



NAURU

MARITIME ADMINISTRATION

AMENDMENTS OF 2018 FOR MARITIME LABOUR CONVENTION (MLC 2006) (NMA_C42.2020.Rev.0)

PURPOSE:

To provide relevant information and guidance on compliance with the 2018 amendments.

REFERENCE:

- a) Maritime Labour Convention, 2006 (MLC 2006)
- b) Nauru Shipping Circular C23 – Maritime Labour Convention (MLC 2006) and Amendments of 2014
- c) Amendments of 2018 to the Code of the Maritime Labour Convention, 2006, as amended (MLC, 2006), approved by the International Labour conference at its 107th session, Geneva, 05 June 2018 ([the text of the amendments can be found here](#))

APPLICATION:

This shipping circular applies to all Nauru registered vessels and seafarers as defined under Article II of MLC 2006.

INTRODUCTION:

The 2018 Amendments were adopted in June 2018 and place an obligation on shipowners to continue to pay wages to seafarers while held captive as a result of acts of piracy or armed robbery. The date of entry into force is 26 December 2020.

For the purpose of this amendment, the International Labour Organization (ILO) has defined:

- a) Piracy – as having the same meaning as in the United Nations Convention on the Law of the Sea, 1982
- b) Armed Robbery Against Ships – as meaning any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State's internal waters, archipelagic waters and territorial sea, or any act of inciting or of intentionally facilitating an act described above.

CONTENTS:

1) AMENDMENTS TO REGULATION 2.1 OF MLC 2006

A new Standard A.2.1.7 establishes the requirements that a seafarer's employment agreement shall continue to have effect while a seafarer is held captive on or off the ship as a result of acts

of piracy or armed robbery against ships, regardless of whether the date fixed for its expiry has passed or either party has given notice to suspend or terminate it.

2) AMENDMENTS TO REGULATION 2.2 OF MLC 2006

A new Standard A.2.2.7 establishes the requirements that where a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, wages and other entitlements under the seafarers' employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments as provided in Standard A2.2.4, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated in accordance with Standard A2.5.1 or, where the seafarer dies while in captivity, until the date of death as determined in accordance with applicable national laws or regulations.

3) AMENDMENTS TO REGULATION 2.5 OF MLC 2006

Paragraph 8 of Standard A.2.5.1 is replaced such that the entitlement to repatriation does not lapse for seafarers who are held captive on or off the ship because of acts of piracy or armed robbery against ships.

4) COMPLIANCE

- a) Existing SMLC (Statement of Compliance to Maritime Labour Convention) and the related DMLCs (Declaration of Maritime Labour Compliance) shall remain valid even after the entry into force of the amendments.
- b) However, all existing SMLCs and DMLCs should be renewed no later than the date of the first renewal inspection following entry into force of the amendments.
- c) Nauru wishes to emphasize that the provisions in the above para 4(a) and 4(b) do not in any way affect the rights and obligations of the seafarers and shipowners as effected by the amendments from the date of entry into force.
- d) Shipowners may start applying for a new DMLC Part I from the Administration and submit an updated DMLC Part II to the RO (Recognized Organization) displaying the measures adopted to ensure ongoing compliance with the new requirements as soon as possible.
- e) If the new DMLC Part I and Part II are already available, then they are recommended to be attached to the vessel's existing SMLC as evidence of compliance with the amendments as the existing SMLC will only be reissued at the vessel's next renewal survey.
- f) DMLC Part I – all vessels holding an existing DMLC Part I shall apply to the Nauru Maritime Administration to be re-issued with the revised DMLC Part I (electronic format) incorporating the 2018 amendments without any charge by submitting application Form DMLC I.

Application [Form NMA-14 DMLC I](#) and Template [Form NMA-14 DMLC II](#) can be downloaded at: <http://www.naurumaritime.com/forms>

For further assistance, please do not hesitate to contact the Administration at: flag@naurumaritime.com