



Antigua and Barbuda
Maritime Administration

Miscellaneous Circular
No. 2020-003
Rev 2
14 October 2021

SUBJECT: Maximum Period of Shipboard Service for Seafarers During Coronavirus Disease 2019 (COVID 19) Pandemic

REFERENCE:

- a) [Miscellaneous Circular 2020-001](#) *Novel Coronavirus (2019-nCoV)*
- b) [Information-Notice-2020-002](#) *Novel Coronavirus (2019-nCoV) guidance*
- c) [IMO Circular Letter 4204/Add.39 Coronavirus \(COVID 19\)](#) – *Communication from the Secretary-General regarding the crew change crisis.*
- d) [IMO Circular Letter 4204/Add.35/Rev.7](#) *Coronavirus (COVID-19) – Designation of seafarers as key workers*
- e) [MSC.1/Circ.1636/Rev.1](#) *Industry Recommended framework of protocols for ensuring safe ship crew changes and travel during COVID-19 pandemic.*
- f) [Fourth Meeting of the Special Tripartite Committee of the MLC 2006](#) - *Resolution concerning the implementation and practical application of the MLC, 2006 during the COVID-19 pandemic*
- g) [Coronavirus disease \(COVID-19\) Pandemic \(imo.org\)](#)

TO: MLC Ship-owners, operators, masters and officers of Antigua and Barbuda flagged ships, and recognized organisations.

1. PURPOSE

This Circular provides updates to the process, whereby MLC Shipowners can request an extension beyond a period of 11 months up to a time that permits repatriation, under the submitted company Repatriation Plan, for affected crew members, on Antigua and Barbuda flagged ships.

2. APPLICATION

This Circular applies to all Antigua and Barbuda flagged Ships.

3. BACKGROUND

Miscellaneous Circular 2020-001 refers to crew change procedures during the COVID-19 pandemic. Under section 4.1.a, seafarers are permitted to continue to be engaged under their employment agreements beyond 11 months, if arrangements are being made by the MLC Shipowner to repatriate the affected seafarer at the next port, which is suitable for crew change.

In the resolution concerning the implementation and practical application of the MLC, 2006 during the COVID-19 pandemic the ILO Special Tripartite Committee of the MLC, 2006 has noted that the notion of **force majeure** may no longer be invoked if options are available to comply with the provisions of the MLC, 2006, although more difficult or cumbersome, and urges ratifying States to adopt all necessary measures without delay to restore the protection of seafarers' rights and comply to the fullest extent with their obligations under the Convention.

Force majeure may be invoked for the non-observance of the requirements of MLC 2006 only in the case of “**unforeseen and unforeseeable events creating an absolute and material impossibility of compliance with that obligation**”. In contrast, circumstances rendering observance of an international obligation more difficult or burdensome do not constitute a case of force majeure.

The Committee further considers that the extreme fatigue of seafarers who have been on board beyond the default 11 months maximum period of service on board, derived from the Convention, not only constitutes a situation clearly hazardous for the safety and health of the seafarers concerned, but also profoundly endangers the safety of navigation in general.”

Taking into account the recommendations of the IMO, ILO and other international bodies, ADOMS revises this circular to assist seafarers, MLC Shipowners, managers, and crewing companies, for Force Majeure situations in conducting crew changes, due to port restrictions and other reasons resulting from the outbreak of the pandemic.

4. OBLIGATIONS AND RESPONSIBILITIES

1. Seafarers are not to work beyond the expiration of their Seafarer Employment Agreement (SEA) without their consent. Every effort should be made by the shipping companies to repatriate the seafarer upon the completion of the SEA.
2. No seafarer should be or should have been on board for a continuous period of more than 11 months maximum period of service provided for in the MLC 2006.
3. Companies must plan well in advance for crew change. Force Majeure can only be invoked in the case of unforeseen and unforeseeable events creating an absolute and material impossibility of repatriation hence necessitating extending the service of the seafarer beyond 11 months.
4. Shipping companies wishing to invoke force majeure for extending seafarers' contracts beyond 11 months in the rarest cases should complete and submit full details to technical@abregistry.ag in the form of a Repatriation Plan which is stamped, signed, and dated by the company (see example in Annex 1 of this Circular), which should include:

