



Luxembourg, 12<sup>th</sup> January 2017

## Circular CAM 001/2017 (2)

**Subject:** Amendments (2014) 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/107891

### Background and Entry into force

Two years after having been approved during the 103<sup>rd</sup> International Labour Conference on 11<sup>th</sup> June 2014 in Geneva, the Amendments to the Code of the Maritime Labour Convention will enter into force on 18<sup>th</sup> January 2017.

Those amendments establish new binding international law to better protect seafarers against abandonment and provide for compensation for death or long-term disability. It is the shipowners' responsibility to guarantee that on all Luxembourg flagged ships to which MLC applies a **financial security system** covering following items is in place:

#### Regulation 2.5 - Repatriation and related costs

- up to four months outstanding wages and entitlements;
- repatriation costs;
- essential needs such as food, travel, accommodation and medical care.

#### Regulation 4.2 - Shipowners' liability

- contractual compensation shall be paid in full and without delay;
- there shall be no pressure to accept a payment less than the contractual amount;
- if the extent of disability is difficult to assess full compensation, an interim payment shall be made;
- payment to the seafarer is without prejudice to other legal rights;
- claims may be brought directly by the seafarer, next of kin or representative;
- financial security shall not cease before the end of the period of validity of insurance, unless flag State is given at least 30 days' prior notice.

The full text of the amendments can be found here:

[http://www.maritime.lu/sites/maritime.lu/files/files/pdf/mlc\\_amendments\\_2014.pdf](http://www.maritime.lu/sites/maritime.lu/files/files/pdf/mlc_amendments_2014.pdf)

### Certification and Compliance

In order to ensure ongoing compliance with MLC and above-mentioned regulations, shipowners of Luxembourg flagged ships, to which MLC applies, shall ensure that copies of certificates, or other documentary evidence of valid and appropriate financial security systems issued by a financial security provider, shall be available on board for inspection and posted in a visible place and be accessible to all seafarers. If more than one financial security actor provides cover, the document provided by each provider should be carried on board.

Those certificates or other equivalent documentary evidence shall be in English, or accompanied by an English translation, and shall contain all the information as specified by the Maritime Labour Convention. In general it shall be issued to the shipowner and not necessarily the MLC shipowner appearing on other MLC documents. However due care shall always be given to keep consistency throughout the different elements of the MLC 2006 (crew employment, social security, manning level, etc....), as well as with related IMO instruments. MLC documentation must in any case demonstrate the link between the different actors and the registered owner.

### **Transitional measures**

In line with the resolution on transitional measures relating to the entry into force of the amendments to the Maritime Labour Convention, 2006, concerning financial security requirements in respect of abandonment of seafarers and for shipowners' liability of the Special Tripartite Committee established by the Governing Body under Article XIII of the Maritime Labour Convention, 2006, valid Luxembourg Maritime Labour Certificates and relevant Declarations of Maritime Labour Compliance, issued prior 18<sup>th</sup> January 2017, will remain valid and continue to be recognized until the first renewal inspection following entry into force of the amendments. **No immediate additional shipboard inspection to verify the implementation of the amendments is required.**

The full text of resolution is available here:

[http://www.maritime.lu/sites/maritime.lu/files/files/pdf/mlc\\_resolution\\_2014.pdf](http://www.maritime.lu/sites/maritime.lu/files/files/pdf/mlc_resolution_2014.pdf)

### **Declaration of maritime Labour Compliance (DMLC)**

It is however expected that Shipowners should amend existing DMLCs, and MLC documentation, manuals etc., at the earliest opportunity and have the new requirements verified by authorized ROs. **This process may include some preparatory documentation review ashore prior to an on board inspection. The review process of the amended MLC documentation shall in any case be completed no later than at the first renewal shipboard inspection as mentioned in the previous paragraph.**

New Luxembourg DMLC Part I documents will be issued from 19.01.2017 to all Luxembourg flagged vessels prior to the first renewal inspection following entry into force of the amendments; and upon request to any other ship.

A copy of this circular shall be available on board at any time, in particular to inform all parties involved that ILO transitional measures apply on Luxembourg flagged vessels.

Feel free to contact the Commissariat aux affaires maritimes if you have further questions, or for more detailed information.



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