



Sayı : 38591462 - 010.08 - 2020 - 1211

17/04/2020

Konu : AB Ülkelerinde Gemilerdeki Gemi Personeli ve Yolcuların Ülkelerine Gönderimi ve Seyahat Düzenlemeleri Rehberi Hk.

Sirküler No :480

Sayın Üyemiz,

Ulaştırma ve Altyapı Bakanlığı Denizcilik Genel Müdürlüğü'nün 15.04.2020 tarihli ve 24365 sayılı yazısında, Korona Virüs (Covid-19) salgını ile mücadele kapsamında, gemilerdeki gemiadamlarının, yolcuların ve diğer kişilerin sağlığının korunması, ülkesine gönderimi ve seyahat düzenlemelerine ilişkin Avrupa Komisyonu tarafından 8 Nisan 2020 tarihinde rehber yayımlandığı bildirilmektedir.

EK'te Türkçe özet çevirisine yer verilen Rehberde ayrıca, gemiden ayrılacak olan gemiadamları ile donatan ve işletenlerin yükümlülüklerini yer verilmekte olup, Avrupa Birliği limanlarına sefer yapan gemilerin söz konusu rehberi dikkate almalarının önem arz ettiği ifade edilmektedir.

Bilgilerinizi arz ve rica ederim.

Saygılarımla,

e-imza

İsmet SALİHOĞLU
Genel Sekreter

Ek: İlgi Yazı ve Ekleri (18 sayfa)

Dağıtım:

Gereği:

- Tüm Üyeler (WEB sayfası ve e-posta ile)
- Türk Armatörler Birliği
- S.S. Gemi Armatörleri Mot. Taş. Koop.
- Vapur Donatanları ve Acenteleri Derneği
- İMEAK DTO Şubeleri ve Temsilcilikleri
- KOSDER
- UND
- Tüm Acenteler
- Gemi Sahibi Firmalar

Bilgi:

- Yönetim Kurulu Başkan ve Üyeleri



Bu belge, 5070 sayılı Elektronik İmza Kanuna göre Güvenli Elektronik İmza ile İmzalanmıştır.

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Bilgi için: Serkan İNAL Telefon: 02122520130/157 E-Posta: serkan.inal@denizticaretodasi.org.tr

Meclis-i Mebusan Caddesi No: 22 34427 Fındıklı - Beyoğlu - İstanbul Türkiye

Tel : +90 (212) 252 01 30 Faks: +90 (212) 293 79 35

Web: www.denizticaretodasi.org.tr E-mail: iletisim@denizticaretodasi.org.tr Kep: imeakdto@hs01.kep.tr.



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T.C.
ULA TIRMA VE ALTYAPI BAKANLI I
Denizcilik Genel Müdürlü ü

Sayı :25032954-175.01-E.24365
Konu :Avrupa Komisyonu rehberi

15.04.2020

DAĞITIM YERLERİNE

İlgi : Avrupa Birliđi ve Dış İlişkiler Genel Müdürlüğünün 13.04.2020 tarihli ve E.24116 sayılı yazısı.

İlgi yazı ile, Çin Halk Cumhuriyeti'nde ortaya çıktıktan sonra tüm dünyaya yayılan Korona Virüs (Covid-19) salgını ile mücadele kapsamında, gemilerdeki gemiadamlarının, yolcuların ve diđer kişilerin sađlığını koruması, ülkesine gönderimi ve seyahat düzenlemelerine ilişkin Avrupa Komisyonu tarafından 8 Nisan 2020 tarihinde rehber yayımlandığı bildirilmektedir. Bahse konu rehber ayrıca, gemiden ayrılacak olan gemiadamları ile donatan ve işlitenlerin yükümlülüklerini içermekte olup Ekte sunulmaktadır.

Avrupa Birliđi limanlarına sefer yapan gemilerde söz konusu rehberin dikkate alınması önem arz etmekte olup konunun önemine binaen sektöre duyurulması hususunda bilgilerinizi ve geređini rica ederim.

Ahmet Selçuk SERT
Bakan a.
Genel Müdür V.

Ek : Ek (17 sayfa)

Dađıtım:

Liman Başkanlıklarına
İMEAK Deniz Ticaret Odasına
Mersin Deniz Ticaret Odasına

Not: 5070 sayılı Elektronik İmza Kanunu gere i bu belge elektronik imza ile imzalanmı tır.

Evrak Do rulama Kodu : AWWNQMWZ Evrak Takip Adresi: <https://www.turkiye.gov.tr/udhb-ebys>
Hakkı Turaylıç Caddesi No:5 06338 Emek / Çankaya / ANKARA

Bilgi için:Habip AKDO AN
Denizcilik Uzmanı
Telefon No:(312) 203 34 96

Bađlı / İlgili / İlişkili Kurum ve Kuruluşlar





T.C.
DIŐIŐLERİ BAKANLIĐI
Avrupa BirliĐi BaŐkanlıĐı
Avrupa BirliĐi ile İliŐkiler Genel M¼d¼rl¼Đ¼

Sayı : 25486109-740-E.1097

10.04.2020

Konu : AB'de gemilerdeki gemiadamlarının,
yolcuların ve diĐer kiŐilerin saĐlıĐının
korunması, ¼lkesine g¼nderimi ve
seyahat d¼zenlemeleri

ULAŐTIRMA VE ALTYAPI BAKANLIĐINA
(Avrupa BirliĐi ve DıŐ İliŐkiler Genel M¼d¼rl¼Đ¼)

Gemilerdeki gemiadamlarının, yolcuların ve diĐer kiŐilerin saĐlıĐının korunması, ¼lkesine g¼nderimi ve seyahat d¼zenlemelerine iliŐkin Rehber, Avrupa Komisyonu tarafından 8 Nisan 2020 tarihinde yayımlanmıŐ olup, ek-1'de sunulmaktadır.

