



Technical Circular

No.: 141/2020

Date: 11th December 2020

Subject: Panama Maritime Authority - Amendments of 2018 to the Maritime Labour Convention, 2006

1. The Panama Maritime Authority vide Merchant Marine Notice, MMN-20/2020 has provided guidelines in respect of implementation of 2018 amendments to MLC, 2006 effective 26th December, 2020.
2. The amendments require continuation of Seafarer Employment Agreements (SEA), wages and other entitlements under SEA while seafarer is held captive on or off the ship as a result of piracy or armed robbery against ships, regardless of the dates in their employment contract.
3. Accordingly, from December 26, 2020 the shipowners/ Operators are required to ensure that a seafarer's employment agreement continue to remain in effect when seafarer are 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.
4. The amendments do not affect the Declaration of Maritime Labour Compliance (DMLC), Part I & II and Maritime Labour Convention Certificate.
5. Verification towards compliance with the 2018 amendments to MLC, 2006 will be done during the next scheduled MLC, 2006 inspections (interim, initial, intermediate, renewal) on or after 26th December, 2020.
6. Ship owners/ operators and masters of Panama flagged ships are advised to be guided by above.

Enclosure: Panama Merchant Marine Notice, MMN-20/2020.



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Merchant Marine **Notice**

Panama Maritime Authority
General Directorate of Merchant Marine
Control and Compliance Department

F-410
(DCCM)
V.03

AMENDMENTS TO THE CODE OF THE MLC, 2006, RELATING TO STANDARD A2.1 – SEAFARERS’ EMPLOYMENT AGREEMENTS, STANDARD A2.2 – WAGES AND GUIDELINE B2.5.1 – ENTITLEMENT

No: **MMN-20/2020**

1. Background:

The amendments adopted by the third meeting of the Special Tripartite Committee (STC) were approved, on June 5th, 2018, by an overwhelming majority of the delegates to the 107th session of the International Labour Conference. The amendments were notified to member States on June 26, 2018, in accordance with Article XV, paragraph 6 of the MLC, 2006. The period to express formal disagreement runs until June 26, 2020. The amendments are expected to enter into force on 26 December 2020, in accordance with Article XV, paragraph 7 of the MLC, 2006.

2. The amendments, submitted by the group of Seafarer representatives, and adopted at the third meeting of STC of the MLC in April 2018, relate to the protection of seafarers' wages and entitlements while they are held captives on or off the ship as a result of acts of piracy or armed robbery against ships.
3. For the news amendments of the MLC, armed robbery against ships means 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.
4. From December 26, 2020 the shipowners, operators or the person in charge of the Panamanian flag vessel according to the definition of shipowner indicated in the MLC (Article II Paragraph j), require that a seafarer's employment agreement shall continue to effect when seafarer are 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.



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5. The amendments do not modify:
 - Appendix A5-I, the working and living conditions of seafarers that must be inspected and approved before certifying a ship;
 - Appendix A5-II, Declaration of Maritime Labor Compliance Part I and II;
 - Appendix A5-III, on the general areas that subject to a detailed inspection by an authorized officer in a port of a Member carrying out a port State control inspection pursuant to Standard A5.2.1;
6. The amendments do not modify the content of the Annual Safety Inspection form (ASI), regarding maritime labour inspection.
7. The organizations recognized and authorized by this Administration shall review compliance with the amendments, at the time of carrying out the interim, initial, intermediate or renewal audits, as of the entry into force of the amendments.

December, 2020.

Inquiries concerning the subject of this Merchant Marine Notice or any other request should be forward to:

Segumar Panama Technical Office
General Directorate of Merchant Marine
Panama Maritime Authority

Phone: (507) 501-4241 (MLC Section)

E-mail: mlc@segumar.com/, mlcassist@segumar.com

Website: <https://panamashipregistry.com/marine-category/marine-notices/>