



## **Additional agenda item: Approval of amendments to the Code of the Maritime Labour Convention, 2006, as adopted by the Special Tripartite Committee established under Article XIII of the Convention**

### **Report of the Chairperson of the Special Tripartite Committee**

#### **Introduction**

1. The Conference is called upon to consider, with a view to their approval, the amendments to the Code of the Maritime Labour Convention, 2006 (MLC, 2006),<sup>1</sup> that were adopted on 11 April 2014 by the Special Tripartite Committee established under Article XIII of the Convention.<sup>2</sup> This report provides information on the MLC, 2006, the Special Tripartite Committee and the adopted amendments.
2. The Special Tripartite Committee consists of two Government representatives of Members that have ratified the Convention and representatives of Shipowners and Seafarers appointed by the Governing Body. Under Article XV of the MLC, 2006, the Special Tripartite Committee may adopt amendments to the Code of the Convention, which contains the more technical provisions, subject to the approval of the Conference. The amendments now before the Conference are contained in Appendix A to this report. They relate to two important issues: the abandonment of seafarers; and claims for compensation in the event of a seafarer's death or long-term disability due to an occupational injury, illness or hazard. In accordance with Article XV, paragraph 5, of the Convention, approval by the Conference requires a majority of two-thirds of the votes cast by the delegates present. If such majority is not obtained, the amendments are referred back to the Special Tripartite Committee for reconsideration. Appendix B to this report sets out for the

<sup>1</sup> The text of the Convention is available on the ILO's MLC, 2006, website at: <http://www.ilo.org/global/standards/maritime-labour-convention/text/lang--en/index.htm>.

<sup>2</sup> The background documents and the report of the meeting are available at: [http://www.ilo.org/global/standards/maritime-labour-convention/events/WCMS\\_228789/lang--en/index.htm](http://www.ilo.org/global/standards/maritime-labour-convention/events/WCMS_228789/lang--en/index.htm).

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Conference's information a resolution adopted by the Special Tripartite Committee relating to a transitional period for implementation following the entry into force of the amendments.

## The Maritime Labour Convention, 2006

3. The MLC, 2006, was adopted in February 2006 by the International Labour Conference at its 94th (Maritime) Session. It will be recalled that the Convention contains a stringent formula for initial entry into force. Article VIII provides that:

...

3. This Convention shall come into force 12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent.

...

4. The MLC, 2006, entered into force on 20 August 2013 and became binding international law for the first 30 Members that had registered ratifications by 20 August 2012. As at 1 May 2014, 54 Members had ratified the Convention,<sup>3</sup> with entry into force, in accordance with its Article VIII, paragraph 4, for each Member 12 months after the date of registered ratification.
5. The entry into force of the MLC, 2006, which is one of the most innovative international labour Conventions, effectively revised 37 of the maritime labour Conventions adopted since 1920, which are listed in Article X of the MLC, 2006, and 31 related Recommendations. As of 20 August 2013, these 37 Conventions are no longer open for ratification, although Members that have ratified any of these earlier Conventions but have not yet ratified the MLC, 2006, will remain bound by the Convention in question, and responsible for submitting any reports required under article 22 of the Constitution of the International Labour Organisation.
6. Aside from its comprehensiveness, the MLC, 2006, contains a number of new approaches intended to help ensure that the Convention is effective in achieving decent work for seafarers, and to help achieve a level playing field for shipowners, including, for the first time ever, mandatory on-board documents – a maritime labour certificate and a declaration of maritime labour compliance – to certify compliance with the requirements of the Convention relating to working and living conditions.
7. The preparation of the MLC, 2006, also called for some innovations in practice by the ILO, including the development of a legal approach to allow the more technical part of the Convention – the Code – to be updated by means of an accelerated amendment process in order to address changes and emerging needs in the sector without having to adopt another revising Convention. The preparation of the MLC, 2006, also involved changing the design and structure of ILO Conventions to include, within a mandatory Convention, provisions (called Guidelines in Part B of the Code of the MLC, 2006) that contain a significant amount of technical or detailed guidance for implementation which must be given due consideration when implementing the Convention at the national level but which are not in fact mandatory. Many relevant provisions of the existing 31 Recommendations have also been reflected in these Guidelines. The Convention also includes specific areas of

<sup>3</sup> The status of ratification of the MLC, 2006, may be consulted at: <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:80001:0::NO::>.

