Republic of Latvia

Cabinet

Regulation No. 90

Adopted 21 February 2017

**Repatriation of Seafarers and Procedures for Its Financing**

*Issued pursuant to*

*Section 308, Paragraph four of the Maritime Code*

1. The Regulation prescribes the procedures for the repatriation of a seafarer when it is not carried out by the shipowner and also the procedures for requesting, covering and refunding the expenditure related to the repatriation.

2. The Regulation shall apply to the subjects referred to in Section 302, Paragraph one, and Section 272, Paragraph two, Clause 4, Sub-clause “b” of the Maritime Code (hereinafter – the seafarer).

3. To receive help when repatriation is required, the seafarer shall, by presenting all the documents at his or her disposal that verify his or her identity, status of the seafarer and the place of return indicated in the employment contract, submit the repatriation application (Annex) to the the consular official of the diplomatic and consular mission of the Republic of Latvia in the foreign country (hereinafter – the consular official).

4. Upon receipt of a repatriation application, the consular official shall inform the Registry of Seamen of *valsts akciju sabiedrība “Latvijas Jūras administrācija”* [the State joint-stock company Maritime Administration of Latvia] (hereinafter – the Registry of Seamen) thereof.

5. The Registry of Seamen shall examine whether the seafarer who requires repatriation meets the conditions of Section 302, Paragraph one of the Maritime Code and whether the seafarer has insurance which covers the repatriation expenditure. The Registry of Seamen shall, immediately but not later than within five working days after receipt of the information, inform the consular official of the results of the examination.

6. If, based on the information received, the seafarer meets the conditions of Section 302 of the Maritime Code and there is no such insurance available for the seafarer which covers the repatriation expenditure, the consular official shall, immediately but not later than within five working days after receipt of the information:

6.1. establish the costs of the travel route to the place of return indicated in the employment contract that is the most appropriate in the relevant situation;

6.2. calculate the amount of funds necessary for the repatriation of the seafarer.

7. The expenditure necessary for the repatriation of the seafarer shall initially be covered from the State budget funds allocated to the Ministry of Foreign Affairs. In order to cover the funds used in accordance with Sub-paragraph 6.2 of this Regulation, the Ministry of Foreign Affairs shall prepare a draft legal act to be submitted to the Cabinet under specific procedures as a matter of the Cabinet regarding the allocation of funds from the State budget programme “Funds for Unforeseen Events”.

8. If the Ministry of Foreign Affairs does not have sufficient State budget funds at its disposal to cover the repatriation expenditure of the seafarer, it shall prepare a draft legal act to be submitted to the Cabinet under specific procedures as a matter of the Cabinet regarding the allocation of funds from the State budget programme “Funds for Unforeseen Events”.

9. The consular official shall pay for the services related to the travels of the seafarer to the place of return indicated in the employment contract with the funds allocated for the repatriation of the seafarer. In exceptional cases where the abovementioned services cannot be paid for through a non-cash settlement, funds in the national currency of the relevant consular district shall be issued to the seafarer in the foreign country in conformity with the foreign currency rate to be used in accounting on the day of issuing the funds.

10. If the seafarer has been repatriated from a ship flying the flag of Latvia, the Ministry of Foreign Affairs shall notify the shipowner of the repatriation of the seafarer and the amount of funds used for this purpose, and also the procedures for the repayment of the used funds.

11. The shipowner has an obligation to repay the repatriation expenditure of the seafarer covered from the State budget into the State budget within three months from the moment when the repatriation is carried out. If the expenditures are not repaid within the specified time limit, recovery shall be carried out in accordance with the procedures laid down in the Administrative Procedure Law.

12. If the seafarer has been repatriated from a ship flying the flag of a foreign country and the shipowner or the insurance company which has ensured the seafarer against repatriation cases has not repaid the State budget funds used for the repatriation of the seafarer into the revenue of the State basic budget within three months, the Ministry of Foreign Affairs shall request the State budget funds used for repatriation in accordance with the procedures laid down in Section 308, Paragraph three of the Maritime Code.

Prime Minister Māris Kučinskis

Minister for Foreign Affairs Edgars Rinkēvičs

**Annex**

Cabinet Regulation No. 90

21 February 2017

**Uz kuģa nodarbinātas personas repatriācijas iesniegums**

**Repatriation application for a person employed on a ship**

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| Lūdzu repatriēt mani uz darba līgumā norādīto atgriešanās vietu:Please repatriate me to the place of return indicated in the employment agreement: |
|  |

**SVARĪGI: Turpmākajās iesnieguma sadaļās, lūdzu, sniedziet informāciju, ciktāl tā jums zināma.**

**IMPORTANT: In the following sections of the application please provide information to the best of your knowledge.**

|  |
| --- |
| **I. Personas dati/Personal data** |
| 1. Vārds/Name |  |  |
| 2. Uzvārds/Surname |  |
| 3. Personas kods/Identity No. |  |
| 4. Dzimšanas datums/Date of birth |   |
| 5. Dzimums/Sex |  |
| 6. Pase/Passport |  |
| (numurs/number) |
|  |
| (izdevējiestāde/issuing authority) |
|  |
| (izdošanas datums/date of issue) |
|  |
| (derīga līdz/date of expiration) |
| 7. Pilsonība/Citizenship |  |
| 8. Tuvākais radinieks/Next of kin |   |
|  |  |  |  | (vārds/name) |
|  |
| (kontaktinformācija/contact information) |

