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Circular Letter No.4232/Add.17
8 August 2022

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

Subject: **Communication from the Government of the Republic of Poland**

The Government of the Republic of Poland has sent the attached communication, dated 5 August 2022, with the request that it be circulated by the Organization.



Embassy
of the Republic of Poland
in London

47 Portland Place
London W1B 1JH

London, 5 August 2022

H. E Kitack Lim
Secretary-General
International Maritime Organization
4, Albert Embankment
London
SE1 7SR

Dear Secretary General,

I have the honour to inform you that, due to the ending of the state of pandemic in Poland and the introduction of a state of emergency over the whole country from the 16th of May 2022, the Ministry of Infrastructure of the Republic of Poland has implemented measures as described in the attached updated Guidelines on Extending the Validity of Seafarers' Maritime Documents in the Period of COVID-19 Emergency State.

We kindly request that the attached Guidelines be circulated among IMO Member Governments and Organizations.

Please accept assurances of our highest consideration.

With highest regards

Małgorzata Buszyńska

A handwritten signature in blue ink, appearing to be 'M. Buszyńska'.

1st Counsellor, Permanent Representative of
the Republic of Poland to the International
Maritime Organisation (IMO)



MINISTER OF INFRASTRUCTURE

Warsaw, 13th of July 2022

DEM-2.070.3.2022

TRANSLATION

Guidelines on extending the validity of seafarers' maritime documents in the period of COVID-19 emergency state

Due to the ending of the pandemic state and introduction on 16th May 2022, an emergency state in Poland and having regard to further spread of SARS-CoV-2 virus (causing COVID-19) and the measures to prevent, counteract and eradicate COVID-19 in Poland and other countries, as well as

having regard to the restrictions concerning the access of citizens to the government offices as introduced by the Council of Ministers, and

following the guidelines set out in Circular Letters No.4204/Add.5 of 17th March 2020 of the International Maritime Organisation on Guidance relating to the certification of seafarers, and No.4204/Add.10 of 22nd April 2020 on the Joint Statement IMO-WHO-ILO on medical certificates of seafarers, ship sanitation certificates and medical care of seafarers in the context of the COVID-19 pandemic, and

having regard to the exceptional and extraordinary circumstances, and also

based on the art. 15 zzzt and art. 15 zzzt1 of the Act on 2nd March 2020 on the extraordinary measures related to the prevention, counteraction and eradicating COVID-19, other infectious diseases and emergencies caused by them (Polish Journal of Laws from 2021, item 2095 as amended),

the Minister of Infrastructure introduces the following guidelines for seafarers, shipping companies and maritime authorities and, for information, to other countries' administration and control bodies.

Seafarers holding certificate of competency or certificates of proficiency that have expired or will soon expire, who meet the conditions for revalidation under the provisions of the relevant Regulation¹, may apply to maritime offices on-site or electronically. Detailed information can be found on the websites of maritime authorities.

1. Extension of seafarer's documents

1.1. Certificates of proficiency revalidated based on a completed refresher training:

- Certificate of proficiency in personal survival techniques
- Certificate of proficiency in basic fire prevention and fire fighting
- Certificate of proficiency in basic safety training (integrated)
- Certificate of proficiency in advanced fire fighting
- Certificate of Proficiency in survival craft and rescue boats other than fast rescue boats
- Certificate of Proficiency in fast rescue boats
- Certificate of proficiency in medical care

and those that expired on 1 February 2020 or later and cannot be revalidated due to exceptional circumstances resulting from COVID-19 outbreak remain valid for a period of 90 days after the

¹ Regulation of the MMEIN of 23 April 2018 on training and qualifications of the crew members of sea-going vessels (Polish Journal of Laws, item 802 as amended).

emergency state introduced in Poland will be revoked. Such an extension does not require any separate official confirmation².