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flexibility that allow national determinations to be made regarding the fulfilment of a requirement based on consultations with the relevant national social partners. This approach can serve, and has served, to encourage the organization of national social partners where none exists. The Convention also provides for the establishment of a Special Tripartite Committee for the purpose of keeping the working of the Convention under review.

## **The Special Tripartite Committee under Article XIII of the MLC, 2006**

8. Article XIII of the MLC, 2006, entitled “Special Tripartite Committee”, provides that:

1. The Governing Body of the International Labour Office shall keep the working of this Convention under continuous review through a committee established by it with special competence in the area of maritime labour standards.

2. For matters dealt with in accordance with this Convention, the Committee shall consist of two representatives nominated by the Government of each Member which has ratified this Convention, and the representatives of Shipowners and Seafarers appointed by the Governing Body after consultation with the Joint Maritime Commission.

...

9. Under Article XV, the Special Tripartite Committee has a central role with respect to the accelerated process for amendment of the Code of the Convention – the Standards and the Guidelines – that contains the more detailed, technical provisions. This accelerated amendment process was developed in order to allow the Convention to respond to changes and emerging needs in the sector. The Special Tripartite Committee also has an important function under Article VII with respect to consultation with shipowners’ and seafarers’ organizations, for Members where representative organizations do not exist.

10. At its 318th Session (June 2013),<sup>4</sup> the Governing Body established the Special Tripartite Committee in accordance with Article XIII. At its 319th Session (October 2013),<sup>5</sup> the Governing Body decided that the first meeting of the Committee would be held from 7 to 11 April 2014 and adopted the agenda for that meeting. In so doing, it took account of the advice from the Preparatory Tripartite MLC, 2006, Committee with respect to matters requiring urgent action by the Committee.<sup>6</sup> An urgent matter that had been identified for the agenda of the first meeting of the Special Tripartite Committee was the consideration of proposals for amendments to the Code of the MLC, 2006, in order to better address the problems faced by abandoned seafarers and their families and to elaborate on the requirement in the MLC, 2006, for shipowners to provide financial security to assure compensation in the event of death or long-term disability of a seafarer due to occupational injury, illness or hazard. These amendments were based on principles that were the subject of nearly a decade of meetings of a Joint IMO–ILO Ad Hoc Expert Working Group before

<sup>4</sup> ILO: *Minutes of the 318th Session of the Governing Body of the International Labour Office*, Governing Body, 318th Session, Geneva, June 2013, GB.318/PV, para. 84.

<sup>5</sup> ILO: *Minutes of the 319th Session of the Governing Body of the International Labour Office*, Governing Body, 319th Session, Geneva, October 2013, GB.319/PV, para. 584.

<sup>6</sup> ILO: *Preparatory Tripartite MLC, 2006 Committee, Final report*, Geneva, 20–22 September 2010, PTMLC/2010/4.

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agreement was reached on their substance and on the desirability of their being given effect by way of amendments to the MLC, 2006.

- 11.** The need for the amendments was already foreseen by the ILO constituents at the 94th (Maritime) Session of the International Labour Conference in 2006 and, since the meeting of the Preparatory Tripartite MLC, 2006, Committee in September 2010, it has become even clearer that action to adopt mandatory provisions on these issues is both needed and expected by the maritime sector. Proposals for the text of these amendments were submitted jointly by the Shipowner and Seafarer representatives on the Special Tripartite Committee. In accordance with Article XV, paragraph 3, of the MLC, 2006, the Director-General communicated the proposals for amendment to all Members of the Organization with an invitation to them to submit their comments or suggestions concerning the proposals within a six-month period. In accordance with Article XV, paragraph 4, a summary of these observations and suggestions received was transmitted to the Special Tripartite Committee for its consideration when it discussed the proposed amendments at its first meeting, in April 2014.
- 12.** The amendments to the Code implementing Regulation 2.5 – *Repatriation* are intended to better address the specific problems faced in cases of abandonment of seafarers. Although all seafarers are entitled to coverage for repatriation, which is secured by the requirement in the MLC, 2006, for financial security (a matter that must be included in the seafarers' employment agreement and also verified on flag State inspections), the Conference noted at the time of the adoption of the Convention in 2006 that, in practice, the needs of seafarers who are abandoned were not adequately covered under existing mechanisms and provisions.<sup>7</sup> The amendments are based on the principles agreed upon at the Ninth Session of the Joint IMO–ILO Ad Hoc Expert Working Group. They also build upon the text of the 2001 IMO–ILO Guidelines on provision of financial security in case of abandonment of seafarers.<sup>8</sup>
- 13.** Among other things, the amendments to the Code implementing Regulation 4.2 – *Shipowners' liability* further elaborate the existing requirement in Standard A4.2, paragraph 1(b), for shipowners to provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard. In the light of the then ongoing work of the Joint IMO–ILO Ad Hoc Expert Working Group, the details of this financial security and related issues were not dealt with in 2006 when the MLC, 2006, was adopted. These amendments are also based on the principles agreed upon at the Ninth Session of the Joint IMO–ILO Ad Hoc Expert Working Group and build on the text of the 2001 IMO–ILO Guidelines on shipowners' responsibilities in respect of contractual claims for personal injury to or death of seafarers.<sup>9</sup>

