

Entry into force of amendments to Code of the Maritime Labour Convention



21 October 2020 | Contributed by Elias Neocleous & Co LLC

Shipping & Transport, Cyprus

- 🕒 **Introduction**
- 🕒 **Standard A2.1 – Seafarers' employment agreements**
- 🕒 **Standard A2.2 – Wages**
- 🕒 **Guidelines B2.5.1 – Entitlement to repatriation**
- 🕒 **Law 77(I)/2012**

Introduction

On 30 September 2020 the Shipping Deputy Ministry issued Circular 20/2020, notifying interested parties of the entry into force of the 2018 amendments to the Code of the Maritime Labour Convention 2006. The amendments will enter into force on 26 December 2020.

The amendments concern:

- Standard A2.1 – Seafarers' employment agreements;
- Standard A2.2 – Wages; and
- Guidelines B2.5.1 – Entitlement to repatriation.

In essence, the amendments aim to provide additional protection to seafarers in the event that they are held captive as a result of acts of piracy or armed robbery against ships.

Standard A2.1 – Seafarers' employment agreements

A new Paragraph 7 has been inserted into Regulation 2.1, which reads as follows:

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.

Standard A2.2 – Wages

A new Paragraph 7 has been inserted into Regulation 2.2, which reads as follows:

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.

Guidelines B2.5.1 – Entitlement to repatriation

Paragraph 8 of Regulation 2.5 has been replaced with the following text:

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.

Law 77(I)/2012

Cyprus has already enacted the Protection of Cyprus Ships Against Acts of Piracy and Other Unlawful Acts Law of 2020 (Law 77(I)/2012). In brief, Law 77(I)/2012 aims to enhance the security of ships flying the Cyprus flag and, among other things, establishes the legal framework for the authorisation in a regulated manner of the use of armed and unarmed security personnel on board Cyprus ships when sailing through high-risk areas (Department of Merchant Shipping Circular 27/2012) (for further details please see "Anti-piracy law enters into force"). Part VII of 77(I)/2012 deals with the rights and obligations of shipowners, ship operators, crew managers and ship personnel.

For further information on this topic please contact Costas Stamatiou or Vassilis Psyrras at Elias Neocleous & Co LLC by telephone (+357 25 110 110) or email (costas.stamatiou@neo.law or vassilis.psyrras@neo.law). The Elias Neocleous & Co LLC website can be accessed at www.neo.law.

The materials contained on this website are for general information purposes only and are subject to the disclaimer.

ILO is a premium online legal update service for major companies and law firms worldwide. In-house corporate counsel and other users of legal services, as well as law firm partners, qualify for a free subscription.



