Sjøfartsdirektoratet
Norwegian Maritime Authority

Norway's implementation of the MLC, 2006

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Together for improved safety at sea in a clean environment

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Outline of presentation

- Responsibilities of states
- Principles for the implementation of the MLC
- Norwegian legislation
  - Important definitions
  - Particular issues of implementation
- Inspection
- The certification process

Responsibilities of states

- States need to carefully analyse the MLC provisions with respect to their responsibilities as:
  - Flag states
    - UNCLOS article 94
  - Port states
  - States of residence

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Principles for the implementation of the MLC in Norway

- One ship, one shipowner and one crew
- ILO and IMO standards complement each other
- The existing structure of national legislation should be maintained
- Build on existing systems

National legislation

- Two main Acts implement the MLC in Norway:
  - The Ship Safety and Security Act
    - Which company is the **shipowner**
    - What is a **ship**
  - The Seamen's Act
    - Who is a **seafarer**

MLC definition of shipowner

- Norway. The ISM Company
- Why?
  - MLC definition is based on ISM Code definition of Company
  - MLC and IMO instruments are closely related AND complementary
    - Manning: SOLAS regulation V/14
    - Qualifications and hours of rest: STCW
  - MLC is largely implemented through the Ship Safety and Security Act
    - Shipowner in SSA is the ISM Company
    - ISM Company is therefore primary responsible entity for impelementation of flag state requirments on board.
- Seamen's Act makes shipowner joint and severally liable for all seafarers

MLC's definition of seafarer

- A question of scope of application of domestic legislation
  - Seafarer: linked to the **operation of the ship**
  - Exemption of major importance to Norway:
    - Specialist offshore technicians

- However: even exempted persons are covered by the Ship Safety and Security Act
  - For ex: Health and safety regulations
  - Accommodation

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The 14 areas for certification

MLC areas	Norwegian Act
Minimum age	Ship Safety and Security Act (SSA)
Medical certification	SSA
Qualifications of seafarers	SSA
Seafarers' employment agreements	Seamen's Act
Recruitment and placement services	SSA
Hours of rest	SSA
Manning levels for the ship	SSA

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The 14 areas, cont'd

MLC	Norwegian Act
Accommodation	SSA
On-board recreational facilities	SSA
Food and catering	SSA
Health and safety	SSA
On-board medical care	SSA and Seamen's Act
On-board complaints procedure	SSA and Seamen's Act
Payment of wages	Seamen's Act

Particular issues: MLC regulation 4.2

- Is documentation of P&I coverage sufficent to show compliance with this standard?
  - sufficient to **indicate** compliance
    - However, if the shipowner cannot actually fulfil his responsibilities with regard to standard A4.2, he is in **breach** of the MLC and is still liable for any legitimate claims seafarers may have.

Particular issues: MLC regulation 2.1

- Who signs the employment agreement?
  - MLC says: shipowner
  - Norway: employer
    - *Substantial equivalence*

- Seamen's Act makes shipowner **joint and severally liable**

Particular issues: Delegation to RO's

- Norway: Certification of vessels will be part of ISM
  - MLC Guideline B 5.1.3-2
  - 7 classification socieities, all IACS members

- RO's require very specific instructions

Documentation

- What documentation should be required on board?
  - Example: payment of wages
    - Payroll records not required to be kept on board, but should be made immediately available to the inspector upon request

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MLC Regulation 4.5 - social security

- MLC principle: responsibility of ***state of residence***
- Not flag State responsibility
  - Therefore, not the responsibility of the shipowner, and
  - Not part of certification in accordance with MLC standard A 5.1.3
- Not part of PSC

Regulation 4.5 - Social security

- For EU/EEA: REIO, i.e. amended principle of eligibility
- Norway implements all 9 branches
  - National Insurance Act
  - Seamen's Pensions Act

Inspection – MLC regulation 5.1.4

- Inspection of all ships
- Inspection of all provisions of national legislation implementing standards of the Code relevant to **flag State responsibilities**
  - i.e. not standard A 4.5
- Ships not requiring Maritime Labour Certificate
  - Items to be inspected in accordance with ILO flag State inspection guidelines
  - MLC inspection included in national trading certificate

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Certification process in Norway

1. The shipowner applies to the Norwegian Maritime Authority for a DMLC part I for the ship concerned;

2. The shipowner draws up the DMLC part II to ensure ongoing compliance with the requirements in DMLC part I

3. The RO reviews the DMLC part II prior to the onboard inspection.

4. The shipowner requests the RO for an on board inspection

5. Upon successful completion of the inspection, the RO shall sign the DMLC part II and the declaration of maritime labour compliance shall be issued by the RO as well as an Inspection Report.

Certification of ships

- The Norwegian Maritime Authority issues DMLC part I because
  - «The undersigned declares…that:
    - (a) the provisions of the MLC are fully embodied in the national requirements…»
  - Exemptions
    - Only competent authority can grant exemptions

DMLC part I for Norway

- Only legislation implementing the standards in the Code are referred
  - Sometimes also Guidelines of part B of the Code, where relevant and appropriate
  - i.e. if the relevant regulations deal with more than the MLC standards, only the provisions directly implementing the MLC are referred

More information

- May be obtained from either:
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