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International Labour Office
Bureau international du Travail
Oficina Internacional del Trabajo

International Labour Office
Bureau international du Travail
Oficina Internacional del Trabajo

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The Federal Ministry of Labour,
Social Affairs and Consumer Protection
International Social Policy Unit
Sektion VII/10a
Stubenring 1
AT-1010 WIEN
Autriche

ACD 8-0-7-186-1006-1

Réf.:

Votre réf.:

4 October 2013

Dear Sir,

--- I have the honour to enclose two sets of proposals for the amendment of the Code of the Maritime Labour Convention, 2006 (MLC, 2006), which entered into force on 20 August 2013. These proposals have been made in accordance with paragraph 2 of Article XV of that Convention. They have been jointly submitted by the group of Shipowners' representatives and the group of Seafarers' representatives appointed to the Special Tripartite Committee established by the Governing Body¹ in accordance with Article XIII of the MLC, 2006; copies of both these Articles are also attached for information. The first set of joint proposals is entitled "Proposal for amendments to the Code relating to Regulation 2.5, of the MLC, 2006", while the second is entitled "Proposal for amendments to the Code relating to Regulation 4.2 of the MLC, 2006".

Article XV of the MLC, 2006 allows for the amendment of the Code of the Convention using a simplified procedure to help ensure that it remains up-to-date and responds to needs in the sector. Under the simplified procedure, any such amendments that are adopted by the Special Tripartite Committee referred to above, and are approved by the International Labour Conference, are submitted for consideration to the ILO Members that have ratified the MLC, 2006. The amendments enter into force unless within a period which is normally two years a substantial proportion of ratifying Members (specified in paragraph 7 of Article XV) have formally expressed their disagreement with the amendments.

However, before proposed amendments are transmitted to the Special Tripartite Committee for possible adoption, all Members of the Organization – whether or not they have ratified the Convention – are given an opportunity (under paragraph 3 of Article XV) to transmit their observations or suggestions concerning the proposed amendments to the ILO, for consideration by the Committee at a meeting. The full text of the MLC, 2006 and other relevant resources are available on the ILO's dedicated MLC, 2006 website at:

http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C186.

¹ The Governing Body took an initial step at its 318th Session in June 2013 (GB.318/INS/7/1, paragraph 8, as amended.) and established the Special Tripartite Committee to give effect to Article XIII of the MLC, 2006, on the understanding that the Committee would not meet until a definitive decision is taken by the Governing Body at its 319th Session. The Governing Body in accordance with Article XIII, paragraph 2, of the MLC, 2006, and article 4, paragraph 3, of the Committee's Standing Orders appointed a minimum number of Shipowner and Seafarer representatives to the Committee and invited the Government of each Member that had ratified the MLC, 2006, to nominate two Government representatives to the Committee and to notify their names to the Director-General.

The documents mentioned in this letter are being forwarded only to the addressee of the original.

In accordance with paragraph 3 of Article XV of the MLC, 2006, I confirm that the joint proposals set out below meet the requirements of paragraph 2 of that Article; I also note that the joint proposals appear to be based on the principles that were adopted at the ninth session (held from 2 to 6 March 2009) of the *Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation*², as a follow-up to a resolution adopted by the 94th (Maritime) Session of the International Labour Conference when it adopted the MLC, 2006³. The two matters addressed in the proposals for amendments to the Code were identified in 2010 by the Preparatory Committee⁴ established by the Governing Body as urgent matters for consideration at the first meeting of the Special Tripartite Committee after the Convention's entry into force. It is expected that this meeting will take place in Geneva from 7 to 11 April 2014.

