ANAVE – Circular de Régimen Interior

Madrid, 10 de abril de 2020
Ref: Puertos 12/2020/MC

Asunto: COVID-19. Directrices de la Comisión sobre protección de la salud, repatriación y viajes de la gente de mar, pasajeros y otras personas a bordo de los buques

Muy Srs. nuestros:

El pasado miércoles, día 8 de abril, tras reiteradas gestiones de ECSA, junto con ETF y CLIA Europa, la Comisión Europea publicó las Directrices del asunto, que también adjuntamos como **Anexo**.

Hasta hora la Comisión había publicado ya tres comunicaciones sobre la gestión de fronteras y el movimiento de trabajadores durante la crisis del COVID-19 que no llegaban a concretar suficientemente el tratamiento de los marinos, el personal portuario, etc:

- Directrices sobre medidas de gestión de fronteras para proteger la salud y garantizar la disponibilidad de bienes y servicios esenciales.

- Directrices sobre el ejercicio de la libre circulación de trabajadores durante el brote de COVID-19.

- Comunicación sobre la puesta en marcha de Corredores Verdes (*Green Lanes*)

Estas nuevas directrices son una particularización y ampliación de las anteriores destinada específicamente a los buques, sus tripulaciones, pasajeros y otras personas a bordo. Incluyen recomendaciones sobre control sanitario, cambios de tripulación, desembarco y repatriación por el COVID-19. Su contenido ha sido valorado muy favorablemente por ECSA y ETF.

Conviene señalar que estas pautas van dirigidas por la Comisión a los Estados miembros y a modo de recomendaciones y, por tanto, no son directamente aplicables ni exigibles por las personas o empresas individuales ante los Estados, aunque puedan servir de respaldo para formular peticiones o propuestas a los mismos.

En las mismas, como aspecto de especial importancia, se pide a los Estados miembros que, de acuerdo con la Comisión, designen puertos en las costas de la UE para cambios rápidos de tripulación, con instalaciones adecuadas para efectuar controles médicos sobre la gente de mar, cuarentena si así lo requiere el país en cuestión y conexiones de transporte hacia y desde su país de origen, sin demoras innecesarias.

Otros puntos de las nuevas directrices que cabe resaltar son los siguientes:

- Los trabajadores en funciones esenciales (incluidos, entre otros, la gente de mar y el personal de transporte marítimo), independientemente de su nacionalidad, deben poder transitar y viajar por la UE y entrar y salir de la misma para garantizar una actividad profesional continua y deben, por tanto, por lo tanto, estar exentos de las restricciones de viaje.

- Deben tomarse medidas en los puertos de la UE para proteger al personal de transporte marítimo y a los trabajadores portuarios, así como a la gente de mar y otras personas a bordo mientras embarcan y desembarcan.

- Se aclara que el "personal de transporte marítimo" antes citado debe incluir el personal que trabaje a bordo de buques mercantes nacionales e internacionales, remolcadores, dragas, buques tanque de

petróleo y gas y buques de suministro y apoyo a instalaciones off-shore, así como personal operativo, de seguridad y técnico que trabaja en tierra apoyando operaciones marítimas y de los buques.

- La gente de mar debe tener acceso a una atención médica adecuada y lo más comparable posible a la disponible para los trabajadores en tierra.

- Se deben reducir al mínimo los contactos de los tripulantes con el personal de tierra, como estibadores y prácticos que deben usar equipos de protección personal para proteger a las tripulaciones de la exposición al COVID-19.

- Los ciudadanos de la UE confinados en Estados miembros distintos de su nacionalidad o residencia, en terceros países o en alta mar, así como los nacionales de terceros países residentes en la UE o que cuenten con visados de larga duración, deben poder regresar a sus hogares, si su estado de salud lo permite.

