



## **Charterers Working Group**

# **Best Practices for Charterers**

## **Preamble**

---

The Covid-19 pandemic has created an unprecedented crew change crisis, leading to hundreds of thousands of seafarers being impacted and, in many instances, left stranded on ships beyond the expiry of their contracts. Overcoming this challenge requires all stakeholders; international organizations, governments, industry associations, labour unions, NGOs and individual companies to play their part.

As key stakeholders in the maritime value chain, charterers have an important role in solving the crisis. This is reflected in the Neptune Declaration, which calls for increased collaboration between charterers and shipowners based on the notion that managing crew changes is a shared responsibility.

As a consequence of this shared responsibility, the Neptune Declaration states that no charter contracts should contain clauses preventing necessary crew changes from being carried out, as the aggregate effect of such clauses could be a serious obstacle to the safe operation of maritime trade and the protection of the wellbeing and rights of seafarers.

This document has been developed by charterers from both the wet and dry bulk sectors, who are Neptune Declaration signatories.

It is important to underline that our intention is not to change or undermine the ship owners' responsibilities vis a vis the crew or the operation of their vessels, including when it comes to implementing high-quality health protocols or performing crew changes.

We believe however based on our experience that by working together with shipowners, charterers can help facilitate needed crew changes, while minimizing the disruptions to operations to the benefit of all stakeholders involved, not least the seafarers.

We have outlined some of the best practices that we as charterers have used to turn the Neptune Declaration recommendations into concrete action on the ground. The best practices outlined should be seen as a framework that each charterer can adapt to their own specific circumstances.

The intention of the document is to inspire other charterers to implement these best practices and to share openly their best practices, so we continue to learn from each other as the situation on the ground continues to evolve.

As the charterers' role and scope of control is different in a time charter or similar long-term engagement when compared to a spot charter situation, we have divided the best practices into two different sections reflecting these differences.

## I. Best practices for time charters and other long term chartering arrangements

---

To allow forward planning and to minimize disruptions and costs, charterers should ask ship owners to share relevant information transparently, including on health protocols implemented and on the contract status of the crew.

Based on this information and the operational needs of the charterer, a plan for carrying out necessary crew changes should be developed in collaboration between the ship owner and the charterer to allow crew changes to be carried out with the least impact possible in terms of cost and delays.

In situations where rapidly changing rules and regulations, or other unforeseen circumstances, mean that crew changes cannot be carried out as planned, the charterer should make all reasonable efforts to accommodate crew changes, including when the vessel has to make a reasonable deviation.

The sections below outline actions a charterer can take to prepare for dealing with crew changes in general, as well as specific actions to be taken before fixing a vessel and during the charter period.

### General actions

- **Establish a central point of contact** with a clear leadership mandate, to ensure consistency and coordination across all chartering operations.
- **Continuously monitor the crew change situation** across all vessels chartered to ensure that plans for necessary crew changes are developed together with the shipowners based on operational and other needs.
- **Work with authorities and other stakeholders in ports** where the charterer has significant operations to develop and implement practicable high quality health protocols and other procedures for performing crew changes that can increase the likelihood of crew changes being permitted in the regular ports of call.

### Before fixing a vessel

- **Ask the shipowners to confirm to charterers that they are implementing the IMO high quality health protocols<sup>1</sup>** for the joining and off signing crew, including ensuring adequate PPE, PCR tests, social distancing and quarantining.
- **Ask the shipowner for information on the length of service and the expiry of contracts of crews** on all ships proposed for charter and a forecast on planned crew changes.
- **Engage with the shipowner to develop and agree on a long-term plan for crew changes** that ensure that the crew changes can take place while being aligned with the operational needs of the charterer.

### During charter

- **Keep abreast of developments of local regulations** in potential crew change locations for instance through dialogue with the shipowner to identify potential issues as early as possible.
- **Encourage the shipowner to make the applications necessary to perform crew changes** at potential crew change ports well in advance, especially when the forward itinerary of the vessel is uncertain.
- **Engage in dialogue with shipowners on how to adjust crew change plans, if needed**, due to changing regulations or other unforeseen developments and make all reasonable efforts to allow crew changes to take place in these circumstances, including when the vessel has to make a reasonable deviation.

---

<sup>1</sup> [The Neptune Declaration](#) calls for the implementation of the IMO recognized “[Recommended Framework of Protocols for ensuring safe ship crew changes and travel during the Coronavirus \(COVID-19\) pandemic](#)” in a way that is based on the highest practicable standards, such as The STAR Crew Change Protocols.

## II. Best practices for spot charters

---

Charterers also have a responsibility to work with shipowners to find reasonable ways to carry out crew changes for spot charters. But for spot charters, the charterer has less influence over the long-term planning of crew changes and therefore less flexibility in terms of how to accommodate the need for a crew change with the charterer's operational needs.

This influences what actions a charterer can reasonably take to accommodate crew changes. If a charterer and shipowner are not able to find workable solutions to carrying out crew changes in the context of a spot charter this should be discussed upfront, allowing the shipowner to look for another charter where it is possible to carry out a crew change, or the shipowner can carry out the crew change while following the required health protocols.

The below section outlines actions a charterer can take to prepare for dealing with the crew change issue in the context of spot charters general.

### Before fixing a vessel

- **Ask the shipowners to confirm to charterers that they are implementing the IMO high quality health protocols** for the joining and off joining crew, including ensuring adequate PPE, PCR tests, social distancing and quarantining.
- **Ask the shipowner for information on the length of service and the expiry of contracts of crews** on all ships proposed for charter and determine whether a crew change is foreseen during the spot charter.
- If a crew change is foreseen during the spot charter, **engage in a dialogue with the shipowner** to determine whether the crew change can be carried out during the spot charter with reasonable monetary and time costs.

### During charter

- **Keep abreast of developments of local regulations** in potential crew change locations for instance through dialogue with the shipowner to identify potential issues as early as possible.
- **Engage in dialogue with shipowners on how to adjust crew change plans** due to changing regulations or other unforeseen developments and make all reasonable efforts to allow crew changes to take place in these circumstances including when the vessel has to make a reasonable deviation.