



RO MONITORING

CASE: MLC CERTIFICATION

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DANISH MARITIME AUTHORITY

PRACTICAL CASE – MLC CERTIFICATION

Case:

- 15 newbuild CTVs fully MLC certified by RO on behalf of DMA
- Despite significant non-compliances (MLC Title 3 - seafarer accommodation)
- Exemptions were not applied for and were not granted by the DMA
- MLC certificates issued anyway
- DMA considers this as a very serious system breach by the RO



Case does not concern vessel shown

PRACTICAL CASE – MLC CERTIFICATION

Actual case:

- Smaller vessels < 500 GT
- Full application of MLC to all Danish vessels – even if < 500 GT
- Instructions were in place
 - RO Agreement, para 10.3 and 13
 - RO Agreement, Annex, para 6 and 18
 - DMA Circular 002, para 4.4

PRACTICAL CASE – MLC CERTIFICATION

Follow-up:

- RO was contacted by letter and met up at the DMA
- RO will revise its procedures and submit to DMA
- DMA will
 - *Revise and clarify instructions in RO Agreement, Annex and DMA Circular*
 - *Bring up the issue on annual common meeting with ROs*

PRACTICAL CASE – MLC CERTIFICATION

Revised instructions in RO Annex and DMA RO Circular on MLC:

- The MLC applies to all Danish vessels regardless of size
 - No ship can be allowed to operate without full compliance
 - Except if
 - Exemptions as necessary are granted
 - *with statutory authority*
 - *acc. to prescribed procedures (Tripartite agreement)*

PRACTICAL CASE – MLC CERTIFICATION

- ROs are authorized to survey and certify
- But are not part of the Tripartite system – i.e. unable to make a "motivated proposal" as per instruction
- Applications for exemptions must be handled by the DMA
- ROs on its side must ensure that:
 - *Any non-compliances and needs for exemptions are identified*
 - *Forwarding documentation as necessary to the DMA for further handling*
 - *Any necessary exemptions for any vessel regardless of size are granted prior to final approval.*
 - *For newbuildings all exemptions must be handled as early as possible and finalized during the designphase of the vessel".*

PRACTICAL CASE – MLC CERTIFICATION

Revised RO Annex text:

- *Exemptions from the requirements in the MLC can only be granted by the DMA after consultation with shipowners and seafarer organizations concerned.*
- *Eventhough the RO is authorized to carry out MLC surveys and certification on behalf of the DMA, the RO is not a part of the tripartite system on which the MLC is based.*
- *Any exemption applications must be handled by the parties, i.e. seafarer and shipowner organizations and the DMA.*

PRACTICAL CASE – MLC CERTIFICATION

Revised RO Annex text:

- *During the survey and/or certification process, the RO must however ensure that exemption applications and any non-compliances is identified, and in that case bring documentation as necessary forward to the DMA for further handling.*
- *The RO must ensure that any necessary exemptions for all vessels of any size are granted prior final approval.*
- *For newbuildings all exemptions must be handled as early as possible and finalized during the designphase of the vessel".*

THANK YOU FOR
YOUR ATTENTION