Avrupa BirliĐi Nezdinde T¼rkiye Daimi TemsilciĐimizden alınan yazı ile Covid-19 salgınıyla ilgili Schengen alanına giriŐ ve ıkıŐlar iin alınan tedbirler ve karantina kuralları kapsamında, yolcu gemilerindeki yolcular ile kargo gemileri personelinin durumuna, s¼z konusu kiŐilerin Schengen alanına giriŐ-ıkıŐ kurallarına iliŐkin AB Komisyonu tarafından 8 Nisan 2020 tarihinde Soru-Cevap Őeklinde bilgilendirici bir aıklama yapıldıĐı bildirilmektedir. Bir ¼rneĐi ekte sunulan s¼z konusu aıklamada ele alınan hususların, ¼zellikle ¼lkemiz bandıralı kargo gemileri ile yabancı bandıralı kargo gemilerinde alıŐan T¼rk personel aısından ¼nem arz ettiĐi deĐerlendirilmektedir.

Bahse konu aıklamada ¼zetle;

- Yeni bir bildirim kadar b¼t¼n kurvaziyer gemilerinin dolaŐımının durdurulduĐu, bununla birlikte 811 Nisan tarihlerinde, aralarında evlerine d¼nmek isteyen AB vatandaşlarının da olduĐu yaklaşık 8.000 kiŐiyi taŐıyan kurvaziyer gemisinin AB Limanlarına uĐrayacaĐı,
- AB'nin mal ticaretinin %75'ini denizyoluyla yaptıĐı, bu itibarla mevcut zorlu Őartlarda, gemi ve liman faaliyetlerinin devam etmesinin ¼zellikle gıda ve tıbbi malzeme tedariki baŐta olmak ¼zere, ekonominin devamlılıĐı iin olduka ¼nemli olduĐu,
- Gemi m¼rettebatının hızlı bir Őekilde deĐiŐtirilebilmesi iin ¼ye Devletlerde ok sayıda limanı kapsayan bir liman aĐı oluŐturulacaĐı, bu limanların, AB'nin tamamını coĐrafi olarak kapsayacaĐı ve m¼rettebatın hızlı bir Őekilde ¼lkelerine g¼nderilmesini/gemiye ulaŐmasını saĐlamak ¼zere, havalimanları ve demiryolu gar baĐlantılarının olacaĐı, yine




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Avrupa BirliĐi BaŐkanlıĐı
Avrupa BirliĐi ile İliŐkiler Genel M¼d¼rl¼Đ¼

- belirlenen limanların yakın evresinde gerektiĐinde 14 g¼nl¼k karantina Őartlarını da saĐlayacak Őekilde konaklama imkanlarının olması gerektiĐi,
- AB ¼yesi olmayan ¼lkelerden gelen m¼rettebatın, AB sınırları iinde gemiden ayrılması durumunda, geri g¼nderme sorumluluĐunun armat¼rde olduĐu, armat¼r¼n bu sorumluluĐu yerine getirmemesi durumunda, Bayrak Devletinin sorumlu olacaĐı, ayrıca gemiadamlarının saĐlıĐı yerinde ise ve herhangi bir COVID19 belirtisi g¼stermiyorsa, geri d¼n¼Ő¼n¼n, COVID19 belirtisi varsa ve geri d¼nemeyecek durumda ise tıbbi bakım, gıda ve konaklama masraflarının armat¼r tarafından karŐılanacaĐı,
 - AB ¼ye Devletlerinin bayraĐını taŐıyan kurvaziyer gemilerinde, Bayrak Devletinin limanlarında yolcu ve m¼rettebatın gemiden inmesine izin verileceĐi ve ¼lkesine g¼nderme ve tıbbi bakım iin gerekli d¼zenlemelerin yapacaĐı, geminin AB ¼yesi olmayan ¼lkelerin bayraĐını taŐıması durumunda, insani gerekelerle gemiyi limana kabul etmeden ¼nce, iŐletenden gerekli mali ve lojistik d¼zenlemeleri saĐlamasını (koruyucu ekipman saĐlanması, karantina tesisleri, otob¼s kiralanması, uuŐların ayarlanması vs.) isteyeceĐi, iŐleten tarafından bu d¼zenlemelerin yapılmaması durumunda, ilgili ¼ye ¼lke tarafından yolcu ve m¼rettebatın güvenli ve hızlı bir Őekilde d¼n¼Ő¼ne y¼nelik d¼zenlemelerin deĐerlendirilmesi gerektiĐi,
 - Karantinaya alma Őartları ¼ye Devletlere bırakılmıŐ olmakla birlikte, gemideki her t¼rl¼ COVID19 belirtisinin, limana yanaŐmadan ¼nce yetkili makamlara bildirmesi, vir¼Ő¼n bulaŐtıĐı d¼Ő¼n¼len kiŐilerin kıyıya ıkması ve burada tedavi edilmesi veya gemide, hastane Őartlarına ihtiya duyuluncaya kadar izole edilmesi gerektiĐi, ayrıca gemiden ayrılacak herkesten, ayrılmadan ¼nce "Yolcu/M¼rettebat İletiŐim Formu"nu doldurmalarının istenmesi ve bu formların 1 ay s¼reyle gemide kaptan tarafından muhafaza edilmesi,
 - AB balıkı gemisi filosunda alıŐanların %8'ini AB ¼yesi olmayan ¼lkelerin gemiadamlarının oluŐturduĐu, bu alıŐanların ¼lkelerine geri g¼nderilme iŐlemlerinde son d¼nemde kabul edilen sınır y¼netimi ¼nlemlerinin uygulanması ve ¼ye Devletlerin, AB vatandaŐı veya ¼lkelerinde yerleŐik ¼¼nc¼ ¼lke vatandaŐı balıkıların geri d¼n¼Őleri iin gerekli imkanları saĐlaması gerektiĐi vurgulanmaktadır.

