



Technical Circular

No.: 103/2020

Date: 14th July 2020

Subject: Vanuatu flag Administration on extension of Seafarers Employment Agreement (SEA) due to outbreak of COVID-19 pandemic

1. The Vanuatuflag Administration vide **Fleet Safety Letter 031420.GEN** had informed that in those cases where crew change is not possible due to the outbreak of the Novel Coronavirus (COVID-19), the Administration considers granting exemptions as follows;

“If the seafarer’s employment agreement expires or will expire soon, an exception to Standard A2.4.3 ‘**Entitlement to leave**’, and Standard A2.5.1.2 (b) ‘**Repatriation**’ of the Maritime Labour Condition 2006, **will be granted in order to extend it**”.

2. By the end of extension provided, the concerned seafarer shall have the right to annual leave with pay and be duly repatriated as per standard A 2.4.3 and A 2.5.1.2(b).

3. Administration had informed that exemption granted under above provision will be reviewed within a **period of 45 days** in which it will be decided whether the exemption granted will be maintained or terminated.

4. **Further Extensions/ exemptions** will be granted by Vanuatu Administration through an Authorization letter and must be requested through one of Vanuatu’s Special Agent Offices located in either Japan, Korea or Istanbul submitting the following requirements;

- Email requesting the extension of the seafarers employment agreement, including the particulars of the ship, seafarer name and position onboard,
- Copy of Seafarer Employment Agreement of each seafarer for whom extension is requested,
- Copy of Crew List of the ship.

5. Administration vide **Fleet Safety Letter 063020.GEN**, dated 30 June 2020 has now;

a. Modified paragraph 6 of Fleet Safety Letter 031420.GEN granting an automatic 45 days extension from the date of 14 March 2020 resulting in an expiration date of **30 April 2020** and;

b. Revoked paragraph 7 of Fleet Safety Letter 031420.GEN establishing a procedure to extend any SEA past the original period of 45 days.

c. Informed that any seafarer on a Vanuatu flagged ship that has been issued a 60 day extension under paragraph 7 of Fleet Safety Letter 031420.GEN past the original 45 days and due to expire **on or about 30 June 2020** and the ship owner/ manager/ship's agent cannot relieve and repatriate any affected seafarer due to any



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. While we have taken utmost care to be as factual as possible, readers/ users are advised to verify the exact text and content of the Regulation from the original source/ issuing Authority.

travel restrictions caused by the pandemic it is hereby automatically **extended up to and including 30 September 2020**.

6. All efforts are to be made where practical to make the appropriate crew changes as the conditions allow.
7. Ship owners/ operators and masters of Vanuatu flagged ships are advised to be guided by above.

Enclosure:

1. Vanuatu Fleet Safety Letter 031420.GEN, dated 14 March 2020
2. Vanuatu Fleet Safety Letter 063020.GEN, dated 30 June 2020

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FLEET SAFETY LETTER 031420.GEN

14 March 2020

Applicable to: This FLEET/SAFETY LETTER is to be brought to the attention of Masters, seafarers, ship-owners, ship managers, operators, manning agencies, Port State Control Officers or any other government or official agency regarding Vanuatu registered vessels and all seafarers serving thereon.

Coronavirus and Seafarers Employment Agreement (SEA)

- 1. The purpose of this Merchant Marine Notice is to inform that with the outbreak of the Novel coronavirus (2019-nCoV), the WHO declared a state of global health emergency, causing massive uncertainty across the global trade, resulting in additional implication for the regular shipping operations.**
- 2. The coronavirus outbreak coincided with the Chinese New Year holiday, and the Chinese government has taken the unusual step of extending the break for up to a week in order to reduce the spread of the contagion. Given the rapid spread of the virus it seems likely that the shutdown could be extended even further.**
- 3. This policy is having an effect for crew changes. With extensive travel restrictions to and within China, moving personnel has become more difficult, and ports outside of China are carefully scrutinizing seafarers who have recently visited affected areas.**
- 4. Is the purpose of this Marine Notice to inform that in those cases where it is not possible to change the crew due to this situation, this Administration consider appropriate to make an exemption to Standard A2.4.3, and Standard A2.5.1.2(b) of the Maritime Labour Convention, 2006, as amended, in order to extend the seafarers period of service on board, due to the WHO global health emergency which stated:**

Standard A2.4 – Entitlement to leave

...

