

**REGULATION (EU) 2019/1155 OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL of 20 June 2019 amending Regulation (EC) No 810/2009
establishing a Community Code on Visas (Visa Code) ¹**

Statement by ECSA, ETF, ICS, ITF and CLIA Europe

We, the European and international social partners for the maritime transport sector, (ECSA, ETF, ICS and ITF) and the international association representing the cruise lines operating in Europe (CLIA) (referred to below as 'the maritime partners'), wish to draw your attention to the recent revision of the Visa Code (Regulation 810/2019) by means of Regulation (EU) 2019/1155 which will start to apply as of 2 February 2020.

The EU's ports are among the world's busiest, serving as locations for thousands of seafarers joining and leaving their ships and exercising their right to shore leave that is essential to their wellbeing.

Seafarers are a category of workers for whom special treatment in respect of the granting of visas to enter the Schengen area is fully justified in view of the specific work-related reasons for their need for visas. They reside all over the world and large numbers of them work on ships that never call at ports in the countries where they live. Visa applications from seafarers are - quite rightly - subject to the same vetting controls as applications from all other persons. Their risk profile has been shown to be low and strict vetting procedures and personal background checks are additionally conducted on seafarers by their employers.

The relationship between seafarer movement and the facilitation of world trade is inextricable. Their ability to do their jobs and fulfil their essential role in facilitating trade should not depend on their nationality or be stifled by restrictive conditions that they cannot satisfy because of the length of their contracts.

Whilst some ships are engaged in regular liner or ferry services, most are employed in "tramp" trades, with irregular itineraries and little advance of notice of port calls. This means that arrangements for seafarer travel and shore leave - including visa applications- must be made within short time frames.

It is of the utmost importance to shipping both in Europe and elsewhere that the revised Visa Code facilitates – and does not unnecessarily impede – the movement

¹ Official Journal of the European Union, L 188, 12 July 2019

of seafarers and ensures their right to shore leave. Moreover, both the International Maritime Organisation (IMO) as the International Labour Organisation (ILO) through the FAL Convention and the Maritime Labour Convention (MLC 2006) call on their member states to facilitate free transit and shore leaves for seafarers. For this reason the maritime partners were actively involved in the revision of the Visa Code.

We now call on EU Member States and the European Commission to implement the revised Code in a manner that ensures seafarers benefit from the facilitations afforded by the Code. We would like to draw your attention to the following three issues:

- 1. Timeframe for application for visas**
- 2. Issuance of multiple entry visas**
- 3. Issuance of visas on the border**

1 – Timeframe for application for visas

We welcome the new stipulation that seafarers may submit visa applications nine months ahead of their intended date of travel to the Schengen area (Article 9(1)). The average length of a seafarer's employment contract is 8 months - hence this provision will greatly assist those who would otherwise not be able to return home to apply for a visa before the start of their next contract.

We urge Member States to apply this provision to seafarers without exception.

2 – Issuance of multiple entry visas

For the following reasons it is of paramount importance that seafarers will be in a position to obtain multiple entry visas (MEVs) with long periods of validity:

- i) the welfare of seafarers (enabling them to join ships at Schengen ports at short notice, take shore leave and disembark from their ships to travel home from airports in Schengen countries);
- ii) efficient shipping and cruise operations (necessary for shipowners to be able to relieve and replace crew members at the end of their contracts) in accordance with MLC 2006; and
- iii) the reduction of burden on consular post and border authorities (less administrative work for officials due to fewer visa applications at consular posts and Schengen borders).

Under the revised Code, seafarers may be issued MEVs for up to 5 years where they justify their intention to travel frequently and where their integrity and reliability are proven (Article 24(2c)). The new Visa rules further indicate that, in order to lessen the administrative burden on consulates and to facilitate travel for regular travellers, MEVs with a long period of validity should be issued and that

particular regard should be given to persons travelling for the purpose of exercising their profession, such as seafarers (Recital 11).

We therefore strongly urge Member States to make use of Article 24(2c) to issue MEVs with a long validity to seafarers.