<sup>7</sup> This need for further provisions was reflected in the resolution concerning the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers (resolution III) adopted by the International Labour Conference at its 94th (Maritime) Session (2006), which calls upon Members to develop a standard accompanied by guidelines, which could be included in the MLC, 2006, or another existing instrument, at a later date.

<sup>8</sup> IMO Resolution A.930(22).

<sup>9</sup> IMO Resolution A.931(22).

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14. The Special Tripartite Committee met from 7 to 11 April 2014 and adopted by a vote,<sup>10</sup> as required under Article XV, paragraph 4, of the MLC, 2006, amendments to the Code implementing Regulations 2.5 and 4.2 of the MLC, 2006 (see Appendix A). The Committee also considered it important that provision be made for transitional measures relating to the period following the entry into force of these amendments, as the amendments will require alterations to documents carried on board ships and time would be needed to revise and reissue the documents. Accordingly, in conjunction with the amendments, the Committee adopted a resolution on transitional measures to address this more operational matter (see Appendix B).
  15. Pursuant to Article XV, paragraph 5, of the MLC, 2006, and Article 17 of the Standing Orders of the Special Tripartite Committee, amendments to the Code together with a commentary on the amendments, are to be communicated by the Chairperson of the Committee to the Governing Body for transmittal to the next session of the International Labour Conference, which may approve them or refer them back to the Committee for further consideration. Under Article XV, paragraph 5, of the MLC, 2006, such approval requires a majority of two-thirds of the votes cast by the delegates present.
  16. If these amendments are approved by the Conference, they will be notified to Members whose ratification of the MLC, 2006, was registered prior to the date of the Conference's approval. These Members will have a period of two years from that notification (unless the Conference decides upon a different period) to express a formal disagreement to the amendments. The amendments will enter into force six months after the end of that period unless more than 40 per cent of ratifying Members, representing not less than 40 per cent of world gross tonnage, have formally expressed their disagreement with the amendments. A ratifying Member that expresses its formal disagreement within the prescribed period will not be bound by the amendments. After entry into force of the amendments, the Convention may only be ratified in its amended form.

<sup>10</sup> Voting requirements are set out in Article XV, paragraph 4, and Article XIII, paragraph 4, of the MLC, 2006. There were no votes against the amendments and only two abstentions, by the representatives of one Government member of the Committee.

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## Appendix A

### Amendments of 2014 to the Maritime Labour Convention, 2006 (MLC, 2006)

#### Amendments to the Code implementing Regulations 2.5 and 4.2 and appendices of the MLC, 2006, adopted by the Special Tripartite Committee on 11 April 2014

##### ***I. Amendments to the Code implementing Regulation 2.5 – Repatriation of the MLC, 2006 (and appendices)***

###### **A. Amendments relating to Standard A2.5**

In the present heading, “Standard A2.5 – Repatriation”, replace “A2.5” by “A2.5.1”.

Following paragraph 9 of the present Standard A2.5, add the following heading and text:

###### *Standard A2.5.2 – Financial security*

1. In implementation of Regulation 2.5, paragraph 2, this Standard establishes requirements to ensure the provision of an expeditious and effective financial security system to assist seafarers in the event of their abandonment.

2. For the purposes of this Standard, a seafarer shall be deemed to have been abandoned where, in violation of the requirements of this Convention or the terms of the seafarers’ employment agreement, the shipowner:

- (a) fails to cover the cost of the seafarer’s repatriation; or
- (b) has left the seafarer without the necessary maintenance and support; or
- (c) has otherwise unilaterally severed their ties with the seafarer including failure to pay contractual wages for a period of at least two months.