ECSA y ETF están ahora enviando cartas a los miembros de la Comisión europea pertinentes y a los gobiernos de los Estados miembros de la UE pidiéndoles que estas pautas de la Comisión se pongan en práctica en todos los Estados miembros y que se trabaje coordinadamente y sin demora en la designación de los puertos donde se puedan llevar a cabo los cambios de tripulación.

Muy cordialmente

Manuel Carlier
Director General

EUROPEAN
COMMISSION

Brussels, 8.4.2020
C(2020) 3100 final

COMMUNICATION FROM THE COMMISSION

Guidelines on protection of health, repatriation and travel arrangements for seafarers, passengers and other persons on board ships

Guidelines on protection of health, repatriation and travel arrangements for seafarers, passengers and other persons on board ships

Summary

- *The COVID-19 pandemic has far-reaching effects on maritime transport and persons on board ships. The Guidelines for border management measures to protect health and ensure the availability of goods and essential services[1] state that Member States should facilitate the transit of EU citizens and third-country nationals who are EU residents for their return home. Workers in essential functions[2], regardless of their nationality, should be able to transit and travel to ensure continued professional activity.*

- *Persons on board of ships should be able to undertake essential travel. EU citizens stranded in Member States other than that of their nationality or residence, in third countries or on the High Seas should be able to return home, if their health status permits.[3] It is the primary responsibility of cruise ship operators and shipowners to arrange for the return of persons on board, regardless of whether disembarkation takes place within or outside the EU.*

- *Many seafarers on cargo vessels operating in European waters are third country nationals. Regardless of their nationality, they should be able to travel to the ports where they need to embark and be allowed to disembark and return home, which would also contribute to ensuring that the sector remains operational in the medium and long term, as confirmed by the Communication on the implementation of the Green Lanes[4]. Only when crew changes are possible can maritime transport continue uninterrupted, safeguarding the internal market by distributing goods across the EU and enabling export and import of cargo from and to EU ports. Therefore, Member States should designate ports, where crew changes are facilitated.*

- *There are roughly 600,000 seafarers of all nationalities serving on board EU interests ships worldwide. The International Maritime Organization recommends that crew changeovers should be possible around the globe.[5] To ensure the continuity and safety of maritime transport, the Commission is taking steps to facilitate and coordinate the efforts of Member States to enable crew changes in their ports.*

[1] Guidelines for border management measures to protect health and ensure the availability of goods and essential services , C(2020) 1753 final, OJ C86I, 16.3.2020, p. 1–4

[2] This includes, *inter alia*, seafarers, maritime transport personnel and fishermen.

[3] Persons on board ships should be able to travel if they do not have symptoms, have not been particularly exposed to risk of infection and are not considered to be a threat to public health.

[4] Communication from the Commission on the implementation of the Green Lanes under the Guidelines for border management measures to protect health and ensure the availability of goods and essential services, C(2020) 1897 final, OJ C 96I, 24.3.2020, p.1.

[5] IMO Circular Letter No.4204/Add.6 of 27 March 2020

I. General guidance

1. Continuous maritime transport services are of key strategic importance to the EU, as 75% of goods arriving in and leaving the EU and 30% of goods circulating in the Internal Market are transported by sea. Restrictive measures adopted to counter the COVID-19 pandemic should impact the free circulation of goods as little as possible to maintain economic activity. Restrictions should not cause severe disturbances of supply chains, essential services and economies of Member States or the EU as a whole.

2. In line with the *Communication on the implementation of Green Lanes*, seafarers should be allowed to cross borders and transit to take up their duties on board cargo vessels and return home after their contracts end. When Member States carry out health screenings, they should not significantly delay the seafarer from embarking or repatriating.

