

Subject

Amendments of 2018 to the code of the MLC, 2006 (effective on and after 26 Dec. 2020) (for non-Japanese flag vessels)

ClassNK

Technical Information

No. TEC-1219
Date 25 November 2020

To whom it may concern

As you are aware, the Amendments of 2018 to the MLC, 2006 enter into force on 26 Dec. 2020 in the countries that have ratified the MLC, 2006. The following requirements are newly added by the Amendments.

- (1) 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.
- (2) Wages shall continue to be paid while a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships.

As flag state administrations have issued the related circulars and documents for the Amendments, please refer to the website of each administration. For your reference, ClassNK has listed the available circulars to its knowledge on its website.

<https://www.classnk.or.jp/hp/en/activities/statutory/mlc/flag/index.html>

(HOME > Products & Services > Statutory Services > Ship Security Management Systems (ISPS) > Circulars issued by Flag States)

In line with the Amendments, ClassNK intends to conduct the following inspections in addition to the flag requirements.

Inspection timing	Inspections for issuance of interim MLC, Initial Inspections or first periodical inspections at earliest opportunity on or after 26 Dec. 2020
Inspection content	Confirmation of documents on board which refer to the requirements of Amendments of 2018 to the MLC, 2006 (For example, DMLC Part II, manuals referenced by DMLC Part II, SEA and/or CBA) (*In the event that contents are newly added to DMLC Part II, review of the DMLC Part II by RO or flag state administration is necessary prior to inspection on board.)

(To be continued)

NOTES:

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- Back numbers are available on ClassNK Internet Homepage (URL: www.classnk.or.jp).

Therefore, we would like to request all concerned MLC shipowners to prepare documents on board which refer to the requirements of the Amendments by the time they enter into force on 26 Dec. 2020. Furthermore, if a flag state administration revises DMLC Part I, please apply to the administration for issuance of DMLC Part I.

Please refer to attachment 1 (table of information by flag state administrations) for the handling of each flag state administration that specifically issued circulars as of Nov. 2020. The information on our website will be updated upon announcements of new or revised circulars.

For any questions about the above, please contact:

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Ship Management Systems Department, Administration Center, Head Office
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Tel.: +81-3-5226-2173
Fax: +81-3-5226-2174
E-mail: smd@classnk.or.jp

Attachment:

1. Table (information by flag State administration)
2. Marshall : MSA No. 28-20
3. Liberia: Marine Advisory: 32/2020
4. Hong Kong : HONG KONG MERCHANT SHIPPING INFORMATION NOTE NO.9/2019
5. Vanuatu: FLEET SAFETY LETTER 060120.GEN
6. Bermuda: Bermuda Merchant Shipping Guidance Note 2020-11 MLC2018 Amendments – Piracy and armed robbery
7. Cyprus: Circular 20/2020 Amendments of 2018 to the Code of the Maritime Labour Convention, 2006 Entry into force on 26 December 2020