3. Each Member shall ensure that a financial security system meeting the requirements of this Standard is in place for ships flying its flag. The financial security system may be in the form of a social security scheme or insurance or a national fund or other similar arrangements. Its form shall be determined by the Member after consultation with the shipowners’ and seafarers’ organizations concerned.

4. The financial security system shall provide direct access, sufficient coverage and expedited financial assistance, in accordance with this Standard, to any abandoned seafarer on a ship flying the flag of the Member.

5. For the purposes of paragraph 2(b) of this Standard, necessary maintenance and support of seafarers shall include: adequate food, accommodation, drinking water supplies, essential fuel for survival on board the ship and necessary medical care.

6. Each Member shall require that ships that fly its flag, and to which paragraph 1 or 2 of Regulation 5.1.3 applies, carry on board a certificate or other documentary evidence of financial security issued by the financial security provider. A copy shall be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.

7. The certificate or other documentary evidence of financial security shall contain the information required in Appendix A2-I. It shall be in English or accompanied by an English translation.

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8. Assistance provided by the financial security system shall be granted promptly upon request made by the seafarer or the seafarer's nominated representative and supported by the necessary justification of entitlement in accordance with paragraph 2 above.

9. Having regard to Regulations 2.2 and 2.5, assistance provided by the financial security system shall be sufficient to cover the following:

- (a) outstanding wages and other entitlements due from the shipowner to the seafarer under their employment agreement, the relevant collective bargaining agreement or the national law of the flag State, limited to four months of any such outstanding wages and four months of any such outstanding entitlements;
- (b) all expenses reasonably incurred by the seafarer, including the cost of repatriation referred to in paragraph 10; and
- (c) the essential needs of the seafarer including such items as: adequate food, clothing where necessary, accommodation, drinking water supplies, essential fuel for survival on board the ship, necessary medical care and any other reasonable costs or charges from the act or omission constituting the abandonment until the seafarer's arrival at home.

10. The cost of repatriation shall cover travel by appropriate and expeditious means, normally by air, and include provision for food and accommodation of the seafarer from the time of leaving the ship until arrival at the seafarer's home, necessary medical care, passage and transport of personal effects and any other reasonable costs or charges arising from the abandonment.

11. The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the competent authority of the flag State.

12. If the provider of insurance or other financial security has made any payment to any seafarer in accordance with this Standard, such provider shall, up to the amount it has paid and in accordance with the applicable law, acquire by subrogation, assignment or otherwise, the rights which the seafarer would have enjoyed.

13. Nothing in this Standard shall prejudice any right of recourse of the insurer or provider of financial security against third parties.

14. The provisions in this Standard are not intended to be exclusive or to prejudice any other rights, claims or remedies that may also be available to compensate seafarers who are abandoned. National laws and regulations may provide that any amounts payable under this Standard can be offset against amounts received from other sources arising from any rights, claims or remedies that may be the subject of compensation under the present Standard.

## B. Amendments relating to Guideline B2.5

At the end of the present Guideline B2.5, add the following heading and text:

### *Guideline B2.5.3 – Financial security*

1. In implementation of paragraph 8 of Standard A2.5.2, if time is needed to check the validity of certain aspects of the request of the seafarer or the seafarer's nominated representative, this should not prevent the seafarer from immediately receiving such part of the assistance requested as is recognized as justified.

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C. Amendment to include a new appendix

Before Appendix A5-I, add the following appendix:

APPENDIX A2-I

*Evidence of financial security under Regulation 2.5, paragraph 2*

The certificate or other documentary evidence referred to in Standard A2.5.2, paragraph 7, shall include the following information:

- (a) name of the ship;
- (b) port of registry of the ship;
- (c) call sign of the ship;
- (d) IMO number of the ship;
- (e) name and address of the provider or providers of the financial security;
- (f) contact details of the persons or entity responsible for handling seafarers' requests for relief;
- (g) name of the shipowner;
- (h) period of validity of the financial security; and
- (i) an attestation from the financial security provider that the financial security meets the requirements of Standard A2.5.2.