Keyfiyeti bilgi ve takdirlerine saygılarımla arz ederim.

Belgenin Aslı Elektronik İmzalıdır.
10.04.2020
Belge Y¼neticisi

 e-imzalıdır
Burcu ALTINORDU
BaŐkan a.
Daire BaŐkanı



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DIŐIŐLERİ BAKANLIĐI
Avrupa BirliĐi BaŐkanlıĐı
Avrupa BirliĐi ile İliŐkiler Genel M¼d¼rl¼Đ¼

Ek :

- 1 - Avrupa Komisyon Tarafından Yayınlanan Rehber (11 sayfa)
- 2 - Avrupa Komisyonu Açıklaması (3 sayfa)

DaĐıtım:

GereĐi:

K¼LT¼R VE TURİZM BAKANLIĐINA
(Avrupa BirliĐi ve DıŐ İliŐkiler Dairesi
BaŐkanlıĐı)

SAĐLIK BAKANLIĐINA
(Avrupa BirliĐi ve DıŐ İliŐkiler Genel
M¼d¼rl¼Đ¼)

TİCARET BAKANLIĐINA
(Uluslararası AnlaŐmalar ve Avrupa BirliĐi
Genel M¼d¼rl¼Đ¼)

ULAŐTIRMA VE ALTYAPI
BAKANLIĐINA
(Avrupa BirliĐi ve DıŐ İliŐkiler Genel
M¼d¼rl¼Đ¼)

Bilgi:

DIŐIŐLERİ BAKANLIĐINA
(Koordinasyon Ve Destek Merkezi)

Not: 5070 sayılı elektronik imza kanunu gereĐi bu belge elektronik imza ile imzalanmıŐtır.

Evrak DoĐrulama Kodu : VESJGXRTGYSSIPLDYSPE Evrak Takip Adresi: <https://www.turkiye.gov.tr/avrupa-birligi-ebys>
Mustafa Kemal Mh. 2082 Cd. No:5 06530 Çankaya / ANKARA
Telefon No: (0 312) 218 13 00 Faks No: (0 312) 218 13 09
e-Posta: info@ab.gov.tr İnternet Adresi: www.ab.gov.tr

Bilgi için:Erkin SOYSALDI
Avrupa BirliĐi İŐleri Uzmanı
Telefon No:(312) 218 15 60



EUROPEAN
COMMISSION

Brussels, 8.4.2020
C(2020) 3100 final

COMMUNICATION FROM THE COMMISSION

**Guidelines on protection of health, repatriation and travel arrangements for seafarers,
passengers and other persons on board ships**

**Guidelines on protection of health, repatriation and travel arrangements for seafarers,
passengers and other persons on board ships**

Summary

- *The COVID-19 pandemic has far-reaching effects on maritime transport and persons on board ships. The Guidelines for border management measures to protect health and ensure the availability of goods and essential services¹ state that Member States should facilitate the transit of EU citizens and third-country nationals who are EU residents for their return home. Workers in essential functions², regardless of their nationality, should be able to transit and travel to ensure continued professional activity.*
- *Persons on board of ships should be able to undertake essential travel. EU citizens stranded in Member States other than that of their nationality or residence, in third countries or on the High Seas should be able to return home, if their health status permits.³ It is the primary responsibility of cruise ship operators and shipowners to arrange for the return of persons on board, regardless of whether disembarkation takes place within or outside the EU.*
- *Many seafarers on cargo vessels operating in European waters are third country nationals. Regardless of their nationality, they should be able to travel to the ports where they need to embark and be allowed to disembark and return home, which would also contribute to ensuring that the sector remains operational in the medium and long term, as confirmed by the Communication on the implementation of the Green Lanes⁴. Only when crew changes are possible can maritime transport continue uninterrupted, safeguarding the internal market by distributing goods across the EU and enabling export and import of cargo from and to EU ports. Therefore, Member States should designate ports, where crew changes are facilitated.*
- *There are roughly 600,000 seafarers of all nationalities serving on board EU interests ships worldwide. The International Maritime Organization recommends that crew changeovers should be possible around the globe.⁵ To ensure the continuity and safety of maritime transport, the Commission is taking steps to facilitate and coordinate the efforts of Member States to enable crew changes in their ports.*

¹ Guidelines for border management measures to protect health and ensure the availability of goods and essential services , C(2020) 1753 final, OJ C86I, 16.3.2020, p. 1–4

² This includes, *inter alia*, seafarers, maritime transport personnel and fishermen.

