



Circular

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TO: Related departments of Headquarter; Branches and Offices; ship owners&operators

Notice of implementation of MN NO. 2-011-33 rev.12/09

----- Maritime Labour Convention, 2006 Inspection and Certification Program.

The Republic of the Marshall Islands ratified the Maritime Labour Convention, 2006 (MLC, 2006) on 25 September 2007. This Notice establishes the Republic of the Marshall Islands Maritime Administrator's (the "Administrator") Inspection and Certification Program to implement the MLC, 2006, which governs maritime labor conditions and sets minimum standards for the working and living conditions of seafarers aboard ships as applicable. CCS was authorized to carry out inspections and issue certificates under the MLC, 2006 on behalf of the Marshall Islands Administration.

Attached herewith is the Marine Notice (MN NO. 2-011-33 rev.12/09) which should be followed by owners, operators, and Masters of Marshall Islands flag ships and CCS surveyors/auditors.

SUMMARY

The Republic of the Marshall Islands ratified the Maritime Labour Convention, 2006 (MLC, 2006) on 25 September 2007, established the Republic of the Marshall Islands Maritime Administrator's (the "Administrator") Inspection and Certification Program to implement the MLC, 2006.

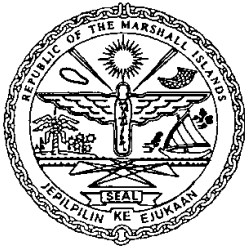
ACTION REQUESTED

All the CCS Branches and Offices are required to organize the study and training of this circular, carry out the related inspection and certification according to this Notice. Please pay more attention about the special requirement of ANNEX 1 of the Notice.

All the relevant reports and certificates should be sent to the Certification Management Dept. of CCS Beijing Head office based on our approved procedure after the on site inspection and certification completed. The Head office should forward the required reports and certificates to the Republic of the Marshall Islands Maritime Administrator according to the requirement of the Notice.

Attachment: 1. No. 2-011-33 rev.12/09, 21 pages.

For any problem please contact the **Certification Management Dept.** without hesitation



**REPUBLIC OF
THE MARSHALL ISLANDS**

Marine Notice

**OFFICE OF THE
MARITIME ADMINISTRATOR**

No. 2-011-33

12/09

**TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF
MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS**

SUBJECT: Maritime Labour Convention, 2006 Inspection and Certification Program.

**References: (a) Maritime Labour Convention, 2006
(b) Guidelines for Flag State Inspections under the Maritime Labour
Convention, 2006**

PURPOSE:

The Republic of the Marshall Islands ratified the Maritime Labour Convention, 2006 (MLC, 2006) on 25 September 2007. This Notice establishes the Republic of the Marshall Islands Maritime Administrator's (the "Administrator") Inspection and Certification Program to implement the MLC, 2006, which governs maritime labor conditions and sets minimum standards for the working and living conditions of seafarers aboard ships as applicable. The Inspection and Certification Program authorizes certain Recognized Organizations (ROs), as established under separate written agreement, to carry out inspections and issue certificates under the MLC, 2006 on behalf of the Marshall Islands Administration, and provides supplementary details regarding the scope of this authorization not covered within the individual agreements.

APPLICABILITY:

This Notice applies to all ships and their seafarers, to which the MLC, 2006 applies in accordance with Article II of the MLC, 2006 upon its entry into force.

The MLC, 2006 will come into force 12 months after the date in which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of 33 percent. As of the date of this Notice, five countries have ratified the MLC, 2006 – Liberia, Marshall Islands, Bahamas, Panama and Norway. While this satisfies the world gross tonnage ratification threshold of 33 percent, an additional 25 ratifications are required before the MLC, 2006 will come into force.

In addition to the relevant Marshall Islands Laws and Regulations presently in effect with respect to maritime labor standards, ship owners and operators are encouraged to give effect to this Notice on a voluntary basis effective 1 January 2010 in order to establish the necessary

measures for verifying compliance in anticipation of the entry into force of the MLC, 2006 in 2011.

REQUIREMENTS:

1.0 Background

- 1.1 On 23 February 2006, The Maritime Labour Convention, 2006, was adopted by the International Labour Organization (ILO) as a single international instrument setting forth a minimum set of requirements governing the working and living conditions for seafarers. The MLC, 2006 was drafted to compliment other international conventions on ship safety, security and quality – often referred to as the “fourth pillar” of international maritime regulation alongside the SOLAS, MARPOL, and STCW Conventions. It is also referred to as the “Bill of Rights” for seafarers.
- 1.2 The MLC, 2006 builds on the existing ILO Convention 147, and a consolidation of 70 ILO instruments, including 37 existing maritime ILO Conventions and 33 Recommendations. The existing ILO Conventions on seafarers’ identity documents (C108, C185), and on seafarers’ pensions (C71) were the only conventions not included in the MLC, 2006. The maritime labor standards embodied within these 70 ILO instruments have been amalgamated into the MLC, 2006 with the intention of updating standards where necessary, simplifying complex or overlapping provisions into a single instrument, streamlining amendment procedures, and universal application and enforcement.
- 1.3 Some novel aspects of the MLC, 2006 relate to its structure and provisions established within the Articles of the Convention. Firstly, the provisions of the Convention must be given effect through national laws and regulations – mainly to allow a more effective implementation method by the flag State through flexibilities in the MLC, 2006. Therefore, flag State is primarily responsible for the enforcement of and compliance with the MLC, 2006. Also, the certification system of the MLC, 2006 is designed to be more in line with other international conventions developed under the International Maritime Organization (IMO). Lastly, the “no more favorable treatment” clause ensures that Member States establish a level playing field by treating all ships equally irrespective of whether or not the flag State has ratified the MLC, 2006.