Attachment 1: Information by flag state administrations

Flag	Circulars and/or other documents issued before 25 Nov. 2020	Scheduled revision of DMLC Part I	Necessity of revision of DMLC Part II	Special requirements
Marshall	<ul style="list-style-type: none"> MSA No. 28-20 (refer to attachment 2) 	None (This amendment has already been included in the current Part I)	Unnecessary	<ul style="list-style-type: none"> RMI-flagged shipowners must ensure that SEAs and/or any applicable collective bargaining agreements that are signed on or after the EIF date cover the 2018 MLC, 2006 amendments.
Liberia	<ul style="list-style-type: none"> Marine Advisory: 32/2020 (refer to attachment 3) MARINE NOTICE MLC001 Rev.07-2020 MARINE NOTICE MLC003 Rev.07-2020 	Scheduled	Necessary	<ul style="list-style-type: none"> Current DMLC Part I is still effective until the first renewal inspection on or after 26 Dec. 2020.
Hong Kong	<ul style="list-style-type: none"> HONG KONG MERCHANT SHIPPING INFORMATION NOTE NO.9/2019 (refer to attachment 4) Merchant Shipping (Seafarers) (Working and Living Conditions) (Amendment) Regulation 2019 (L.N. 173 of 2019) Merchant Shipping (Seafarers) (Allotments) (Amendment) Regulation 2019 (L.N. 174 of 2019) 	None	Unnecessary	Nothing in particular
Vanuatu	<ul style="list-style-type: none"> FLEET SAFETY LETTER 060120.GEN (refer to attachment 5) 	Already revised (for ships registered on or after 1 June 2020)	Necessary	<ul style="list-style-type: none"> For vessels registered on or after 1 June 2020, amended DMLC Part I with the 2018 amendments will be issued. As long as the MLC compliant vessel attaches this Fleet Safety Letter to its DMLC Part I, VMSL will not issue any new DMLC Part I to any vessel in compliance as to the date of this Fleet Safety Letter.
Bermuda	<ul style="list-style-type: none"> Bermuda Merchant Shipping Guidance Note 2020-11 MLC2018 Amendments – Piracy and armed robbery (refer to attachment 6) 	None	Unnecessary	Nothing in particular
Cyprus	<ul style="list-style-type: none"> Circular 20/2020 Amendments of 2018 to the Code of the Maritime Labour Convention, 2006 Entry into force on 26 December 2020 (refer to attachment 7) 	None	Unnecessary	<ul style="list-style-type: none"> It should be noted that similar provisions of said amendments already apply on Cyprus flag ships by virtue of the provisions of Part VII of the <i>Protection of Cyprus Ships Against Acts of Piracy and Other Unlawful Acts Law of 2012 (Law 77(I)/2012)</i>. A copy of the unofficial English translation of said law shall be readily available on board for updating the crew. This Circular must be placed on board ships flying the Cyprus Flag.
Japan: Please contact our Safety Management Systems Department, Administration Center, Head Office				

Republic of the Marshall Islands

MARITIME ADMINISTRATOR

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MARINE SAFETY ADVISORY No. 28-20

To: Owners/Operators, Masters, Nautical Inspectors, Recognized Organizations

Subject: 2018 AMENDMENTS TO MLC, 2006

Date: 22 September 2020

On 26 December 2020, the [2018 amendments](#) to the Maritime Labour Convention, 2006 (MLC, 2006) are expected to enter into force (EIF).

They require seafarer employment agreements (SEAs) (i.e., wages and other entitlements) to continue to have effect when seafarers are held captive on or off the ship due to piracy or armed robbery. The SEAs must remain in effect until the seafarer is released and repatriated or perishes in captivity.

The Republic of the Marshall Islands (RMI) Maritime Administrator has implemented these amendments through §7.45.1 of the RMI Maritime Regulations ([MI-108](#)). As a result:

- RMI-flagged shipowners must ensure that SEAs and/or any applicable collective bargaining agreements that are signed on or after the EIF date cover the 2018 MLC, 2006 amendments.
- The 2018 MLC, 2006 amendments do not necessitate changes to the Declaration of Maritime Labour Compliance (DMLC) Part I, so no new DMLC Part I is needed and none will be issued due to these amendments.
- DMLC Part II amendments, if any, do not require submission to the Recognized Organizations (ROs) at this time. ROs will be confirming compliance with the new requirements during their MLC, 2006 inspections on or after the EIF date.

See also RMI Marine Notice [7-052-2](#), *Maximum Period of Shipboard Service for Seafarers Under the Maritime Labour Convention, 2006 (MLC, 2006)* and RMI Marine Guideline [7-45-1](#), *Guidance on Seafarer Employment Agreements* which have been updated to include this requirement.

This MSA expires one (1) year after its issuance, unless otherwise noted, extended, superseded, or revoked.



THE REPUBLIC OF LIBERIA
LIBERIA MARITIME AUTHORITY

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4 November 2020

Marine Advisory: 32/2020

SUBJECT: Compliance with Amendments of 2018 to Maritime Labour Convention, 2006, as amended (MLC, 2006)

Reference: a) ILC.107/Amendments of 2018 to MLC, 2006
b) Marine Notice MLC-003

Dear Shipowner/Operator/Master:

The purpose of this Marine Advisory is to remind Owners, Operators and Masters that the 2018 amendments to MLC, 2006 enter into force on 26 December, 2020. The amendments have been incorporated into the July 2020 revised Marine Notice MLC-003 in **reference b)** and available on at www.liscr.com.

