



BERMUDA MERCHANT SHIPPING INFORMATION NOTICE

Port State Control and Seafarer Employment Agreements Extended due to COVID-19
2020-02

Application

Ship Owners, Managers, Masters and Officers of Bermuda Registered ships

Summary

The BSMA has become aware of changes in recent days regarding acceptance of prolonged Seafarer Employment Agreements (SEA) at Port State Control (PSC) inspections in various PSC regimes.

This Notice was issued on 24th September 2020.

1. Introduction

(1) In recognition of the travel difficulties and quarantine arrangements caused by the COVID 19 pandemic, it has been the policy of the ILO and BSMA to accept the extension of SEA's beyond the 11 month limit stated in the Maritime Labor Convention (MLC). The BSMA has been facilitating this with case by case discussions and documentation of all agreed extensions.

(2) It has, to this point, been suggested that 'PSC take a pragmatic approach' in regard to these arrangements and it is noted that the detention of ships where the extension of SEA's is in accordance and agreement with the vessel's Flag Administration has not been recommended by PSC MOU's.

2. Belgium

(1) This appears to be changing; recently the Belgian PSC offices have been inspecting vessels and reviewing SEA's. Where there are seafarers onboard with SEA's that have been extended past 11 months and there is no supporting letter from the Flag Administration the ship is being detained. Where there are seafarers onboard the vessel with SEA's that have been extended past 12 months, even with supporting letters from the Flag Administration, the ship is being detained.

(2) Clarification has been sought and this appears to be the official position of the Belgian PSC Coordinator, it is therefore recommended that Bermuda ships with

seafarers onboard who's SEA's have been extended past 12 months should not call in Belgian ports.

3. Wider Paris MOU

(1) The Belgian Administration has stated their intention to bring this matter and present the above interpretation to the Paris MOU committee later this year. It is possible that this may result in changes to the PSC interpretation for the MOU as a whole. BSMA will keep all Ship managers advised of developments in this area as they become available.

4. Australia

(1) Australia is also beginning to formalize and take a more strict view of the matter of extensions to SEA's.

<https://www.amsa.gov.au/about/regulations-and-standards/042020-maximum-period-shipboard-service-seafarers-during-covid-19>

(2) AMSA has published guidance that SEA's may be extended up to a maximum of 14 months, with case by case agreement of the Flag Administration. However if the PSC inspector identifies that there are seafarers with extended SEA's who have been onboard for 13 months or more, the vessel will not be allowed to proceed until the vessel provides a plan for repatriation of the seafarer before their total time been exceeds 14 months.

(3) Where PSC inspectors find seafarers with extended SEA's who have been onboard for more than 14 months the ship will not be allowed to leave the port until the seafarers have been repatriated. If the repatriation of the seafarers leaves the vessel unable to meet the requirements of the Safe Manning Document, the vessel may be prohibited from leaving port or officially detained.

(4) Where PSC inspectors find seafarers onboard who have not been given a properly agreed and extended SEA the vessel may be detained.

5. Summary

(1) We will continue to try to advise Managers and ships of developments in this area and appreciate that this is a very fluid situation. To that end if you receive information from Port Authorities about changes in interpretation we would appreciate being informed so we can share this information.

(2) For more information please contact: survey@bermudashipping.bm