



Technical Circular

No.: 120/2020

Date: 13th October 2020

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

1. The Maritime Administration of Cyprus vide Circular No. 20/2020 has provided guidelines in respect of compliance to the requirements of 2018 amendments to MLC, 2006, effective 26th December, 2020.
2. The amendments require continuation of Seafarer Employment Agreements and wages 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. The Administration has advised that the above mentioned requirements 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 is to be made available on board for the updating of the crew.
4. The Maritime Labour Certificates and Declarations of Maritime Labour Compliance (DMLC) already issued, **will remain valid until they are expired.**
5. A copy of circular no. 20/2020 is to be maintained onboard to demonstrate compliance to the requirements of 2018 amendments to MLC, 2006.
6. Ship owners/ operators and masters of Cyprus flagged ships are advised to be guided by above.

Enclosure: Cyprus Circular No. 20/2020.



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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,*