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Circular Letter No.4305  
17 June 2020

To: All IMO Members  
Intergovernmental organizations  
Non-governmental organizations in consultative status

Subject: **Communication from the Swiss Confederation**

The Government of the Swiss Confederation has sent the attached communication, dated 2 April 2020, with the request that it be circulated by the Organization.

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Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

**Embassy of Switzerland in the United Kingdom**

Ref. 715.0  
No.12/2020

The Embassy of Switzerland in the United Kingdom presents its compliments to the International Maritime Organisation and has the honour to attach to the present Note the Flag State Directive No.1 2020 (rev. 2) issued by the Swiss authorities on 25 March 2020 as well as an accompanying letter of the Director of the Swiss Maritime Navigation Office.

The Embassy of Switzerland in the United Kingdom avails itself of this opportunity to renew to the International Maritime Organisation the assurance of its highest consideration. f

London, 2 April 2020

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International Maritime Organisation  
4 Albert Embankment  
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Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Federal Department of Foreign Affairs FDFA

Directorate of International Law DIL

**Swiss Maritime Navigation Office SMNO**

Swiss Confederation

**CH – 4010 Basel, EDA, SSA**

**via E-Mail**

Mr Kitack Lim  
Secretary-General  
International Maritime Organization  
4 Albert Embankment  
London SE1 7SR  
United Kingdom

**Basel, 1. April 2020**

**Measures adopted by the Swiss Maritime Administration in relation to the COVID-19 Pandemic**

Dear Secretary-General,

in light of the ongoing Coronavirus pandemic the Swiss Maritime Administration has taken several measures in relation to all seagoing commercial shipping under the Swiss Flag, as outlined in the Flag State Directive attached.

In order to counteract the impacts of the pandemic, maintain supply chain logistics and the freedom of navigation and to protect the health and welfare of all transport workers involved, Switzerland currently applies temporary relaxations and adaptations of requirements for the shipping sector, mainly regarding the issuance and renewal of shipping- and seafarer related certification, employment agreements, travelling/repatriation and care for seafarers, amongst others.

The attached document includes directives concerning the following subjects:

“Seafarers Employment Agreements (SEA), Validity of Contracts and Common Bargaining Agreements (CBA)”;  
“Freedom of Movement, Repatriation, Medical Care and Fair Treatment for Seafarers”; “Minimum Safe Manning Requirements and Watchkeeping”; “Validity of Certificates, Endorsements and Statutory Certification” and “Further Information, guidance and best practices for the Shipping Industry relating to the Coronavirus-Pandemic”

under the provision of the applicable international regulations, and in accordance with issued guidelines and recommendations as published by relevant organizations.

We would kindly ask you to forward the information herewith provided to the other IMO Member States.

SMNO thanks you, Mr. Secretary General, and all involved IMO staff for all deployed and tireless efforts in coping with the international crisis caused by COVID-19.

*Yours sincerely,*

Capt. Roger Patrik Witschi  
Master Mariner  
Head of Swiss Maritime Navigation Office SMNO

**Annex 1:** Flag State Directive – No. 1 2020 (rev.2), issued on 25.03.2020

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## **Flag State Directive – No. 1 2020 (rev. 2)**

### **To: Owners, Managers, Operators, Crews and all Recognized Organizations of all Swiss Flagged Commercial Seagoing Vessels**

#### **Sub.: Measures and Policy of the Administration relating to the COVID-19 pandemic**

In light of the extraordinary situation relating to the COVID-19 pandemic and related measures being taken by some Port Authorities and other Administrations around the world, the Swiss Maritime Administration (SMNO) herewith recognizes and addresses various difficulties encountered by vessels under its Flag.