³ Persons on board ships should be able to travel if they do not have symptoms, have not been particularly exposed to risk of infection and are not considered to be a threat to public health.

⁴ Communication from the Commission on the implementation of the Green Lanes under the Guidelines for border management measures to protect health and ensure the availability of goods and essential services, C(2020) 1897 final, OJ C 96I, 24.3.2020, p.1.

⁵ IMO Circular Letter No.4204/Add.6 of 27 March 2020

I. General guidance

1. Continuous maritime transport services are of key strategic importance to the EU, as 75% of goods arriving in and leaving the EU and 30% of goods circulating in the Internal Market are transported by sea. Restrictive measures adopted to counter the COVID-19 pandemic should impact the free circulation of goods as little as possible to maintain economic activity. Restrictions should not cause severe disturbances of supply chains, essential services and economies of Member States or the EU as a whole.
2. In line with the *Communication on the implementation of Green Lanes*, seafarers should be allowed to cross borders and transit to take up their duties on board cargo vessels and return home after their contracts end. When Member States carry out health screenings, they should not significantly delay the seafarer from embarking or repatriating.
3. Measures should be taken in EU ports to protect maritime transport personnel and port workers as well as seafarers and other persons on board while they embark and disembark⁶. To ensure their health and safety, in accordance with EU law on health and safety at work, all risks should be assessed and the appropriate preventive and protective measures put in place⁷. The European Agency for Safety and Health at Work has provided specific information on workers' safety and health concerning the protection from exposure to COVID-19.⁸ The *Advice for ship operators for preparedness and response to the outbreak of COVID-19*⁹ from Joint Action EU Healthy Gateways should also be taken into account. When a person on board is identified as potentially posing a risk to public health, appropriate measures to avoid transmission should be taken while providing swift access to adequate medical care, irrespective of the person's nationality. Healthcare should also be offered to those who were in contact with the person in question. Crew members with suspected infections should self-isolate where feasible and seek disembarkation as soon as possible to undergo testing. They should wear a medical mask and should avoid any further contact with other persons not wearing personal protective equipment while on board and when disembarking.
4. Member States should consult representative workers' and employers' organisations in the shipping and ports sectors when implementing measures included in these guidelines.

II. Repatriation of persons on board cruise ships and all other vessels

Recommendations for cruise ships

5. In response to the COVID-19 pandemic, cruise ship operators have temporarily stopped their activities. The cessation of activities should contribute to limiting new transmissions

⁶ Maritime transport personnel includes personnel working on board domestic and international commercial vessels, merchant shipping, towage and dredging vessels, oil and gas vessels and offshore supply, support and standby vessels active in the energy supply sectors as well as operational, safety and technical personnel working ashore supporting ship and marine operations..

⁷ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work; OJ L 183, 29.6.1989, p. 1–8

⁸ COVID-19: guidance for the workplace; <https://osha.europa.eu/en/highlights/covid-19-guidance-workplace>

⁹ https://www.healthygateways.eu/Portals/0/plcdocs/EU_HEALTHY_GATEWAYS_COVID-19_MARITIME_20_2_2020_FINAL.pdf?ver=2020-02-21-123842-480

on cruise vessels. The primary responsibility for arranging the return of passengers and crew members of cruise ships that are going into lay-up, rests with the cruise ship operator¹⁰. This may include repatriation from ports located outside the EU and, in particular, the organisation of any necessary charter flights or other means of transport.

6. For ships flagged in an EU Member State, the flag State should allow passengers and crew to disembark in one of its ports. The Member States should support the cruise ship operator in making the necessary arrangements for repatriation and access to appropriate medical care.
7. If it is not possible for the flag State to accommodate a ship, it should offer assistance to the cruise ship operators to make appropriate arrangements with other EU Member States or third countries. The arrangements should minimise the time the vessel stays at sea while providing for good medical infrastructure and transport connections for repatriations. Such arrangements should include facilitating the docking of the vessel, disembarking of passengers, medical screening and treatment. They should also include the repatriation of passengers and crew from the port of the other EU Member State or third country. Specific attention should be paid to the needs of vulnerable passengers.
8. If the ship is flying a third country flag, Member States should accommodate it for humanitarian reasons. In such cases, they are recommended to request appropriate financial and logistical arrangements (e.g. required personal protective equipment, facilities for quarantine, hiring of buses, charter flights) from the cruise ship operator before docking, in line with its obligations. In case such arrangements are not found, consideration should be given to safely and swiftly disembarking persons on board and facilitating their transit home.
9. If there are persons infected with COVID-19 on board, the State of the port of call should give consideration to disembarking where surrounding permanent or temporary hospitals have sufficient capacity to provide adequate medical care. Once non-infected or asymptomatic passengers and crew members disembark, they should be taken to quarantine facilities, if this is necessary for follow-up medical checks, or otherwise be directly repatriated.
10. To enable the disembarkation of third-country nationals on humanitarian grounds and to facilitate repatriation, where they are nationals of third countries with visa requirements and for reasons of urgency have not been able to apply for a visa in advance, Member States should grant the necessary visas at the border.
11. If cruise ships with EU citizens on board need to dock in third countries, Member States may activate the Union Civil Protection Mechanism as a last resort, for instance if no

¹⁰ A cruise usually fulfils the definition of a 'package' and therefore falls within the scope of Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements. That Directive lays down the obligations of the organiser, including to provide assistance to travellers in difficulty. A cruise organiser shall carry travellers to the port of disembarkation that is provided in the package travel contract. If the carriage (e.g. flight) of the traveller to and from the cruise's port of embarkation/disembarkation is also included in the package, the organiser shall repatriate the traveller to his or her point of origin. Package organisers are required to take out insolvency protection that shall cover repatriation of travellers, if carriage of passengers is included in the package travel contract.

commercial flights are available. If conditions are met, the Commission, the European External Action Service and the EU Delegation in the third country can provide repatriation assistance.