Background

At the third meeting of the Special Tripartite Committee established by the Governing Body in accordance with Article XIII of the MLC, 2006, amendments to MLC 2006 related to seafarers' employment agreements, payment of wages and repatriation of seafarers while a seafarer is held captive on or off the ship were adopted on 27 April, 2018.

The amendments were approved at the 107th session of the International Labour Conference held in June 2018 and ensure that seafarers held captive on or off a ship as a result of piracy or armed robbery continue to receive their wages.

Definitions

The terms *piracy* and *armed robbery against ships* shall have the same meaning as in section 2. of Marine Notice MLC-003.

Implementation

Owners, Operators and Masters shall ensure on and after 26 December, 2020:

1. seafarers' employment agreements 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; and
2. wages and other entitlements under the seafarers' employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments

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.

The amendments shall be incorporated into the Maritime Labour Certificate (ML Certificate) and the declaration of maritime labour compliance (DMLC) no later than the date of the first renewal inspection following entry into force of the amendments.

An amended DMLC Part I is available for:

1. all ships registering with Liberia prior to and after entry into force of the amendments;
2. all other ships prior to the first renewal inspection following entry into force of the amendments; and
3. upon request and payment of the reissuance fee.

For more information, please contact Regulations and Standards at RegsandStandards@lisr.com or telephone +1 703 790 3434.

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香港商船資訊

HONG KONG MERCHANT SHIPPING INFORMATION NOTE

Amendments of 2018 to the Code of Maritime Labour Convention, 2006

To : *Shipowners, Ship Managers, Ship Operators, Masters and Classification Societies*

Summary

The purpose of this Note is to inform the parties concerned on the amendments to the Code of Maritime Labour Convention, 2006 (the Code) by the 107th Session of the International Labour Conference of the International Labour Organization (ILO) on 5 June 2018.

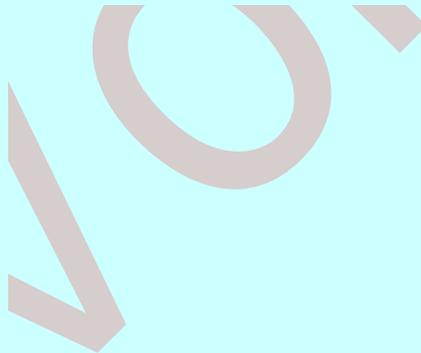
1. The 107th Session of the International Labour Conference of the ILO approved the amendments to the Code on 5 June 2018 to prevent the cancellation or expiry of seafarers' employment agreements when they were held captive on or off the ships as a result of piracy or armed robbery against ships; and to protect the wages and other entitlements provided for in those employment agreements. The amendments are expected to enter into force globally on 26 December 2020.
2. The mandatory requirements of the amendments to the Code could be summarized as follows:
 - (a) Standard A2.1: a new paragraph is added to ensure the Seafarers' employment agreements 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.
 - (b) Standard A2.2: a new paragraph is added to ensure wages and other entitlements under the seafarers' employment agreement shall continue to be paid during the entire period of captive and until the seafarer is released and duly repatriated.
3. A copy of the aforementioned amendments to the Code can be found on the website of Marine Department (<https://www.mardep.gov.hk/en/msnote/msin.html>) as attachment to this Note.

4. Shipowners, Ship Managers, Ship Operators, Masters and Classification Societies are advised to note the information provided in the documents and act accordingly.

5. Any enquiries in relation to this Merchant Shipping Information Note may be directed to the Senior Surveyor of the Maritime Policy Branch at telephone number 2852 4395 or by e-mail to “hkmpd@mardep.gov.hk”.

Marine Department
Multi-lateral Policy Division

21 February 2019



VANUATU MARITIME SERVICES, Ltd
39 BROADWAY SUITE 2020
NEW YORK, NEW YORK 10006

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Telephone 212-425-9600
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FLEET SAFETY LETTER 060120.GEN

1 June 2020

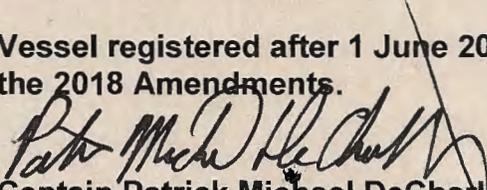
Applicable to: This circular should be brought to the attention of all Port State Control Officers, ship-owners, ship managers, operators and Masters of Vanuatu-registered ships.

