



Shipping Information Notice – 074 (b)
COVID-19 – Clarification of extensions to Seafarer Employment Agreements

(To be read in conjunction with SIN 068, 074 & 074(a))

To: Ship Owners, Operators, Master's, Certifying Authorities, and Recognised Organisations

References:

- Shipping Information Notice 068 - COVID-19 – CEC's & SEA's
- Shipping Information Notice 074 - Clarification of extensions to Seafarer Employment Agreements
- Shipping Information Notice 074(a) - Clarification of extensions to Seafarer Employment Agreements
- Paris MOU PSC Circular 97

In addition to the information and requirements contained within the above-referenced notices, Gibraltar Maritime Administration would draw the attention of MLC Ship-owners, to recently released Paris MOU PSC Circular 97, with particular emphasis on section 14, in relation to seafarers on Gibraltar Registered vessels.

Section 14 states:

“Under the current pandemic situation, regular inspection routines are being resumed. In view of the ILO reporting 150,000 to 200,000 seafarers that remain on board because of measures to contain the pandemic, port States are urged to apply an enhanced focus on MLC issues and in particular SEAs, irrelevant of the inspection type. If deviations are found, the port State should request a plan or process that covers how variations to the Maritime Labour Convention (MLC) requirements are being managed as well as a plan regarding repatriation and/or crew rotations for any crew who have been on board for longer than the period specified in their SEAs. Any crewmember who has already spent more than the default 11 months on board should be prioritised for repatriation. A vessel should be treated in the normal manner where an SEA is expired.”

Given the above guidance, the Administration would emphasize the importance of obtaining Flag State permission for extension past the maximum permissible period of service of any Seafarer's Employment Agreement, in the event that a seafarer serving on a Gibraltar ship cannot be repatriated due to restrictions caused by COVID-19. Any such extensions must be freely entered into by the seafarer, who has the right to seek advice from seafarer organizations prior to entering any agreement for extension. A plan must be put into place by the ship-owner to ensure measures for any affected seafarer to be relieved and repatriated at the earliest available opportunity.

It is vital to note the last underlined part of section 14; *“A vessel should be treated in the normal manner where an SEA is expired.”*. The interpretation of this sentence may be construed by an attending PSC Officer as meaning, that if during an attendance, an expired SEA is discovered which is not supported by an extension due to COVID-19 circumstances agreed to by the Flag State, the default application of an existing deficiency would be adopted, which in a worst case scenario, could result in the vessel being detained.

Taking all the above into account, the Administration cannot emphasize enough the importance associated with ship-owners having suitable processes and plans to ensure Gibraltar ships do not fall foul of the requirements in relation to SEA's under the current pandemic climate. Should there be any doubt related to the topic, ship-owners are encouraged to contact the Administration via email; maritime.survey@gibraltar.gov.gi to seek any necessary guidance.

Steve Gomez – Chief Surveyor (Ag)

For & on behalf of the Maritime Administrator

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