Recommendations for all vessels concerning transit and disembarking passengers and crew

12. With regard to the transit of passengers and crew, the Member States should follow the *Guidance on the implementation of the Communication on the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy*¹¹.
13. In particular, Member States must facilitate transit of EU citizens as well as third country nationals holding a residence permit or a long-stay visa who are returning to their Member State of nationality or residence.¹² Member States should apply the Commission's *Communication on Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak*¹³.
14. For this purpose, Member States should identify suitable ports that can be connected to safe passage transit corridors set up in accordance with the *Communication on the implementation of Green Lanes*¹⁴.
15. This also applies when such persons disembark from cruise ships and other vessels in EU ports wishing to return to their Member State of nationality or residence. Cruise ship operators or shipowners should coordinate the transit of larger numbers of persons with the national authorities of the Member State where the port is located as well as the local consular authorities of citizens' countries of nationality or residence.
16. For this purpose, cruise ship operators and shipowners should establish the destination of persons intending to disembark. The cruise ship operators or shipowners should communicate this information as well as the method of onward transit they intend to organise to the authorities mentioned in the preceding paragraph.
17. Where an extended period on board has led to the expiry of travel documents, Member States should, in line with Directive 2004/38/EC¹⁵, allow EU citizens and their family

¹¹ Communication from the Commission COVID-19 Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy, C(2020) 2050 final, OJ C 102I , 30.3.2020, p. 3–11

¹² *ibid.*

¹³ Communication from the Commission Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak; C/2020/2051; OJ C 102I , 30.3.2020, p. 12–14

¹⁴ In C(2020) 1897 final, OJ C 96I, 24.3.2020, Member States are requested to designate all the relevant internal border-crossing points of the trans-European transport network (TEN-T) and additional ones to the extent deemed necessary, as "green lane" border crossings—for land, sea and air transport.

¹⁵ Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, OJ L 158, 30.4.2004, p. 77–123

members who are in the possession of an expired passport and/or visa to enter their territory.

18. Where temporary difficulties prevent immediate repatriation of third country nationals due to restrictions put in place by the country of nationality, cruise ship operators or shipowners should, in line with their obligations, find arrangements with the State of the port of call to ensure the safe stay of the persons concerned. This should include access to adequate medical care and accommodation, for which that State authorities may be entitled to request compensation from the ship's operator¹⁶.
19. For the purpose of repatriating persons on board who may have a COVID-19 infection, Member States should take into account the *Advice for health authorities and ship operators who have decided to suspend sailings and for the long-term docking of ships at the ports of EU/EEA MS during COVID-19 pandemic*¹⁷.
20. With regard to the repatriation of EU citizens in third country ports, the cruise ship operator or shipowner should inform the consular authorities of the Member States represented in the third country and, where available, the EU Delegation about the means of repatriation to the EU they intend to organise. Member States' authorities can obtain information on positioning of cruise vessels heading to Europe from the Union Maritime Information and Exchange System¹⁸ hosted by the European Maritime Safety Agency.

Recommendations concerning other vessels going into lay-up

21. The primary responsibility for the repatriation of seafarers whose vessels are going into lay-up lies with the shipowner.¹⁹ The flag State should facilitate the repatriation of the seafarers on board such ships, especially when no transport connections to the seafarer's Member State or third country are available. If the crew member has an acute condition requiring medical attention or a suspected or confirmed COVID-19 infection, the measures detailed in paragraphs 4, 19 and 28 should be taken.

III. Changeovers of crews

22. In order to keep maritime services operational, Member States should permit crew changes to take place in their ports.
23. As essential staff, seafarers should be exempt from travel restrictions when they are in transit to the port where they take up their duties.²⁰ This is in line with the Commission's *Communication on Temporary Restriction on Non-Essential Travel to the EU*²¹. Member

¹⁶ For seafarers, the provisions of the Maritime Labour Convention (2006) apply

¹⁷ See : https://www.healthygateways.eu/Portals/0/plcdocs/EU_HEALTHY_GATEWAYS_COVID-19_Stationed_ships_18_3_2020_F.pdf?ver=2020-03-20-183254-500

¹⁸ SafeSeaNet, <http://www.emsa.europa.eu/ssn-main.html>

¹⁹ See in particular standards A2.1 and A2.5.1 of the Annex to Directive 2009/13/EC and the related provisions of the Maritime Labour Convention (2006)..

