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CIRCULAR LETTER
No: 446 from 21 December 2016

Applicable to: ship owners/managers/operators the relevant information and guidance on the 2014 amendments to the MLC 2006 which comes into force on 18 January 2017. For detailed text of the amendments please refer to related document (2) below.

MARITIME LABOUR CONVENTION 2006 AS AMENDED (MLC): FINANCIAL SECURITY REQUIREMENTS

A. This shipping circular draws the attention of the amendments to the Maritime Labour Convention 2006 (MLC) which will enter into force on January 18, 2017. After this date, vessels which are subject to the MLC will be required to display certificates issued by an insurer or other financial security provider confirming that insurance or other financial security is in place for liabilities in respect of:

- *outstanding wages and repatriation of seafarers together with incidental costs and expenses in accordance with MLC Regulation 2.5, Standard A2.5.2 and Guideline B2.5; and*
- *compensation for death or long-term disability in accordance with Regulation 4.2., Standard A4.2. and Guideline B4.2.*

Vessels requiring MLC Certificates

Vessels will require MLC Certificates if they are

- *registered in a state where the MLC is in force; or*
- *calling at a port in a jurisdiction where the MLC is in force.*
- *MLC Certificates are not required by ships registered in states which are not party to MLC and which will not call at states which are party to MLC.*

Details of states which are party to the MLC can be found in the MLC Database maintained by the International Labour Organization.



B. AMENDMENTS TO REGULATION 2.5 OF MLC 2006

1. A new Standard A.2.5.2 establishes the requirements for shipowners to ensure that all seafarers are covered by a financial security provider for repatriation even in the event of abandonment, and the financial security shall cover:

1.1. Outstanding wages and other entitlements due from the ship owner to the seafarer in accordance with their seafarers' employment agreement and any applicable collective agreement, limited to four (4) months of any such outstanding wages and entitlements;

1.2. All expenses reasonably incurred by the seafarer, including the cost of repatriation which shall cover travel by appropriate and expeditious means; and

1.3. The essential needs of the seafarer which includes items such as: adequate food, clothing where necessary, accommodation, drinking water supplies, essential fuel for survival on board the ship, necessary medical care, passage and transport of personal effects, and any other reasonable costs or charges from the act or omission constituting the abandonment until the seafarer's arrival home.

2. A certificate or other documentary evidence of financial security issued by a financial security provider shall be posted in a conspicuous place on board and easily available to the seafarers and shall be in English or accompanied by an English translation. If there is more than one financial security provider providing the cover, then the certificate or other documentary evidence of each provider shall be carried on board.

C. AMENDMENTS TO REGULATION 4.2 OF MLC 2006

1. The amendments to Standard A.4.2 and introduction of Standard A.4.2.2 establishes the requirements for shipowners to ensure that all seafarers are covered by a financial security provider for contractual claims which refer to any claim relating to death or long-term disability of a seafarer due to an occupational injury, illness or hazard as set out in the seafarers' employment agreement and any applicable collective agreement.

2. A certificate or other documentary evidence of financial security issued by a financial security provider shall be posted in a conspicuous place on board and easily available to the seafarers and shall be in English or accompanied by an English translation. If there is more than one financial security provider providing the cover, then the certificate or other documentary evidence of each provider shall be carried on board.

D. SHIPOWNERS' RESPONSIBILITY

1. The amendments specify various requirements for the financial security and place the obligation on shipowners to ensure that they have the financial security that meets the requirements of MLC 2006, as amended; the Regulations do not apply directly to financial security providers, since they are largely located outside the jurisdiction of the Administration.

2. The new Appendix A2-I and Appendix A4-I require the financial security provider to provide a certificate with an attestation that the financial security meets the requirements of Standard A.2.5.2 and A.4.2.1 – therefore it is envisaged that most of the practical compliance measures will be undertaken by the financial security provider in order that they can provide this attestation to shipowners.



E. COMPLIANCE

1. With reference to related document (4) above, this Administration accepts the transitional measure proposed by ILO in such that existing SOCMLC (Statement of Compliance to Maritime Labour Convention) and the related DMLCs shall remain valid even after the entry into force of the amendments.
2. However, all existing SOCMLCs and DMLCs should be renewed no later than the date of the first renewal inspection following entry into force of the amendments.
3. This Administration wishes to emphasize that the transitional measures adopted above relate only to the certification requirements for SOCMLCs and DMLCs and do not in any way affect the rights and obligations of the seafarers and shipowners with regards to the financial security required by the amendments from the date of entry into force.
4. Shipowners may start applying for a new DMLC Part I from the Administration and submit an updated DMLC Part II to the RO displaying the measures adopted to ensure ongoing compliance with the new requirements as soon as possible.
5. If the new DMLC Part I and Part II are already available, then they are recommended to be attached to the vessel's existing SOCMLC as evidence of compliance with the amendments as the existing SOCMLC will only be reissued at the vessel's next renewal survey.
6. DMLC Part I – all vessels holding an existing DMLC Part I may apply to the Administration to be re-issued with the revised DMLC Part I (electronic format) incorporating the 2014 amendments without any charge by submitting application Form DMLC I.

Any queries relating to this circular should be directed to the Maritime Administration of the Republic of Moldova / Public Institution "Harbour Master Giurgiulesti" at Tel: + 373 735345. Queries in writing may also be directed to the MARAD dedicated email contact at Info@maradmoldova.md.

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