

BREXIT GUIDE

REGULATIONS
FOR YACHT
CREW



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BREXIT GUIDE

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YOUR BREXIT QUESTIONS ANSWERED

During a recent webinar by PYA on 12/01/2021, the panel of yachting agents answered the following questions.

General regulations

- The UK left the EU on 31/12/2020
- UK citizens can now only stay in the EU for 'tourist' purposes (unless official resident status has been obtained) for 90-days within a 180-day period.
- If you were in the EU before the Brexit date (31/12/2020), you should consider your 90-day period to have started on 01/01/2021.
- UK citizens need to have their passport stamped IN & OUT upon entering & exiting the EU borders
- UK citizens need a valid passport, no older than 10 years with at least 6 months left before it expires.
- UK citizens are not legally allowed to work in the EU, unless they have a valid work visa. Please note, although working onboard a vessel is permitted as it's seen as work offshore, some EU-flagged vessels (e.g. France and Spain) require crew who work onboard these vessels to have the legal right to work in the EU. Therefore, UK citizens would require an EU work visa to work on these vessels.

NB: Although immigration and travel rules are the same throughout Europe, every country and port might have slightly different requirements, so we urge crew to work with local yacht agents to assist them with their immigration..

WHAT ARE THE IMMIGRATION RULES FOR UK CREW WHO WERE WORKING ONBOARD VESSELS BEFORE BREXIT 31/12/2020?

France

- UK crew who arrived before 31/12/2020 should be stamped 'out' prior to 31/03/2021 (before the use of their 90-day allowance) to avoid overstaying and receiving a fine.
- UK Crew can be stamped 'out' provided they are holding a Seaman's Discharge Book or other accepted documentation which confirms their status as a seafarer (please contact your local yachting agent to confirm the list of supporting documents required).
- When leaving : UK citizens need to be stamped 'in' to the EU (Schengen area) prior to going to the airport or taking other means of transport.
- UK Crew cannot get stamped 'in' the EU and then immediately 'out' again. French customs have stated that 01/01/2021 will count as the arrival date for these UK citizens and immigration cannot anti-date.
- NB: Due to Covid restrictions, non-EU crew will only be stamped 'in' if they can present flights leaving the Schengen (EU) zone.

Documents Required

- Valid passport: Must be valid for at least 6 months longer than the planned stay in Schengen and less than 10 years old.
- Seaman's book: A Seaman's discharge book can be used to prove seafarer status, without which no 'out' stamp will/should be granted by port immigrations. We must insist, especially for yachts not using agents, that the crew hold a seaman book in order to handle the immigration matters on a legal basis.
- 90 days allowance: per any 180 days running period.
- Prior stamp request in ports: Most immigration offices can stamp with 24h notice or even less. Some immigration points will ask for 5 workdays notice which is the maximum legal notice time.

Answer supplied by Mark Ravnholt, Catalano Shipping France 12/01/2021

Spain

- Unlike France, Spain is not automatically counting the entry date of crew members who arrived before Brexit as 01/01/2021 and the start of their 90-day allowance. Crew will need to be stamped 'in' to Spain by a local yachting agent for their 90-day period to start.
- Due to current COVID regulations, UK crew will need to have proof of departure in order to get stamped 'In'. This might include flights or supporting documentation from the vessel or management company proving their departure.

Immigration/ Border Police Appointment Times:

- Must have an appointment & be accompanied by an authorised agent.
- Regular appointment times: Monday-Friday from 08.30 - 14,00 (Palma from 08.00 and occasionally available in the evening).
- Emergency appointments are available under exceptional circumstances.

Documents Required

- Certificate of Registry (if the boat's not already a BWA Yachting client).
- Passport.
- Seaman's Book (or documentation from the boat proving employment, plus professional certificates etc).
- An updated crew list including the crew member's name.
- Copy of the travel details (where relevant).

[Answer supplied by Antonella Della Pietra, BWA Yachting Spain 12/01/2021]

WHAT IF A UK CITIZEN (CREW MEMBER) HAS RESIDENCY IN AN EU COUNTRY?

UK crew/citizens who hold a valid EU residency card or passport have the same residency and immigration rights as EU citizens. They can live, work and travel within the EU and not face the restrictions that standard UK citizens are now facing after Brexit. These crew need to ensure they travel with their EU residency card and passport at all times to show proof of residency. These individuals are not subject to the 90-day rule and will not have to get their passport stamped in or out when they travel or work on vessels within the EU.

HOW FAR CAN CREW TRAVEL FROM THEIR VESSEL (IN THE PORT) ONCE STAMPED OUT THE EU?

