



NIUE SHIP REGISTRY

Website: www.niueship.com

AMENDMENTS OF 2014 FOR MLC 2006 (Circular NMC4.2016 (rev0))

PURPOSE: Provide ship owners/managers/operators the relevant information and guidance on the 2014 amendments to the MLC 2006 which comes into force on 18 January 2017. For detailed text of the amendments please refer to related document (2) below.

RELATED DOCUMENTS:

1. Maritime Labour Convention, 2006 (MLC2006)
2. Text for the amendments of 2014 to the Maritime Labour Convention, 2006, approved by the International Labour conference at its 103rd session, Geneva, 11 June 2014
3. Niue Marine Circular NMC3.2013
4. ILO Resolution on the transitional measure 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

DEFINITIONS:

The following abbreviations stand for:

- "DMLC" – Declaration of Maritime Labour Compliance
- "MLC 2006" – Maritime Labour Convention, 2006
- "PSC" – Port State Control
- "RO" – Recognized Organization as defined by IMO Resolution A.789(19)

The term "Administration" shall mean the Niue Ship Registry.

APPLICATION:

This marine circular applies to all Niue flagged ships as defined under Article II of the MLC 2006.

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A. BACKGROUND

1. The 2014 amendments to the MLC were discussed and agreed at the first meeting of the Special Tripartite Committee (STC), held on 7-11th April 2014, and the amendments were subsequently approved by the 103rd session of the International Labour Conference in Geneva on 11th June 2014.
2. The amendments relate primarily to the shipowner's obligations in respect of the abandonment of seafarers (regulation 2.5), and shipowner's liability for seafarers (regulation 4.2) and compensation for the death or long-term disability of seafarers due to occupational injury, illness or hazard.
3. The amendments stipulate new requirements pertaining to a financial security scheme that must be established.

B. AMENDMENTS TO REGULATION 2.5 OF MLC 2006

1. A new Standard A.2.5.2 establishes the requirements for shipowners to ensure that all seafarers are covered by a financial security provider for repatriation even in the event of abandonment, and the financial security shall cover:
 - 1.1. Outstanding wages and other entitlements due from the ship owner to the seafarer in accordance with their seafarers' employment agreement and any applicable collective agreement, limited to four (4) months of any such outstanding wages and entitlements;
 - 1.2. All expenses reasonably incurred by the seafarer, including the cost of repatriation which shall cover travel by appropriate and expeditious means; and
 - 1.3. The essential needs of the seafarer which includes items such as: adequate food, clothing where necessary, accommodation, drinking water supplies, essential fuel for survival on board the ship, necessary medical care, passage and transport of personal effects, and any other reasonable costs or charges from the act or omission constituting the abandonment until the seafarer's arrival home.
2. A certificate or other documentary evidence of financial security issued by a financial security provider shall be posted in a conspicuous place on board and easily available to the seafarers and shall be in English or accompanied by an English translation. If there is more than one financial security provider providing the cover, then the certificate or other documentary evidence of each provider shall be carried on board.

C. AMENDMENTS TO REGULATION 4.2 OF MLC 2006

1. The amendments to Standard A.4.2 and introduction of Standard A.4.2.2 establishes the requirements for shipowners to ensure that all seafarers are covered by a financial security provider for contractual claims which refer to any claim relating to death or long-term disability of a seafarer due to an occupational injury, illness or hazard as set out in the seafarers' employment agreement and any applicable collective agreement.
2. A certificate or other documentary evidence of financial security issued by a financial security provider shall be posted in a conspicuous place on board and easily available to the seafarers and shall be in English or accompanied by an English translation. If there is more than one financial security provider providing the cover, then the certificate or other documentary evidence of each provider shall be carried on board.

D. SHIPOWNERS' RESPONSIBILITY

1. The amendments specify various requirements for the financial security and place the obligation on shipowners to ensure that they have the financial security that meets the requirements of MLC 2006, as amended; the Regulations do not apply directly to financial security providers, since they are largely located outside the jurisdiction of the Administration.
2. The new Appendix A2-I and Appendix A4-I require the financial security provider to provide a certificate with an attestation that the financial security meets the requirements of Standard A.2.5.2 and A.4.2.1 – therefore it is envisaged that most of the practical compliance measures will be undertaken by the financial security provider in order that they can provide this attestation to shipowners.

E. COMPLIANCE

1. With reference to related document (4) above, this Administration accepts the transitional measure proposed by ILO in such that existing SOCMC (Statement of Compliance to Maritime Labour Convention) and the related DMLCs shall remain valid even after the entry into force of the amendments.

2. However, all existing SOCMLCs and DMLCs should be renewed no later than the date of the first renewal inspection following entry into force of the amendments.
3. This Administration wishes to emphasize that the transitional measures adopted above relate only to the certification requirements for SOCMLCs and DMLCs and do not in any way affect the rights and obligations of the seafarers and shipowners with regards to the financial security required by the amendments from the date of entry into force.
4. Shipowners may start applying for a new DMLC Part I from the Administration and submit an updated DMLC Part II to the RO displaying the measures adopted to ensure ongoing compliance with the new requirements as soon as possible.
5. If the new DMLC Part I and Part II are already available, then they are recommended to be attached to the vessel's existing SOCMLC as evidence of compliance with the amendments as the existing SOCMLC will only be reissued at the vessel's next renewal survey.
6. DMLC Part I – all vessels holding an existing DMLC Part I may apply to the Administration to be re-issued with the revised DMLC Part I (electronic format) incorporating the 2014 amendments without any charge by submitting application Form DMLC I.
7. Application Form DMLC I and Form DMLC II can be downloaded at: www.niueship.com

Please do not hesitate to contact the Registry at technical@niueship.com or call: +65 6226-2001 for further assistance.