

To: EU Commissioner for Transport, Ms Adina Vălean  
EU Commissioner for Jobs and Social rights, Mr Nicolas Schmit  
EU Commissioner for Home Affairs, Ms Ylva Johansson

Brussels, 09.11.2020

**Re: *The European Union and the Member States must not abandon seafarers- whatever the flag under which they sail and whatever their nationality***

Dear Commissioners,

We extend our sincere thanks for your attention to the pressing issue of seafarer crew changes during this ongoing, unprecedented crisis in which we find ourselves.

Further to the recent additional set of actions published by the European Commission, it is our unfortunate duty to bring once again to your attention the urgent issue of seafarer physical and mental health. This letter seeks your assistance in resolving this global problem.

As we know, the COVID-19 pandemic has trapped hundreds of thousands of seafarers. Even today, States accept without a second thought that goods continue to arrive at their ports, yet they refuse to accept the seafarers stranded on the merchant ships. They treat these workers worse than the goods. With the resurgence of the pandemic, we are alerting the services of the EU and the Member States to the dramatic physical and mental health of seafarers stranded at sea and the deterioration of their family situation. We ask you to take your efforts a few steps further, and for swift intervention and coordination between European and foreign countries.

The European Union must step in and ensure that port States allow crew changes. Further, all European States must coordinate, through their consular services, to ensure the repatriation of seafarers stranded at sea. It is not generosity; it is an obligation under maritime law, incumbent upon them as a flag State.

The Maritime Labour Convention 2006 provides that:

- “Each Member shall ensure that seafarers on ships that fly its flag are entitled to repatriation /../ if the seafarers' employment agreement expires while they are abroad.”
- “If a shipowner fails to make arrangements for or to meet the cost of repatriation of seafarers who are entitled to be repatriated, the competent authority of the Member whose flag the ship flies shall arrange for repatriation of the seafarers concerned; if it fails to do so, the State from which the seafarers are to be repatriated or the State of which they are a national may arrange for their repatriation and recover the cost from the Member whose flag the ship flies.”

- The right to repatriation exists from the end of the contractual engagement period.
- All the costs of seafarers disembarked while awaiting repatriation (accommodation, food, medical care) must be covered by the shipowners, by mobilising the compulsory insurance they have taken out.
- The time spent awaiting repatriation and the duration of the voyage should not be deducted from the paid leave that the seafarer has accrued.

Therefore, any refusal to repatriate and any automatic extension of the contractual service period violate these fundamental principles. If there must be an extension due to force majeure, it can only be strictly proportional, decided on a case-by-case basis, of very limited duration, and compensated.

States, in general, must do their utmost to ensure the replacement of crews. It's all the more urgent to find the means to do so now, as international restrictions are likely to last for many months despite the repeated appeals from the UN, IMO, ILO, social partners ICS and ITF, as well as ECSA and ETF.

Seafarers are the lifeline of the vital maritime supply chain. They are in distress, and we must act now to resolve this humanitarian and economic crisis.

Thank you for your consideration.

Sincerely,



Estelle Brentnall  
ETF Head of Maritime