EMSA

European Maritime Safety Agency

Maritime Labour Convention

Title 5

Flag State responsibilities

Maritime Labour Convention

Scope:

Provide an example of national provisions for implementing Title 5 of the MLC

Content:

- **Generalities on Title 5 and Regulation 5.1**
- **Example of national provisions for implementing Reg. A.5.1.1 to 5.1.4**

Maritime Labour Convention

Title 5

5.1 Flag State responsibilities

To ensure that each Member implements its responsibilities under MLC Convention with respect to ships that fly its flag

5.2 Port State responsibilities

To enable each Member to implement its responsibilities under this Convention regarding international cooperation in the implementation and enforcement of the Convention standards on foreign ships

5.3 Labour-supplying responsibilities

To enable each Member to implement its responsibilities under this Convention as pertaining to seafarer recruitment and placement and the social protection of its seafarers

Maritime Labour Convention

Generalities on Regulation 5.1

Main points

1. *Inspection system*
2. *Certification*
3. *Delegation to Recognised Organisations*

Maritime Labour Convention

Generalities on Regulation 5.1

Main points

1. ***All ships subject to inspection***

2. ***Certification:***
   - ***Ships ≥ 500 GT on international voyages to be certified***
   - ***Other ships if requested by the ship-owner***
   - ***Certificate covers 14 areas*** (Appendix A5.1)

3. ***Delegation to Recognised Organisations***

Maritime Labour Convention

Example of national legislation MLC 5.1

Inspection

The Competent Authority for the inspection and certification of compliance to MLC standards is the Ministry of Labour – Department for working and living conditions

Each national vessel will have a copy of the of the most updated version of the MLC

All ships registered in national ships' registry of _____ to which the MLC apply, are inspected to verify that they meet the MLC standards. The inspection is recorded on the annexed form

Maritime Labour Convention

Example of national legislation MLC 5.1

Inspection

The inspection of national ships to whom the Convention apply covers all the relevant Titles and Regulations of the MLC and the national provisions adopted for implementing the Convention

For ships ≥ 500 GT on international voyages and for all those issued with the Maritime Labour Certificate, the inspection includes the verification of procedures defined by the ship-owner to ensure the on-going compliance with the defined standards

Maritime Labour Convention

Example of national legislation MLC 5.1

Inspection

The minimum criteria to be met by the ship's inspectors are as follow:

… …

The ship's inspectors maintains their skills by undergoing to a training programme according to the following criteria:

… …

Maritime Labour Convention

Example of national legislation MLC 5.1

Inspection

All ship's inspections (initial, renewal and intermediate) are initiated on request of the ship-owner.

The ship's inspectors are empowered to:

- inspect the national vessels;
- to question the master, the crew or other persons about the application of the Standards;
- to examine book and documents;
- to take samples;
- To require that any deficiency is remedied;
- etc.

Maritime Labour Convention

Example of national legislation MLC 5.1

Inspection

The ships' inspectors have to provide the Competent Authority with a report of each single inspection.

Such report has to be provided both for ships subjected and not subjected to certification within three days from the completion of the inspection

Maritime Labour Convention

Example of national legislation MLC 5.1

Certification

The Maritime Labour Certificate according to the annexed form is issued to:

- Ships ≥ 500 GT engaged on international voyages
- Ships ≥ 500 GT operating from a port, or between ports, of a foreign country

The Certificate covers the 14 areas listed in the Appendix A5.1 to the Convention and will be filled in both in the national and English languages

"International voyage" means a voyage from a country to a port outside such a country.

Maritime Labour Convention

Example of national legislation MLC 5.1

Certification

At the request of the ship-owner to the competent authority, the Maritime Labour Certificate, according to the annexed form, is also issued to ships other than those subjected to mandatory certification

Maritime Labour Convention

Example of national legislation MLC 5.1

Certification

The Maritime Labour Certificate is valid if accompanied by the:

DMLC Part 1 – summarising the national requirements , laws or regulations or other measures implementing the MLC. The DMLC Part 1 will be filled in by the Competent authority; and

DMLC Part 2 – identifying the procedures adopted by the ship-owner to ensure the on-going compliance with the national requirements listed in the Part 1. The DLMC Part 2 will be filled in by the Ship-owner

Maritime Labour Convention

Example of national legislation MLC 5.1

Certification

The Maritime Labour Certificate is issued by the Competent Authority following a satisfactory initial or renewal inspection

It remains valid for five years from the completion of the relevant inspection.

If the renewal inspection is carried out within three months before the expiry date of the certificate, the anniversary date will remain unchanged.

Maritime Labour Convention

Example of national legislation MLC 5.1

Certification

The validity of the Maritime Labour Certificate is subject to an intermediate inspection which has to take place between the second and third anniversary date.

The intermediate inspection covers all the relevant Titles and Regulations of the MLC and the National legislation implementing the Convention.

Following the positive result of the intermediate inspection, the certificate is endorsed by the [delegated RO – Competent Authority]

Maritime Labour Convention

Example of national legislation MLC 5.1

Certification

When the Maritime Labour Certificate is issued or endorsed based on a "Rectification Plan" of the outstanding deficiencies, its validity has to be confirmed following the verification of the implementation of such "Plan"

Maritime Labour Convention

Example of national legislation MLC 5.1

Certification

Following an initial inspection, an Interim certificate can be issued in the case of:

- newly build ships
- change of Company
- change of Flag

The maximum validity of the interim certificate is six months. Such period cannot be extended

The Interim Certificate does not need to be accompanied by the DLMC part II

Maritime Labour Convention

Example of national legislation MLC 5.1

Certification

The Maritime Labour Certificate ceases to be valid under the following conditions:

- … …
- In the absence of verification that the agreed "Rectification Plan" has been implemented *(specific procedures to be detailed by the Competent authority)*

The Maritime Labour Certificate has to be withdrawn when:

… …

Maritime Labour Convention

Example of national legislation MLC 5.1

Delegation

The competent authority can delegate the inspection and the issuance of the MLC to EU Recognised Organisations (ROs)

A written agreement has to be signed with the authorised ROs and all the criteria defined by the EU legislation for delegation of tasks to ROs have to be met

A list of the authorised ROs for the purpose of the MLC will be sent both to the EU COMM and the ILO

Maritime Labour Convention

Example of national legislation MLC 5.1

Delegation

When an inspection is carried out by a Recognised Organisation, the relevant report has to be sent to the Competent Authority within three days from the completion of the inspection

If the Recognised Organisation is entitled to issue the MLC, a copy of the certificate and the attached DMLC Part I and II, have to be forwarded to the Competent Authority within three days from its issuance

Maritime Labour Convention

Example of national legislation MLC 5.1

Monitoring

The Competent Authority will monitor the performance of the Recognised Organisations by examining:

- the reports of inspection and the MLCs issued on its behalf
- the results of PSC inspections on board of national vessels
- the complaints received

The detailed criteria for monitoring will be adopted by the Competent Authority. They can include oversight inspections carried out by national inspectors

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Any question?

Thank You
for listening!!!