

CORRESPONDENT'S ADVICE

CHINA

21 DEC 2021

COVID-19 - Crew Changes

The following information was received from our correspondent on 21 December:

QUOTE

Please kindly find our latest circular (attached) **No. 2109: State Council of PRC Issued Notice Regarding Epidemic Control and Assistance to Crew Members on Ocean Going Vessels .**

We hope you will find it useful. In case of any query, please feel free to contact us.

UNQUOTE

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Oasis Circular No.: 2109

Date: 21 Dec 2021

Subject: State Council of PRC Issued Notice Regarding Epidemic Control and Assistance to Crew Members on Ocean Going Vessels

In order to implement more scientific epidemic control of crewmembers on ocean going vessels, to maintain the order of the shipping supply chain and to safeguard the legitimate rights of the crew members, the State Council of PRC issued a notice to address these relevant issues on 10 Dec, 2021.

The notice requires that the relevant ministries including foreign affairs, transportation, public health, customs and immigration should, in accordance with their respective responsibilities, implement policies that ensure the repatriation of the crew members from overseas and establish special channels of border entry, quarantine and assistance for Chinese crew members, guide the Chinese embassies, consulates, shipping companies and manning agencies to implement the various rules of epidemic control and to protect the crewmember's rights.

The notice also requires the epidemic control command centres in Chinese ports to take measures to safely and orderly carry out crew change and to provide assistance to any sick or injured crewmember, and in collaboration of the relevant local government departments, ensure the management and service to disembarked crew members, and provide necessary assistance for crew members to receive vaccination.

Crew Change in China

According to the notice, as of 15 Feb 2022, international going vessels that plan to carry

out crew change in a Chinese port shall arrange Covid-19 tests for all the crew members on board before the vessel sails from the last foreign port, and crew members who have tested positive shall be treated timely. During the voyage, crew members shall be tested on a regular basis and those who have tested positive shall be quarantined urgently and treated properly to avoid spread of the virus. Vessels shall report the test results together with port entry application documents to the maritime authorities at the first port of call of entering China, and in case there is any abnormality with the crew's health, such information should be reported to the epidemic control command centre at the first port of call timely.

Covid-19 Tests to Crew on Ocean Going Vessels

For crew members who disembark from ocean going vessels, the customs shall conduct strict sampling and testing. For crew members who stay on board, the customs shall conduct the test if there are suspected or confirmed cases or close contact with such cases, or if the vessel applies to change to coastal operation or if there has been new on-signers within the last 14 days. If the port operator promises in writing that there will be effective protection and minimum contact between the crew and shore personnel who attend on board, after approval by the epidemic control command centre, the customs can exempt the test for crew members that have signed on in the past 14 days but are staying on board. For a vessel that plans to undergo repairs in a Chinese shipyard, the customs shall conduct tests to the whole crew on board at the vessel's first port of call in China; during the repairs, the local epidemic control command centre will be responsible for deciding the frequency of tests to the crew and organize the tests accordingly.

Handling of Confirmed or Suspected Cases on Board

The local epidemic control command centre shall appoint the relevant organizations to send the confirmed cases, asymptomatic cases, suspected cases and crew members who have fever or respiratory symptoms or have been tested positive to designated medical facilities. If such crew members cannot disembark from the vessel or need to return to the vessel and at the master's application, after approval by the local epidemic control command centre, the crew member may return to the vessel with proper PPE and the vessel should depart China immediately.

Change of Chinese Crew on Ocean Going Vessels

The local epidemic control command centre should work out detailed procedures and requirements for crew change, and should respond to the ship's crew change application

timely. They should not use excuses such as “both Chinese and foreign crew members are on board”, “the time period since vessel’s departure from the last foreign port of call doesn’t meet with requirement” or “the vessel comes from a high epidemic risk area”, etc. to refuse or delay the crew change arrangement; in case there is indeed a special reason so that the crew change cannot be arranged at the first port of call, e.g., the port is listed as a middle and high risk area, the subsequent ports of call should not reject or delay the crew change arrangement for reason that they are not the first port of call in China.

The local epidemic control command centre should make reasonable allocation of resources such as hospital, facilities, sickbeds, test facilities and vaccination, etc., in order to meet the need of the disembarking crew members who sign off from an ocean going vessel. The reasonable needs of crew change and vaccination should be satisfied as far as possible.

