



Friday 15th April 2011

Bulletin 756 - 04/11- Crew ILO documentation UPDATE 2 - Brazil

The Association has been provided with an update regarding this matter from local correspondents "Representacoes Proinde Ltda" and law firm "Shipping Consultoria" (previous Loss Prevention Bulletins 731 - 12/10 and 746 - 03/11 refer).

The Association is advised that Brazilian Immigration Authorities have issued a directive enforceable in all Brazilian ports which states that seafarers in possession of a Seaman's Book or passport issued by countries that are not a party to ILO's Convention No. 108/1958 are not allowed to:

- (a) disembark; or
- (b) go on shore.

The same criteria applies for change of crew.

The issuance of such a directive will have the effect of lifting the suspension of immigration fines that was previously enforced by the authorities in the ports of Recife and Suape (see Loss Prevention Bulletin 746 - 03/11).

The terms of the directive state that in the event of non-compliance with (a) and/ or (b), above, the seafarer(s) concerned will be fined. Fines which have been levied in the past for the same infringement have ranged in quantum, but have been as much as US\$1,000 per seafarer.

Advice for Members to follow going forward

It is recommended that Members with seafarers from countries that are not party to ILO Convention 108 refrain from effecting crew changes in Brazilian ports, as there is a risk that on arrival in Brazil the substituting seafarer will not be permitted to leave the airport and, as a consequence, will be directed to return to his country of origin. This would obviously cause added cost and also potentially delay to the vessel concerned.

For vessels calling at Brazilian ports as part of a routine call, seafarers with a Seaman's Book or passport issued by a country that is not a party to ILO's Convention 108 will not be fined, provided they do not disembark or go ashore. If a fine is levied, the Master of the vessel and/ or the Member should immediately contact the Association's local correspondents for that port in order that they may advise and assist going forward.

In an effort to resolve the situation, the Association is advised that the best action to be taken by Members is for them to appeal to Flag States which are not a party to ILO's Convention 108 (a Convention which has been replaced by ILO Convention 185) to approach the Brazilian Ministry of Foreign Office and the Brazilian Ministry of Justice, using the appropriate diplomatic channels, with a view to requesting that Brazilian Immigration Authorities change the terms of their directive.

In the event that Members require further information, please contact the Association or either "Representacoes Proinde Ltda" or "Shipping Consultoria", whose contact details are below:

Source of information:

Carlos Augusto
Representacoes Proinde Ltda.
Direct line + 55 13 4009-9551
Mobile +55 13 7804-1532
direct e-mail carlos.augusto@proinde.com.br
website: www.proinde.com.br

Silvio Darci da Silva
Shipping Consultoria
Porto, Sampaio, Silva – Advogados
Rua Primeiro de Marco, 23 – Grupo 2004
20010-000 – RIO DE JANEIRO, RJ – Brazil
Telephone (+ 55 21) 2111-8118
Telefax (+ 55 21) 2507-1447
Celular phone (+ 55 21) 8204-3444
silvio.silva@shippingconsultoria.com.br