D. Amendments relating to Appendices A5-I, A5-II and A5-III

At the end of Appendix A5-I, add the following item:

Financial security for repatriation

In Appendix A5-II, after item 14 under the heading *Declaration of Maritime Labour Compliance – Part I*, add the following item:

15. Financial security for repatriation (Regulation 2.5)

In Appendix A5-II, after item 14 under the heading *Declaration of Maritime Labour Compliance – Part II*, add the following item:

15. Financial security for repatriation (Regulation 2.5)

At the end of Appendix A5-III, add the following area:

Financial security for repatriation

**II. Amendments to the Code implementing Regulation 4.2 – Shipowners' liability of the MLC, 2006 (and appendices)**

A. Amendments relating to Standard A4.2

In the present heading, "Standard A4.2 – Shipowners' liability", replace "A4.2" by "A4.2.1".

Following paragraph 7 of the present Standard A4.2, add the following text:

8. National laws and regulations shall provide that the system of financial security to assure compensation as provided by paragraph 1(b) of this Standard for contractual claims, as defined in Standard A4.2.2, meet the following minimum requirements:

- (a) the contractual compensation, where set out in the seafarer's employment agreement and without prejudice to subparagraph (c) of this paragraph, shall be paid in full and without delay;

- 
- (b) there shall be no pressure to accept a payment less than the contractual amount;
  - (c) where the nature of the long-term disability of a seafarer makes it difficult to assess the full compensation to which the seafarer may be entitled, an interim payment or payments shall be made to the seafarer so as to avoid undue hardship;
  - (d) in accordance with Regulation 4.2, paragraph 2, the seafarer shall receive payment without prejudice to other legal rights, but such payment may be offset by the shipowner against any damages resulting from any other claim made by the seafarer against the shipowner and arising from the same incident; and
  - (e) the claim for contractual compensation may be brought directly by the seafarer concerned, or their next of kin, or a representative of the seafarer or designated beneficiary.

9. National laws and regulations shall ensure that seafarers receive prior notification if a shipowner's financial security is to be cancelled or terminated.

10. National laws and regulations shall ensure that the competent authority of the flag State is notified by the provider of the financial security if a shipowner's financial security is cancelled or terminated.

11. Each Member shall require that ships that fly its flag carry on board a certificate or other documentary evidence of financial security issued by the financial security provider. A copy shall be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.

12. The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the competent authority of the flag State.

13. The financial security shall provide for the payment of all contractual claims covered by it which arise during the period for which the document is valid.

14. The certificate or other documentary evidence of financial security shall contain the information required in Appendix A4-I. It shall be in English or accompanied by an English translation.

Add the following heading and text following the present Standard A4.2:

*Standard A4.2.2 – Treatment of contractual claims*

1. For the purposes of Standard A4.2.1, paragraph 8, and the present Standard, the term “contractual claim” means any claim which relates to death or long-term disability of seafarers due to an occupational injury, illness or hazard as set out in national law, the seafarers’ employment agreement or collective agreement.

2. The system of financial security, as provided for in Standard A4.2.1, paragraph 1(b), may be in the form of a social security scheme or insurance or fund or other similar arrangements. Its form shall be determined by the Member after consultation with the shipowners’ and seafarers’ organizations concerned.

3. National laws and regulations shall ensure that effective arrangements are in place to receive, deal with and impartially settle contractual claims relating to compensation referred to in Standard A4.2.1, paragraph 8, through expeditious and fair procedures.

**B. Amendments relating to Guideline B4.2**

In the present heading, “Guideline B4.2 – Shipowners’ liability”, replace “B4.2” by “B4.2.1”.

In paragraph 1 of the present Guideline B4.2, replace “Standard A4.2” by “Standard A4.2.1”.

Following paragraph 3 of the present Guideline B4.2, add the following heading and text:

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*Guideline B4.2.2 – Treatment of contractual claims*

1. National laws or regulations should provide that the parties to the payment of a contractual claim may use the Model Receipt and Release Form set out in Appendix B4-I.

**C. Amendment to include new appendices**

After Appendix A2-I, add the following appendix:

**APPENDIX A4-I**

*Evidence of financial security under Regulation 4.2*

The certificate or other documentary evidence of financial security required under Standard A4.2.1, paragraph 14, shall include the following information:

- (a) name of the ship;
- (b) port of registry of the ship;
- (c) call sign of the ship;
- (d) IMO number of the ship;
- (e) name and address of the provider or providers of the financial security;
- (f) contact details of the persons or entity responsible for handling seafarers' contractual claims;
- (g) name of the shipowner;
- (h) period of validity of the financial security; and
- (i) an attestation from the financial security provider that the financial security meets the requirements of Standard A4.2.1.