The local epidemic control command centre should report the crew change application procedures and requirements, quarantine resources, testing abilities as well as the name, address, contact details of the crew change special handling team to their superior level. The provincial epidemic control command centres will summarize such information and report to the Ministry of Transportation before 01 Feb 2022 for publishing.

Crew members who sign off from an ocean going vessel, according to epidemic control protocol, should be quarantined for 14 days in a designated facility at the port of border entry, followed by another 7 day health observation and monitoring at his or her home. The detailed quarantine arrangement should be updated as and when the general quarantine policy on people entering the country is adjusted and announced from time to time.

In Appendix I of the notice, the detailed operation guidelines on change of Chinese crew are set out, including measures to be taken by the vessel and the operation procedures of the crew embarkation and disembarkation.

Assistance to Sick or Injured Crew Members

The local epidemic control command centre should work out and publicize the detailed procedures, requirements and fee rates on providing assistance to sick or injured crew members. They should make sure the arrangement is made actively, timely and effectively

and should not reject or delay the application without a good reason.

Appendix II of the notice specifically addresses the following three situations:

I. When a crewmember gets sick or injured in a Chinese port

The local epidemic control command centre shall take measures to provide assistance to the sick or injured crewmember, and when necessary transfer him or her to a local medical facility for treatment, ensuring that the crewmember gets timely assistance.

After receiving the assistance request from a vessel, the local marine search and rescue centre should obtain the information of the crewmember that needs assistance as well as the health condition of the whole crew on board and report to the relevant authorities including the customs, immigration, public health and epidemic control command centre, in order to ensure if there is any epidemic risk on board, so that reasonable measures can be taken if there is any confirmed or suspected case or crewmember with fever or close contact with a confirmed case on board. If there is an urgent situation where a sick or injured crewmember suffers from health threat due to lack of timely assistance, the superior level of the authorities should be notified.

The marine search and rescue centre should coordinate and liaise with the relevant departments and provide timely assistance to the sick or injured crewmembers.

When it is necessary, the maritime authorities should provide help in sorting out transportation issues during assistance to the crewmember.

When foreign vessels or foreign crewmembers are involved, the local government should notify the relevant embassies or consulates as and when needed.

II. When a crewmember gets sick or injured on a Chinese vessel at a foreign port

The Chinese vessel should report to the shipping company immediately, who should notify the local government departments and maritime authorities. Remote medical consultation can be arranged in accordance with relevant procedures and international guidelines.

If the crewmember needs to be sent ashore for urgent medical assistance, the vessel can request assistance from the local Chinese embassy or consulate to coordinate with the local government or medical department for providing medical assistance in line with MLC or International Health Regulations, etc.

The local government where the shipping company is located should cooperate with the embassy or consulate in pushing the shipping company to provide necessary resources for treatment and assistance to the crewmember.

In case the ship has any confirmed or suspected case on board but the port or country where the ship is calling refuses to provide urgent assistance, the local government in collaboration with the Ministry of Transportation should notify the Ministry of Foreign Affairs timely so as to coordinate through diplomatic channels.

III. When a Chinese crewmember gets sick or injured on a foreign ship at a foreign port

The Chinese manning agent should contact the foreign ship owners and request them to ensure the crewmember receives timely and necessary assistance. The manning agent should also inform the local Chinese embassy or consulate as well as the local government and maritime authorities for assistance.

In case the ship has a confirmed or suspected case on board but the port or country where the ship is calling refuses to provide urgent assistance, the local government in collaboration with Ministry of Transportation should notify the Ministry of Foreign Affairs immediately so as to coordinate through diplomatic channels with the foreign country.

Finally, the notice emphasizes that the provincial epidemic control command centre should enhance its supervision and monitoring of the various work in its area in order to make sure port operation, crew change and medical assistance are carried out smoothly. The notice further requires relevant authorities to collaborate and share any relevant information in order to make sure the relevant work of epidemic control, crew change and assistance to sick or injured crew members are carried out effectively. The State Council will list such work as one of the important areas for inspection and monitoring.

This guidance from the State Council is considered a positive development showing the concern and efforts from the higher level in coping with the difficulties in terms of crew change and medical assistance in China since the pandemic. We anticipate that this will help in protecting the crew members' rights, although it may take some time for the local ports to put it in full implementation and regional differences and difficulties may remain. Our team will continue to make our best efforts to help crew members in this challenging time.

We hope the above is of assistance. If there is any query, please feel free to contact us at oasis@oasispandi.com anytime.

Best regards,

Oasis P&I Services Company Limited