

**Subject: CIRCULAR. 2016-31
amendment to the Maritime Labor
Convention 2006**

Number: 32/95/0078
Date: 16.10.2016

موضوع: بخشنامه ۳۱-۲۰۱۶

متمم قانونی کنوانسیون کار دریایی

شماره: ۳۲/۹۵/۰۰۷۸

تاریخ: ۱۳۹۵/۷/۲۵



All respectful ICS' Customers and Surveyors

With gratitude,

According to received circular about the amendment to the Maritime Labor Convention, 2006, the related amendment has been attached for your kind information.

The circular related to the above mentioned subject is accessible through the following address on ICS Network (ICS-WAN):

\\server\ICS Organization\Convention and Legislation
Department\Publications\circ\ 2016-31

Also this Electronic File will be sent via email to all respectful ICS Surveyors/ customers

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Department
ICS

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کلیه مشتریان و بازرسان محترم ICS

با سلام و احترام

با عنایت به بخشنامه دریافتی در خصوص متمم قانونی کنوانسیون کار دریایی (MLC-2006)، پیوست متن متمم موضوعی جهت اطلاع و بهره برداری حضورتان ایفاد می گردد.

بخشنامه مربوطه در بخش CLD از شبکه داخلی مؤسسه با آدرس ذیل قابل دسترسی می باشد:

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همچنین نسخه الکترونیکی این سند از طریق پست الکترونیکی به کلیه بازرسان و مشتریان محترم مؤسسه ارسال می گردد.

رضوان پناه
مدیر واحد کنوانسیون ها و مقررات دریایی
موسسه رده بندی ایرانیان

ترک دعوی: اگرچه در گردآوری کلیه راهنماهای فنی ارائه شده توسط مؤسسه رده بندی ایرانیان، تا حد ممکن تلاش در دقت و صحت محتوا صورت گرفته است، این مؤسسه متحمل مسئولیتی در قبال هرگونه اشتباهات، خسارت های احتمالی و جرانی که ممکن است در ارتباط با بکارگیری مفاهیم و مطالب ارائه شده رخ دهد، نمی باشد.

■ **موسسه رده بندی ایرانیان**

تهران-خیابان قائم مقام فراهانی-بالا تر از میدان شعاع-کوچه شبنم-پلاک ۵

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تلفن: ۰۲۱ ۴۲۱۸۶۰۰۰

• **BACKGROUND:**

The Special Tripartite Committee established under Article XIII of the MLC, 2006 adopted the amendments to the Code of the MLC, 2006, on 11 April 2014. They relate to two important issues:

1- The amendments to the Code implementing Regulation 2.5 – Repatriation this amendment was brought about, to better address the specific problems faced in cases of abandonment of seafarers. Although all seafarers are entitled to coverage for repatriation, which is secured by the requirement in the MLC, 2006, (a matter that must be included in the seafarers' employment agreement and also verified on flag State inspections), it was noted at the time of the adoption of the MLC, 2006 that, in practice, the needs of seafarers who are abandoned were not adequately covered under existing mechanisms and provisions, and

2. The amendments to the Code implementing Regulation 4.2 – Ship owners' liability the claims for compensation in the event of a seafarer's death or long-term disability due to an occupational injury, illness or hazard. This amendment was brought about, in order to better address the problems faced by seafarers and their families and to elaborate on the requirement in the MLC, 2006, for ship owners to provide financial security to assure compensation in the event of death or long-term disability of a seafarer due to occupational injury, illness or hazard.

• **GUIDANCE FOR SHIPOWNERS / MANAGERS:**

The 2014 amendments to the MLC, 2006 will enter into force on 18 January 2017. The above amendments make it a requirement of financial security for seafarers working on board:

1. In the event of abandonment (Standard A2.5.2); and
2. to assure compensation in the event of a contractual claim involving death or long-term disability due to an occupational injury, illness or hazard (Standard A4.2.2).

Each country to ensure that financial security system is in place. The financial security system may be in the form of a Social security system scheme or Insurance or National fund or other similar arrangement. Which will determined by the country in consultation with ship owners and Seafarers organization?

It means that the ships to which MLC, 2006 applies has to have two (2) certificates or other documentary evidence issued by the provider of financial security one in respect of compliance to Standard A2.5.2 and other in respect of standard A4.2.2 and these documents need to be posted in a conspicuous place on board the vessel on or before 18 January 2017. The certificates or other documentary evidence of financial security is to be in English or accompanied by an English translation. These certificates can be inspected by Port State Control (PSC) and so also the Declaration of Maritime Labor Compliance, (DMLC) Part I and DMLC Part II can be inspected by PSC Officer.

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- The certificate or other documentary evidence of financial security referred to in standard A2.5.2 to include the following information which will be issued by financial security provider.
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 - a) Name of the ship;
 - b) Port of registry of the ship;
 - c) Call sign of the ship;
 - d) IMO number of the ship;
 - e) Name and address of the provider or providers of the financial security;
 - f) Contact details of the persons or entity responsible for handling seafarers' request for relief;
 - g) Name of the ship owner;
 - h) Period of validity of the financial security; and
 - i) An attestation from the financial security provider that the financial security meets the requirements of Standard A2.5.2.
 - The certificate or other documentary evidence of financial security referred to in standard A4.2.1 to include the following information which will be issued by financial security provider.
 - a) Name of the ship;
 - b) Port of registry of the ship;
 - c) Call sign of the ship;
 - d) IMO number of the ship;
 - e) Name and address of the provider or providers of the financial security;
 - f) Contact details of the persons or entity responsible for handling seafarers' request for relief;
 - g) Name of the ship owner;
 - h) Period of validity of the financial security; and
- i) An attestation from the financial security provider that the financial security meets the requirements of Standard A4.2.1.
 - While the DMLC Part I, DMLC Part II & Certificate will need to be amended, the Administrations may not require changes to existing DMLC (Part I, Part II & Certificate) prior to 18 January 2017, provided that evidence of compliance with the new requirements is available as required from the date of enforcement of Amendment & Certificate. The Administrations would then expect that the DMLC Part I, DMLC Part II & Certificate are amended at the earliest opportunity, but no later than the first MLC, 2006 renewal inspection due after 18 January 2017.
 - It is recommended that vessel operators holding MLC 2006 Statement of Compliance / Maritime Labor Certificate for the ships managed by them should begin deliberating with their P&I Club(s) or insurer(s) or other financial security provider(s) to make certain that coverage is obtained for these liabilities.
 - The Maritime Labor Certificates and the Declarations of Maritime Labor Compliance (DMLC) will be issued or renewed so as to comply with the requirements of the Convention as amended, no later than the date of the first renewal inspection following entry into force of the amendments i.e. 18th January 2017 or any earlier date specified by flag Administration. The Administrations will issue the required notifications as guidance for issuance of the Maritime Labor Certificates and the DMLC.