



**Ministero delle Infrastrutture
e dei Trasporti
Comando generale
del Corpo delle Capitanerie di porto**

Reparto VI

00144 *Roma*, **data del protocollo**

A **VDS ELENCO INDIRIZZI ALLEGATO**

CIRCOLARE TITOLO:
SICUREZZA DELLA NAVIGAZIONE
Non di serie: n. 31/2020

Argomento: Coronavirus (nCov-2019) – Cambi equipaggio.

Riferimento: IMO Circular letters No. 4204/Add.1, 4-1, 6, 11, 14,16,18, 22, 23 e 24.

Come noto la diffusione del coronavirus ha significativamente inciso anche sul regolare avvicendamento degli equipaggi, nel rispetto del periodo massimo di permanenza del personale navigante.

In tale contesto, con le Circolari in riferimento, il Segretario Generale dell'IMO – consapevole della magnitudo di tale sfida per l'industria marittima, nell'accezione più ampia del termine – ha più volte esortato i Governi a considerare attentamente tale problematica per intraprendere mirate e concrete iniziative in favore del personale navigante e, a tal fine, suggerendo anche possibili soluzioni da adottarsi.

A tal proposito, il 13 maggio 2020 l'Italia – attraverso lo scrivente Comando generale del Corpo delle Capitanerie di porto - ha presentato al Consiglio dell'IMO il documento C/ES.32/4/5 (allegato 1) evidenziando l'assoluta necessità che i marittimi siano considerati "key workers" cui garantire la libera circolazione senza soluzione di continuità.

Nonostante gli sforzi che i Governi stanno profondendo per le finalità sopra richiamate, l'altalenante recrudescenza della pandemia ha indotto gli Stati ad alternare periodi di chiusura e di apertura di porti e/o aeroporti; situazione di fatto, questa, che rende particolarmente complicata l'individuazione delle aree geografiche e dei relativi porti ove sia consentito pianificare ed eseguire gli avvicendamenti.

In aggiunta, è stato osservato che, in alcuni casi, le Autorità locali hanno motivato il rigetto dell'istanza di sbarco del marittimo con il mancato raggiungimento del limite degli 11 (undici) mesi della prestazione lavorativa a bordo di cui alla MLC,2006.

A tal riguardo, come noto, il periodo di permanenza bordo del personale navigante di nazionalità italiana è regolamentato dall'art. 4 del CCNL che indirizza un tempo di permanenza a bordo di molto inferiore al termine massimo introdotto dalla Convenzione ILO sopra citata.

Ciò posto lo scrivente Comando generale¹, a seguito di interlocuzione con l'Autorità competente in materia, ha originato l'unito *Statement* (allegato 2) – di tenore generale ed in lingua inglese – da presentare alle competenti Autorità dello Stato di approdo che dovessero rifiutare l'avvicendamento del personale navigante adducendo le motivazioni poc'anzi illustrate.

Specifica e dedicata corrispondenza sulla tematica anzidetta è intercorsa, invece, con l'Autorità di Singapore (MPA).

IL CAPO REPARTO
Amm. Isp. (CP) Luigi GIARDINO
(documento sottoscritto con firma digitale,
ai sensi del D.lvo 82/2005 n.21)

¹ A mente dell'art. 4 comma 2 del Decreto legislativo n.32/2016.

COUNCIL
32nd extraordinary session
Agenda item 4

C/ES.32/4/5
13 May 2020
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Pre-session public release:

**PROPOSALS FOR THE FACILITATION OF SHIPPING
DURING THE COVID-19 PANDEMIC**

Comments on documents C/ES.32/4/1, C/ES.32/4/2 and C/ES.32/4/3

Submitted by Italy

SUMMARY

Executive summary: This document contains comments on documents C/ES.32/4/1, C/ES.32/4/2 and C/ES.32/4/3 and includes proposals aimed at ensuring the free movement of seafarers and marine personnel

Strategic direction, if applicable: Not applicable

Output: Not applicable

Action to be taken: Paragraph 7

Related documents: C/ES.32/4/1, C/ES.32/4/2 and C/ES.32/4/3

1 Italy would like to draw the attention of the Council and Member States to the issues arising from the Covid-19 emergency relating to crew changeover operations and other supplementary maritime activities, which are seriously affecting the whole maritime transport chain.

Considerations

2 Preliminarily, as highlighted in the several IMO circular letters, Italy observes that seafarers and marine personnel should be considered "key workers", taking into consideration that they provide an essential service by ensuring movement of goods and persons through the sea in a safe manner. They contribute tacitly and professionally to the mitigation of further negative impacts caused by Covid-19.

