

11 November 2016

## **Maritime Labour Convention 2006 as amended (MLC)**

### **Application process for MLC Certificates**

Reference is made to our Circular dated 7 October 2016 on MLC. The purpose of this Circular is to inform Members of the application process for obtaining MLC Certificates to comply with the second stage of MLC which comes into effect on 18 January 2017.

The MLC Certificates will be provided by the Association and there is no need for Members to apply to their flag States for MLC Certificates. However, some flag States may require shipowners to provide them with copies of MLC Certificates for their records (in which case shipowners are responsible for this process). The Association will list on its website ships for which it has issued MLC Certificates, which list will be searchable by third parties e.g. flag States.

To enable the Association to issue MLC Certificates, Members are required to complete the attached application form. The form can also be found on the Britannia website via the following link:

<https://www.britanniapandi.com/focus/maritime-labour-convention-mlc/>

Members may apply for MLC Certificates for each entered ship or on a fleet basis.

OPTION A requests the Association to issue Certificates for the period 18 January 2017 to noon GMT on 20 February 2018. This option should be used by Members who have renewed or intend to renew their entry for the relevant ships with the Association for the 2017/18 Policy Year.

OPTION B requests the Association to issue Certificates for the period 18 January 2017 to noon GMT on 20 February 2017. This option should be used by Members who do not intend to renew their entry for the relevant ships with the Association for the 2017/18 Policy Year.

OPTION C requests the Association to issue Certificates for the period noon GMT on 20 February 2017 to noon GMT on 20 February 2018. This option should be used by Members who intend to enter the relevant ships as a new entry with the Association for the 2017/18 Policy Year.

It is envisaged that most Members will elect for Option A. This will require Members to provide the Association with relevant undertakings (as they do for Blue Cards). These undertakings are set out in the attached Application Form which must be printed on company headed paper and signed by someone authorised to bind renewal. We also request that any outstanding calls are received by the Association prior to documentation being issued.

The completed application form(s) must be sent to [entries@triley.co.uk](mailto:entries@triley.co.uk)

The MLC Certificates will be sent to Members in PDF format based on the wordings in Annexes 1 and 2 as found on the Britannia website MLC focus page. Members must then print the Certificates and ensure they are posted in a conspicuous place on board the relevant ship so they are available to crew on board by **no later than 18 January 2017**.

Finally, unless otherwise advised, the terms of the Association's Maritime Labour Convention Extension Clause 2016 Annex 3 (also on the focus page of the website) will form part of all Members' Terms of Entry from 18 January 2017. This supersedes the terms of the Association's Maritime Labour Convention Extension Clause Endorsement as set out in the Association's Circular headed "Class 3 – Protection and Indemnity – Endorsements to the 2016 Policy Year Certificates of Entry" dated January 2016. The updated MLC Extension Clause attached as Annex 3 provides that the Association will pay claims advanced by seafarers which fall within the scope of the Regulations and Standards specified in the Certificates. This Clause also provides that if such payments fall outside the scope of standard cover, Members will be obliged to reimburse the Association.

All the relevant documents including the International Group MLC FAQs can be found on the MLC focus page on the Britannia website :

<https://www.britanniapandi.com/focus/maritime-labour-convention-mlc/>

Yours faithfully  
Tindall Riley (Britannia) Limited  
Managers

## MLC CERTIFICATES

**Application for Certificates of Financial Security under Regulation 2.5.2 Standard A2.5.2 and Regulation 4.2, Standard A4.2.1 (b) of the Maritime Labour Convention 2006 (as amended) ("MLC Certificates") pursuant to the Maritime Labour Convention Extension Clause 2016 ("MLC Extension Clause 2016")**

**SHIP NAME(S)**

### Period of Validity of Certificates

Choose one of the following Options:

#### OPTION A

We request you to issue Certificates for the period 18 January 2017 to noon GMT on 20 February 2018

#### OPTION B

We request you to issue Certificates for the period 18 January 2017 to noon GMT on 20 February 2017

#### OPTION C

We request you to issue Certificates for the period noon GMT on 20 February 2017 to noon GMT on 20 February 2018

**Explanation:** *Option A should be used by members who have renewed or intend to renew their entry for the above ship(s) with the Association for the 2017/2018 policy year.*

*Option B should be used by members who do not intend to renew the entry with the Association for the 2017/2018 policy year.*

*Option C should be used by members who intend to enter the above ship(s) as a new entry with the Association for the 2017/2018 policy year.*

### Undertakings

1. We hereby undertake and agree that in consideration of the Association agreeing to issue the above Certificates at our request

(a) We and all Joint Members will be bound by the terms of the MLC Extension Clause 2016<sup>1</sup> which is deemed incorporated herein;

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<sup>1</sup> A copy of the MLC Extension Clause 2016 is to be found on the Association's website

- (b) where any payment by the Association under any such certificate is in respect of war risks, we will indemnify the Association to the extent that such payment is recoverable under the Member's P&I war risks policy, or would have been recoverable if the Member had maintained and complied with the terms and conditions of a standard P&I war risks insurance policy,
  - (c) to assign to the Association all the rights of the Member under any social security scheme, or other insurance or national fund or other similar arrangement where such scheme, insurance, national fund or arrangement applies in respect of all or any liabilities arising under the MLC Certificates;
  - (d) 30 days from a notice to the Flag State of the termination thereof we shall take all necessary steps to remove the Certificates and any copies thereof from the Ship(s) and return them to the Association.
2. If we request Certificates under Options A and/or C prior to entry in the Association of the above ship(s) being concluded for the 2017/2018 policy year, we further undertake that, in consideration of the Association providing upon our request the above Certificates for a period including the 2017/2018 policy year in order to ensure that such Ships are able to trade without delay and without the risk of penalties or fines for failing to satisfy MLC certification requirements
- (a) it is our intention to enter the above ship(s) in the Association or in another Association in the International Group of P&I Associations for the 2017/2018 policy year; and
  - (b) if we do not effect such entry we will indemnify the Association and hold it harmless in respect of any and all liabilities, losses, damages, risks, costs or expenses which it may suffer or incur under MLC or implementing domestic legislation as a direct or indirect consequence of issuing the Certificates.

The above undertakings shall be governed by and construed in accordance with English law and any claim, dispute, legal action or proceeding arising out of or in connection with this letter of undertaking shall be subject to the exclusive jurisdiction of the High Court of Justice in London.

Dated:

Signed by Member on behalf of the Member and all Joint Members

(if not signed by Member must be signed by authorised signatory of Member)