I therefore invite your Government to transmit to the Office, in accordance with your country's procedures for tripartite consultation, any observations or suggestions concerning the two proposals **by March 17, 2014, at the latest**, to the following address:

International Labour Standards Department
International Labour Office
4 Route des Morillons
CH-1211 Geneva 22
Switzerland

Email: MLCamend@ilo.org

Yours faithfully,



Guy Ryder
Director-General

² ILO/IMO/WGPS/9/2009/10, *Final report, Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers, Ninth Session*. See: http://www.ilo.org/sector/activities/sectoral-meetings/WCMS_161446/lang-en/index.htm

³ *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*, International Labour Conference, Provisional Record No. 3-1(Rev.), 94th (Maritime) Session, Geneva, 2006, p. 3-1/16. See: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_088130/lang-en/index.htm.

⁴ The Governing Body at its 306th Session, established a Preparatory Tripartite MLC, 2006, Committee modeled on the "Special Tripartite Committee" in order to lay the foundations for the entry into force of the Convention and the establishment of the Special Tripartite Committee. See: <http://www.ilo.org/global/standards/maritime-labour-convention/lang-en/index.htm>.

Maritime Labour Convention, 2006

SPECIAL TRIPARTITE COMMITTEE

Article XIII

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.
3. The Government representatives of Members which have not yet ratified this Convention may participate in the Committee but shall have no right to vote on any matter dealt with in accordance with this Convention. The Governing Body may invite other organizations or entities to be represented on the Committee by observers.
4. The votes of each Shipowner and Seafarer representative in the Committee shall be weighted so as to ensure that the Shipowners' group and the Seafarers' group each have half the voting power of the total number of governments which are represented at the meeting concerned and entitled to vote.

AMENDMENTS TO THE CODE

Article XV

1. The Code may be amended either by the procedure set out in Article XIV or, unless expressly provided otherwise, in accordance with the procedure set out in the present Article.
2. An amendment to the Code may be proposed to the Director-General of the International Labour Office by the government of any Member of the Organization or by the group of Shipowner representatives or the group of Seafarer representatives who have been appointed to the Committee referred to in Article XIII. An amendment proposed by a government must have been proposed by, or be supported by, at least five governments of Members that have ratified the Convention or by the group of Shipowner or Seafarer representatives referred to in this paragraph.
3. Having verified that the proposal for amendment meets the requirements of paragraph 2 of this Article, the Director-General shall promptly communicate the proposal, accompanied by any comments or suggestions deemed appropriate, to all Members of the Organization, with an invitation to them to transmit their observations or suggestions concerning the proposal within a period of six months or such other period (which shall not be less than three months nor more than nine months) prescribed by the Governing Body.
4. At the end of the period referred to in paragraph 3 of this Article, the proposal, accompanied by a summary of any observations or suggestions made under that paragraph,

shall be transmitted to the Committee for consideration at a meeting. An amendment shall be considered adopted by the Committee if:

- (a) at least half the governments of Members that have ratified this Convention are represented in the meeting at which the proposal is considered; and
- (b) a majority of at least two-thirds of the Committee members vote in favour of the amendment; and
- (c) this majority comprises the votes in favour of at least half the government voting power, half the Shipowner voting power and half the Seafarer voting power of the Committee members registered at the meeting when the proposal is put to the vote.

5. Amendments adopted in accordance with paragraph 4 of this Article shall be submitted to the next session of the Conference for approval. Such approval shall require a majority of two-thirds of the votes cast by the delegates present. If such majority is not obtained, the proposed amendment shall be referred back to the Committee for reconsideration should the Committee so wish.

6. Amendments approved by the Conference shall be notified by the Director-General to each of the Members whose ratifications of this Convention were registered before the date of such approval by the Conference. These Members are referred to below as "the ratifying Members". The notification shall contain a reference to the present Article and shall prescribe the period for the communication of any formal disagreement. This period shall be two years from the date of the notification unless, at the time of approval, the Conference has set a different period, which shall be a period of at least one year. A copy of the notification shall be communicated to the other Members of the Organization for their information.

7. An amendment approved by the Conference shall be deemed to have been accepted unless, by the end of the prescribed period, formal expressions of disagreement have been received by the Director-General from more than 40 per cent of the Members which have ratified the Convention and which represent not less than 40 per cent of the gross tonnage of the ships of the Members which have ratified the Convention.

