

Alert Exsu

COVID-19 Emergency ALERT ASSARMATORI Nos. 215, 216, 217

June 5th 2020



Executive Summary

Alert No. 215: IMO Guidance for flag States regarding surveys and renewals of certificates during the COVID-19 pandemic.

The *International Maritime Organization* ("IMO"), by [Circular Letter No. 4204/Add.19](#) of 2nd June 2020, published **new Guidance** addressed to flag States **regarding surveys and certificate renewals** during the COVID-19 pandemic.

By this Circular, the IMO re-affirms the **essential elements of validity of the renewal of certificates**, highlighting some novelties related to the context of the pandemic emergency.

Indeed, all ships must be surveyed and verified by officers of the flag State Administrations or their recognized organizations (ROs) / recognized security organizations (RSOs) / nominated surveyors so that relevant certificates can be issued to establish that the ships are designed, constructed, maintained and managed in compliance with the requirements of IMO conventions, codes and other instruments.

Alert No. 216: BIMCO, and Industry Associations call for accelerating digitalisation of maritime trade and logistics.

The *Baltic and International Maritime Council* ("BIMCO"), in its relevant *press release*¹, points out that several Associations representing the *shipping cluster*, including BIMCO, have been calling loud and clear to the various international government organizations and bodies to **speed-up the digitisation procedures** to be implemented in the maritime trade and logistics sector.

This request is above all due to an increasingly urgent need for cooperation to **speed-up the pace of recovery** following the COVID-19 pandemic.

The health emergency and resulting economic crisis have, in fact, highlighted an excessive heterogeneity currently existing among the port realities all over the world. The request to speed up the processes of digitization, for which the Associations hope for **uniformity and standardization of procedures**, seem to be an useful bridge among these disparities and while aiming an exit from the current health crisis by moving towards a "new normality".

¹ See the related BIMCO *press release* available at the following [link](https://www.bimco.org/news/priority-news/20200602-maritime-digitalisation):
<https://www.bimco.org/news/priority-news/20200602-maritime-digitalisation>

Alert No. 217: Dismissal for justified objective reason during the "protected" period, gives right to an unemployment allowance (the so-called "NASpI").

The **employee dismissed during the "moratorium" period on dismissals for economic reasons is entitled to receive an unemployment allowance (the so-called "NASpI")**, regardless of any assessment of the validity and effectiveness of the dismissal.

By [Message No. 2261/2020](#), the national social welfare institution ("INPS") specified that, if the employer is unaware of this prohibition – provided for by Article 46 of the *so-called* "Cura Italia Decree", and extended through August 17th, 2020 by Article 80 of the *so-called* "Decreto Rilancio" – and proceeds in any case with a dismissal, an employee has, in any case, the right to receive unemployment benefits.

Recalling an opinion provided by the Legislative Office of the Italian Ministry of Labour, INPS clarified that, for the purposes of granting the NASpI, it does not require detection of the invalidity of the withdrawal, which shall eventually be subject to judicial verification.

Therefore, NASpI shall be paid subject to restitution in the event that an employee, following a judicial or *extra-judicial* appeal, should be reinstated in the workplace; in the event of a successful outcome of the case, the employee must return the indemnity received.

The NASpI must also be returned in the event that the employer decides to exercise the right to revoke the dismissal introduced by the Decreto Rilancio for certain specific cases.

Finally, the INPS document clarifies that **the prohibition of dismissal does not apply either to domestic employment relationships**, which are subject to special regulations, **nor to the termination of coordinated and continuous collaboration agreements**, which go beyond the field of subordination while giving the right, in some cases, to the monthly unemployment allowance (the *so-called* "DIS COLL unemployment benefits")².

The complete collection of our Alert is available in the [AREA RISERVATA](#) at www.assarmatori.eu

² See the related *press release* available at the official *webpage* of the Italian Ministry of Labour at the following [link](https://www.lavoro.gov.it/notizie/pagine/licenziamento-per-giustificato-motivo-oggettivo-nel-periodo-protetto-diritto-alla-naspi.aspx/):
<https://www.lavoro.gov.it/notizie/pagine/licenziamento-per-giustificato-motivo-oggettivo-nel-periodo-protetto-diritto-alla-naspi.aspx/>

The content of this article is for information purposes only and does not constitute professional advice. For further details please contact: segreteria@assarmatori.eu