



Date: 23th December 2020

Circular no.: 0052C/TG/12/20

To: Ship owners/ managers/operators// Masters and Seafarers // Authorized- Recognized Organizations //Flag and Port State Control officers.//P&I Clubs-Insurers //

Subject: Maritime Labour Convention (MLC 2006) amendments of 2014 on Repatriation (Regulation 2.5) and Shipowner's Liability (Reg.4.)//2018 amendments to the Code of MLC 2006.

Scope: This Circular aims to inform interested parties upon the protection of seafarers held captive as a result of piracy or armed robbery and their obligations in order to comply with the amendments of 2018 on Repatriation (Reg. 2.5) and Shipowner's Liability (Reg.4.2).

References:

- (a) Maritime Labour Convention (MLC), 2006
- (b) Togo Maritime Law
- (c) Marine Notice MLC2006-003 Rev. 00/13
- (d) Amendments of 2018 to the Code of MLC 2006
- (e) Marine Circular 0013 CTG O1 17- (MLC 2006) amendments of 2014 on Repatriation (Regulation 2.5) and Shipowner's Liability (Reg.4).

I.Applicability:

Ships under Togo flag to which MLC, 2006 applies, except as provided otherwise in Marine Notice MLC-001.

II.Introduction:

The 2018 amendments to the Code of the Maritime Labour Convention, 2006, will enter into force, for the vast majority of signatory States, on 26 December 2020. Among these States is included TOGO Republic as it has accepted the 2018 amendments to the Code of MLC. Following MLC 2006 as in force and the amendments of 2018 to the Code of Maritime Labour Convention a new Notice complemented the Marine Notice MLC2006-003 REV.00/13. It provides in particular the following :

- Seafarers Employment Agreements (SEAs) will continue to have effect while seafarer is held captive on or off the ship as a result 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.
- SEAs of seafarers held captive as a result of piracy or armed robbery will continue to have effect, including for the payment of wages and other entitlements until the seafarer is released and duly repatriated or date of death is determined;
- The entitlement to repatriation entitlement of seafarers to repatriation does not lapse if they are captive as result of piracy or armed robbery. *At*



III.2018 Amendments on Repatriation (Regulation 2.5) and Shipowner's Liability (Reg. 4.2)

The ILO approved amendments of 2018 to the Maritime Labour Convention, 2006 on 05 June 2018, which improve the protection of seafarers against financial risks in possible hazardous situations. For the first time, the amendments contained standards for financial protection of seafarers' entitlements when abandoned by the shipowner. In addition, the amendments of the Maritime Labour Convention provided minimum requirements for financial security for compensation claims for the death or disability of seafarers due to occupational accidents, diseases or hazards.

The Togo Administration in order to comply with the 2014 amendments issued the Marine Circular 0013 CTG O1 17- (MLC 2006) amendments of 2014 on Repatriation (Regulation 2.5) and Shipowner's Liability (Reg.4).

According to this all ships that fly the flag of Togo from 18 January 2017 provide the competent authority with a) evidence of financial security to ensure that seafarers are duly repatriated (Regulation 2.5). b) Financial Security relating to ship-owners Liability (Regulation 4.2) to assure compensation in the event of death or long term disability of seafarers. Consequently onboard all Togo Flag Vessels both financial security (p&l Club or insurer) are maintained with DMLC and ML certificates.

IV.A new circular.

This new Circular aims to complement the Marine Circular 0013 CTG O1 17- (MLC 2006) amendments of 2014 on Repatriation (Regulation 2.5) and Shipowner's Liability (Reg.4) and inform interested parties upon the protection of seafarers held captive as a result of piracy or armed robbery and their obligations following the amendments of 2018 on Repatriation (Reg. 2.5) and Shipowner's Liability (Reg.4.2).

In particular regarding:

Declaration of Maritime Labour Compliance (DMLC) and Maritime Labour Convention Certificate (ML Certificate) for existing vessels.

The amendments do not immediately affect the validity of ML Certificates or DMLC Part I already issued to the existing TOGO vessels. Existing ML Certificates and DMLC issued on behalf of or by this Administration will remain valid until first initial/renewal MLC inspection on or after 26th December 2020.

Prior to the initial/renewal inspection, shipowners should request a new DMLC Part I from this Administration. The new DMLC Part I will include the applicable requirements of the MLC 2018 amendments. The relevant application form is available on the web.

The owner should complete DMLC Part II and forward to a Recognized Organization (RO) for review and subsequent approval. The amended DMLC Part II should reflect compliance with the MLC 2018 amendments.

Once the above have been completed the owner will contact the responsible RO to carry out an inspection in order to issue a new ML certificate.

Declaration of Maritime Labour Compliance (DMLC) and Maritime Labour Convention Certificate (ML Certificate) for vessels to be registered.

Vessels joining the International registry of Togo on or after 26th December 2020 should request the DMLC Part I from this Administration. The DMLC Part I will include the applicable requirements of the MLC 2018 amendments.

The owner should complete DMLC II and forward it to a Recognized Organization (RO) for review and subsequent approval. *ft*



Once the above have been completed the owner will contact the responsible RO to carry out an inspection in order to issue a new MLcertificate.

This Administration requires the shipowners to keep a copy of this Circular on board in order to notify PSC authorities on the measures accepted by this Administration with respect to MLC 2018 amendments.

It is clarified that the Marine Circular 0013 CTG O1 17- (MLC 2006) amendments of 2014 on Repatriation (Regulation 2.5) and Shipowner's Liability (Reg.4) remains in force and continues to be applied taking into consideration the above instructions with respect to MLC 2018 amendments

V.Conclusion

All Togo flagged vessels shipowners/managers/operators are instructed to apply the above and to ensure compliance with the 2018 amendments to the Code of MLC 2006, from 26 December 2020.

 For the International Ship Registry of Togo

Vera N. Medawar
Ship Registrar

 For the Togolese Maritime Authority

MATCHONNAWE BAKAI
Director