RE: Maritime Labor Convention 2018 amendments

On 1 January 2021, the new amendments regarding Seafarer Employment Agreements will come in to force. The Amendments to the Code for Regulations 2.1 and 2.2 provide for the extensions of Seafarer Employment Agreements while a seafarer is held captive as a result of piracy or armed robbery and the owner's responsibility to continue wages and other benefits during the captivity. The exact wording and requirements are attached on the page 2 of this Fleet Safety Letter.

This Fleet Safety Letter is an Amendment to the DMLC Part I issued to vessels presently registered with this Administration and in compliance with the MLC 2006 Convention as amended. As long as the MLC compliant vessel attaches this Fleet Safety Letter to its DMLC Part I, VMSL will not issue any new DMLC Part I to any vessel in compliance as to the date of this Fleet Safety Letter. Likewise no new DMLC Part II will need to be submitted and no new MLC Certificate will be required to be issued.

Vessel registered after 1 June 2020 will be issued an amended DMLC Part I with the 2018 Amendments.


Captain Patrick Michael DeCharles, II
by direction of the
Deputy Commissioner of Maritime Affairs
The Republic of Vanuatu



2018 AMENDMENTS TO THE CODE OF THE MARITIME LABOUR CONVENTION 2006 AS AMENDED

Amendment to the Code of the MLC, 2006, relating to Regulation 2.1

Standard A2.1 – Seafarers' employment agreements

7. Each Member shall require 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. For the purpose of this paragraph, the term: (a) piracy shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982; (b) 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.

Amendment to the Code of the MLC, 2006, relating to Regulation 2.2

Standard A2.2 – Wages

7. 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 paragraph 4 of this Standard, 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. The terms piracy and armed robbery against ships shall have the same meaning as in Standard A2.1, paragraph 7. A



BERMUDA MERCHANT SHIPPING GUIDANCE NOTICE

MLC 2018 Amendments - Piracy and Armed Robbery

2020-11

Application

Ship Owners, Managers, Masters and Officers of Bermuda Registered ships

Summary

This notice is to inform Owners and Managers of Bermuda registered ships that the 2018 amendments to the Maritime Labour Convention (MLC) are expected to enter into force on the 26th December 2020.

These amendments relate to new Maritime Labour Convention standards A 2.1.7 and A 2.2.7.

This Notice was issued on 6th October 2020.

1. Introduction

(1) The amendments include a new requirement for seafarer's employment agreements (SEA's) to remain in force for the period that a seafarer is held captive on or off a ship as a result of acts of piracy or armed robbery against the ship. This applies regardless of whether the SEA expires during this time, or if either party has given notice to suspend or terminate the SEA.

(2) During the period that a seafarer is held captive wages and all other entitlements under the SEA (including allotments) are to continue to be paid until the seafarer is released and repatriated.

2. Action Required by Shipowners

(1) Shipowners should review their policies and procedures to ensure that they are compliant with the above requirements.

(2) BSMA does not require any changes to be made to company Declarations of Maritime Compliance (DMLC II) or individual seafarer SEA's; however shipowner's may need to amend these documents if they contain statements that contradict the above requirements.

Third meeting of the Special Tripartite Committee established by the Governing Body in accordance with Article XIII of the Maritime Labour Convention, 2006, as amended (MLC, 2006)

Text of the amendments adopted on 27 April 2018

Amendments to the Code of the MLC, 2006, relating to Regulation 2.1

Standard A2.1 – Seafarers’ employment agreements

Insert new paragraph 7:

7. Each Member shall require 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. For the purpose of this paragraph, the term:

- (a) *piracy* shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982;
- (b) *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.

Amendments to the Code of the MLC, 2006, relating to Regulation 2.2

Standard A2.2 – Wages

Insert a new paragraph 7:

7. 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 paragraph 4 of this Standard, 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. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.

**Amendments to the Code of the MLC, 2006,
relating to Regulation 2.5 – Repatriation**

Guideline B2.5.1 – Entitlement

Replace paragraph 8 by the following:

8. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements, except where they are held captive on or off the ship as a result of acts of piracy or armed robbery against ships. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.





