

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-1227

Date 29 January 2021

To whom it may concern

As you are aware by our ClassNK Technical Information No. TEC-1219 issued on 25 Nov. 2020, the Amendments of 2018 to the MLC, 2006 entered into force on 26 Dec. 2020 in the countries that have ratified the MLC, 2006. Since the issued date, various flag administrations have newly issued or updated the circulars. The table for the handling of each flag state as of 29 Jan. 2021 has been updated as attachment 1 and included in this technical information. This Technical Information supersedes the previous ClassNK Technical Information No. TEC-1219.

Please refer to the followings for the requirements, the Inspection by ClassNK and etc.

#### [Requirements]

- (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.

#### [Inspection by ClassNK]

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.)

Therefore, we would like to request all concerned MLC shipowners to prepare documents on board which refer to the requirements of the Amendments.

(To be continued)

#### NOTES:

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[Handling of flag state administration]

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, the available circulars to its knowledge are listed on our website.

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

(HOME > Products & Services > Statutory Services > ILO/MLC, 2006 > Circulars issued by Flag States)

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 29 Jan. 2021. The information on our website will be updated upon announcements of new or revised circulars.

Furthermore, if a flag state administration revises DMLC Part I, please apply to the administration for issuance of DMLC Part I.

For any questions about the above, please contact:

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Attachment:

1. Table (information by flag State administration)

Attachment 1: Information by flag state administrations as of 29 Jan. 2021

Flag	Circulars and/or other documents	Revision of DMLC Part I	Special requirements
ANTIGUA & BARBUDA	<ul style="list-style-type: none"> <li>Directive 001 - 2020</li> </ul>	None	<ul style="list-style-type: none"> <li>These amendments should not require a new DMLC Part I, however for DMLC Part II the Recognized Organizations (ROs) will confirm compliance with the new requirements, during their MLC 2006 inspections, after the 26th December 2020 in accordance with this Directive.</li> <li>Shipowners should review their policies and procedures to ensure compliance with the above.</li> <li>Shipowners should ensure that SEAs that are signed on and after 26th December 2020, cover the 2018 Amendments to the MLC, 2006.</li> </ul>
BELIZE	<ul style="list-style-type: none"> <li>Merchant Marine Notice MMN-20-006</li> </ul>	Done	<ul style="list-style-type: none"> <li>Existing MLC Certificate and DMLC Part I issued by IMMARBE will remain valid until the first initial/renewal MLC inspection on or after 26 December 2020.</li> <li>Changes to the DMLC Part II are not necessary, unless there are pre-existing references that contravene the 2018 amendments.</li> <li>During initial/renewal MLC inspection, the RO in charge must verify compliance with the 2018 amendments.</li> <li>New DMLC Part I after 26 December 2020 will include the 2018 amendments.</li> </ul>
BERMUDA	<ul style="list-style-type: none"> <li>Bermuda Merchant Shipping Guidance Note 2020-11 MLC2018 Amendments – Piracy and armed robbery</li> </ul>	None	<ul style="list-style-type: none"> <li>Shipowners should review their policies and procedures to ensure that they are compliant with the above requirements.</li> <li>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.</li> </ul>
CAYMAN ISLANDS	<ul style="list-style-type: none"> <li>SHIPPING NOTICE 07/2020 (Rev 1)</li> </ul>	None	<ul style="list-style-type: none"> <li>Shipowners should review their policies and procedures to ensure compliance with the amendments.</li> <li>The Cayman Islands Shipping Registry (CISR) will not be mandating any changes to the DMLC Part II or SEA but shipowners and employers may need to amend these documents if they contain statements which contradict the new Regulations or do not address the requirements in full.</li> <li>A CISR or RO surveyor will then check the amendments have been addressed in full at the vessel's next MLC inspection due after 26 December 2020.</li> </ul>

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CYPRUS	<ul style="list-style-type: none"> <li>Circular 20/2020 Amendments of 2018 to the Code of the Maritime Labour Convention, 2006 Entry into force on 26 December 2020</li> </ul>	None	<ul style="list-style-type: none"> <li>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.</li> <li>This Circular must be placed on board ships flying the Cyprus Flag.</li> </ul>
GIBRALTAR	<ul style="list-style-type: none"> <li>MLN 040- MLC 2018</li> </ul>	Done	<ul style="list-style-type: none"> <li>Existing MLC certificates and DMLC will remain valid until first initial/renewal inspection after 26 Dec. 2020, at which time the new provisions will be verified.</li> <li>Revised DMLC Part 1 shall be required to be issued or renewed not later than the date of the first initial/renewal inspection after 26 December 2020.</li> <li>Prior to the initial/renewal inspection, ship-owners should request the Administration for a new DMLC Part 1, complete a new DMLC Part II and submit it for approval to the Administration or to an RO.</li> </ul>
GREECE	<ul style="list-style-type: none"> <li>MLC/06/2020</li> </ul>	None	<ul style="list-style-type: none"> <li>Shipowners are requested to consider the requirements with regard to the procedures included in DMLC Part II and any relevant forms documenting compliance therewith.</li> <li>Compliance with the requirements shall be established on board during an initial survey for issuance, endorsement and renewal of a MC; such survey shall be carried out after the amendments take effect, i.e. on 26 Dec. 2020.</li> </ul>
HONG KONG	<ul style="list-style-type: none"> <li>SD/S 800/9</li> <li>HONG KONG MERCHANT SHIPPING INFORMATION NOTE NO.9/2019</li> <li>Merchant Shipping (Seafarers) (Working and Living Conditions) (Amendment) Regulation 2019 (L.N. 173 of 2019)</li> <li>Merchant Shipping (Seafarers) (Allotments) (Amendment) Regulation 2019 (L.N. 174 of 2019)</li> </ul>	None	<ul style="list-style-type: none"> <li>All Shipowners, Ship Managers and Ship Masters are urged to review their policies, procedures and Seafarers' Employment Agreements to ensure compliance with the new requirements in the Amendments.</li> <li>Recognized Organizations (ROs) are also urged to confirm the compliance with the new requirements during their MLC inspections on or after 26 December 2020.</li> </ul>