8. An amendment deemed to have been accepted shall come into force six months after the end of the prescribed period for all the ratifying Members except those which had formally expressed their disagreement in accordance with paragraph 7 of this Article and have not withdrawn such disagreement in accordance with paragraph 11. However:

- (a) before the end of the prescribed period, any ratifying Member may give notice to the Director-General that it shall be bound by the amendment only after a subsequent express notification of its acceptance; and
- (b) before the date of entry into force of the amendment, any ratifying Member may give notice to the Director-General that it will not give effect to that amendment for a specified period.

9. An amendment which is the subject of a notice referred to in paragraph 8(a) of this Article shall enter into force for the Member giving such notice six months after the Member has notified the Director-General of its acceptance of the amendment or on the date on which the amendment first comes into force, whichever date is later.

10. The period referred to in paragraph 8(b) of this Article shall not go beyond one year from the date of entry into force of the amendment or beyond any longer period determined by the Conference at the time of approval of the amendment.

11. A Member that has formally expressed disagreement with an amendment may withdraw its disagreement at any time. If notice of such withdrawal is received by the Director-General after the amendment has entered into force, the amendment shall enter into force for the Member six months after the date on which the notice was registered.

12. After entry into force of an amendment, the Convention may only be ratified in its amended form.

13. To the extent that a maritime labour certificate relates to matters covered by an amendment to the Convention which has entered into force:

- (a) a Member that has accepted that amendment shall not be obliged to extend the benefit of the Convention in respect of the maritime labour certificates issued to ships flying the flag of another Member which:
 - (i) pursuant to paragraph 7 of this Article, has formally expressed disagreement to the amendment and has not withdrawn such disagreement; or
 - (ii) pursuant to paragraph 8(a) of this Article, has given notice that its acceptance is subject to its subsequent express notification and has not accepted the amendment; and
- (b) a Member that has accepted the amendment shall extend the benefit of the Convention in respect of the maritime labour certificates issued to ships flying the flag of another Member that has given notice, pursuant to paragraph 8(b) of this Article, that it will not give effect to that amendment for the period specified in accordance with paragraph 10 of this Article.

First set of joint proposals

Proposal for amendments to the Code relating to Regulation 2.5 of the MLC, 2006

Proposal for the text of amendments to the Code of the Maritime Labour Convention, 2006, submitted to the Director-General of the ILO for consideration by ILO Members and by the Special Tripartite Committee established under Article XIII with a view to adoption in accordance with Article XV of the Maritime Labour Convention, 2006.

This proposal reflects the principles that were adopted at the Ninth Session (2–6 March 2009) of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation Regarding Claims for Death, Personal Injury and Abandonment of Seafarers.¹ The footnotes in this proposal are for information only and are not part of this proposal for the text of the amendments.

A. Proposals relating to Standard A2.5

1. In the present heading, “Standard A2.5 – Repatriation”, replace “A2.5” by “A2.5.1”.
2. Following paragraph 9 of the present Standard A2.5, add the following heading and text:

Standard A2.5.2 – Financial security²

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

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

¹ ILO–IMO–WGPS/9/2009/10, *Final report*, Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation Regarding Claims for Death, Personal Injury and Abandonment of Seafarers, Ninth Session. See: http://www.ilo.org/sector/activities/sectoral-meetings/WCMS_161446/lang--en/index.htm. The importance of this Working Group as part of the follow-up to the adoption of the Maritime Labour Convention, 2006, was also recognized in a resolution adopted by the 94th Session of the International Labour Conference when it adopted the Maritime Labour Convention, 2006. See: 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, International Labour Conference, *Provisional Record* No. 3-1(Rev.), 94th Session (Maritime), Geneva, 2006, p. 3-1/16. See: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_088130/lang--en/index.htm.