**II. Statuss/Status**

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| Es esmu/I am: |
|  | uz Latvijas karoga kuģa nodarbināts jūrnieksseafarer employed on a ship flying Latvian flag |
|  | uz kuģa nodarbināts jūrnieks, kas ir Latvijas valstspiederīgaisseafarer, Latvian national, employed on a ship |
|  | uz Latvijas karoga kuģa nodarbināta persona, kas sniedz ar pasažieru izklaidi saistītus pakalpojumusperson who is employed to provide services related to entertainment of passengers on a ship flying Latvian flag |
|  | uz kuģa nodarbināts Latvijas valstspiederīgais, kas sniedz ar pasažieru izklaidi saistītus pakalpojumusLatvian national who is employed to provide services related to entertainment of passengers on a ship |

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| Jūrnieka kvalifikācijas dokuments/Seafarer's certificate of competency |
|  |
| (kvalifikācija/qualification) |
|  |
| (numurs/number) |
|  |
| (izdošanas datums/date of issue) |
|  |
| (derīgs līdz/date of expiration) |
|  |
| (izdevējiestāde/issuing authority) |

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| Jūrnieka grāmatiņa/Seafarer's discharge book |
|  |
| (tips un valsts kods/type and code of issuing state) |
|  |
| (numurs/number) |
|  |
| (izdošanas datums/date of issue) |
|  |
| (derīga līdz/date of expiration) |
|  |
| (izdevējiestāde/issuing authority) |

**III. Informācija par nodarbinātību, pirms radās nepieciešamība pēc repatriācijas/**

**Information on employment before the need for the repatriation**

|  |  |
| --- | --- |
| 1. Amata(-u) nosaukums/Position title(-s) |  |

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| --- | --- | --- | --- |
| 2. Kuģis/Ship |  |  |  |
|  | (vārds/name) |  | (IMO numurs/IMO number) |
|  |
| (karoga valsts/flag state) |

|  |  |
| --- | --- |
| 3. Darba devējs/Employer |  |
|  | (vārds/name) |
|  |
| (adrese/address) |

|  |  |
| --- | --- |
| 4. Kuģa īpašnieks/Owner of the ship |  |
|  | (vārds/name) |
|  |
| (adrese/address) |

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| --- | --- |
| 5. Kuģa operators/Operator of the ship |  |
|  | (vārds/name) |
|  |
| (adrese/address) |

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| 6. Komersants, kurš sniedza darbiekārtošanas pakalpojumus/Company which provided recruitment and placement services |
|  |
| (vārds/name) |
|  |
| (adrese/address) |

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| 7. Pēdējā zināmā osta, kurā kuģis iegāja/The last known port of call of the ship |
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| 8. Kuģa aģents konkrētajā ostā/Agent of the ship in the given port |
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**IV. Repatriācijas nepieciešamību izraisījušie apstākļi/**

**Circumstances which led to the need of repatriation**

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| Notikumu apraksts/Description of the events |
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**V. Apliecinājums, ka par kuģa darbību atbildīgā persona (kuģa īpašnieks vai operators) nenodrošina repatriāciju/**

**Confirmation that the persons responsible for the operation of the ship (the ship owner or operator) do not provide the repatriation**

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| --- | --- |
| Apliecinu/I confirm |  |
|  | (paraksts/signature) |

**VI. Informācija par repatriācijas apdrošināšanu/**

**Information on repatriation insurance**

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| Vai par kuģa darbību atbildīgā persona (kuģa īpašnieks vai operators) ir apdrošinājis savu atbildību attiecībā uz Jūsu repatriāciju?Has the person responsible for the operation of the ship (the ship owner or operator) insured his/her liability with respect to your repatriation? |
|  | Jā/Yes | Nē/No | Nezinu/I do not know |

Ja jā, lūdzu, norādiet/If yes, please indicate:

|  |
| --- |
| 1. Apdrošinātāja nosaukums un adrese/The name and address of the insurer |
|  |
|  |

|  |
| --- |
| 2. Vai esat personiski vērsies(-usies) pie konkrētā apdrošinātāja?Have you personally approached the given insurer? |
|  | Jā/Yes | Nē/No |   |

|  |
| --- |
| Ja jā, kādu atbildi sniedza apdrošinātājs?If yes, what answer was given by the insurer? |
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**VII. Citas iestādes un organizācijas (piemēram, diplomātiskās vai konsulārās pārstāvniecības, policija, aģents, ostas dienesti, nevalstiskās organizācijas), kurām jūs esat lūdzis(-gusi) palīdzību/**

**Other institutions and organizations (for example, diplomatic or consular missions, police, agent, port authorities, non-governmental organisations) whom you have asked for help**

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| Esmu lūdzis(-gusi) palīdzību šādām iestādēm un organizācijām un saņēmis(-usi) šādas atbildes:I have asked for help the following institutions and organisations and have received the following answers: |
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**Piekrītu manu personas datu apstrādei, ciktāl tas nepieciešams repatriācijas nodrošināšanai.**

*I agree to my personal data processing as far as it is necessary for ensuring the repatriation.*

**Apzinos, ka Latvijas Republikas normatīvie akti paredz atbildību par nepatiesu ziņu sniegšanu.**

*I am aware that the laws and regulations of the Republic of Latvia establish liability for the provision of untruthful information.*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Datums/Date |  |  | Paraksts/Signature |  |

Minister for Foreign Affairs Edgars Rinkēvičs