



Technical Circular

No.: 140/2020

Date: 11th December 2020

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

1. The Maritime Administration of Kiribati vide Marine Circular No. 57/2020 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 entitlement to repatriation 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, shipowners are required to ensure that SEA and/or any applicable Collective Bargaining Agreements (CBAs) that are signed on or after 26th December 2020 incorporates the 2018 amendments to MLC, 2006.
4. The amendments do not immediately affect the validity of ML Certificates and DMLCs already issued to the existing Kiribati ships. **Existing MLC Certificates and DMLC issued shall remain valid until first Renewal MLC inspection on or after 26th December 2020.**
5. Shipowners /managers are required to obtain new DMLC Part I from Kiribati Administration (the new DMLC Part I will include the applicable requirements of the 2018 amendments to MLC, 2006) and accordingly update the DMLC Part II to incorporate new requirements which is to be submitted to the respective RO prior to the entry into force of the amendments on 26 December 2020 stating the measures adopted to ensure ongoing compliance with the new requirements.
6. 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.
7. Ship owners/ operators and masters of Kiribati flagged ships are advised to be guided by above.

Enclosure: Kiribati Marine Circular No. 57/2020.



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MARINE CIRCULAR 57/2020

03 December 2020

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

SUBJECT : Amendments of 2018 to Maritime Labour Convention (MLC) 2006

PURPOSE:

This circular serves to notify all parties concerned of the 2018 amendments to MLC 2006 which will enter into force on 26 December 2020 and the transitional measures 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 2018 to the Maritime Labour Convention, 2006, approved by the International Labour conference at its 107th session, Geneva, 05 June 2018 ([the text of the amendments can be found here](#))
- (c) Kiribati Marine Circular No. 23/2013 - Implementation of Maritime Labour Convention 2006

APPLICATION

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

BACKGROUND

The 2018 Amendments were adopted on 05 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.

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1. Amendments to Regulation 2.1 of the MLC – *Seafarers' employment agreements*

The 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.

2. Amendments to Regulation 2.2 of the MLC – *Wages*

The 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.

3. Amendments to Regulation 2.5 of the MLC – *Repatriation*

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.

4. Compliance and Certification

- a. MLC certificates and the associated DMLCs are required to be updated and re-issued to address these amendments when they come into force.
- b. All existing MLC certificates and DMLCs that have been issued prior to the entry into force of the amendments shall not be invalidated, but instead shall be renewed no later than the date of the first renewal inspection following entry into force of the amendments. This, however, shall not affect the rights and obligations of the seafarers and shipowners (respectively) with regards to the requirements of the amendments from the date of entry into force.
- c. Shipowners are urged to commence applying for a new revised DMLC Part I (in electronic format) incorporating the above amendments 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 26 December 2020 stating the measures adopted to ensure ongoing compliance with the new requirements.

5. Application Form for DMLC Part I and II may be downloaded from our website at <https://kiribaship.com/form>.

6. 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