;
- Circular Letter No.4204/Add.13 of 5 May 2020, Coronavirus (COVID-19) - Recommendations for Governments and relevant national authorities on facilitating the movement of offshore energy sector personnel during the COVID-19 pandemic;
- Circular Letter No.4204/Add.14 of 5 May 2020, Coronavirus (COVID-19) - Recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic;
- Circular Letter No.4204/Add.15 of 6 May 2020, Coronavirus (COVID-19) - Personal protective equipment; and
- Circular Letter No.4204/Add.16 of 6 May 2020, Coronavirus (COVID-19) - COVID-19 related guidelines for ensuring a safe shipboard interface between ship and shore-based personnel.

2 The International Civil Aviation Organization (ICAO) has issued, since the COVID-19 outbreak, the following State Letters Electronic Bulletins, statements and declarations to provide information and updates to Member States and remind them of their obligations towards the air transport stakeholders:

- Electronic Bulletin *2020/06 Novel Corona Virus Epidemic in China 24/01/2020;*
- Electronic Bulletin 2020/09 Ongoing Developments Regarding the Novel Coronavirus (2019-nCoV) Outbreak 30/01/2020*;*
- Electronic Bulletin 2020/27 Repatriation of COVID-19 Human Remains by Air 06/05/2020;
- Electronic Bulletin 2020/30 Implementing a Public Health Corridor To Protect Flight Crew During the COVID-19 Pandemic (Cargo Operations) 11/05/2020;
- State Letter 2020/15 State support to prevent the spread of Novel Coronavirus Disease (COVID-19) 13/02/2020;
- Joint ICAO/WHO Statement of 6/03/2020 *on COVID-19*;
- ICAO Council Declaration of 9 March 2020 relating to the outbreak of novel coronavirus (COVID-19);
- State Letter 2020/46 Adherence to relevant ICAO Annex 9 Facilitation Standards; and Actions taken by Member States to reduce the spread of the novel coronavirus (COVID-19) by air transport and to protect the health of air travellers and the aviation personnel 18/03/2020;
- State Letter 2020/47 Implementation of contingency arrangements to reduce the risks of the spread of COVID-19 20/03/2020*;*
- State Letter 2020/50 Operational measures to ensure safe operations during the COVID-19 pandemic 03/04/2020*;*
- State Letter 2020/55 Speedy authorization of "repatriation flights" during the COVID-19 pandemic period 15/04/2020*;* and
- State letter 2020/58 Nomination of a Subject Matter Expert for the Task Force on health issues outbreaks in aviation 12/05/2020.

3 Relevant material of the International Labour Organization (ILO)

The International Labour Organization (ILO) is addressing all aspects of the impact of COVID-19 on the world of work, through the protection of people, jobs, incomes and enterprises. It calls for global cooperation and national solutions that relies on social dialogue and ILO normative framework, including the Maritime Labour Convention, 2006, as amended (MLC, 2006).

Specific to the maritime and civil aviation sectors, it has, among other things:

- issued an *Information note on maritime labour issues and COVID-19*;
- issued a sectoral brief on *COVID-19 and maritime shipping & fishing*;
- issued a sectoral brief on *COVID-19 and civil aviation*:
- addressed letters to more than 60 countries that have ratified the MLC, 2006 with a request to adopt without delay all measures within reach to ensure that seafarers on board cruise ships can be repatriated.

Furthermore, the Officers of the Special Tripartite Committee of the Maritime Labour Convention, 2006, have issued a *Statement of the Officers of the STC on the coronavirus disease (COVID-19)*, and the ILO, the IMO and WHO, have issued a *Joint Statement IMO-WHO-ILO on medical certificates of seafarers, ship sanitation certificates and medical care of seafarers in the context of the COVID-19 pandemic.*

The ILO Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185) and the Seafarers' Identity Documents Convention, 1958 (No. 108) deal with the importance of facilitating the transit and transfer of seafarers. In particular, under Article 6, paragraph 7, of Convention (Revised), 2003, as amended (No. 185), "Each Member for which this Convention is in force shall, in the shortest possible time, also permit the entry into its territory of seafarers holding a valid seafarers' identity document supplemented by a passport, when entry is requested for the purpose of: (a) joining their ship or transferring to another ship; (b) passing in transit to join their ship in another country or for repatriation; or any other purpose approved by the authorities of the Member concerned". Governments may also decide to apply this provision to fishers.

Under regulation 2.5 of the MLC, 2006, seafarers have a right to be repatriated at no cost to themselves in the circumstances and under the conditions specified in the Code of the Convention. Pursuant to Standard A2.5.1, paragraph 7 of the MLC, 2006, each Member shall facilitate the repatriation of seafarers serving on ships which call at its ports or pass through its territorial or internal waters, as well as their replacement on board.

It is critical that the right of seafarers to return home is guaranteed during the pandemic in accordance with the provisions of the MLC, 2006, without prejudice to the need for competent authorities to take proportionate and specifically adapted measures to minimize the risk of contagion.