3. Measures should be taken in EU ports to protect maritime transport personnel and port workers as well as seafarers and other persons on board while they embark and disembark[6]. To ensure their health and safety, in accordance with EU law on health and safety at work, all risks should be assessed and the appropriate preventive and protective measures put in place[7]. The European Agency for Safety and Health at Work has provided specific information on workers' safety and health concerning the protection from exposure to COVID-19.[8] The *Advice for ship operators for preparedness and response to the outbreak of COVID-19*[9] from Joint Action EU Healthy Gateways should also be taken into account. When a person on board is identified as potentially posing a risk to public health, appropriate measures to avoid transmission should be taken while providing swift access to adequate medical care, irrespective of the person's nationality. Healthcare should also be offered to those who were in contact with the person in question. Crew members with suspected infections should self-isolate where feasible and seek disembarkation as soon as possible to undergo testing. They should wear a medical mask and should avoid any further contact with other persons not wearing personal protective equipment while on board and when disembarking.

4. Member States should consult representative workers' and employers' organisations in the shipping and ports sectors when implementing measures included in these guidelines.

II. Repatriation of persons on board cruise ships and all other vessels

Recommendations for cruise ships

5. In response to the COVID-19 pandemic, cruise ship operators have temporarily stopped their activities. The cessation of activities should contribute to limiting new transmissions

[6] Maritime transport personnel includes personnel working on board domestic and international commercial vessels, merchant shipping, towage and dredging vessels, oil and gas vessels and offshore supply, support and standby vessels active in the energy supply sectors as well as operational, safety and technical personnel working ashore supporting ship and marine operations..

[7] Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work; OJ L 183, 29.6.1989, p. 1–8

[8] COVID-19: guidance for the workplace; https://osha.europa.eu/en/highlights/covid-19-guidance-workplace

[9] https://www.healthygateways.eu/Portals/0/plcdocs/EU_HEALTHY_GATEWAYS_COVID-19_MARITIME_20_2_2020_FINAL.pdf?ver=2020-02-21-123842-480

on cruise vessels. The primary responsibility for arranging the return of passengers and crew members of cruise ships that are going into lay-up, rests with the cruise ship operator[10]. This may include repatriation from ports located outside the EU and, in particular, the organisation of any necessary charter flights or other means of transport.

6. For ships flagged in an EU Member State, the flag State should allow passengers and crew to disembark in one of its ports. The Member States should support the cruise ship operator in making the necessary arrangements for repatriation and access to appropriate medical care.

7. If it is not possible for the flag State to accommodate a ship, it should offer assistance to the cruise ship operators to make appropriate arrangements with other EU Member States or third countries. The arrangements should minimise the time the vessel stays at sea while providing for good medical infrastructure and transport connections for repatriations. Such arrangements should include facilitating the docking of the vessel, disembarking of passengers, medical screening and treatment. They should also include the repatriation of passengers and crew from the port of the other EU Member State or third country. Specific attention should be paid to the needs of vulnerable passengers.

8. If the ship is flying a third country flag, Member States should accommodate it for humanitarian reasons. In such cases, they are recommended to request appropriate financial and logistical arrangements (e.g. required personal protective equipment, facilities for quarantine, hiring of buses, charter flights) from the cruise ship operator before docking, in line with its obligations. In case such arrangements are not found, consideration should be given to safely and swiftly disembarking persons on board and facilitating their transit home.

9. If there are persons infected with COVID-19 on board, the State of the port of call should give consideration to disembarking where surrounding permanent or temporary hospitals have sufficient capacity to provide adequate medical care. Once non-infected or asymptomatic passengers and crew members disembark, they should be taken to quarantine facilities, if this is necessary for follow-up medical checks, or otherwise be directly repatriated.

10. To enable the disembarkation of third-country nationals on humanitarian grounds and to facilitate repatriation, where they are nationals of third countries with visa requirements and for reasons of urgency have not been able to apply for a visa in advance, Member States should grant the necessary visas at the border.

