



भारत सरकार / GOVERNMENT OF INDIA  
पत्तन, पोत परिवहन और जलमार्ग मंत्रालय  
MINISTRY OF PORTS, SHIPPING AND WATERWAYS

नौवहन महानिदेशालय, मुंबई

DIRECTORATE GENERAL OF SHIPPING, MUMBAI

F.No.23-60011/2/2020-CREWS-DGS

Dated: 26.11.2020

**DGS Circular No. 35 of 2020**

**Subject: Implementation of the 2018 amendments to the Code of MLC, 2006-reg.**

This relates to the 2018 amendments to the code of MLC 2006 related to Regulation 2.1, 2.2 and 2.5 which has been adopted by the Governing Body of ILO. These amendments will come into force on 26<sup>th</sup> December, 2020. The details of the said amendments are enclosed as Annexure-I.

2. India has already supported the said amendment of MLC in ILO and initiated necessary action for required amendment to the Merchant Shipping (Maritime Labour) Rules, 2016, corresponding to the said 2018 amendment of MLC, 2006 .

3. This circular is issued for information to all stakeholders for their preparedness well in advance from the date of entry into force of the said amendments.

4. The ship-owners may be prepared in terms of ensuring the said amendments with revised DMLC Part I & II as on the date of entry in to force of the said amendments to Merchant Shipping (Maritime Labour) Rules, 2016, however, with regard to inspection & certification of Maritime Labour Certificate, the same shall be inspected during next inspection (intermediate or Renewal) due for the ship whichever is earlier.

5. This issues with the approval of Director General of Shipping & Additional Secretary to Gol.

Encl: As above

(SubhashBarguzer)

Deputy Director General of Shipping (Crew)

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**Third meeting of the Special Tripartite  
Committee established by the Governing  
Body in accordance with Article XIII of the  
Maritime Labour Convention, 2006,  
as amended (MLC, 2006)**

**Text of the amendments adopted  
on 27 April 2018**

**Amendments to the Code of the MLC, 2006,  
relating to Regulation 2.1**

***Standard A2.1 – Seafarers’ employment agreements***

Insert new paragraph 7:

7. Each Member shall require that a seafarer’s employment agreement shall continue to have effect while a seafarer is held captive on or off the ship as a result of acts 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. For the purpose of this paragraph, the term:

- (a) *piracy* shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982;
- (b) *armed robbery against ships* means any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property on board such a ship, within a State’s internal waters, archipelagic waters and territorial sea, or any act of inciting or of intentionally facilitating an act described above.

**Amendments to the Code of the MLC, 2006,  
relating to Regulation 2.2**

***Standard A2.2 – Wages***

Insert a new paragraph 7:

7. Where a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, wages and other entitlements under the seafarers’ employment agreement, relevant collective bargaining agreement or applicable national laws, including the remittance of any allotments as provided in paragraph 4 of this Standard, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated in accordance with Standard A2.5.1 or, where the seafarer dies while in captivity, until the date of death as determined in accordance with applicable national laws or regulations. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.

**Amendments to the Code of the MLC, 2006,  
relating to Regulation 2.5 – Repatriation**

***Guideline B2.5.1 – Entitlement***

Replace paragraph 8 by the following:

8. The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a reasonable period of time to be defined by national laws or regulations or collective agreements, except where they are held captive on or off the ship as a result of acts of piracy or armed robbery against ships. The terms *piracy* and *armed robbery against ships* shall have the same meaning as in Standard A2.1, paragraph 7.