To counteract the negative impacts of the pandemic on the Shipping Sector and to secure the logistics and supply chains of important goods by maritime trade, in accordance with the guidance published by the International Maritime Organization IMO (ref. in particular Circular Letter No. 4204 including all addenda) the following shall apply:

#### **1. Seafarers Employment Agreements (SEA), Validity of Contracts and Common Bargaining Agreements (CBA)**

Seafarers may exceed the validity of their SEA respectively their contracts, including stipulations of CBAs in accordance with the Maritime Labour Convention, 2006 (MLC). In cases where it is not possible to relieve a crewmember due to the current situation, in accordance with MLC A2.4.3 and A2.5.1.2(b), as amended.

General exemption herewith is granted to extend the seafarers period of service on board for a maximum of two months in addition to the agreed service period. In each individual case SMNO shall be notified with all relevant details (reasons for extension, regular and extended contract duration, details of the vessel and seafarer), when a contract is extended accordingly.

The contract prolongation must be issued under the same conditions as the existing agreement, at the end of the extension annual leave, all compensation due and subsequent repatriation must be provided for.

## **2. Freedom of Movement, Repatriation, Medical Care and Fair Treatment for Seafarers**

According to MLC A2.5.1.7 each Member State shall facilitate the repatriation of seafarers serving on ships which call at its ports or pass through its territorial or internal waters, as well as their replacement on board.

SMNO is closely monitoring the problems arising with the restriction of crew changes worldwide and will engage, if necessary, in an active dialogue to ensure the safety and security of vessels flying the Swiss Flag and their seafarers.

Switzerland requests all Members States and other Countries to allow for and facilitate the travelling of transport workers without undue restrictions and accordance with the aforementioned and IMO's recommendations, in order to allow international transport services to continue providing the essential delivery of goods and supplies to economies and the population. Further, Administrations are kindly requested to provide and allow for the necessary medical care if and as required, and for the fair treatment for seafarers engaged aboard Swiss Flagged Vessels in accordance with MLC stipulations and the guidelines disseminated by IMO as well.

## **3. Minimum Safe Manning Requirements and Watchkeeping**

Regular permissible deviations (e.g. in case of force majeure) from Minimum Safe Manning (MSM) Requirements due to exceptional circumstances as set out in the MSM Document CH-Circ. No. 47 and the specific MSM document as issued to individual vessels shall continue to apply and must be considered as appropriate.

Watchkeeping practices might be adjusted accordingly, however all relevant regulations, particularly referring Regulations for Standards of Training, Certification and Watchkeeping (STCW) and Regulations for Preventing Collisions at Sea (COLREG) shall be adhered. In each individual case, SMNO shall be notified and permission requested accordingly, with relevant details mentioning the particular vessel concerned and measures applied.

## **4. Validity of Certificates, Endorsements and Statutory Certification**

For all Certificates and Endorsements to Seafarers and for all Statutory and related Certification issued to all Swiss Flagged Vessel being valid at the time of entry into force of this directive, the following shall apply:

- All endorsements issued to seafarers by SMNO, expiring during any ongoing period of service shall remain valid until the seafarer's disembarkation, but no longer than the



validity date of the underlying Certificate of Competence (CoC), if applicable. For extension of the latter, please refer to the issuing Administration.

- All certificates issued to seafarers by SMNO, which expire during any period of service shall remain valid until the seafarer's disembarkation.
- All Statutory and related certification expiring issued by SMNO and/or any Recognized Organization (RO) shall remain valid respectively are extended until further notice, for a maximum duration of three months, from the time of entry into force of this directive. ROs shall notify SMNO on each certificate and vessel concerned.

#### **5. Further Information, guidance and best practices for the Shipping Industry relating to the Coronavirus-Pandemic**

The world health organization (WHO) remains the primary source of information for advice on trading and traveling to regions and countries where COVID-19 risks exist. IMO consolidates relevant information relating to international shipping.

For further guidance and reference, parties may consult the IMO-Website on COVID-19: <http://www.imo.org/en/MediaCentre/HotTopics/Pages/Coronavirus.aspx>

This directive is taking immediate effect, and remains until revoked.

It is subject to regular review and/or amendment if/as required.

Swiss Maritime Navigation Office SMNO

p.p.

Lukas Roth