11. If cruise ships with EU citizens on board need to dock in third countries, Member States may activate the Union Civil Protection Mechanism as a last resort, for instance if no

[10] A cruise usually fulfils the definition of a ‘package‘ and therefore falls within the scope of Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements. That Directive lays down the obligations of the organiser, including to provide assistance to travellers in difficulty. A cruise organiser shall carry travellers to the port of disembarkation that is provided in the package travel contract. If the carriage (e.g. flight) of the traveller to and from the cruise’s port of embarkation/disembarkation is also included in the package, the organiser shall repatriate the traveller to his or her point of origin. Package organisers are required to take out insolvency protection that shall cover repatriation of travellers, if carriage of passengers is included in the package travel contract.

commercial flights are available. If conditions are met, the Commission, the European External Action Service and the EU Delegation in the third country can provide repatriation assistance.

Recommendations for all vessels concerning transit and disembarking passengers and crew

12. With regard to the transit of passengers and crew, the Member States should follow the *Guidance on the implementation of the Communication on the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy*[11].

13. In particular, Member States must facilitate transit of EU citizens as well as third country nationals holding a residence permit or a long-stay visa who are returning to their Member State of nationality or residence.[12] Member States should apply the Commission's *Communication on Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak*[13].

14. For this purpose, Member States should identify suitable ports that can be connected to safe passage transit corridors set up in accordance with the *Communication on the implementation of Green Lanes*[14].

15. This also applies when such persons disembark from cruise ships and other vessels in EU ports wishing to return to their Member State of nationality or residence. Cruise ship operators or shipowners should coordinate the transit of larger numbers of persons with the national authorities of the Member State where the port is located as well as the local consular authorities of citizens' countries of nationality or residence.

16. For this purpose, cruise ship operators and shipowners should establish the destination of persons intending to disembark. The cruise ship operators or shipowners should communicate this information as well as the method of onward transit they intend to organise to the authorities mentioned in the preceding paragraph.

17. Where an extended period on board has led to the expiry of travel documents, Member States should, in line with Directive 2004/38/EC[15], allow EU citizens and their family

[11] Communication from the Commission COVID-19 Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy, C(2020) 2050 final, OJ C 102I , 30.3.2020, p. 3–11
[12] ibid.
[13] Communication from the Commission Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak; C/2020/2051; OJ C 102I , 30.3.2020, p. 12–14
[14] In C(2020) 1897 final, OJ C 96I, 24.3.2020, Member States are requested to designate all the relevant internal border-crossing points of the trans-European transport network (TEN-T) and additional ones to the extent deemed necessary, as "green lane" border crossings—for land, sea and air transport.
[15] Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, OJ L 158, 30.4.2004, p. 77–123

members who are in the possession of an expired passport and/or visa to enter their territory.

18. Where temporary difficulties prevent immediate repatriation of third country nationals due to restrictions put in place by the country of nationality, cruise ship operators or shipowners should, in line with their obligations, find arrangements with the State of the port of call to ensure the safe stay of the persons concerned. This should include access to adequate medical care and accommodation, for which that State authorities may be entitled to request compensation from the ship's operator[16].

19. For the purpose of repatriating persons on board who may have a COVID-19 infection, Member States should take into account the *Advice for health authorities and ship operators who have decided to suspend sailings and for the long-term docking of ships at the ports of EU/EEA MS during COVID-19 pandemic*[17]**.**

20. With regard to the repatriation of EU citizens in third country ports, the cruise ship operator or shipowner should inform the consular authorities of the Member States represented in the third country and, where available, the EU Delegation about the means of repatriation to the EU they intend to organise. Member States' authorities can obtain information on positioning of cruise vessels heading to Europe from the Union Maritime Information and Exchange System[18] hosted by the European Maritime Safety Agency.

Recommendations concerning other vessels going into lay-up

21. The primary responsibility for the repatriation of seafarers whose vessels are going into lay-up lies with the shipowner.[19] The flag State should facilitate the repatriation of the seafarers on board such ships, especially when no transport connections to the seafarer's Member State or third country are available. If the crew member has an acute condition requiring medical attention or a suspected or confirmed COVID-19 infection, the measures detailed in paragraphs 4, 19 and 28 should be taken.

III. Changeovers of crews

22. In order to keep maritime services operational, Member States should permit crew changes to take place in their ports.

