



**THE REPUBLIC OF LIBERIA**  
**LIBERIA MARITIME AUTHORITY**

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**Marine Advisory: 23/2020**

**SUBJECT: Postponement of annual leave with pay and maximum period of shipboard service for seafarers during Coronavirus Disease 2019 (COVID-19) pandemic**

**Reference: a) Marine Notice MLC-003- Terms and Conditions for employment of seafarers under the Maritime Labour Convention (MLC), 2006**

**b) Marine Advisory 07/2020-2- Guidance to Assist with Impact of Coronavirus Disease 2019 (COVID-19) on Ship Operations**

**c) Marine Advisory 21/2020 - Guidance to Assist with Impact of Coronavirus Disease 2019 (COVID-19) on Crew Documentation**

**Dear Shipowners/Operators/Seafarers:**

The purpose of this Marine Advisory is to complement and further build upon the requirements in references **a)**, **b)**, and **c)** above and provide updated information to shipowners, operators and seafarers regarding the Administration's approach to permitting a seafarer to postpone annual leave with pay and the maximum period that a seafarer may serve onboard a ship during this difficult period of disruption caused by COVID-19.

As a result of the severe impact from COVID-19, which resulted in majority of major port and coastal States locking down their borders and which in turn severely affected the repatriation of seafarers, the Liberian Administration on 24 February 2020 published **reference b)** above permitting seafarers to be engaged under their seafarers' employment agreements beyond a period of 11 months up to a maximum of 14 months, taking into account arrangements made by the shipowner to repatriate seafarers as soon as possible at the next available port.

During March, April and May 2020, the lockdown of borders, prohibition of international flights and in some cases enforcement of strict quarantine requirements among major port and coastal States continued without being eased; and it was only in June 2020, that some of the major port and coastal States eased their controls while considering seafarers as 'key workers' as a result of the efforts of the IMO along with major flag States such as Liberia and other key industry stakeholders.

The Liberian Administration has also successfully mediated with some port and coastal State authorities for repatriation of seafarers and has approved repatriation plans which include deviating ships to major labour supplying States such as Philippines and India; and to major Airline hubs, such as Doha, Qatar, Hong Kong and Singapore.

Below are some cases where the Liberian Administration successfully mediated with port/coastal State authorities for the repatriation of seafarers amidst the stringent lockdown:

1. Vera Cruz, Mexico – Local LISCR Inspector communicated with Mexican Authorities;

2. Bangladesh – Communicated with both Bangladesh and Philippine Embassies to permit repatriation of 9 Filipino seafarers;
3. Argentina – Liberia Consul General in Buenos Aires communicated with Authorities to permit repatriation of seafarers;
4. Philippines – Requested local Philippine Authority in Mindanao to permit a sick seafarer to visit a doctor ashore and subsequently repatriated;
5. Singapore – Communicated with Singapore MPA requesting repatriation of seafarers, after advising the shipowner of the conditions set by MPA;
6. Malaysia – Sent a diplomatic note through Malaysia’s IMO permanent representative in London to permit repatriation of 7 Filipino seafarers.

Considering the experience gained over the past few months, the Administration has revised its procedures and will continue taking a pragmatic approach for any new applications for permission for a seafarer to postpone annual leave and continue to be engaged under the seafarers’ employment agreement for more than 11 months and which is directly linked to the disruption caused by COVID-19, which will only be considered in cases, where:

1. The shipowner or operator can satisfactorily demonstrate that all possible efforts have been expended to repatriate the seafarer without success;
2. The seafarer has provided written confirmation accepting the extension;
3. The shipowner or operator provides a repatriation plan for approval and which will result in the repatriation of the seafarer before serving a maximum continuous period of 14 months;
4. A proper risk assessment is carried out by the shipowner taking into account the ship’s trading pattern, rest hours, and fatigue and other identified hazards.

Upon satisfactory review of the requirements in 1, 2, 3 and 4 above, the Administration will issue a letter approving the repatriation plan and permit the seafarer(s) to postpone annual leave with pay and continue being engaged under the seafarers’ employment agreement for a period not exceeding 14 months.

The seafarers shall conclude seafarers' employment agreements with the shipowner or its authorized representative for the extended period of engagement on board and will continue receiving their employment and social rights in accordance with Article IV of MLC, 2006.

Also, extensions of service without taking leave beyond 14 months that were previously permitted due to unforeseen circumstances will only be considered by the Administration, if provided the information in items 1,2 and 4 above, and a plan identifying the place and date which will result in repatriation of the seafarer as soon as possible, is provided to the Administration for approval.

Recently BIMCO has produced a COVID-19 Crew Change Clause for Time Charter Parties in response to the extraordinary circumstances faced by many owners whose crew have had to remain on board during the COVID-19 "lockdown" for periods often extending beyond their contracts of employment.

<https://www.bimco.org/contracts-and-clauses/bimco-clauses/current/covid-19-crew-change-clause-for-time-charter-parties-2020>

The new clause is designed to give owners the liberty to deviate for crew changes under tightly defined circumstances. It also provides an option for charterers to contribute to the crew change in recognition of the potentially high cost of making a COVID-19 related crew change.

Currently the ships' agent is usually the best source for latest port specific requirements. It should also be noted that Wilhelmsen Ship Agency has developed a Coronavirus - Global Port Restrictions Map, which is continuously updated and identifies countries and ports around the world and any conditions and restrictions that have been implemented:

<https://www.wilhelmsen.com/ships-agency/campaigns/coronavirus/coronavirus-map/>

If you have additional questions or concerns, please contact [RegsandStandards@liscr.com](mailto:RegsandStandards@liscr.com).

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