



Technical Circular

No.: 004/2021

Date: 11th January 2021

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

1. The Maritime Administration of Tuvalu vide Marine Circular MC-5/2020/1 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, 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 or DMLC Part I already issued to the existing Tuvalu ships. Existing MLC Certificates and DMLC issued shall remain valid until first Renewal MLC inspection on or after 26th December 2020.
5. The Administration has recommended that shipowners start applying for a new DMLC Part I on the Administration's TOR portal and submit an updated DMLC Part II to the respective RO reflecting the measures adopted to ensure ongoing compliance with the new requirements.
6. The updated DMLCs are to be appended to the vessel's existing ML Certificates as evidence of compliance with the amendments since existing ML Certificates will only be reissued at the vessel's next renewal inspection.
7. Ship owners/ operators and masters of Tuvalu flagged ships are advised to be guided by above.

Enclosure:

1. Tuvalu Marine Circular MC-5/2020/1.



. This Technical Circular and the material contained in it is provided only for the purpose of supplying current information to the reader and not as an advice to be relied upon by any person.
. While we have taken utmost care to be as factual as possible, readers/ users are advised to verify the exact text and content of the Regulation from the original source/ issuing Authority.

Whilst the utmost care has been taken in the compilation of the Technical Information, neither Indian Register of Shipping, its affiliates and subsidiaries if any, nor any of its directors, officers, employees or agents assume any responsibility and shall not be liable to any person for any loss, damage or expense caused in any manner whatsoever by reliance on the information in this document.



TUVALU SHIP REGISTRY

Singapore Operations Office:

10 Anson Road #25-16, International Plaza, Singapore 079903

Tel: (65) 6224 2345 Fax: (65) 6227 2345

Email: info@tvship.com Website: www.tvship.com

MARINE CIRCULAR

MC-5/2020/1

12/2020

FOR: Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Classification Societies, Flag State Inspectors

SUBJECT: AMENDMENTS OF 2018 TO MLC 2006

DEFINITIONS:

The following abbreviations stand for:

- “DMLC” – Declaration of Maritime Labour Compliance
- “MLC” – Maritime Labour Convention, 2006
- “MLCert” – Maritime Labour Certificate
- “PSC” – Port State Control
- “PSCO” – Port State Control Officer
- “RO” – Recognized Organization as defined by IMO Resolution A.789(19)
- “TOR” – Tuvalu On-line Registry

The following terms shall mean:

- “Administration” shall mean the Tuvalu Ship Registry.
- “Piracy” shall have the 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.

PURPOSE:

The purpose of this marine circular is to notify the shipping community of the 2018 amendments to the MLC which will come into force on 26 December 2020.

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) Tuvalu Marine Circular MC-13/2012/1 - Guidance for Implementation of Maritime Labour Convention 2006
- (d) Tuvalu Marine Circular MC-12/2012/1 – Provisions for Seafarer Wages

APPLICATION:

This marine circular applies to Tuvalu ships and seafarers as defined under Article II of the MLC.

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. The date of entry into force is 26 December 2020.

CONTENTS:

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 & Certification

- 4.1. Existing MLCerts and DMLCs that have been issued prior to the entry into force of the amendments shall continue to remain valid, however, they shall be renewed no later than the date of the first renewal inspection following entry into force of the amendments.
- 4.2. Notwithstanding the above, this Administration wishes to highlight that para 4.1 relate only to the certification requirements for the MLCert and DMLCs, and do not affect the rights and obligations of the seafarers and shipowners (respectively) with regards to requirements of the amendments from the date of entry into force.
- 4.3. This Administration recommends that shipowners start applying for a new DMLC Part I on the TOR portal and submit an updated DMLC Part II to the respective RO prior to 26 December 2020 (entry into force of the amendments) displaying the measures adopted to ensure ongoing compliance with the new requirements.
- 4.4. It is also recommended that the updated DMLCs be appended to the vessel’s existing MLCert as evidence of compliance with the amendments since existing MLCerts will only be reissued at the vessel’s next renewal inspection.
- 4.5. DMLC Part I – all vessels holding an existing DMLC Part I may apply for a revised DMLC Part I (electronic format) incorporating the above amendments by applying online via the TOR Portal at <https://tvship.com/registry>

Yours sincerely,

Deputy Registrar
Tuvalu Ship Registry