23. As essential staff, seafarers should be exempt from travel restrictions when they are in transit to the port where they take up their duties.[20] This is in line with the Commission's *Communication on Temporary Restriction on Non-Essential Travel to the EU*[21]. Member

[16] For seafarers, the provisions of the Maritime Labour Convention (2006) apply
[17] See : https://www.healthygateways.eu/Portals/0/plcdocs/EU_HEALTHY_GATEWAYS_COVID-19_Stationed_ships_18_3_2020_F.pdf?ver=2020-03-20-183254-500
[18] SafeSeaNet, http://www.emsa.europa.eu/ssn-main.html
[19] See in particular standards A2.1 and A2.5.1 of the Annex to Directive 2009/13/EC and the related provisions of the Maritime Labour Convention (2006)..
[20] Guidelines for border management measures to protect health and ensure the availability of goods and essential services , C(2020) 1753 final, OJ C86I, 16.3.2020, p. 1–4
[21] COM(2020) 115 final, Communication on COVID-19: Temporary Restriction on Non-Essential Travel to the EU

States should apply in this respect the measures outlined in the *Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak*[22]

24. Even where crew changes are permitted, it has become challenging for seafarers to travel to the country where they are meant to board the vessels, as transport connections are now very limited. Consideration should be given to dedicated travel arrangements to facilitate seafarers travelling from and to maritime ports as prescribed in the *Communication on the implementation of Green Lanes*.

25. Seafarers who are nationals of third countries with visa requirements and who for reasons of urgency have not been able to apply for a visa in advance should be granted the necessary visa at the border.

26. Most Member States have taken measures to allow extensions of Seafarer Employment Agreements[23] (SEAs) under certain requirements. These are fulfilled where repatriation or crew changes are impeded. Member States are also allowing for extensions of expired Documents of Maritime Labour Compliance. Similarly, the temporary extension of essential certificates is being granted by the issuing and endorsing Member States until the end of the emergency period. The International Maritime Organization (IMO)[24] and ILO[25] have issued guidance on extension of certificates and SEAs of seafarers.[26]

27. Extending the usual 11 months duration of a SEA can increase fatigue and be detrimental to mental health of seafarers and maritime safety. SEAs should therefore not be extended beyond what is necessary. Seafarers should be able to remain on board if necessary for a reasonable period beyond their scheduled tours of duty.[27] In case of expiry of the seafarers' passport without access to consular services, the extension of the SEAs should be discouraged and repatriation facilitated. If repatriation is not possible, the operator and flag State should, with agreement of the seafarer, take measures to extend the SEA and put in place arrangements to ensure the repatriation of the seafarer at the earliest possible point.

28. To lower transmission risks of COVID-19, shipowners should put in place adequate safety procedures on board when a new crew starts its service. In accordance with EU law, all risks should be assessed and the appropriate preventive and protective measures put in place.[28] While medical examinations should be performed, they should not unduly

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[22] Communication from the Commission Guidelines concerning the exercise of the free movement of workers during COVID-19 outbreak, C/2020/2051; OJ C 102I , 30.3.2020, p. 12–14

[23] Every seafarer employed on a vessel to which the Merchant Shipping (Maritime Labour Convention) (Minimum Requirements for Seafarers etc.) Regulations 2014 apply must have a legally enforceable Seafarer Employment Agreement.

[24] IMO Circular Letter No.4204/Add.5 of 17 March 2020

[25] Statement of the Officers of the Special Tripartite Committee on the coronavirus disease (COVID-19) of 31 March 2020

[26] Reference is also made to the Commission services' note on Union law requirements regarding certificates governed by Union law and more specifically requirements that pose difficulties due to measures taken in the context of the COVID-19 crisis, https://ec.europa.eu/transport/sites/transport/files/2020-04-06-issue_of_expiry_of_licences_and_certificates.pdf. The list of certificates referred to will be updated in respect of seafarers certificates.

[27] The provisions of the Maritime Labour Convention (2006) apply.