²⁰ Guidelines for border management measures to protect health and ensure the availability of goods and essential services , C(2020) 1753 final, OJ C86I, 16.3.2020, p. 1–4

²¹ COM(2020) 115 final, Communication on COVID-19: Temporary Restriction on Non-Essential Travel to the EU

States should apply in this respect the measures outlined in the *Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak*²²

24. Even where crew changes are permitted, it has become challenging for seafarers to travel to the country where they are meant to board the vessels, as transport connections are now very limited. Consideration should be given to dedicated travel arrangements to facilitate seafarers travelling from and to maritime ports as prescribed in the *Communication on the implementation of Green Lanes*.
25. Seafarers who are nationals of third countries with visa requirements and who for reasons of urgency have not been able to apply for a visa in advance should be granted the necessary visa at the border.
26. Most Member States have taken measures to allow extensions of Seafarer Employment Agreements²³ (SEAs) under certain requirements. These are fulfilled where repatriation or crew changes are impeded. Member States are also allowing for extensions of expired Documents of Maritime Labour Compliance. Similarly, the temporary extension of essential certificates is being granted by the issuing and endorsing Member States until the end of the emergency period. The International Maritime Organization (IMO)²⁴ and ILO²⁵ have issued guidance on extension of certificates and SEAs of seafarers.²⁶
27. Extending the usual 11 months duration of a SEA can increase fatigue and be detrimental to mental health of seafarers and maritime safety. SEAs should therefore not be extended beyond what is necessary. Seafarers should be able to remain on board if necessary for a reasonable period beyond their scheduled tours of duty.²⁷ In case of expiry of the seafarers' passport without access to consular services, the extension of the SEAs should be discouraged and repatriation facilitated. If repatriation is not possible, the operator and flag State should, with agreement of the seafarer, take measures to extend the SEA and put in place arrangements to ensure the repatriation of the seafarer at the earliest possible point.
28. To lower transmission risks of COVID-19, shipowners should put in place adequate safety procedures on board when a new crew starts its service. In accordance with EU law, all risks should be assessed and the appropriate preventive and protective measures put in place.²⁸ While medical examinations should be performed, they should not unduly

²² Communication from the Commission Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak, C/2020/2051; OJ C 102I , 30.3.2020, p. 12–14

²³ Every seafarer employed on a vessel to which the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 apply must have a legally enforceable Seafarer Employment Agreement.

²⁴ IMO Circular Letter No.4204/Add.5 of 17 March 2020

²⁵ Statement of the Officers of the Special Tripartite Committee on the coronavirus disease (COVID-19) of 31 March 2020

²⁶ Reference is also made to the Commission services' note on Union law requirements regarding certificates governed by Union law and more specifically requirements that pose difficulties due to measures taken in the context of the COVID-19 crisis, https://ec.europa.eu/transport/sites/transport/files/2020-04-06-issue_of_expiry_of_licences_and_certificates.pdf. The list of certificates referred to will be updated in respect of seafarers certificates.

²⁷ The provisions of the Maritime Labour Convention (2006) apply.

²⁸ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work; OJ L 183, 29.6.1989, p. 1–8

delay seafarers from taking up their duties on board. The information from the European Agency for Safety and Health at Work and the Advice by EU Healthy Gateways referenced in paragraph 3 should be taken into account.

29. In line with the advice referred to in paragraph 3, the primary option to ensure that seafarers at risk of infection with COVID-19²⁹ can start their duties should be testing before embarking. Where testing is not available due to limited capacity, temperature checks and history of recent respiratory symptoms or contact with anyone infected with COVID-19 should be used instead.

IV. Designated ports for crew changes

30. In consultation with the Commission, Member States should, in coordination among themselves, designate several ports in the Union for fast-track crew changes. The ports should be geographically dispersed so as to cover the Union and should be connected to operational airports and rail stations. Member States should envisage the possibility of dedicated or regular flight and rail operations to ensure the transport connections for crew changes, allowing for swift travel and repatriations of seafarers.
31. These designated ports should have nearby accommodation where seafarers could wait for arrival of the ship they should board or for their flight, train or ship if it does not leave on the same day. This accommodation should have adequate facilities to allow them to shelter in place. This should enable undergoing 14 days of quarantine³⁰ before embarking and after disembarking if the Member State in question requires this and if testing is not available.
32. The ports should have accessible and adequate medical services available to seafarers when they embark, disembark and during their quarantine periods. They should also be equipped with accessible welfare services.³¹
33. Due to the international nature of the shipping sector, the difficulties relating to crew changes are not limited to operations in the European Union. On average, around 100,000 seafarers reach the end of their employment contracts in any given month worldwide. The practice of designating ports where crew changes can take place safely and unhindered can then be shared with third countries to be implemented worldwide.

V. Sanitary recommendations and ship supplies

34. Seafarers should have access to adequate medical care as comparable as possible to that available to workers ashore. They should receive prompt access to medicines, information and treatment for any health condition that requires it.³²

²⁹ Case definition and European surveillance for COVID-19: <https://www.ecdc.europa.eu/en/case-definition-and-european-surveillance-human-infection-novel-coronavirus-2019-ncov>

³⁰ The recommended period of quarantine may change as more information on COVID-19 becomes available. The durations recommended by the European Centre for Disease Prevention and Control and Member States' health authorities should be followed.

³¹ The provisions of the Maritime Labour Convention (2006) apply.