Some ports, especially larger commercial ports, can have strict policies on crew movement beyond the vessel once they have been stamped out of the EU. At certain times, local authorities can enforce stricter rules. It is therefore important that crew have their Seaman's Book with them as this will confirm their status as a seafarer and allow them to circulate shoreside in the port of call and the neighbouring touching towns within the same country (e.g., If you are based in the last town on a border e.g. Menton, France, this does not allow you to enter the next country, Italy).

WHAT ABOUT UK CREW LOOKING FOR WORK OR DOCK WALKING DURING THEIR 90-DAY TRAVEL ALLOWANCE?

UK citizens are not allowed to work in the EU (on-land) after Brexit. However, UK citizens are allowed to work onboard vessels within EU waters. But, some EU-flagged vessels (France, Spain) will require non-EU crew to hold a valid work visa. Although it's on the fringe of the law, there shouldn't be a problem if crew are dock walking or seeking work on vessels whilst in the EU during their 90-day allowance, however, they need to make sure they get stamped out immediately if they start working onboard a vessel.

WHAT ABOUT CREW TAX DECLARATIONS?

UK crew who spend long periods of time working on vessels based in EU ports might be liable to pay tax and/or social security charges within the local EU state. We advise all crew to look into the rules and regulations of the individual EU state they are in.

HOW CAN UK CREW GET A SEAMAN'S BOOK?

UK crew (with existing or prospective jobs only) can apply for a UK Seaman's Book in person (at one of the UK Marine Offices) or via post - see full details [here](#). Please note, the PYA has contacted the MCA and they have confirmed that they currently have a 10-week delay in processing Seaman's Books and have removed the 24-hour turnaround service, so it's best to wait until these processing times have improved before making your application. In the meantime, we suggest contacting a yacht agent to advise which other documentation is accepted by your local port customs officials to prove your status as a seafarer.

In addition, UK crew can apply for another flag state seaman's book - this will be determined by the flag state of the vessel on which you are employed. Here are some additional details:

- Malta is reluctant to issue seaman books to non-Maltese crew if the boat is not based in Malta
- Sweden only issues seaman's Books to individuals having had merchant marine or navy experience
- Panama can issue a seaman book for a great number of nationalities working on a great number of flag states. However, this is a very slow procedure (count 2 months) and the book has only got 4 pages.

At some ports, the PYA Service Record Book has been known to be accepted, however, this will need to be confirmed by a local yachting agent.

VALIDITY OF CERTIFICATION

The below questions have been answered by Richard Falk from the RYA on 12/01/2021.

HAS THE VALIDITY OF UK (RYA) CERTIFICATES BEEN AFFECTED BY BREXIT?

To date we have not been advised of any changes in the validity of UK and RYA certificates by most EU countries. In Spain, however, we are advised that vessels under 14 meters which are UK flagged are no longer able to obtain a permit to operate commercially. Therefore, crew who hold UK Certificates of Competence (CoCs) can no longer operate vessels under 14 metres in Spain, regardless of what flag they are registered under. We are still awaiting a response as to whether this ruling applies to holders of MCA STCW 200 gt COCs also.

ARE ICCS ISSUED BY THE UK STILL VALID IN THE EU?

ICCs are still valid, with the exception of Spain. In Spanish waters, UK ICCs are no longer valid on a Spanish vessel, or on a vessel flagged under any member EU state. Spain has not adopted 'UNEC Resolution 40' and are therefore not obliged to follow any of the conventions relating to the ICC, whereas most other EU nations have. Please note, the operation of tenders has not been addressed by the Spanish authorities - this will need to be confirmed with local authorities. It is considered good practice however to ensure that tenders to larger vessels are clearly identified as such in order to minimise any risk of problems.

WHAT SHOULD CREW DO IF THEY ARE UNSURE ABOUT THE VALIDITY OF THEIR RYA/UK CERTIFICATES IN INDIVIDUAL EU STATES?

Crew should seek confirmation/clarification on the validity of their certificates in individual EU countries. Right now, the RYA has not been informed by any EU member states (other than Spain) that their certification is no longer valid.

WILL RYA EXAMINER AND INSTRUCTOR CERTIFICATES STILL BE VALID WITH EU TRAINING SCHOOLS?

The instructor qualifications are still valid for instructing RYA courses in the EU. Examiner qualifications are also still valid for examining Yachtmasters under exam conditions. However, in Spain, the RYA / MCA Yachtmaster CoC which underpins RYA instructor qualifications is no longer accepted by the authorities there. Instructors would therefore need to hold an appropriate Spanish COC or work under someone who is legally able to be in command of that vessel. Those working on a freelance basis from outside of the EU would be subject to immigration laws and cannot instruct as a tourist. Our understanding is that examiners are allowed to continue working in the EU and Spain as they are employed by the RYA and effectively travelling on business in the EU.

