



Luxembourg, 11<sup>th</sup> December 2020

## Circular CAM 009/2020

**Subject: Amendments (2018) to the Maritime Labour Convention (2006)**

**To:** All Accredited Shipping Managers, ship owners, ship operators, Masters and Seafarers, designated persons of Luxembourg flagged ships, RO's and Flag State Inspectors

**O/Ref.: MPS/112465**

### Background and Entry into force

The following amendments were adopted on 27<sup>th</sup> April 2018 at the third meeting of the Special Tripartite Committee (23-27 April 2018 at the ILO in Geneva), established by the Governing Body in accordance with Article XIII of the MLC 2006.

Seafarers Employment Agreements (SEAs): Standard A2.1 requires a Seafarer's Employment Agreement to remain in effect while a seafarer is held captive on or off the ship due to piracy or armed robbery, regardless of whether the date fixed for its expiry has passed or any notice to terminate it has been issued.

Wages: Standard A2.2 requires that wages and other entitlements, under the SEA and any Collective Bargaining Agreement (CBA), including allotments, shall continue to be paid during the entire period of captivity until the seafarer is released and duly repatriated in accordance with Standard A2.5.1 or dies in captivity. The date of any death in captivity will be determined in accordance with national laws and regulations.

Repatriation: Guideline B2.5.1 has been revised to ensure that the entitlement of seafarers to repatriation does not lapse if they are held captive as result of an act of piracy or armed robbery.

These amendments were approved during the 107<sup>th</sup> session of the International Labour Conference held in Geneva in June 2018 and ensure that seafarers held captive on or off a ship as a result of an act of piracy or armed robbery continue to receive their wages. **These amendments will enter into force on 26th December 2020.**

The full text of the amendments is available here:

[http://www.maritime.lu/sites/maritime.lu/files/files/pdf/MLC\\_2018\\_Amendments.pdf](http://www.maritime.lu/sites/maritime.lu/files/files/pdf/MLC_2018_Amendments.pdf)

### Enforcement and Certification

Above-mentioned amendments do not require any immediate changes to a Luxembourg DMLC Part I, nor to already issued Luxembourg Maritime Labour Certificates.

Nevertheless, Shipowners will have to comply with the new provisions once into force and be able to document their correct implementation on-board of all Luxembourg flagged ships to which the convention applies and to ensure ongoing compliance.

To this end, shipowners are required to review and if necessary amend without delay, all related MLC documents (DMLC part II, policies and procedures, manuals, SEAs and/or any applicable CBAs, etc.) that are not in line with the 2018 amendments.

If changes are made, in particular to the DMLC part II, these shall then be verified by an authorized RO and their compliance with the new requirements confirmed at the earliest opportunity, but in any case, no later than at the first MLC shipboard inspection (initial or renewal inspection) scheduled on or after 26<sup>th</sup> December 2020. This process may include some preparatory documentation review ashore prior to an on board inspection.

A new DMLC part I will be issued by the Government Commissioner for maritime affairs on request.

If a new DMLC is issued by an RO, the MLC certificate has to be amended immediately in order to reflect the new situation (in principle a short term certificate is issued by the RO, followed by a full term certificate to be issued by the Government Commissioner for maritime affairs once having been informed). It is very important to avoid inconsistencies on MLC documents; all the information available on the MLC certificate shall be identical to that available on the other relevant MLC documents, and vice versa.

It should be noted that the Luxembourg Government is in the process of amending and modernizing the Luxembourg Maritime Act (1990), the relevant bill currently being under discussion at the Parliament. This bill, once into force, will require new DMLC Part I documents to be issued to all Luxembourg flagged vessels to which the convention applies.

Luxembourg shipowners, ROs and all other concerned actors, will of course be kept informed in due time.

A copy of this notice, and the full text of the amendments shall be available on board at any time.

For further information, please contact the Luxembourg Maritime Administration.



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