[28] Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work; OJ L 183, 29.6.1989, p. 1–8

delay seafarers from taking up their duties on board. The information from the European Agency for Safety and Health at Work and the Advice by EU Healthy Gateways referenced in paragraph 3 should be taken into account.

29. In line with the advice referred to in paragraph 3, the primary option to ensure that seafarers at risk of infection with COVID-19[29] can start their duties should be testing before embarking. Where testing is not available due to limited capacity, temperature checks and history of recent respiratory symptoms or contact with anyone infected with COVID-19 should be used instead.

IV. Designated ports for crew changes

30. In consultation with the Commission, Member States should, in coordination among themselves, designate several ports in the Union for fast-track crew changes. The ports should be geographically dispersed so as to cover the Union and should be connected to operational airports and rail stations. Member States should envisage the possibility of dedicated or regular flight and rail operations to ensure the transport connections for crew changes, allowing for swift travel and repatriations of seafarers.

31. These designated ports should have nearby accommodation where seafarers could wait for arrival of the ship they should board or for their flight, train or ship if it does not leave on the same day. This accommodation should have adequate facilities to allow them to shelter in place. This should enable undergoing 14 days of quarantine[30] before embarking and after disembarking if the Member State in question requires this and if testing is not available.

32. The ports should have accessible and adequate medical services available to seafarers when they embark, disembark and during their quarantine periods. They should also be equipped with accessible welfare services.[31]

33. Due to the international nature of the shipping sector, the difficulties relating to crew changes are not limited to operations in the European Union. On average, around 100,000 seafarers reach the end of their employment contracts in any given month worldwide. The practice of designating ports where crew changes can take place safely and unhindered can then be shared with third countries to be implemented worldwide.

V. Sanitary recommendations and ship supplies

34. Seafarers should have access to adequate medical care as comparable as possible to that available to workers ashore. They should receive prompt access to medicines, information and treatment for any health condition that requires it.[32]

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[29] Case definition and European surveillance for COVID-19: https://www.ecdc.europa.eu/en/case-definition-and-european-surveillance-human-infection-novel-coronavirus-2019-ncov

[30] The recommended period of quarantine may change as more information on COVID-19 becomes available. The durations recommended by the European Centre for Disease Prevention and Control and Member States' health authorities should be followed.

[31] The provisions of the Maritime Labour Convention (2006) apply.

[32] Provisions of the Maritime Labour Convention (2006) apply

35. Contact between crew and port workers, including pilots, should be reduced to an absolute minimum to protect all persons from risk of transmission of COVID-19[33]. For any necessary contact, personal protective equipment (PPE) should be worn and social distancing measures put in place. As long as all crew members are healthy, risk on board the ship is lower than on land. Granting shore leave should therefore be carefully considered, taking into account the overall wellbeing of crew members in the current circumstances.[34] Crew on ships where all members are healthy and whose previous port call took place more than a fortnight ago should not be quarantined when they disembark to repatriate.

36. Member States should ensure that a ship's master seeks medical advice as early as possible for any suspected COVID-19 infections of crew members.[35] This is of relevance for the safety of crew, passengers and for public health in the port State (see p. VII below).

37. In case a vessel is identified as carrying persons with confirmed or suspected COVID-19 infections on board, the next port of call, or if need be, a closer port, should ensure that it will be able to receive it. The vessel in question should not be redirected without justification. In case the prioritisation of different health profiles in the region of the chosen port does not allow for the provision of adequate medical care of the affected seafarers, the ship should be received by the closest available port that can provide the necessary care and facilities.

38. For seafarers with suspected infections and mild symptoms, testing should be performed in the next port of call and all crew members should have access to adequate medical care. As part of this, the person or persons in question should be evacuated and receive adequate medical care. If one person on board is suspected to be infected with COVID-19, all crew members should observe a 14-day quarantine[36], either on board or land.[37] This should be waived if the test of the crew member with the suspected infection is negative or after the quarantined crew member tests negative for COVID-19.

