



TUVALU SHIP REGISTRY

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MARINE CIRCULAR

MC-1/2022/1

09/2024

FOR: Ship Owners, Ship Managers, Ship Operators, Ship Masters, Ship Officers, Recognized Organizations, Flag State Inspectors

SUBJECT: AMENDMENTS OF 2022 TO MLC 2006

DEFINITIONS:

The following abbreviations stand for:

- “DMLC” – Declaration of Maritime Labour Compliance
- “MLC 2006” – Maritime Labour Convention, 2006
- “MLCert” – Maritime Labour Certificate
- “RO” – Recognized Organization as defined by IMO Resolution A.789(19)
- “TOR” – Tuvalu On-line Registry

The following terms shall mean:

- “Administration” shall mean the Tuvalu Ship Registry.

PURPOSE:

The purpose of this marine circular is to notify the shipping community of the 2022 amendments to the MLC 2006 which will come into force on 23 December 2024.

REFERENCES:

- (a) Maritime Labour Convention, 2006
- (b) Text for the amendments of 2022 to the Maritime Labour Convention, 2006, approved by the International Labour Conference at its 110th session, Geneva, 06 June 2022,
- (c) Tuvalu Marine Circular MC-7/2012/1 - Standards for Accommodation, Recreational Facilities, Food/Catering and Water on board Tuvalu Ships
- (d) Tuvalu Marine Circular MC-13/2012/1 - Guidance for Implementation of Maritime Labour Convention 2006

APPLICATION:

This Marine Circular applies to Tuvalu ships and seafarers as defined under Article II of the MLC 2006.

BACKGROUND:

The 2022 Amendments were adopted on 06 June 2022 and addressed a wide range of issues relating to seafarers such as recruitment, repatriation, welfare and medical care, and adopted eight (8) amendments to the Code of the MLC 2006.

CONTENTS:

1. Amendments to Regulation 1.4 – *Recruitment and placement*

Replacement of Paragraph 5(c)(vi) of Standard A1.4 require that seafarer recruitment and placement services establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them, and ensure that seafarers are informed, prior to or in the process of engagement, of their rights under that system

2. Amendments to Regulation 2.5 – *Repatriation*

The new Paragraph 9 of Standard A2.5.1 facilitates the prompt repatriation of seafarers, including when they are deemed abandoned within the meaning of Standard A2.5.2, paragraph 2. Port States, flag States and labour-supplying States shall cooperate to ensure that the seafarers engaged on a ship to replace seafarers who have been abandoned in their territory, or on a ship flying their flag, shall be accorded their rights and entitlement under the MLC 2006.

3. Amendments to Regulation 3.1 – *Accommodation and recreational facilities*

3.1. Replacement of Paragraph 17 of Standard A3.1 requires that appropriate seafarers' recreational facilities, amenities and services, including social connectivity, as adapted to meet the special needs of seafarers who must live and work on ships, be provided on board for the benefit of all seafarers, taking into account Regulation 4.3 and the associated Code provisions on health and safety protection and accident prevention.

3.2. Replacement of Paragraph 4(j) of Guideline B3.1.11 recommends that seafarers have reasonable access to ship-to-shore telephone communications, where available, with any charges for the use of these services being reasonable in amount.

3.3. The new Paragraph 8 of Guideline B3.1.11 recommends that shipowners should, so far as is reasonably practicable, provide seafarers on board their ships with internet access, with charges, if any, being reasonable in amount.

4. Amendments to Regulation 4.4 – *Access to shore-based welfare facilities*

The new Paragraph 5 of Guideline B4.4.2 recommends that Member States, so far as is reasonably practicable, provide seafarers on board ships in their ports and at their associated anchorages with internet access, with charges, if any, being reasonable in amount.

5. Amendments to Regulation 3.2 – *Food and catering*

5.1. Replacement of Paragraph 2(a) of Standard A3.2 requires that food and drinking water supplies, are considered based on the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, and shall be suitable in respect of quantity, nutritional value, quality and variety, and shall be provided free of charge during the period of engagement

5.2. Replacement of Paragraph 2(b) of Standard A3.2 requires that the organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied, balanced and nutritious meals prepared and served in hygienic conditions.

- 5.3. Replacement of Paragraph 7(a) of Standard A3.2 requires that the Master carries out frequent documented inspections on supplies of food and drinking water in relation to their quantity, nutritional value, quality and variety.