² The proposed title establishes the relationship between the provision of financial security for repatriation in Regulation 2.5, paragraph 2, and the concept of abandonment, as defined in the proposed new Standard A2.5.2, paragraph 2 (formerly paragraph 5 of the IMO/ILO Ad Hoc Expert Working Group “principles”).

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- (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 who was employed or engaged or working in any capacity on a ship flying the flag of the Member.

5. For the purposes of this Standard, necessary maintenance and support of seafarers shall include: adequate food, clothing, accommodation, necessary medical care and other reasonable costs or charges arising from the abandonment.

6. Each Member shall require that ships that fly its flag, and to which paragraph 1 or 2 of Regulation 5.1.3 applies, provide documentary evidence of financial security issued by the financial security provider.³ The documentary evidence shall be posted in a prominent position in the seafarers' accommodation. Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.

7. The 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.

8. Assistance provided by the financial security system shall be granted promptly upon request made by or on behalf of the seafarer concerned 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 cost of necessary maintenance and support from the act or omission constituting abandonment until the seafarer's arrival at home.

³ The Joint IMO/ILO Ad Hoc Expert Working Group agreed in 2009 that this item should be added to the list of areas subject to port State control and would accordingly be a matter to be certified for ships that must be both inspected and certified. See the Final report referred to in note 1 above, at paragraph 106. The term documentary evidence was used to address a difference in views as to the precise format of this documentation to provide evidence of financial security. This wording is also consistent with the approach adopted in the *ILO Guidelines on flag State inspection* that were prepared in 2008 by an international tripartite meeting of experts.

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 seafarers 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. 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, acquire by subrogation, assignment or otherwise, the rights which the seafarer would have enjoyed.

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

13. 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. Proposal 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 seafarer's request, this should not prevent the seafarer or a representative from immediately receiving such part of the assistance requested as is recognized as justified.

C. Proposal for 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 ⁴ 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;

⁴ As noted above there were some differing views in the Joint IMO/ILO Ad Hoc Expert Working Group regarding the format for the evidence of this security. The wording "or" has been proposed to provide flexibility.

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- (d) IMO number of the ship;
 - (e) name and address of the provider 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 that the financial security meets the requirements of Standard A2.5.2.

D. *Proposals relating to Appendices A5-I, A5-II and A5-III*⁵

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

Financial security for repatriation.

2. 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).

3. 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).

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

Financial security for repatriation.

⁵ As indicated above in note 3, the Joint IMO/ILO Ad Hoc Expert Working Group agreed that these requirements would be included in the ship certification system.

Second set of joint proposals

Proposal for amendments to the Code relating to Regulation 4.2 of the MLC, 2006

Proposal for the text of amendments to the Code of the Maritime Labour Convention, 2006, submitted to the Director-General of the ILO for consideration by ILO Members and by the Special Tripartite Committee established under Article XIII with a view to adoption in accordance with Article XV of the Maritime Labour Convention, 2006.

This proposal reflects the principles that were adopted at the Ninth Session (2–6 March 2009) of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation Regarding Claims for Death, Personal Injury and Abandonment of Seafarers.⁶ The footnotes in this proposal are for information only and are not part of this proposal for the text of the amendments.

A. Proposals relating to Standard A4.2

1. In the present heading, “Standard A4.2 – Shipowners’ liability”, replace “A4.2” by “A4.2.1”.
2. 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 (c) below, 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;

⁶ ILO–IMO–WGPS/9/2009/10, *Final report*, Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers, Ninth Session. The importance of this Working Group as part of the follow-up to the adoption of the Maritime Labour Convention, 2006, was also recognized in a resolution adopted by the 94th Session of the International Labour Conference when it adopted the Maritime Labour Convention, 2006. See 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, International Labour Conference, *Provisional Record* No. 3-1(Rev.), 94th Session (Maritime), Geneva, 2006, p. 3-1/16. See: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_088130/lang--en/index.htm.

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- (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.⁷

9. Each Member's laws and regulations shall ensure that seafarers receive prior notification if a shipowner's financial security is to be cancelled and be notified immediately if it is not to be renewed.

