



Kiribati Ship Registry

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MARINE CIRCULAR 33/2016

19 September 2016

TO : Ship Owners, Ship Managers, Ship Operators, Charterers, Ship Masters, Classification Societies and the Shipping Community

SUBJECT : Amendments of 2014 to Maritime Labour Convention (MLC) 2006

PURPOSE:

This circular serves to notify all parties concerned of the 2014 amendments to MLC 2006 which will enter into force on 18 January 2017 and the transitional measures recommended by International Labour Organisation (ILO) and adopted by this Administration with respect to the required issuance of new MLC Certificates, DMLC Part I and DMLC Part II.

REFERENCES:

- (a) Maritime Labour Convention, 2006
- (b) 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
- (c) Kiribati Marine Circular No. 23/2013 - Implementation of Maritime Labour Convention 2006
- (d) ILO Resolution on the 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

APPLICATION

This Marine Circular is applicable to all Kiribati flagged vessels and seafarers as defined under Article II of MLC 2006.

BACKGROUND

The 2014 amendments to MLC 2006 were discussed and agreed at the first meeting of the Special Tripartite Committee, held on 7-11th April 2014. The amendments were subsequently approved by the 103rd session of the International Labour Conference in Geneva on 11th June 2014.

The amendments relate primarily to 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.

To cover these shipowner's aspects, the amendments stipulate new requirements pertaining to a financial security scheme that must be established.

CONTENTS

1. The amendments concern mainly Regulation 2.5 and Regulation 4.2 of MLC 2006 and are as follows:
 - 1.1. Amendments to Regulation 2.5 – Standard A.2.5.2 (*Financial security*)
 - 1.2. Amendments to Regulation 4.2 – Standard A.4.2.1 (*Shipowner's liability*) and A.4.2.2 (*Treatment of contractual claims*)
 - 1.3. Amendments to include new main appendices – Appendix A2-1, A4-I and B4-I

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- Appendix A2-1 describing the format and content of the certificate of financial security in relation to abandonment to be provided by the financial security provider.
- Appendix A4-I describing the format and content of the certificate of financial security in relation to death and long term disability.
- Appendix B4-I details a model Receipt and Release Form, referred to in the new Guideline B.4.2.2.

The full text of the 2014 amendments to MLC 2006 to refer to above reference (b) of this circular.

2. COMPLIANCE & CERTIFICATION

- 2.1 MLC certificates and the associated DMLCs are required to be updated and re-issued to address these amendments when they come into force. Recognising the need for a transitional period to issue or renew these certificates and the DMLCs, the ILO has issued a resolution (*see reference (d)*) requesting Member States to acknowledge that the entry into force of the amendments should not invalidate any existing MLC certificates and DMLCs that have been issued previously and that are still valid.
- 2.2 This Administration recognises the need for the transitional period as mentioned above, but requires shipowners for Kiribati flagged vessels who hold existing valid MLC certificates and DMLCs to have them renewed no later than the date of the first renewal inspection following entry into force of the amendments.
- 2.3. This Administration recommends that shipowners place a copy of this circular on board to notify PSC authorities and PSCOs of the ILO transitional measures that have been accepted by Kiribati i.e. all existing valid MLC certificates and DMLCs on Kiribati flagged vessels shall remain valid until the first renewal inspection following the entry into force of the amendments, i.e. 18 January 2017.
- 2.4. Notwithstanding the above, this Administration further advises that the transitional measures adopted above relate only to the certification requirements for the MLC certificates and DMLCs. The transitional measures do not affect the rights and obligations of the seafarers and shipowners (respectively) with regards to the financial security required by the amendments from the date of entry into force.
- 2.5. Shipowners are urged to commence applying for a new revised DMLC Part I (in electronic format) incorporating the above amendments without any charge to be issued by our Administration, and to prepare and submit an updated DMLC Part II to the respective RO prior to entry into force of the amendments on 18 January 2017 stating the measures adopted to ensure ongoing compliance with the new requirements.
- 2.6 Application Form for DMLC Part I and II may be downloaded from our website at <http://www.kiribaship.com/EN/forms/forms.aspx>
- 2.7. The updated DMLC Part I & II are to be appended to the vessel's existing MLC Certificate as evidence of compliance with the amendments in view that the existing MLC Certificate will only be reissued at the vessel's next renewal inspection.

Yours sincerely,

Deputy Registrar
Kiribati Ship Registry