1. Copies of valid Seafarer Employment Agreements (SEAs) and confirmation that all rights are maintained. Any new SEAs should be flexible and allow for repatriation issues and/or delays. New SEAs should be considered for a period that allows a reasonable margin, such that the 11 months onboard is not exceeded.
 2. Details of affected crew members with their sign on dates and the date when 11 months onboard was completed.
 3. Signed and dated statement from the affected crew members accepting the extension.
 4. Risk assessment, considering ship's trading pattern, rest hours, fatigue of the seafarers and other identified hazards.
 5. Evidence of all efforts made for crew repatriation without success, including communications with port authorities.
 6. A copy of the minimum safe manning document.
 7. Arrangements for repatriation at the next available port.
5. ADOMS has taken a pragmatic approach and introduced the above process, which must be fully complied with by MLC Shipowners, before making the application.
 6. Upon satisfactory review of the above details, ADOMS will issue a Flag Statement, approving the repatriation plan.
 7. Any request for a Flag Statement must be submitted well in advance, to allow time for a full review of submitted information and assessment of the Repatriation Plan.

Issued by

Antigua and Barbuda
Department of Marine Services and Merchant Shipping
(ADOMS) St. John's

ANNEX 1

Sample Repatriation Plan

| | | |
|--------------------------------------|---|--|
| COMPANY <i>(Name or logo)</i> | PLAN FOR THE SEAFARERS' REPATRIATION | |
|--------------------------------------|---|--|

Ship' Particulars:

| | |
|----------------------|--|
| Name of Ship | |
| IMO Number | |
| Call Sign | |
| Gross Tonnage | |

DOC Holder, Manning Information:

| | |
|-------------------------------|--|
| DOC Holder | |
| Person in Charge (DPA) | |
| E-mail | |
| Phone | |

| | |
|------------------------------|--|
| Manning/Crewing Agent | |
| Person in Charge | |
| E-mail | |
| Phone | |

Last Port of Call and Restrictions (Submit evidence of communication e.g., with authority)

| Name of Port | ETA | ETD | Restrictions |
|--------------|-----|-----|--------------|
| | | | |

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Next Port(s) of Call and Restrictions (Submit evidence of communication e.g. with authority)

| Name of Port | ETA | ETD | Restrictions |
|--------------|-----|-----|--------------|
| | | | |
| | | | |
| | | | |
| | | | |

Repatriation Plan for crew more than 11 months on board:

| | Name | Rank | Sign on | 11 months completed on | End of contract | ETA of Sign off | Port of disembarkation |
|-----------------|------|------|---------|------------------------|-----------------|-----------------|------------------------|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| Remarks: | | | | | | | |

Alternatively:

| | Name | Rank | Sign on | 11 months completed on | End of contract | ETA of Sign off | Port of disembarkation |
|-----------------|------|------|---------|------------------------|-----------------|-----------------|------------------------|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| Remarks: | | | | | | | |

Shipping agency information at the port of disembarkation:

| | |
|-------------------------|--|
| Name of Agency | |
| Person in Charge | |
| E-mail | |
| Phone | |

Alternatively:

| | |
|-------------------------|--|
| Name of Agency | |
| Person in Charge | |
| E-mail | |
| Phone | |

Additional requirements

1. Evidence for travel arrangements to be attached attached/should be provided in due course (e.g., flight itinerary, copy of tickets)
2. Considering the operation of the ship, there should be early planning for crew repatriation before end the of SEA.
3. There should be willingness to deviate the vessel from its trading pattern to permit repatriation, involving all stakeholders in ship operations to address crew repatriation.

Risk assessment to be attached, considering:

- Ship's trading pattern
- Rest hours
- Fatigue
- Other identified hazards

Name, Signature, Date, Stamp