

Issuing EU Schengen visas is crucial to ensure the resumption of crew changes

The European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF), the European Social Partners for Maritime Transport, call upon the EU Member States and EU institutions to take urgent action to ensure that shipping is able to benefit from the re-establishment of transport links between Europe and other parts of the world and effect crew changes in European ports. We have continually stressed the importance of crew reliefs to the maintenance of supply lines and the health, safety and welfare of seafarers.

Since the onset of the COVID-19 pandemic and the decisions of countries to close their borders and restrict travel, the European stakeholders have worked together with our international partners with the common aim of working towards ensuring facilitations of maritime transport personnel and to ensure the necessary protocols and arrangements are in place so that crew changes are able to resume without further delay.

We are encouraged by recent developments both in EU Member States and Third Countries in considering maritime transport personnel, including seafarers, as essential workers and facilitating their movement so as to travel to join or leave a vessel. We are also encouraged by recent arrangements made with some airlines and airports so as to ensure EU and third country seafarers are able to travel in and out of the EU to join a vessel or to be repatriated.

However these efforts are at risk of being nullified by the inability of third country seafarers to obtain the visa they require in order to temporarily enter the Schengen territory to join or leave a ship since most diplomatic missions are closed or not fully functional and visas on arrival are not widely available. Crew change arrangements therefore risk being stalled.

This is due to:

- **EU Member States' diplomatic missions in key seafarer supply countries not being able to process Schengen visas as per usual:** Due to restrictions imposed by countries in view of the COVID-19 pandemic, EU missions in third countries have been forced temporarily to close with this having consequences on their ability to process EU Schengen visas. Although the EU's guidance documents of 8 April and 30 March contain clear recommendations for the visas to continue to be processed, despite travel restrictions, in particular for those category of workers that have been identified as key workers and are exempt from travel restrictions, including transport personnel, Member States that have closed their missions have not been issuing visas also due to the fact that the digital processing of EU Schengen visas is not yet fully in place and in person checks are needed.

Moreover, where missions have resumed their functions as restrictions have been lessened in some countries, EU missions are still providing a limited level of service and due to a backlog of demands for visas have set limits on the amounts of applications they can process - which is a far cry from the estimated numbers required.

- **Member States are not processing visas at the border/on arrival for those unable to obtain visas in their home country:** While the general rules on the issuing of visas at the border to seafarers is legally binding on all Member States and the Member States have been encouraged to do so also in the guidance of 30 March and 8 April, not all Member States are providing visas at the border and while visas on arrival in ports/sea borders (to off-signers) is more common place, visas on arrival (for on-signers) at airports is not facilitated. Visas on arrival at airports have to date been issued in exceptional circumstances when individuals have not been able to obtain a visa in his/her home country, Member States are ill-equipped to deal with this becoming the common procedure at least until their diplomatic missions resume their services.

Issuing services at entry points are overwhelmed by unprecedented demand and Member States argue that given the cumbersome procedures required for issuing EU Schengen visas (involving biometric checks and visa stickers) they will not be able to issue the estimated quantities required. (For example, while Visas on arrival at Schiphol airport is crucial for a number of the crew changes to resume in view of the imminent re-establishment of commercial flights between Manila and Amsterdam, the Dutch government has said that due to cumbersome procedure involved in the necessary biometric checks, issuance of visa stickers and the technical limitations with the registration of the Schengen visa applications via the Visa Information System (VIS), it will not be able to process more than 4 applications per hour. It therefore can only process 65 visas per day – which is a long way from the estimated need of 300 per day.) Some Member States have stopped processing visas at the border altogether as they cannot deal with the heightened demands! .

The above highlights the problems currently being faced by third country seafarers in obtaining EU Schengen visas or extensions of expired ones and explains the need for action to be taken without delay to overcome this problem as it has become a major stumbling blocking for the international efforts to ensure crew changes resume as soon as possible.

The above also highlights the inadequacy of the relying on the options of processing visas in EU missions in third countries and on arrival due to limitations Member States are facing. This therefore points to the need of considering other pragmatic solutions so as to deal with the current problems in an efficient way. We strongly believe that extraordinary temporary measures are required to ensure that crew members who have been unable to obtain a valid visa are nevertheless admitted into the Schengen territory for the purpose of joining their ships, at least until consular services are fully

re-established and the current backlog of visa applications has been cleared. Such measures may primarily address seafarers travelling from home to join a ship (so called on-signers) but should also take account of seafarers leaving a ship to return home (so called off-signers). Crew changes can only be realised if both on-signers and off-signers are able to travel. We appreciate that this may include extraordinary steps. However, without such measures, the efforts that have been made, by international and European partners, to facilitate the crew changes that are so vital to the proper functioning of seaborne supply lines – and the wellbeing of the persons working on ships – will be seriously undermined.

