



NOTIS PERKAPALAN MALAYSIA
MALAYSIA SHIPPING NOTICE

MSN 25 / 2020

JABATAN LAUT MALAYSIA
MARINE DEPARTMENT MALAYSIA

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PEMAKLUMAN BERKENAAN PINDAAN 2018 BAGI KONVENSYEN BURUH MARITIM, 2006

NOTIFICATION REGARDING 2018 AMENDMENTS TO THE MARITIME LABOUR CONVENTION, 2006

Notis kepada pemilik kapal, agen perkapalan, Nakhoda, pelaut, pengusaha pelabuhan, Badan Yang Diiktiraf dan industri maritim.

Notice to ship owners, ship agents, Masters, seafarers, port operators, Recognized Organization and the maritime industry.

1. Notis ini menyatakan hal ehwal berkenaan Pindaan 2018 Konvensyen Buruh Maritim (MLC), 2006 pada Standard A2.1, Standard A2.2 serta Garis Panduan B2.5.1.

2. Butiran Pindaan 2018 yang terpakai kepada semua kapal bendera Malaysia, termasuk kapal bendera asing memasuki perairan Malaysia, adalah seperti di lampiran **ANNEX I** pada Notis ini.

3. Klausula pindaan serta pelaksanaannya pada Perjanjian Pengambilan Pelaut (SEA) perlu dikemas kini sebaiknya oleh semua pemilik/pengurus kapal.

4. Notis ini akan berkuat kuasa pada 26 Disember 2020.

1. *This Notice serves to address matters relating to the 2018 Amendmenst of the Maritime Labour Convention (MLC), 2006 on Standard A2.1, Standard A2.2 and Guideline B2.5.1.*

2. *Details of the 2018 Amendments which is applicable to all Malaysia flagged ships, including any foreign flagged ships entering Malaysia water, are stated in **ANNEX I** attachment of this Notice.*

3. *The amendment clause and its implementation in the Seafarers' Employment Agreement (SEA) needs to be updated accordingly by all shipowners/managers.*

4. *This Notice will be effective on 26 December 2020.*

KETUA PENGARAH LAUT
25 DISEMBER 2020

DIRECTOR GENERAL OF MARINE
25 DECEMBER 2020

ANNEX 1

MSN 25 / 2020

AMENDMENTS OF 2018 TO THE CODE OF THE MARITIME LABOUR CONVENTION, 2006, AS AMENDED (MLC, 2006)

Amendment to the Code of the MLC, 2006, relating to Regulation 2.1

Standard A2.1 – Seafarers' employment agreements (A new paragraph 7)

7. 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.

Amendment to the Code of the MLC, 2006, relating to Regulation 2.2

Standard A2.2 – Wages (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.

Amendment to the Code of the MLC, 2006, relating to Regulation 2.5

Guideline B2.5.1 – Entitlement (Paragraph 8 is replaced by):

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.