3 Italy registers many difficulties encountered daily by companies operating Italian-flagged vessels in international and short trades. This shows that, notwithstanding the consideration in paragraph 2, the movements of seafarers and marine personnel are heavily affected by strict restrictions imposed by several coastal States due to Covid-19.

4 In some cases, it was revealed that the replacement of seafarers was not allowed even in circumstances of sudden and serious injuries unrelated to Covid-19 (e.g. accident on board, heart attack). This represents a serious risk for the seafarers to whom the necessary shore medical assistance and treatment is not granted. In this regard it is considered necessary to recall that qualified medical doctors are compulsory only for ships carrying 100 or more persons and ordinarily engaged on international voyages of more than 3 days' duration (MLC, 2006 Standard A4.1 para 4 letter (b)).

5 Other critical issues for seafarers and marine personnel are represented by the following aspects:

- .1 upon arrival at the embarkation country, the local authorities do not accept Covid-19 medical certificates issued by the authority of the seafarers' country of origin. This, in several cases, has led to a repetition of the medical examination or to a quarantine period in the embarkation country, with negative effects for the seafarer/marine personnel and with additional costs caused by the resulting delay to the ship's activities;
- .2 there are frequently difficulties in obtaining a visa or any other landing and free-movement permissions in the embarkation/disembarkation country due to the restriction measures imposed; and
- .3 there is uncertainty caused by a lack of information concerning the health conditions of the personnel provided to the arrival/departure shore services which board the vessel for many reasons (e.g. pilot, ship's agent, surveyor) for which it is not mandatory to show any documentary evidence attesting to a Covid-19 medical examination.

Proposal

6 In light of the critical issues outlined above and recognizing initial signs of a pragmatic approach adopted by some coastal States, allowing free movement of seafarers and marine personnel, Italy considers it necessary to renew the invitation to all Member States to consider seafarers as "key workers". Italy asks, as a matter of priority, for additional efforts in the development of further measures and submits the following suggestions:

- .1 that the World Health Organization (WHO) establish a common Covid-19 medical examination protocol recognized by all countries;
- .2 that Member States add the criteria relating to medical examination for Covid-19 to those criteria already considered under section A-I/9 of STCW 78, as amended;
- .3 that shore service personnel who need to board the vessel show proof of their Covid-19 medical examination issued in compliance with the internationally recognized protocol; and
- .4 that all border control authorities accept the Seaman Book, officially issued by a Member State, and the medical fitness certificate issued under STCW 78 as a valid travel document, without any other administrative burden.

Action requested of the Council

7 The Council is invited to consider the information provided in paragraphs 2 to 5 and the proposals in paragraph 6 and take action, as appropriate.



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Subject: Crew change

TO WHOM IT MAY CONCERN

The combined reading of MLC,2006 Standard A2.4, paragraphs 2 and 3, on annual leave and Standard A2.5.1, paragraph 2(b) on repatriation, highlight that the maximum continuous period of shipboard service is 11 months.

From the current rule mentioned above it is crystal clear that the 11 months are referred to MLC,2006, as maximum continuous period, and in this regards it is considered of a paramount importance to take into consideration also the national rules and for the Italian flagged ships the following:

1. The Italian/EU seafarers on board the Italian flag vessels worldwide are recruited at the terms and conditions stated by the following National Collective Bargaining (CBA) Agreement: *CCNL 01/07/2015 SETTORE PRIVATO INDUSTRIA ARMATORIALE – MARITTIMI COMUNITARI NAVI > 151 TSL*; and
2. The Seafarer's employment agreement is granted under the conditions stated in Article 4 of the above CBA, as follows:

Art. 4

Seafarer's employment agreement for an indefinite period of time.

*The employment agreement for an indefinite period can last until **4 (four) months** and can be extended by the Employer according to every Company's need, at 30 (thirty) days for ships operating in Mediterranean trades, tankers, full container ships and 60 (sixty) days for all other ships. The recruitment duration can also be determined through Company's collective agreements.*

In line with the above we ask to port State Control Officers and port Authorities to give proper consideration to the above while processing the Italian/EU applications for the crew changes of the seafarers and to take into account that the maximum period of employment is 6 (six) months as specified in the above Article 4.

The authenticity of this document can be verified e-mailing/phoning to Flag State contact point (Ref. CP40232) as publicized on IMO GISIS website.

Rome, 10 August 2020.

**The Head of Safety of Navigation
and Maritime Security Department**
Rear Admiral UH (ITCG) Luigi GIARDINO

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MARICOGECAP II Reparto	<u>SEDE</u>
MARICOGECAP III Reparto	<u>SEDE</u>