The revised Code also introduces a 'cascade' system whereby longer validity MEVs are progressively issued where applicants have previously obtained single-entry or short-term visas (Article 24(2)). Unfortunately, the average length of seafarers' employment contracts (8 months) makes it impossible to satisfy the first level of the cascade system, which requires three visas in the preceding two years - this is of great concern to the maritime industry.

We wish to draw your attention to Article 24(2b) which allows consulates, within Local Schengen Cooperation of a jurisdiction, to propose the application of more favourable MEV rules than those in the cascade system.

We therefore strongly urge Member States to make use of the possibilities provided under Article 24(2b) and establish specific rules for seafarers requiring that they obtain and lawfully use 2 visas in the preceding 2 years (rather than 3 visas in the preceding 2 years as adopted in the new Code). This would allow seafarers to fully benefit from MEVs under the cascade system – in the same way that the majority of other travellers will be able to do under the new rules.

The importance of MEVs with long term validity for seafarers cannot be overstated. MEVs not being issued to seafarers or only in limited numbers could result in the following:

- *an increase in applications at consular post as seafarers will have to apply for a visa each and every time when joining their ship.*
- *an increase in applications for visas at the border, in particular when seafarers disembark the ship, which would create a tremendous burden for the border control force at European ports;*
- *reduced economic impact in the Schengen ports if ships have no choice but to re-route and disembark seafarers outside the Schengen area because they cannot be certain of obtaining visas at the border.*

We therefore call on Member States to ensure the abovementioned provisions of the new Visa Code are utilised to ensure MEVs are issued for seafarers.

3 - Issuance of visas at the border

The maritime partners welcome the specificity of seafarers being able to apply for a visa at the border, which was recognised in the 2009 Visa code, and is

maintained in the revised Code. Whilst MEVs should be established as the norm for seafarers joining, leaving and taking shore leave from ships, visas need to be available at entry points to the Schengen area to take account of unforeseen circumstances. Despite the provisions of the regulation, border guards are becoming much more restrictive with issuing visas at the border, which means uncertainty as to whether seafarers can sign off in Schengen.

We therefore urge that Member States to issue visas at the border as stipulated in Article 36.

International shipping is the life blood of the global economy, carrying approximately 90% of the world's visible trade. Without shipping, the bulk transport of raw materials, and the import/export of affordable food and manufactured goods on the scale demanded and in an environmentally friendly manner could not take place.

Seaborne trade continues to expand and the prospects for the industry's further growth continue to be strong. There are over 50,000 merchant ships trading internationally, transporting every kind of cargo. The world fleet is registered in over 150 nations and crewed by over a million seafarers of virtually every nationality.

ECSA represents the national shipowners' associations of the EU and Norway. Founded in 1965, it promotes the interests of European shipping so that the industry can best serve European and international trade in a competitive and free business environment, to the benefit of both shippers and consumers. The European shipowners control 40% of the global merchant fleet.

ETF is a pan-European trade union organisation which embraces more than 5 million transport workers from 230 transport unions and 41 European countries. It works within an overall framework of global solidarity to represent and defend the interests of transport workers throughout Europe.

ICS is the principal international trade association for the shipping industry, representing shipowners and operators in all sectors and trades. Its membership comprises national shipowners' associations in Asia, Europe and the Americas whose companies operate over 80% of the world's merchant tonnage. Established in 1921, ICS is concerned with all technical, legal, employment affairs and policy issues that affect international shipping, and represents shipowners and operators at various intergovernmental regulatory bodies.

ITF is a global trade union federation representing trade unions in the transport sector. The total membership of ITF affiliates is estimated to be around 16.6 million with 5.1 million being the workers directly affiliated to the ITF. Over 900,000 are seafarers that represent the membership of 218 Maritime trade

unions in 102 countries. The ITF Campaigns for the rights of workers and is active in the regulatory international bodies, including the IMO and the ILO.

CLIA EUROPE - Cruise Lines International Association (CLIA) is the world's largest cruise industry trade association, providing a unified voice and leading authority of the global cruise community. CLIA supports policies and practices that foster a safe, secure, healthy and sustainable cruise ship environment for the more than 25 million passengers who cruise annually and is dedicated to promote the cruise travel experience.

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