3. Any agreement to forgo the minimum annual leave with pay prescribed in this Standard, except in cases provided for by the competent authority, shall be prohibited.

Standard A2.5.1 - Repatriation

...

2. Each Member shall ensure that there are appropriate provisions in its laws and regulations or other measures or in collective bargaining agreements, prescribing:

...

(b) the maximum duration of services periods on board following seafarer is entitled to repatriation – such periods to be less than 12 months; ...

5. In those case where the exemption is required, please be informed that by the end of the extension provided all the seafarers will have the right to have their annual leave with pay, and to be duly repatriated, as prescribed by the Standard A2.4.3, and Standard A2.5.1.2(b) of the Maritime Labour Convention, 2006, as amended, accordingly.

6. Finally, be informed that the exemption given through this Fleet Safety Letter will be reviewed within a period of 45 (forty-five) days in which it will be decided whether the exemption granted is maintained or terminated.

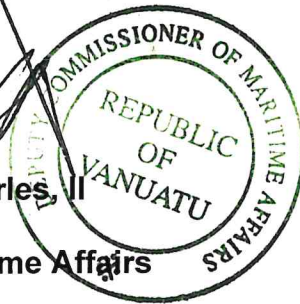
7. Further Extensions / exemptions will be granted through an Authorization Letter issued by the VMSL-NY Office, and must be requested through one of VMSL's Special Agent Offices located in either Japan, Korea or Istanbul (detailing the vessel name, and crew name and position on board) and attached with the following requirements:

a-Copy of Crew List of the vessel.

b-Copy of the Seafarer Employment Agreement (SEA) of each seafarer requesting the extension.



Captain Patrick Michael DeCharles,
by direction of the
Deputy Commissioner of Maritime Affairs
The Republic of Vanuatu



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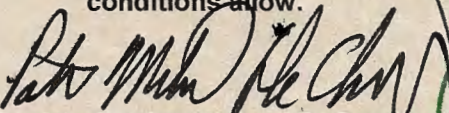
FLEET SAFETY LETTER 063020.GEN

30 June 2020

Applicable to: This FLEET SAFETY LETTER is to be brought to the attention of Masters, seafarers, ship-owners, ship managers, operators, manning agents, Recognized Organizations and Port State Control Officers or any official agency regarding Vanuatu registered vessels and seafarers serving thereon.

Coronavirus and Seafarers Employment Agreement (SEA)

1. This Fleet Safety Letter is issued to reiterate the points stated in the Fleet Safety Letter 031420.GEN issued on 14 March 2020, *(except as provided in paragraph 2 below)* extending the seafarer's period of service on board due to the Coronavirus Pandemic with all benefits established under Standards A2.4 (Entitlement to Leave) and A2.5.1. (Repatriation) of the Maritime Labour Convention 2006. (MLC)
2. In addition to the above, this Fleet Safety Letter:
 - a. modifies paragraph 6 of Fleet Safety Letter 031420.GEN granting an automatic 45 day extension from the date of 14 March 2020 resulting in an expiration date 30 April 2020 and;
 - b. Revokes paragraph 7 of Fleet Safety Letter 031420.GEN establishing a procedure to extend any SEA past the original period of 45 days.
 - c. Any seafarer on a Vanuatu flagged vessel that has been issued a 60 day extension under paragraph 7 of Fleet Safety Letter 031420.GEN past the original 45 days and due to expire on or about 30 June 2020 and the vessel owner/ manager/vessel's agent cannot relieve and repatriate any affected seafarer due to any travel restrictions caused by the pandemic it is hereby automatically extended up to and including 30 September 2020.
3. All efforts should be made where practical to make the appropriate crew changes as the conditions allow.


Captain Patrick Michael DeCharles, II,
by direction of the
Deputy Commissioner of Maritime Affairs
The Republic of Vanuatu

