



NIUE SHIP REGISTRY

Website: www.niueship.com

AMENDMENTS OF 2018 FOR MLC 2006 (Circular NMC8.2020 (rev0))

PURPOSE: Provide ship owners/managers/operators the relevant information and guidance on the 2018 amendments to the MLC 2006 which comes into force on 26 December 2020.

RELATED DOCUMENTS:

1. 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](#))
2. Maritime Labour Convention, 2006 (MLC2006)
3. Niue Marine Circular NMC3.2013

DEFINITIONS:

The following abbreviations stand for:

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

The following terms shall mean:

- "Administration" – Niue Ship Registry
- "Piracy" – same meaning as in the United Nations Convention on the Law of the Sea, 1982
- "Armed Robbery Against Ships" – shall mean 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.

APPLICATION:

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

CONTENTS:

A. BACKGROUND

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.

B. 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.

C. 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.

D. 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.

E. COMPLIANCE

1. Existing SOCMLC (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 provisions in E.1 and E.2 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 as effected 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 2018 amendments by submitting application Form DMLC I or applying online through NERS at <https://niueship.com/registry>
7. Application Form DMLC I and Template DMLC Part II can be downloaded at: <https://niueship.com/form>

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