

PSCircular 101

2 MARCH 2022

Guidance on repatriation of seafarers due to situation in Ukraine

Introduction

- 1 Following the developments in Ukraine, MAB considered that there is a need to apply flexibility under these circumstances considering difficulties to be encountered in repatriation of seafarers. In its decision MAB has taken due account to the views expressed by the Marine Transport Workers Trade Union of Ukraine (MTWTU – ITF affiliate) (<https://mtwtu.org.ua/en/news/mtwtus-official-statement-on-crew-change-of-ukrainian-seafarers>).
- 2 It is acknowledged that the effects on repatriation is not limited to Ukrainian seafarers on board ships flying the flag of Ukraine, but to all seafarers caught up in the present situation..
- 3 In applying flexibility, due regard is to be paid to the experiences gained with issues regarding repatriation, (re)validation of STCW and MLC certificates during the COVID-19 pandemic.

Repatriation

- 4 With respect to the issue of application of flexibility, if appropriate, the port State should be assured that, in case the maximum duration of the seafarers' employment agreement (SEA) has expired, seafarers are not able or willing to return home due to the war. In making his/her decision the PSCO should take into account any available documentation provided by the MLC shipowner and the flag State and information from the relevant crew members.
- 5 Any extension of the period of service on board beyond the default 11 months should be authorized only on a case-by-case basis to face the emergency situation and only with the seafarer's consent.
- 6 Flag States remain responsible for enforcing compliance with the MLC. Similarly to the circumstances during the COVID-19 pandemic, port States are therefore urged to specifically require written evidence of the flag State's authorization for each vessel including (a list of) individual seafarers performing any period of service on board beyond the default 11 months. It is recalled that, in any way, a valid SEA must remain in force until the seafarer is duly repatriated in accordance with Regulation 2.5 of the MLC, 2006.
- 7 A vessel should be treated in the normal manner where an SEA is expired.

8 STCW Certification

Similarly to the circumstances during the COVID-19 pandemic, seafarers may face issues with STCW certification. In making his/her decision the PSCO should take into account any available documentation provided by the appropriate maritime administration and the flag State and information from the relevant crew members.

9 Medical Certificates

In cases where it has been difficult for seafarers to renew or extend their medical certificate the flag administration may allow seafarers to serve on-board. PSCOs should accept documents produced by flag States which acknowledges seafarers' extended stay on board due to force majeure associated with the circumstances in Ukraine.

Review of the guidance

- 10 This PSCircular will be reviewed, as appropriate, to keep aligned with developments and future initiatives by relevant stakeholders.

