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## **Interim Guidance on repatriation of seafarers due to situation in Ukraine**

### **Introduction**

- 1 Noting the impact of the conflict in Ukraine and considering the decision taken during the C/ES 35 by IMO, the member Authorities of the Indian Ocean MOU have agreed to consider the issue of repatriation of Ukrainian seafarers, as there is a need to apply flexibility and pragmatism on the issue of extending periods of service on board ships (refer IMO Docs C/ES.35/WP.1). Also, views expressed by the Marine Transport Workers Trade Union of Ukraine (MTWTU – ITF affiliate) are taken into consideration.
- 2 These guidelines would be considered on a case-by-case basis by the relevant port State Authority and the effect on repatriation may not be limited to the Ukrainian seafarers only, but may also impact other seafarers those who are caught up in the present situation.

### **Statement made by the Marine Transport Workers Trade Union of Ukraine:**

- 3 The Marine Transport Workers Trade Union of Ukraine (MTWTU) issued a statement on 25 February 2022 outlining the difficulties in repatriating seafarers to Ukraine given the conflict in that region. The MTWTU requested that Seafarers who had reached the maximum contract duration of the **seafarers' employment agreement (SEA)**, be permitted to remain onboard as long as possible until it is safe for the seafarers to return home.
- 4 Where seafarers are willing to return home on the expiry of their SEA, the MTWTU requested that the seafarer be provided with tickets to safe countries in the region as well as the funds required to travel from that airport to Ukraine.

### **The need for flexibility**

- 5 Travel to the region has been made difficult due to the combination of the conflict in Ukraine and the COVID-19 pandemic. In addition, there is a foreseeable risk to the safety of the seafarer returning to a conflict zone. It is likely that some of the seafarers will request to remain onboard their ship rather than return home until such stage as the situation stabilises. The ability of relieving crew from the conflict area to travel to the ships on which they are to serve may be difficult resulting in delays getting relief crew to their ships.

- 6 Similarly, to the circumstances during the COVID-19 pandemic, seafarers may face issues with STCW certification. In making his/her decision the PSCO should take into account any available documentation provided by the appropriate maritime administration and the flag State and information from the relevant crew members.
- 7 Payment of wages, including allotments, in accordance with MLC 2006 may be difficult due to the impact on the banking system in Ukraine and the wider region. Alternative arrangements may need to be put in place to pay seafarers and facilitate the payment of any allotments to dependents and in applying flexibility, due regard is to be paid to the experiences gained with issues regarding repatriation, (re)validation of STCW and MLC certificates during the COVID19 pandemic.

#### **Guidelines for port States**

- 8 Noting that the MTWTU have requested that flexibility be considered, where an extension of service is envisaged, the port State should request the ship operator to confirm that the flag State has been advised of the planned extension and has acknowledged it.
- 9 When advising the port State of the need to extend periods on board, the ship operator should confirm that the seafarer(s) in question have requested, or agreed to, the extension and there is a plan or process that covers how variations to the MLC requirements would be managed. This plan or process may include, or consist of:
  - a. amendments to the relevant parts of the Declaration of Maritime Labour Compliance – Part I & II respect of section 10 of Standard A5.1.3 of the MLC that to provide specific equivalent solutions to address the 2019-nCoV virus situation; and/or.
  - b. agreement of the flag States including appropriate conditions, accompanied by a plan submitted by the ship owner describing what measures being taken to comply with the conditions imposed by the flag State; and/or.
  - c. if seafarers face issues with STCW certification the PSCO is advised to take into account of any available documentation provided by the appropriate maritime administration and the flag State and information from the relevant crew members.
  - d. in cases where it has been difficult for seafarers to renew or extend their medical certificate the flag administration may allow seafarers to serve on-board. PSCOs may be advised to accept documents produced by the flag States which acknowledges seafarers extended stay on board due to force majeure associated with the circumstances in Ukraine.
  - e. any other mechanisms that will ensure the welfare of seafarer has not been compromised while waiting to travel home (such as agreed repatriation to another country).
- 10 In considering the measures to mitigate the situation as mentioned above, the port State is advised to take actions as appropriate, based on pragmatic and practical approach.
- 11 If the port State is satisfied and does not object to such proposals, then the same may be communicated to the administration of the next port the vessel is headed to. It is the responsibility of the operator to confirm the next port similarly has no objection.
- 12 This IOMOU Circular will be reviewed, as appropriate, to keep aligned with latest developments and future initiatives by relevant stakeholders.