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INDIA	<ul style="list-style-type: none"> <li>DGS Circular No.35 of 2020</li> </ul>	Done	<ul style="list-style-type: none"> <li>A new revised DMLC Part I is to be issued or updated and DMLC Part II is revised, if necessary to ensure compliance with the requirements of 2018 amendments under the revised DMLC Part I by 26 December 2020.</li> <li>The DMLC Part II revised in accordance with above is to be verified during the first initial or renewal inspection whichever is earlier on or after 26 December 2020.</li> </ul>
ISLE OF MAN	<ul style="list-style-type: none"> <li>Isle of Man Ship Registry Technical Advisory Notice Ref.004-20</li> </ul>	None	<ul style="list-style-type: none"> <li>Shipowners should review their policies and procedures to ensure compliance with the amendment.</li> <li>The Ship Registry will not be mandating any changes to the DMLC Part II or SEA but an individual shipowner may need to amend these documents if they contain statements which contradict the new Regulations.</li> </ul>
KIRIBATI	<ul style="list-style-type: none"> <li>MARINE CIRCULAR 57/2020</li> </ul>	Done	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>The updated DMLC Part I &amp; 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.</li> </ul>
LIBERIA	<ul style="list-style-type: none"> <li>Marine Advisory: 35/2020</li> <li>MARINE NOTICE MLC001 Rev.07-2020</li> <li>MARINE NOTICE MLC003 Rev.07-2020</li> </ul>	Done (Voluntarily issued)	<ul style="list-style-type: none"> <li>There is no need to revise the MLC Certificate and DMLC or seafarers' employment agreements.</li> <li>If an owner, operator wishes to voluntarily revise its MLC Certificate and DMLC, the Administration is prepared to do so, during first renewal inspection following entry into force of the amendments on 26 December 2020.</li> </ul>
MALAYSIA	<ul style="list-style-type: none"> <li>MSN 25 / 2020</li> </ul>	None	<ul style="list-style-type: none"> <li>The amendment clause and its implementation in the SEA needs to be updated accordingly by all shipowners/managers.</li> </ul>

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MALTA	• Merchant Shipping Notice 167	None	• Shipowners, Ship Operators and Ship managers operating ships registered under the Merchant Shipping Act, must ensure that SEAs and/or any applicable collective bargaining agreements that are signed on or after 26 December 2020, cover the 2018 amendments.
MARSHALL ISLANDS	• MSA No. 28-20	Done	• 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.
MAURITIUS	• MERCHANT SHIPPING NOTICE Ref: 23 of 2020	Done	• The existing DMLC Part 1 will remain in force. • Compliance to the amendments will be verified by Recognised Organisations during the next Renewal MLC inspection on or after 26 December 2020. • Prior to the renewal MLC inspection, ship owners will be required to obtain an updated DMLC Part I from this Ministry and will be required to amend the DMLC Part II accordingly to include the new requirements.
PANAMA	• Circular No. DGGM-006-2020 • MMN-20/2020	None	Nothing special
PALAU	• MARINE NOTICE 198.2	None	Nothing special
SINGAPORE	• SHIPPING CIRCULAR NO.18 OF 2000	None	• Shipowners are to review their policies, procedures and SEAs and any applicable collective bargaining agreements to ensure compliance with the 2018 amendments. • RO will be confirming compliance with the new requirements during their MLC inspections on or after 26 December 2020.
SRI LANKA	• MSN 08/2020 MLC 2018 AMENDMENTS – PROTECTION OF SEAFARERS HELD CAPTIVE AS A RESULT OF PIRACY OR ARMED ROBBERY	Done	• ShipOwners / Operators shall review their policies, procedures and seafarers' employment agreements to ensure compliance with the amendments on and after 26 December, • The amendments shall be incorporated into the DMLC no later than the date of the first renewal inspection following entry into force of the amendments. • Prior to the renewal inspection, shipowners should request a new DMLC Part I from this Administration.

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ST. VINCENT AND THE GRENADINE	• CIRCULAR N° MLC 002- Rev. 8	Done	Nothing special
TUVALU	• MARINE CIRCULAR MC-5/2020/1	Done	<ul style="list-style-type: none"> <li>• DMLC shall be renewed no later than the date of the first renewal inspection following entry into force of the amendments.</li> <li>• 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.</li> <li>• 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.</li> </ul>
VANUATU	• FLEET SAFETY LETTER 060120.GEN	Done	<ul style="list-style-type: none"> <li>• The amended DMLC Part I will be issued to vessels registered in Vanuatu on or after 1 June 2020, or to vessels that are required to issue a new DMLC Part I due to a change in name, tonnage or other vessel requirements, or for other reasons.</li> <li>• The amended DMLC Part I will not be issued to vessels that have been registered in Vanuatu before 1 June 2020 and for which a DMLC Part I has already been issued.</li> <li>• A copy of "FREET SAFETY LETTER 060120.GEN" is required to be retained on board the vessel with the relevant DMLC Part I.</li> </ul>
(Note) Japan: Please contact our Ship Management Systems Department, Administration Center, Head Office			

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