³² Provisions of the Maritime Labour Convention (2006) apply

35. Contact between crew and port workers, including pilots, should be reduced to an absolute minimum to protect all persons from risk of transmission of COVID-19³³. For any necessary contact, personal protective equipment (PPE) should be worn and social distancing measures put in place. As long as all crew members are healthy, risk on board the ship is lower than on land. Granting shore leave should therefore be carefully considered, taking into account the overall wellbeing of crew members in the current circumstances.³⁴ Crew on ships where all members are healthy and whose previous port call took place more than a fortnight ago should not be quarantined when they disembark to repatriate.
36. Member States should ensure that a ship's master seeks medical advice as early as possible for any suspected COVID-19 infections of crew members.³⁵ This is of relevance for the safety of crew, passengers and for public health in the port State (see p. VII below).
37. In case a vessel is identified as carrying persons with confirmed or suspected COVID-19 infections on board, the next port of call, or if need be, a closer port, should ensure that it will be able to receive it. The vessel in question should not be redirected without justification. In case the prioritisation of different health profiles in the region of the chosen port does not allow for the provision of adequate medical care of the affected seafarers, the ship should be received by the closest available port that can provide the necessary care and facilities.
38. For seafarers with suspected infections and mild symptoms, testing should be performed in the next port of call and all crew members should have access to adequate medical care. As part of this, the person or persons in question should be evacuated and receive adequate medical care. If one person on board is suspected to be infected with COVID-19, all crew members should observe a 14-day quarantine³⁶, either on board or land.³⁷ This should be waived if the test of the crew member with the suspected infection is negative or after the quarantined crew member tests negative for COVID-19.

³³ Examples include establishing dedicated teams for portside operations such as pilots, mooring, control terminals, disinfection after each shift, favouring exchanges of documents through electronic devices, disinfection after each shift, etc.

³⁴ Shore leave is covered under Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC, OJ L 124, 20.5.2009, p. 30–50.

³⁵ The Maritime Labour Convention in Standard A4.1 requires, for any person on board, that the competent authority shall ensure by a prearranged system that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available 24 hours a day; medical advice, including the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, shall be available free of charge to all ships irrespective of the flag that they fly.

³⁶ The recommended period of quarantine may change as more information on COVID-19 becomes available. The durations recommended by the European Centres of Disease Prevention and Control and Member States' health authorities should be followed.

³⁷ Quarantine recommendations in line with World Health Organization, Considerations for quarantine of individuals in the context of containment for coronavirus disease (COVID-19), Interim Guidance, 19 March 2020

39. Ships continue to be legally obliged to carry ship supplies³⁸ and personal protective gear should be used to protect crews from exposure to COVID-19. The Union's regime regarding export of personal protective equipment does not impede this. The delivery of such equipment as ship supplies does not require the export authorisation defined in Regulation (EU) 2020/402³⁹. It specifically concerns the export customs procedure, and this customs procedure does not apply to ship supplies by virtue of the Union Customs Code⁴⁰.
40. The amount of personal protective equipment on board should be increased to ensure sufficient supplies for the following three situations:
- Interaction of the required number of crew members with pilots;
 - In case a crew member falls ill to allow other persons on board to interact with them;
 - Shore leave (although shore leave should be reduced as much as possible).
41. The minimum safety and health requirements for improved medical treatment on board vessels are to be followed.⁴¹ Medicines on board should reflect the recommendations of the latest version of the WHO's *International Medical Guide for Ships* and Annex C of the IMO's *Guidance for ship operators for the protection of the health of seafarers*⁴².

VII. Recommendation for additional COVID-19 updated reporting by ships approaching EU ports

42. The Maritime Declaration of Health (MDH) is already required in accordance with EU law⁴³. It has to be reported by the master or any other person duly authorised by the operator of the ship to the competent authority designated by that Member State. The reporting is to take place via the National Single Window and prior to arriving in a port situated in a EU Member State:
- a. at least 24 hours in advance; or
 - b. at the latest, at the time the ship leaves the previous port, if the voyage time is less than 24 hours; or
 - c. if the port of call is not known or it is changed during the voyage, as soon as this information is available.
43. The MDH is to be made available in the National Single Window. It allows any relevant authority to check the health status of persons on board a vessel before it enters its ports.

³⁸ Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels; OJ L 113, 30.4.1992, p. 19–36

³⁹ Commission Implementing Regulation (EU) 2020/402 of 14 March 2020 making the exportation of certain products subject to the production of an export authorisation, OJ L 771, 15.3.2020, p. 1–7

⁴⁰ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, OJ L 269, 10.10.2013, p. 1–101

⁴¹ Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels; OJ L 113, 30.4.1992, p. 19–36

⁴² IMO Circular Letter No.4204/Add.4 of 5 March 2020

⁴³ Directive 2010/65/EU of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States, OJ L 283, 29.10.2010, p. 1–10

44. COVID-19 spreads very quickly and has an incubation period of up to 14 days. It is recommended that Member States request the ship's master to communicate the following information to the relevant authority 4 hours before the estimated arrival in to the port of call:

- a. Total number of persons on board (both crew and passengers);
- b. Number of persons infected with COVID-19;
- c. Number of persons suspected to be infected with COVID-19⁴⁴.

This information can be communicated via marine VHF radio or through updated MDH.

⁴⁴ As defined by the European Centre for Disease Prevention and Control: <https://www.ecdc.europa.eu/en/news-events/covid-19-ecdc-updates-case-definition-eu-surveillance>

EK 2:

Commission presents guidelines on health, travel arrangements and repatriation of persons on board ships

From cruise ship passengers to cargo vessel crew, many have found themselves stranded at sea or quarantined in ports since the coronavirus pandemic first took hold. The guidelines issued by the European Commission today support these individuals, providing recommendations on health, repatriation and travel arrangements. They also announce the establishment of a network of designated ports for crew changes.

How many people (crews and passengers) have been stranded on cruise ships because of coronavirus?

