

**GIBRALTAR MARITIME ADMINISTRATION**  
(Ministry of Maritime & Shipping Services)



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**Maritime Labour Notice (MLN) – 030**

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To: Ship Owners, Operators, Masters, Officers and Classification Societies

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**MLC Title 2 & 4 Regulations 2.5 & 4.2**  
**Amendments to MLC entering into force on 18 January 2017**

This MLN provides guidance on compliance with amendments to MLC coming into force 18 January 2017. Implementation of these guidelines will be taken as evidence of compliance with the Gibraltar regulations.
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The guidelines do not preclude the ship-owner from demonstrating an equivalent or higher standard as an “alternative method” of evidence of compliance.
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**References:**

Maritime Labour Convention 2006 (MLC)

Maritime Labour Convention Amendments 2014

Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2012, as amended

Gibraltar Maritime Administration website: [www.gibraltarship.com](http://www.gibraltarship.com)

**Background**

The Maritime Labour Convention (MLC) entered into force on 20 August 2013. In April 2014 the International Labour Organisation (ILO) agreed several amendments to the MLC. These amendments will enter into force on 18 January 2017.

**Requirements:**

Ships that are subject to the MLC will, after 18 January 2017, be required to have in place insurance or other financial security for the cost and expense of crew repatriation, as well as contractually entitled arrears of wages and entitlements following abandonment (MLC Regulation 2.5, as amended).

Insurance or other financial security is also required, covering liabilities for contractual claims arising from seafarer personal injury, disability or death (MLC Regulation 4.2, as amended).

**Regulation 2.5, as amended – Financial Security in relation to repatriation and non-payment of wages**

This requires a financial security system to be provided to assist seafarers in the event of abandonment. The standard defines abandonment as:

1. when the shipowner fails to cover the cost of the seafarer's repatriation; or
2. when the shipowner has left the seafarer without the necessary maintenance and support; and
3. when the shipowner has otherwise unilaterally severed their ties with the seafarer, including failure to pay contractual wages.

Ships will have to carry and display a certificate or other documentary evidence of financial security on board, as issued by the financial security provider.

**Regulation 4.2 as amended – Shipowner's Liability**

This sets out the minimum requirements for a system of financial security that assures compensation in the event of a contractual claim.

A 'contractual claim' is any claim which relates to death, personal injury or long-term disability of seafarers due to an occupational injury, illness or hazard.

Ships will be required to carry and display a certificate or other documentary evidence of financial security issued by the financial security provider.

Where there is more than one financial security provider for repatriation or shipowner's liability, documentary evidence from each provider shall be carried on board.

New MLC Appendix A2-1 details the information required to be on the certificate or other documentary evidence.

In order to assist owners in complying with these additional financial security requirements, the P&I Club members of the International Group Clubs currently propose to provide the necessary MLC certification by way of an extension clause to the P&I rules, and indemnify the seafarers directly, should this be necessary.

**Declaration of Maritime Labour Compliance (DMLC) and Maritime Labour Convention Certificate (MLC)**

The amendments do not affect the validity of MLC Certificates nor DMLC already issued. Existing MLC certificates and DMLC will remain valid until first renewal inspection after 18 January 2017, at which time the new provisions will be verified.

No immediate changes will be required to the DMLC or MLC Certificate.

The certificates / documents confirming insurance / financial security will be evidence of compliance with the new amendments.

Revised MLC certificates and DMLCs shall be required to be issued or renewed not later than the date of the first renewal inspection after 18 January 2017.

## **New DMLC Part 1 & Part 2**

Currently the Gibraltar Flag issue the DMLC Part 1 with 14 inspection points. As a result of the new amendments the new DMLC Part 1 will include inspection point 15 - 'Financial Security for Repatriation' and point 16 - 'Financial Security Relating to Shipowners' Liability.'

Prior to the renewal inspection date, shipowners 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 delegated to undertake the review and approval on behalf of the Administration.

The amended DMLC Part II will need to reflect compliance with inspection point 15 and 16 on the DMLC Part I.

Shipowners are advised this should be done at the earliest opportunity, but no later three months prior to the first MLC Renewal Inspection due after 18 January 2017.

Richard Montado

Maritime Administrator

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