6. Amendments to Regulation 4.1 – *Medical care on board ship and ashore*

- 6.1. The new Paragraph 5 of Standard A4.1 requires that Member States provide prompt disembarkation of seafarers in need of immediate medical care from ships in its territory and access to medical facilities ashore for the provision of appropriate treatment.
- 6.2. The new Paragraph 6 of Standard A4.1 establishes the requirements where a seafarer has died during a ship's voyage. The Member State in whose territory the death has occurred or, where the death has occurred on the high seas, into whose territorial waters the ship next enters, shall facilitate the repatriation of the body or ashes by the shipowner, in accordance with the wishes of the seafarer or their next of kin, as appropriate.
- 6.3. The new Paragraph 4 of Guideline B4.1.3 recommends that Member States ensure that seafarers are not prevented from disembarking for public health reasons, and that they are able to replenish ships' stores, fuel, water, food and supplies.
- 6.4. The new Paragraph 5 of Guideline B4.1.3 recommends that seafarers should be considered to be in need of immediate medical care in cases of, but not limited to:
- 6.4.1. any serious injury or disease;
 - 6.4.2. any injury or disease which might lead to temporary or permanent disability;
 - 6.4.3. any communicable disease which poses a risk of transmission to other members of the crew;
 - 6.4.4. any injury involving broken bones, severe bleeding, broken or inflamed teeth or severe burns;
 - 6.4.5. severe pain which cannot be managed on board ship, taking account of the operational pattern of the ship, the availability of suitable analgesics and the health impacts of taking these for an extended period;
 - 6.4.6. suicide risk; and
 - 6.4.7. a tele-medical advisory service recommending treatment ashore.
- 6.5. Replacement of Paragraph 1(k) of Guideline B4.1.4 recommends that Member States cooperate in the arranging for the repatriation of the bodies or ashes of deceased seafarers, in accordance with their wishes or those of their next of kin, as appropriate, and as soon as practicable.

7. Amendments to Regulation 4.3 – *Health and safety protection and accident prevention*

- 7.1. Replacement of Paragraph 1(b) of Standard A4.3 requires that reasonable precautions are undertaken to prevent occupational accidents, injuries and diseases on board ship, including through the provision of all necessary appropriately-sized personal protective equipment and measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals, as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships.
- 7.2. The new Paragraph 5(a) of Standard A4.3 requires that all deaths of seafarers employed, engaged or working on board ships are adequately investigated and recorded, and reported, on an annual basis, to the Director-General of the International Labour Office to be published in a global register.

7.3. The new Paragraph 4 of Guideline B4.3.5 recommends that the fatality data to be reported under subparagraph (a) of paragraph 5 of Standard A4.3 should be in the format, and using the classification, as specified by the International Labour Office.

7.4. The new Paragraph 5 of Guideline B4.3.5 recommends that the fatality data should include, but not be limited to, information on the type (classification) of death, ship type and gross tonnage, location of fatality (at sea, in port, at anchorage), and seafarer's sex, age, occupational position and department.

8. Amendments to Appendices

8.1. Item (g) of Appendix A2-I (Evidence of financial security under Regulation 2.5, paragraph 2) is replaced by *"name of the shipowner, or of the registered owner if different from the shipowner:"*

8.2. Item (g) of Appendix A4-I (Evidence of financial security under Regulation 4.2) is replaced by *"name of the shipowner, or of the registered owner if different from the shipowner;"*

9. Compliance & Certification

9.1. Existing MLCerts and DMLCs that have been issued prior to the entry into force of the amendments shall continue to remain valid, however, they shall be renewed no later than the date of the first renewal inspection following entry into force of the amendments.

9.2. Notwithstanding the above, this Administration wishes to highlight that para 9.1 relate only to the certification requirements for the MLCert and DMLCs, and do not affect the rights and obligations of the seafarers and shipowners (respectively) with regards to requirements of the amendments from the date of entry into force.

9.3. 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 23 December 2024 (entry into force of the amendments) displaying the measures adopted to ensure ongoing compliance with the new requirements.

9.4. It is also recommended that the 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.

9.5. DMLC Part I – all vessels holding an existing DMLC Part I may apply for a revised DMLC Part I (electronic format) incorporating the above amendments by applying online via the [TOR Portal](#).

Yours sincerely,

Deputy Registrar
Tuvalu Ship Registry