All commercial cruises have been suspended until further notice. However, we have been informed by the European Maritime Safety Agency that between 8 and 11 April, 11 cruise ships will approach Europe, carrying around 8 000 people. More EU citizens, passengers and crew, are still onboard ships elsewhere, and are waiting to return home.

What sorts of goods are cargo ships carrying?

Cargo ships carry everything, from bulk raw materials, gas and oil to containers full of electronics and active pharmaceutical ingredients needed to produce medicines. Maritime transport plays an essential role in the international trade of EU goods, and 75% of goods traded by the EU are transported by sea. To keep our economy running in these difficult times, it is of utmost importance to keep ships sailing and ports operational.

What are designated ports for crew changes? Why should Member States agree to create a network of such ports?

The Guidelines recommend that Member States and the Commission lead a coordinated effort to designate several ports in the Union for fast-track crew changes. These specifically 'designated ports' should geographically cover the Union and should be connected to operational airports and rail stations. Dedicated or regular flight and rail operations could ensure the transport connections for in- and outgoing crew, allowing seafarers to be repatriated quickly.

'Designated ports' should have nearby accommodation where seafarers can wait for the ship they should board, or for their flight, train or ship home. This accommodation should have adequate facilities to allow them self-isolate for 14 days before embarking and after disembarking if the Member State in question requires this, and if testing is not available.

It is in the Member States' interests to create a network of such ports, and we ask Member States to come forward with nominations.

How will crew members and passengers travel on to their home countries if hardly any flights/international trains are running?

The guidelines suggest that Member States require ship operators to communicate certain details about a ship's occupants, including intended destination, before the ship reaches the port. This will give the national authorities more time to contact consulates and embassies in order to support the repatriation for the individuals involved.

Whose responsibility is it to take care of non-EU crew members disembarking within the EU?

Responsibility for repatriating seafarers lies first with the ship-owner; failing action to this effect by the ship-owner, the ship's flag State is responsible. If the seafarer is in good health, and there are no COVID-19 cases on board his or her ship, the ship-owner is obliged under the Maritime Labour Convention to repatriate the seafarers and to cover the cost of the repatriation. If the seafarer has COVID-19 symptoms and is unable to travel back home, the ship-owner must cover the expenses for medical care, food and accommodation until the seafarer recovers.

See also for more [information on seafarers' rights](#).

Where should cruise ships dock?

For ships flagged in an EU Member State, the flag State should allow passengers and crew to disembark in one of its ports and help to make the necessary arrangements for repatriation and access to medical care as appropriate.

If it is not possible or practical for the flag State to accommodate a ship, it should help the cruise ship operators to make appropriate arrangements with other EU Member States or elsewhere. The arrangements should minimise the time the vessel stays at sea while providing good medical infrastructure and transport connections for repatriations.

If the ship is flying a non-EU flag, Member States should accommodate it for humanitarian reasons, but it is recommended that they ask the cruise ship operator to make appropriate financial and logistical arrangements (e.g. required personal protective equipment, facilities for quarantine, hiring of buses, charter flights) before docking. If such arrangements are not found, Member States should in any case consider disembarking any passengers and crew safely and swiftly, before facilitating their transit home.

Should crews/passengers be automatically quarantined when disembarking?

Quarantine requirements are a matter for every individual EU Member State.

Throughout the course of docking, if anyone on board presents symptoms compatible with COVID-19 (including sudden onset of at least one of the following: cough, fever, or shortness of breath), this should be reported to the competent authority immediately.

Those suspected of having the virus should either disembark and be isolated and treated ashore, or be isolated on board (according to procedures described in the EU HEALTHY GATEWAYS advice) until asymptomatic, unless their condition worsens and requires hospitalisation ashore. Decisions on individual cases will be taken by the port state's competent authority, based on a risk assessment and the situation within the community (containment or mitigation phase).

All individuals leaving the ship should be asked to complete a Passenger/Crew Locator Form before leaving the ship, and the captain should keep this document on board for at least one month. The competent authority should give approval before any individual disembarks, based on an assessment of that person's health.

Is it not safer for people to stay on a ship until the pandemic passes, rather than disembark?

In some cases, crew and/or passengers may indeed be better off staying on board the ship, provided that the appropriate sanitary measures are in place. This needs to be assessed by the ship's master and the port state competent authorities on a case-by-case basis. For cruise ships, for example, it should be assessed if the air used by the air-conditioning system can be taken exclusively from the outside (with less chance of virus spread), or whether it is being re-circulated inside the ship, which could in certain cases lead to the infection of passengers healthy to date.

Do any Member States or ports have robust procedures in place, which other countries and ports could learn from?

In order to ensure the docking of the cruise ships Zaandam and Rotterdam in Florida on 2 April, the cruise operator took responsibility for organising repatriations / medical treatment while the flag State (the Netherlands) assisted diplomatically. An agreement between the cruise line and local and federal US authorities foresaw that all passengers first received health screenings and then healthy passengers were allowed to fly home.

What about fishermen?

The fishing industry employs a considerable number of international crew members, both EU and non-EU citizens; an estimated 8% of crew members are from outside EU/EEA countries. Travel to and from the fishing vessels and border crossings should be facilitated for these essential workers. The guidelines therefore recall the importance of applying the recently adopted Guidelines for border management measures in this sector, to protect health and ensure the availability of goods and essential services. Member States should facilitate the transit of EU and third-country fishermen who are EU residents so that they may return home.”