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[33] Examples include establishing dedicated teams for portside operations such as pilots, mooring, control terminals, disinfection after each shift, favouring exchanges of documents though electronic devices, disinfection after each shift, etc.

[34] Shore leave is covered under Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC, OJ L 124, 20.5.2009, p. 30–50.

[35] The Maritime Labour Convention in Standard A4.1 requires, for any person on board, that the competent authority shall ensure by a prearranged system that medical advice by radio or satellite communication to ships at sea, including specialist advice, is available 24 hours a day; medical advice, including the onward transmission of medical messages by radio or satellite communication between a ship and those ashore giving the advice, shall be available free of charge to all ships irrespective of the flag that they fly.

[36] The recommended period of quarantine may change as more information on COVID-19 becomes available. The durations recommended by the European Centres of Disease Prevention and Control and Member States' health authorities should be followed.

[37] Quarantine recommendations in line with World Health Organization, Considerations for quarantine of individuals in the context of containment for coronavirus disease (COVID-19), Interim Guidance, 19 March 2020

39. Ships continue to be legally obliged to carry ship supplies[38] and personal protective gear should be used to protect crews from exposure to COVID-19. The Union's regime regarding export of personal protective equipment does not impede this. The delivery of such equipment as ship supplies does not require the export authorisation defined in Regulation (EU) 2020/402[39]. It specifically concerns the export customs procedure, and this customs procedure does not apply to ship supplies by virtue of the Union Customs Code[40].

40. The amount of personal protective equipment on board should be increased to ensure sufficient supplies for the following three situations:

- Interaction of the required number of crew members with pilots;
- In case a crew member falls ill to allow other persons on board to interact with them;
- Shore leave (although shore leave should be reduced as much as possible).

41. The minimum safety and health requirements for improved medical treatment on board vessels are to be followed.[41] Medicines on board should reflect the recommendations of the latest version of the WHO's *International Medical Guide for Ships* and Annex C of the IMO's *Guidance for ship operators for the protection of the health of seafarers*[42].

VII. Recommendation for additional COVID-19 updated reporting by ships approaching EU ports

42. The Maritime Declaration of Health (MDH) is already required in accordance with EU law[43]. It has to be reported by the master or any other person duly authorised by the operator of the ship to the competent authority designated by that Member State. The reporting is to take place via the National Single Window and prior to arriving in a port situated in a EU Member State:

    a. at least 24 hours in advance; or
    b. at the latest, at the time the ship leaves the previous port, if the voyage time is less than 24 hours; or
    c. if the port of call is not known or it is changed during the voyage, as soon as this information is available.

43. The MDH is to be made available in the National Single Window. It allows any relevant authority to check the health status of persons on board a vessel before it enters its ports.

[38] Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels; OJ L 113, 30.4.1992, p. 19–36
[39] Commission Implementing Regulation (EU) 2020/402 of 14 March 2020 making the exportation of certain products subject to the production of an export authorisation, OJ L 77I , 15.3.2020, p. 1–7
[40] Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, OJ L 269, 10.10.2013, p. 1–101
[41] Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels; OJ L 113, 30.4.1992, p. 19–36
[42] IMO Circular Letter No.4204/Add.4 of 5 March 2020
[43] Directive 2010/65/EU of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States, OJ L 283, 29.10.2010, p. 1–10

44. COVID-19 spreads very quickly and has an incubation period of up to 14 days. It is recommended that Member States request the ship's master to communicate the following information to the relevant authority 4 hours before the estimated arrival in to the port of call:

    a. Total number of persons on board (both crew and passengers);
    b. Number of persons infected with COVID-19;
    c. Number of persons suspected to be infected with COVID-19[44].

    This information can be communicated via marine VHF radio or through updated MDH.

[44] As defined by the European Centre for Disease Prevention and Control: https://www.ecdc.europa.eu/en/news-events/covid-19-ecdc-updates-case-definition-eu-surveillance