REPUBLIC OF CYPRUS
SHIPPING DEPUTY MINISTRY TO THE PRESIDENT

Circular No: 20/2020

30 September 2020

SDM 5.13.09
4.7.32
12.3.01.35.10
12.3.01.35.15.1

To all Registered Owners, Registered bareboat Charterers
Managers and Representatives of Ships flying the Cyprus Flag,

To all Recognized and Authorized Classification Societies,

To all Owners Managers and Representatives of ships under a foreign flag calling at
Cyprus ports.

Subject: Amendments of 2018 to the Code of the Maritime Labour Convention, 2006
Entry into force on 26 December 2020

I refer to the above subject and further to SDM Circular No. 15/2020, I wish to inform you of the adoption, under the tacit acceptance procedure, of the Amendments of 2018 to the Code of the Maritime Labour Convention, 2006 which were approved by the 107th Session of the International Labour Conference, in accordance with Article XV of the Convention which sets out the simplified amendment procedure adopted in respect of the Convention. The amendments will enter into force on 26 December 2020. The full text of the amendments is hereby attached.

2. These amendments relate to Standard A2.1 –Seafarers’ employment agreements, Standard A2.2 –Wages and to Guidelines B2.5.1- Entitlement for Repatriation.



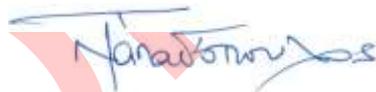
3. Furthermore it should be noted that, similar to the provisions of said amendments, already apply on Cyprus flag ships by virtue of the provisions of Part VII of the Protection of Cyprus Ships Against Acts of Piracy and Other Unlawful Acts Law of 2012 (Law 77(I)/2012).

Copy of the unofficial English translation of said Law shall be readily available on board for the updating of the crew.

4. Please note that the Maritime Labour Certificates and Declarations of Maritime Labour Compliance (DMLC) already issued, will remain valid until they are expired.

5. The Seafarers' Division of the Shipping Deputy Ministry to the President will be at the disposal of, Owners, Managers and anyone concerned with the matter for any explanations and clarifications they may require.

This Circular must be placed on board ships flying the Cyprus Flag.



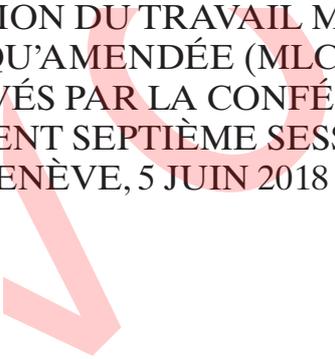
Neophytos Papadopoulos
Acting Permanent Secretary
Shipping Deputy Ministry

- Cc: - Permanent Secretary, Ministry of Labour, Welfare and Social Insurance
- Permanent Secretary, Ministry of Foreign Affairs
 - Maritime Offices of the Shipping Deputy Ministry abroad
 - Diplomatic Missions and Honorary Consular Offices of the Republic
 - Inspectors of Cyprus Ships
 - Cyprus Shipping Chamber
 - Cyprus Union of Shipowners
 - Cyprus Shipping Association
 - Trade Union SEK
 - Trade Union PEO

International Labour Conference Conférence internationale du Travail

AMENDMENTS OF 2018 TO THE CODE
OF THE MARITIME LABOUR CONVENTION, 2006,
AS AMENDED (MLC, 2006),
APPROVED BY THE CONFERENCE
AT ITS ONE HUNDRED AND SEVENTH SESSION,
GENEVA, 5 JUNE 2018

AMENDEMENTS DE 2018 AU CODE
DE LA CONVENTION DU TRAVAIL MARITIME, 2006,
TELLE QU'AMENDÉE (MLC, 2006),
APPROUVÉS PAR LA CONFÉRENCE
À SA CENT SEPTIÈME SESSION,
GENÈVE, 5 JUIN 2018



**AMENDMENTS OF 2018 TO THE CODE
OF THE MARITIME LABOUR CONVENTION, 2006,
AS AMENDED (MLC, 2006)**

**Amendment to the Code of the MLC, 2006,
relating to Regulation 2.1**

Standard A2.1 – Seafarers’ employment agreements

Insert a new paragraph 7:

7. Each Member shall require 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. For the purpose of this paragraph, the term:

- (a) *piracy* shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982;
- (b) *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.

