

Training for newcomers on EU
maritime legislation

Maritime Labour Convention



1

Maritime Labour Convention

Impact on the performance of
humans



Low attention paid by Flags and
surveyors

Need for enhancing working and
living conditions on board

2



















European Maritime Safety Agency

Maritime Labour Convention



11

Overview on the international and European legislation in force



European Maritime Safety Agency

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Main legislation on working and living conditions of seafarers – in force



12

International

- ILO no.147
- 1996 Protocol to ILO no.147 (obligation to ratify ILO no.180 – Hours of work or rest))

European

- Directive 1999/63 (Hours of work or rest)
- Directive 1999/95 (Mechanism for the enforcement of 1999/63)

Maritime Labour Convention

Directive 1999/63 = ILO convention no.180
WHY A DIRECTIVE?

10 EU MSs +
Iceland have not
yet ratified the
Convention

Legal basis for the
Commission to
monitor the proper
implementation

13

Maritime Labour Convention



The Maritime
labour
Convention,
2006

14

Maritime Labour Convention

General introduction

**A consolidation
of the existing
maritime labour
instruments**



15

Maritime Labour Convention

General introduction



Why did the ILO decide to develop a new Convention?

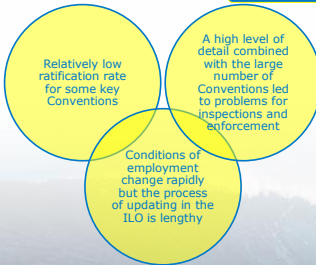
16

February 2006

Maritime Labour Convention

General introduction

Considerations on current legislation on working and living conditions of seafarers



17

Maritime Labour Convention

General introduction

Combining the "best of the old with the new"

- to achieve universal acceptance with a new approach to securing compliance, and
- building upon well-established approaches developed, in particular, in some IMO Conventions



18

Maritime Labour Convention

General introduction



Structural overview of the Convention

- 1st level: Articles
- 2nd level: Regulations
(Establish framework of basic obligations)
- 3rd level: A two-part Code
 - Part A: Mandatory Standards
 - Part B: Non-mandatory Guidelines
(Details for the implementation of the Regulations)

(Explanatory note)

19

Maritime Labour Convention

General introduction

Example of vertical integration (extracts)

- **Regulation 1.2 – Medical certificate**
Purpose: To ensure that all seafarers are medically fit to perform their duties at sea
1. Seafarers shall not work on a ship unless they are certified as medically fit to perform their duties.
- ...
- **Standard A1.2 – Medical certificate**
1. The competent authority shall require that, prior to beginning work on a ship, seafarers hold a valid medical certificate attesting ...
- ...
- **Guideline B1.2 – Medical certificate**
 - **Guideline B1.2.1 – International Guidelines**
1. The competent authority ... should follow...

20

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General introduction

Provisions in Annex and Code organised under 5 Titles:



21

Maritime Labour Convention

The Articles



The Articles

22

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The Articles



Obligations of Parties

– Article I

- General obligations

Contains the general obligation of each party to the Convention to give effect to it and co-operate State

23

Maritime Labour Convention

The Articles

– Article II Application

Who or what does the MLC, 2006 apply to?

- Seafarers
 - all persons working on a ship (to which the Convention applies)
- Ships
 - all ships, ordinarily engaged in commercial activities except for:
 - ships exclusively in inland waters, etc;
 - ships engaged in fishing, etc;
 - warships and ships of traditional build.

24

Maritime Labour Convention

The Articles

Implementation and Enforcement (including regular inspections)

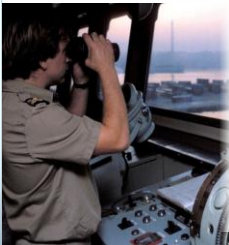
25

– Article V

3 kinds of international responsibilities:

- Flag State (Title 5, Regulation 5.1)
- Port State (Title 5, Regulation 5.2)
- Labour Supply (Title 5, Regulation 5.3)

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Implementation and Enforcement Responsibilities

26

– Article V

- Port State Control
- No more favourable treatment
- Sufficient sanctions

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The Articles



Entry into force of the Convention

27

– Article VIII

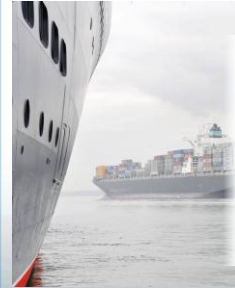
Initial entry into force

12 months after ratification by 30 MSs sharing 33% of the world's fleet

7 march 2012 – 19 ratifications including 5 EU MSs, Norway and Croatia

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The Articles



Revised ILO conventions

- Article X
 - Effect of entry into force

Lists the existing ILO Conventions which will be revised by the new Convention

28

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The Articles

- Filling a gap in tripartite consultation
- Special Tripartite Committee



29

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The Articles



Consultation with ship-owners and seafarers organisations

- Article VII

A mechanism to enable Parties to respond to the situation where there may be no representative organisations of ship-owners or seafarers in a jurisdiction to consult (as required by a number of provisions in the Convention)

30

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The Articles

Keeping the Convention effective and up to date

– Article XIII

- Special Tripartite Committee

Reviewing the working of the Convention
Accelerated amendment procedure



31

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Certification



Certification
process

32

Maritime Labour Convention

Certification

CERTIFICATION

- Maritime Labour Certificate (Regulation 5.1.3)
- Interim Maritime Labour Certificate (Regulation 5.1.3)
- Declaration of Maritime Labour Compliance (DMLC) (Regulation 5.1.3)



33

Maritime Labour Convention

Flag State inspection and certification

CERTIFICATION

As per all IMO conventions (except STCW), surveys and issuing of certificates can be delegated to Recognised Organisations



34

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Certification

The MLC flag State inspection system

Key features

Compliance with national regulations, collective bargaining agreements, etc.

The DMLC

- Part I (completed by the competent authority)
- Part II (completed by the ship-owner)

35

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Certification

- Application to all ships
- Ships not subject to certification
- Requests for certification
- Reports of inspection



36

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Certification



- First inspection
- Construction plans
- DMLC

37

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Certification

- Intermediate inspection between the 2nd and 3rd anniversaries
- Renewal Inspection
- Should be within 3 months of the expiry of the old certificate
- Change of flag or ownership

38

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Certification

Maritime Labour Certificate

Issued on 14 April 2013
Expiring on 25 March 2018 (Anniversary date)

39

Anniversary dates:

25 March 2017 (1st Anniversary)
25 March 2016 (2nd Anniversary) — Intermediate inspection
25 March 2015 (3rd Anniversary)
25 March 2014 (4th Anniversary)

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Certification

Question: In the case of a certificate commencing on **1 May 2015** and expiring on **30 April 2020** inclusive, what will be the dates of commencement and expiry of the new certificate if the renewal inspection is completed on:

- 1 February 2020?

Answer: 1 February 2020 – 31 December 2024

- 1 January 2020?

Answer: 1 January 2020 – 31 December 2024

- 1 June 2020?

Answer: 1 June 2020 – 30 April 2025

40

MLC 2006

Any question?

41

**Thank You
for listening!!!**

42
