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COVID-19 PANDEMIC: CREW CHANGES AND REPATRIATION IN BRAZIL

Due to the COVID-19 pandemic, it is known that several countries have placed restrictions for the disembarkation of crewmembers for medical treatment ashore for non-COVID-19 illnesses and injuries, as well as for Shipowners/Operators to carry out crew changes in line with MLC provisions.

In this respect, the Brazilian Federal Government has been addressing the situation since the beginning of the pandemic by means of Inter-ministerial Ordinances, which are published on monthly basis.

The latest Ordinance published is the [Ordinance no. 419 of 26 August 2020](#), which regulates “*the exceptional and temporary restriction on the entry of foreigners into the country, of any nationality, as recommended by the National Health Surveillance Agency - Anvisa*”.

The article no. 2 of Ordinance no. 419 states the following:

QUOTE

Art. 2 The entry of foreigners of any nationality into the country, by highways or other terrestrial means, by airway or by water transport, is restricted for a period of thirty days.

UNQUOTE

Despite the above, the §1st of art. 3 provides that that crew changes are feasible under the following conditions:

QUOTE

§ 1st: The restrictions provided on this Ordinance do not impede the ingress, by airway or waterway, of maritime crewmembers for the exercise of specific functions on board of a vessel or platform under operation at jurisdictional waters, provided that the adequate migratory requisites adequate to their condition are obeyed, including bearing an entry visa when it is required by the Brazilian law.

UNQUOTE



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Moreover, the §2nd and §3rd of the art. 3 provide that crewmembers can be disembarked for medical assistance and direct repatriation by airway due to operational issues or termination of the employment contract

QUOTE

§2nd. The restrictions provided on this Ordinance do not impede the disembarkation of maritime crewmembers, authorised by the Federal Police, for medical assistance or connection of return by airway to the country of origin, related to operational issues or termination of employment contract.

§3rd. The authorisation referred to on §2nd is conditioned to the presentation of a term of responsibility to be signed by the maritime agent for the expenses incurred on the disembarkation, with previous acceptance of the local sanitary authorities and the presentation of the corresponding air tickets.

UNQUOTE

Drawn up at Paranagua, Brazil
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