**Amendment to the Code of the MLC, 2006,
relating to Regulation 2.2**

Standard A2.2 – Wages

Insert a new paragraph 7:

7. 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 paragraph 4 of this Standard, 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. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.

**Amendment to the Code of the MLC, 2006,
relating to Regulation 2.5**

Guideline B2.5.1 – Entitlement

Replace paragraph 8 by the following:

8. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements, except where they are held captive on or off the ship as a result of acts of piracy or armed robbery against ships. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.

**AMENDEMENTS DE 2018 AU CODE
DE LA CONVENTION DU TRAVAIL MARITIME, 2006,
TELLE QU'AMENDÉE (MLC, 2006)**

**Amendement au code de la MLC, 2006,
concernant la règle 2.1**

Norme A2.1 – Contrat d'engagement maritime

Insérer un nouveau paragraphe 7, comme suit:

7. Tout Membre exige qu'un contrat d'engagement maritime continue à produire ses effets lorsque, à la suite d'actes de piraterie ou de vols à main armée à l'encontre des navires, le marin est tenu en captivité à bord du navire ou ailleurs, même si la date fixée pour son échéance est passée ou que l'une ou l'autre partie a notifié sa suspension ou résiliation. Aux fins du présent paragraphe, l'expression:

a) *piraterie* s'entend au sens de la Convention des Nations Unies sur le droit de la mer de 1982;

b) *vols à main armée à l'encontre des navires* désigne tout acte illicite de violence, de détention ou de déprédation, ou menace de tels actes, autre qu'un acte de piraterie, commis à des fins privées contre un navire, ou contre des personnes ou des biens à son bord, dans les eaux intérieures, les eaux archipélagiques ou la mer territoriale d'un Etat, ou tout acte ayant pour but d'inciter à commettre un acte défini ci-dessus ou commis dans l'intention de le faciliter.

**Amendement au code de la MLC, 2006,
concernant la règle 2.2**

Norme A2.2 – Salaires

Insérer un nouveau paragraphe 7, comme suit:

7. Lorsque, à la suite d'actes de piraterie ou de vols à main armée à l'encontre des navires, un marin est tenu en captivité à bord du navire ou ailleurs, le salaire et autres prestations prévus dans son contrat d'engagement maritime, la convention collective ou la législation nationale applicables continuent de lui être versés, et les virements prévus continuent d'être effectués, conformément au paragraphe 4 de la présente norme, pendant toute la période de captivité, jusqu'à ce que le marin soit libéré et dûment rapatrié, conformément à la norme A2.5.1 ou, lorsque le marin décède pendant sa captivité, jusqu'à la date de son décès telle que déterminée conformément à la législation nationale applicable. Les expressions *piraterie* et *vols à main armée à l'encontre des navires* ont la même signification qu'au paragraphe 7 de la norme A2.1.

**Amendement au code de la MLC, 2006,
concernant la règle 2.5**

Principe directeur B2.5.1 – Conditions des droits au rapatriement

Remplacer le paragraphe 8 par ce qui suit:

8. Le droit au rapatriement peut expirer si le marin intéressé ne le revendique pas dans un délai raisonnable défini par la législation nationale ou les conventions collectives, sauf lorsque le marin est tenu en captivité à bord du navire ou ailleurs, à la suite d'actes de piraterie ou de vols à main armée à l'encontre des navires. Les expressions *piraterie* et *vols à main armée à l'encontre des navires* ont la même signification qu'au paragraphe 7 de la norme A2.1.

The foregoing is the authentic text of the Amendments duly approved by the General Conference of the International Labour Organization during its One hundred and seventh Session which was held at Geneva and declared closed the eighth day of June 2018.

IN FAITH WHEREOF we have appended our signatures this day of June 2018.



Le texte qui précède est le texte authentique des amendements dûment approuvés par la Conférence générale de l'Organisation internationale du Travail dans sa cent septième session qui s'est tenue à Genève et qui a été déclarée close le huitième jour de juin 2018.

EN FOI DE QUOI ont apposé leurs signatures, ce
jour de juin 2018:

*The President of the Conference,
La Présidente de la Conférence,*

*The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,*