- 1.2. Certificate of competency that expired on 1 March 2020 or later and cannot be revalidated due to exceptional circumstances resulting from COVID-19 outbreak remain valid for a period of 90 days after the emergency state introduced in Poland will be revoked. Such an extension does not require any separate official confirmation².
- 1.3. The above extension applies primarily to seafarers who due to the imposed restrictions may not return to the country and revalidate their certificate of competency or certificates of proficiency, or to those who may not attend the refresher training or pass the revalidation exam due to the restrictions.
- 1.4. Due to the extraordinary circumstances of such an extension, seafarers holding documents that have been extended under this procedure should, where possible, immediately, as soon as possibly remedy all deficiencies, as required, in order to revalidate their documents in accordance with the provisions of the Regulation¹.
- 1.5. Seafarers staying at the country and their certificate of competency or certificates of proficiency have expired or will soon expire, shall immediately revalidate their personal documents as soon as possible.

2. Medical certificate

- 2.1. Medical certificate issued by medical practitioner (recognised by maritime administration) have expired from 1 March 2020 or will expire within the emergency state introduced in Poland resulting from COVID-19, it is deemed valid for a period of 60 days after the introduced state will be revoked³.
- 2.2. Seafarers are obliged to hold such medical certificates with expired validity and obtain new ones as soon as possible.

3. Extension of contracts

- 3.1. On a case-by-case basis, shipping companies or employment agencies (acting on behalf of a shipping company) that encounter problems with repatriation of seafarers after the deadline set in the seafarer's employment agreement (drafted in line with MLC) may extend the agreement for the maximum period of three months. This period may possibly be further extended if the situation resulting from the epidemic does not allow repatriation.
- 3.2. Overall period of continues shipboard service must not exceed 11 months.⁴
- 3.3. If a seafarer's employment agreement needs to be extended, an annex should be concluded, providing the seafarer with the same working conditions as in the agreement.
- 3.4. In the case of such an extension, shipping companies operating vessels that fly the Polish flag and employment agencies placing seafarers to work on vessels flying the Polish flag are required to provide the data of the seafarer(s), including the data on the current agreement validity periods, to the directors of maritime offices competent for the vessel's port of registration, to the e-mail addresses of the Flag State Inspections.

² art. 15 zzzt¹ of the Act on 2 March 2020 on the extraordinary measures related to the prevention, counteraction and combating COVID-19, other infectious diseases and emergencies caused by them (J.L from 2021, item 2095 as amended)

³ art. 15 zzzt of the Act on 2 March 2020 on the extraordinary measures related to the prevention, counteraction and combating COVID-19, other infectious diseases and emergencies caused by them (J.L from 2021, item 2095 as amended)

⁴ https://www.ilo.org/global/standards/maritime-labour-convention/WCMS_741024/lang--en/index.htm

4. Final provisions

- 4.1. It should also be noted that due to the lack of relevant international arrangements some maritime administration authorities may refuse to recognise the extension of certificates. Therefore, should you have any doubts as to the application of the above guidelines or wish to obtain more details, please contact maritime offices.
- 4.2. The aforementioned guidelines apply to certificate of competency and certificates of proficiency issued by the Polish maritime administration and to medical certificates issued by medical practitioners recognised by the Polish administration. These guidelines may be changed without prior notice. They may be modified or repealed if any decisions, directives or other acts are adopted at the national level, level of the European Union or the International Maritime Organisation. If this is the case, the guidelines will be updated or withdrawn as appropriate.
- 4.3. Any questions on extension of seafarers' documents should be sent to a special e-mail addresses of maritime offices:
- Maritime Office in Gdynia – wdm.gdynia@umgdy.gov.pl
 - Maritime Office in Szczecin – wdm1@ums.gov.pl

Up-to-date information will be published on an ongoing basis on the websites of the Maritime Offices www.umgdy.gov.pl and www.ums.gov.pl.

Signed electronically by:

Grzegorz Witkowski

Undersecretary of State
on behalf of
Minister of Infrastructure