Therefore in view of the efforts being undertaken to resume crew changes over the coming days and weeks, the importance for on-signing crew to be able to get a Schengen visas is essential. We thus urge EU Member States and EU Institutions to help in finding a solution at the earliest. We believe that this will necessitate action on different fronts:

- i) **EU Member State missions in the labour supplying countries should facilitate and prioritise the processing of visas for seafarers.** We strongly urge EU Member States to implement the [EU guidance of 30 March](#) that *Despite temporary partial closure of visa sections, Member States' consulates should therefore remain open and accept and deal with visa applications from the .. category of ...transport personnel.'*
- ii) **EU Member States should, on a temporary basis, issue visas on arrival as a common practice and ensure the sufficient amount of personnel and infrastructure to temporarily deal with possible large number of requests:** Given the difficulties being faced by EU missions to reopen and start to issue visas in third countries in sufficient quantities, it is essential that more efforts are made by Member States to ensure that, on a temporary basis, visas are able to be issued at the border/on arrival as common practice. All EU Schengen Member States should provide the possibility of processing visas at the borders. Moreover EU Member States are called upon to increase the amount of personnel and infrastructure required to be able to temporarily deal with larger number of requests of visas on arrival until their diplomatic missions are able to fully resume their functions .
- iii) **EU Member States and EU institutions are called upon to take temporary extraordinary measures without further delay so as to ensure third country crew members that have been unable to obtain a valid visa or extend their visa are nevertheless admitted into the Schengen territory for the purpose of joining their ships:** Given the problems identified above, the inadequacy of the above two options in providing the necessary and immediate solutions for the estimated amounts of EU Schengen visas required to resume crew changes in the EU

at a large scale and soon and the impossibility of EU Member States to process EU Schengen visas differently than the requirements in the EU Visa code, pragmatism is needed to find alternative temporary solutions so as to deal with the current needs. Some suggestions for temporary solutions could be:

- **Seafarers allowed to enter EU Schengen on the basis of recently expired visas (in analogy with ships and seafarers being able to operate with recently expired certificates) as this would ease the demand for visas on arrival to some extent.** We suggest the Commission considers to clarify to Member State in a recommendation or other appropriate means that, in view of the current COVID-19 force majeure Schengen visas which expired after 11 March 2020 (date that the WHO declared COVID-19 as a pandemic) will still be accepted for travelling to and from ships (= transiting between ship and airport v.v. with 1 or 2 night stay in a hotel if needed). Therefore, those with recently expired multiple entry visa should be still allowed in - by analogy to ships and seafarers being allowed to operate on recently expired certificates and to the recommendation in the 30 March communication to facilitate an extension of the expired certificates. One could set the condition that such expired visas are only accepted when backed up by documentary evidence that the person is a seafarer and is travelling to a specific ship in a specific port / specific flight from a specific airport.;
- **Temporarily reducing the technical requirements for processing of EU Schengen visas for seafarers** - for instance the biometrics test, the production of the visa stickers and the registration in the VIS which we have been informed are the reason why the process is so cumbersome and lengthy and are the reason for the numerus clausus being imposed by EU entry points. ;
- **Temporarily waiving the requirement for visas for seafarers by extending the interpretation of the exemption for sea crew in Article 4 of Regulation 539/2001 ('civilian sea crew members in the performance of their duties')¹ to also temporarily cover the on and off-signing crew members that require the EU Schengen visas solely to enter EU Schengen territory to join/leave ship 'in the performance of their duties'.** Such seafarers could instead be asked to present their Seafarers Identity Documents (ILO 108 or 185 SID) plus a guarantee letter from their employers confirming the instructions to join ships in EU Schengen areas and also the entry and departures of transiting seafarers is registered and as such can be

¹ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement

monitored at both airports and sea ports. This is also suggested in the IMO protocols for crew changes².

- **Allow the digital processing of Visa applications** – so that EU missions, even if closed, are able to resume their processing of applications and ease the demand for visas on arrival.

Conclusion:

Due to the impossibility of crew changes over the past months, seafarers have had their contracts extended awaiting the possibility to be repatriated. Many crews have been on board for far too long and need to be replaced and repatriated as soon as possible.

Several stakeholders, both International and European, are doing their utmost to ensure arrangements are in place to ensure crew changes are able to be effected over the coming weeks, therefore it is urgent and necessary for the EU to take the necessary temporary measures to ensure these efforts are not stalled because of the inability of its Member States to process EU Schengen visas in these COVID-19 times.

It is amply clear that without open and fully functional EU consulates and with visas on arrival not being widely available, crew change arrangements in EU will stall unless the EU takes the bold step to temporarily deviate from the standard procedures for seafarers.

As part of the EU's commitment to work towards the global efforts to resume crew changes, it is essential that it take the necessary measure to ensure seafarers are able to enter and leave the EU Schengen territory without delay.

Time is of essence now – seafarers and the international community are counting on the EU's pragmatic and swift action here to ensure such crew changes can be effected without any further delays.

Extending the validity of visas for overstayers also required

Moreover, we have also received information about some Member States not extending expired visas, despite the recommendations in the guidance of 30 March to extend the maximum stay to 90/180 days or if compelled to stay beyond that period to provide a national long-term visa or a temporary residence permit.

² [Circular Letter No.4204/Add.14](#) (5 May 2020) - Coronavirus (COVID-19) – Recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic



We therefore urge Member States to provide for overstaying seafarers (for example who have been on board laid up vessels) with an extension of the validity.