10. Each Member's laws and regulations shall ensure that the flag State is notified by the provider of the insurance if a shipowner's financial security is to be cancelled, upon cancellation and upon non-renewal.

11. Each Member shall require that ships that fly its flag provide documentary evidence of financial security issued by the financial security provider. The documentary evidence shall be posted in a prominent position in the seafarers' accommodation. 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 provide for the payment of all contractual claims covered by it which arise during the period for which the document is valid.

13. The 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 claims⁸

1. For the purposes of Standard A4.2.1 and the present Standard, the term "contractual claim" means any claim which relates to sickness, injury or death occurring while the seafarer is serving under a seafarers' employment agreement or arising from their employment under such an agreement.

2. Each Member's 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 through rapid and fair procedures.

B. *Proposals relating to Guideline B4.2*

1. In the present heading, "Guideline B4.2 – Shipowners' liability", replace "B4.2" by "B4.2.1".
2. In paragraph 1 of the present Guideline B4.2, replace "Standard A4.2" by "Standard A4.2.1".

⁷ The wording which was contained in the principles that were proposed by the Joint IMO/ILO Ad Hoc Expert Working Group (see the Final report, referred to in note 6 above, at paragraphs 149–152 and Appendix II, "principles" at paragraph 4), has been adjusted for legal drafting reasons. Although the wording appears to have been the subject of agreement (see paragraph 152), the spokesperson for the Seafarers' group called for the paragraph to be placed in square brackets (see paragraph 151). It is noted that the present proposal does not contain the square brackets.

⁸ The principles proposed by the Joint IMO/ILO Ad Hoc Expert Working Group covered two issues. See the Final report, referred to in note 6 above, at paragraphs 133–134.

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

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. Proposals for new appendices

1. After Appendix A2-I, add the following appendix:

APPENDIX A4-I

Evidence of financial security under Regulation 2.5, paragraph 2

The documentary evidence of financial security required under Standard A4.2.1, paragraph 13, 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 contact details of the provider/s of the financial security;
- (f) place of business of the provider/s of the financial security;
- (g) name of the shipowner;
- (h) period of validity of the financial security;
- (i) an attestation by the competent authority that the financial security meets the requirements of this Standard.

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2. After Appendix A4-I, add the following appendix:

APPENDIX B4-I

Model receipt and release form
referred to in Guideline B4.2.2

Ship:

Incident:

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 its 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 or any other legal redress available and arising out of the above incident.

Dated:

Seafarer/legal heir and/or dependant:

Signed:

For acknowledgement:

Shipowner/Shipowner representative:

Signed:

Insurer/Insurer representative:

Signed:

* Delete as appropriate.

D. Proposals relating to Appendices A5-I, A5-II and A5-III⁹

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

Financial security relating to shipowners' liability.

2. In Appendix A5-II, after item 15 under the heading *Declaration of Maritime Labour Compliance – Part I*, add the following item:

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

3. In Appendix A5-II, after item 15 under the heading *Declaration of Maritime Labour Compliance – Part II*, add the following item:

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

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

Financial security relating to shipowners' liability.


⁹ The IMO/ILO Ad Hoc Expert Working Group agreed in 2009 that this item should be added to the list of areas subject to port State control and would accordingly be a matter to be certified for ships that must be both inspected and certified. See Final report referred to in note 1 above, at paragraph 126. This wording is also consistent with the approach adopted in the *ILO Guidelines on flag State inspection* that were prepared in 2008 by an international tripartite meeting of experts. See: http://www.ilo.org/global/standards/maritime-labour-convention/WCMS_101788/lang-en/index.htm.



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 BUNDESMINISTERIUM FÜR
ARBEIT, SOZIALES UND
KONSUMENTENSCHUTZ
Einlauf- u. Auskunftsstelle
Eing. Nr.

Eingel.: - 7. Okt. 2013

Zl. 20....
Blg.

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Social Affairs and Consumer Protection
International Social Policy Unit
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