After Appendix A4-I, add the following appendix:

**APPENDIX B4-I**

***Model Receipt and Release Form***  
*referred to in Guideline B4.2.2*

Ship (name, port of registry and IMO number): .....

Incident (date and place): .....

Seafarer/legal heir and/or dependant: .....

Shipowner: .....

I, [Seafarer] [Seafarer's legal heir and/or dependant]\* hereby acknowledge receipt of the sum of [currency and amount] in satisfaction of the Shipowner's obligation to pay contractual compensation for personal injury and/or death under the terms and conditions of [my] [the Seafarer's]\* employment and I hereby release the Shipowner from their obligations under the said terms and conditions.

The payment is made without admission of liability of any claims and is accepted without prejudice to [my] [the Seafarer's legal heir and/or dependant's]\* right to pursue any claim at law in respect of negligence, tort, breach of statutory duty or any other legal redress available and arising out of the above incident.

Dated: .....

Seafarer/legal heir and/or dependant: .....

Signed: .....

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*For acknowledgement:*

Shipowner/Shipowner representative:

Signed: .....

Financial security provider:

Signed: .....

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\* Delete as appropriate.

**D. Amendments relating to Appendices A5-I, A5-II and A5-III**

At the end of Appendix A5-I, add the following item:

Financial security relating to shipowners' liability

In Appendix A5-II, as the last item under the heading *Declaration of Maritime Labour Compliance – Part I*, add the following item:

16. Financial security relating to shipowners' liability (Regulation 4.2)

In Appendix A5-II, as the last item under the heading *Declaration of Maritime Labour Compliance – Part II*, add the following item:

16. Financial security relating to shipowners' liability (Regulation 4.2)

At the end of Appendix A5-III, add the following area:

Financial security relating to shipowners' liability

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## Appendix B

### **Resolution on transitional measures adopted by the Special Tripartite Committee on 11 April 2014**

#### **Resolution on the transitional measures relating to the entry into force of the amendments to the Maritime Labour Convention, 2006, concerning financial security requirements in respect of abandonment of seafarers and for shipowners' liability**

The Special Tripartite Committee established by the Governing Body under Article XIII of the Maritime Labour Convention, 2006,

Having met in Geneva from 7 to 11 April 2014,

Having considered and adopted amendments to the Code of the Maritime Labour Convention, 2006,

Recognizing that these amendments are to be submitted to the International Labour Conference for approval in accordance with Article XV of the Convention,

Noting that the amendments establish measures to ensure the provision of an expeditious and effective financial security system to assist seafarers in the event of their abandonment and that financial security is provided for seafarers' claims for compensation in the event of death or long-term disability due to an occupational injury, illness or hazard,

Noting also that the amendments will require important additions to the existing documents provided for under the Maritime Labour Convention, 2006, particularly Parts I and II of the declaration of maritime labour compliance,

Stressing that the amendments are not intended to affect the validity of maritime labour certificates or declarations of maritime labour compliance already issued at the time when the amendments enter into force;

1. Requests Members to recognize the need for a transitional period to issue or renew maritime labour certificates and the related declarations of maritime labour compliance in accordance with the requirements of the Convention as amended;

2. Further requests Members to acknowledge that entry into force of the amendments should not in any way serve to invalidate the maritime labour certificates or declarations of maritime labour compliance that have been duly issued previously in accordance with the Convention and which are still in effect;

3. Urges Members to ensure that the maritime labour certificates and the declarations of maritime labour compliance are issued or renewed so as to comply with the requirements of the Convention as amended, on ships that fly their flag, no later than the date of the first renewal inspection following entry into force of the amendments;

4. Draws the attention of Members to the fact that the above transitional measures relate only to the maritime labour certificates and the declarations of maritime labour compliance and are not in any way intended to affect the rights and obligations of Members, seafarers or shipowners, including the obligation to ensure that all ships are covered by financial security in accordance with the Convention as amended, from the date when the amendments enter into force;

5. Requests Members, including in the exercise of port State control, to recognize maritime labour certificates and declarations of maritime labour compliance, while they are still valid in accordance with the Convention, until the first renewal inspection following entry into force of the amendments.

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