2.0 General Application of the MLC, 2006

- 2.1 The MLC, 2006 applies to all ships, irrespective of tonnage, whether publicly or privately owned, which are ordinarily engaged in commercial activity. The Marshall Islands considers “commercial activity” to be any endeavor undertaken for the primary purpose of generating revenue which includes, but is not limited to, activities such as commerce/trade, chartering, towing, salvage, offshore supply/support, exploration/exploitation/processing of sea-bed mineral resources, entertainment, marketing, research, accommodation, transit, etc.

- 2.2 The Marshall Islands does not have laws or regulations which extend the application of the MLC, 2006 to registered ships engaged in fishing or in similar pursuits, ships of traditional build (such as dhows and junks), or ships which navigate exclusively in inland waters, waters within or closely adjacent to sheltered waters, or areas where port regulations apply.
- 2.4 All ships to which the MLC, 2006 applies of 500 gross tons or over, engaged in international voyages or operating from a port, or between ports, in another country must be certified for compliance with 14 areas of the Convention which are subject to mandatory inspection. The 14 areas are set out in Appendix A5-I of the MLC, 2006, and further details regarding certification are provided in section 5.0 of this Notice below.
- 2.5 All ships to which the MLC, 2006 applies, but which are not required to be certified (under 500 gross tons, not engaged in international voyages, or not operating from a port, or between ports, in another country), shall still be subject to full inspection against the same requirements as for certified ships. Further details with regard to the identification of inspection requirements and record keeping for such non-certified vessels are provided in section 6.0 of this Notice below.

3.0 Seafarers

- 3.1 The MLC, 2006 applies to all seafarers on all ships to which the MLC, 2006 applies. For this purpose, as defined in Article II, paragraph 1(f) of the MLC, 2006, a “seafarer means any person who is employed or engaged or works in any capacity on board a ship to which [the MLC, 2006] applies.”
- 3.2 The MLC, 2006 recognizes in Article II, paragraph 3, that there may be doubts whether a particular category or categories of persons who may perform work on board a ship covered by the MLC, 2006 should be regarded as seafarers for the purposes of the MLC, 2006.
- 3.2.1 In considering how to resolve such doubts, the Administrator, in consultation with the shipowners’ and seafarers’ organizations, will consider the following issues:
- .1 the duration of the stay on board of the persons concerned;
 - .2 the frequency of periods of work spent on board;
 - .3 the location of the person’s principal place of work;
 - .4 the purpose of the person’s work on board;
 - .5 the protection that would normally be available to the persons concerned with regard to their labour, social and service contract conditions to ensure they are comparable to that provided for under the Convention.
- 3.2.2 Special factors and circumstances may lead the Administrator to determine when a person is or is not a seafarer and to specify accordingly.
- 3.3 Subject to the preceding provisions of section 3.2, the Administrator does not consider

the following persons to be seafarers under the Convention:

- scientists, researchers, divers, specialist offshore technicians, etc. whose work is not part of the routine business of the ship;
- harbour pilots, inspectors, auditors or superintendents who periodically perform key specialist functions that are not a part of the routine business of the ship;
- guest entertainers, repair technicians, surveyors or port workers whose work is occasional and short term with their principal place of employment being ashore; and
- non-marine personnel employed under outsourced service agreements the terms of which determine and define the conditions under which the service provider will supply necessary personnel.

4.0 Recognized Organizations (ROs)

4.1 The Marshall Islands Administrator has delegated, under a separate written agreement, its inspection and certification functions under the MLC, 2006 to the following ROs:

- | | |
|--------------------------------|---|
| • American Bureau of Shipping | • Lloyd's Register |
| • Bureau Veritas | • Nippon Kaiji Kyokai |
| • China Classification Society | • Polski Rejestr Statkow |
| • Det Norske Veritas | • Registro Italiano Navale |
| • Germanischer Lloyd | • Russian Maritime Register of Shipping |
| • Korean Register of Shipping | |

Yachts Only:

- | | |
|------------------------------------|---------------------------------|
| • International Yacht Bureau, Inc. | • Hellenic Register of Shipping |
| • Regs4Ships Ltd. | |

5.0 Inspections

5.1 All inspections shall be carried out in accordance with the ILO document, *Guidelines for Flag State Inspections under the Maritime Labour Convention, 2006*.

5.1.1 When an inspection is conducted or when measures are taken under the MLC, 2006, the RO, or other authorized inspector, shall make all reasonable efforts to avoid a ship being unreasonably detained or delayed.

5.1.2 An inspector is authorized to carry out any examination, test or inquiry considered necessary to determine that the standards of the MLC, 2006 are being strictly observed.

5.1.3 All persons inspecting under the MLC, 2006 shall have appropriate knowledge of ship operations, including:

- Minimum requirements for seafarers to work on a ship;
- Conditions of employment;
- Accommodation;

- Recreational facilities;
- Food and catering;
- Accident prevention;
- Health protection;
- Medical care; and
- Welfare and social security protection.

5.2 **Initial Inspections:**

- 5.2.1 Initial Inspections shall be conducted to ensure initial compliance with the National requirements implementing the MLC, 2006. All existing Marshall Islands-flagged ships must undergo an initial inspection and receive a Maritime Labour (ML) Certificate within one (1) year of the date upon which the MLC, 2006 enters into force.
- 5.2.2 To verify that the national requirements are being complied with and that the shipowner's measures have been correctly implemented and are being followed, an inspector shall obtain supporting objective evidence by:
- .1 inspecting the relevant areas of the ship;
 - .2 examining further documentation such as passports or other official documents, medical certificates, training records, crew lists and payroll records, seafarer employment agreements, safe manning documents and work and rest schedules; and
 - .3 interviewing, in private, a representative number of seafarers, taking account of the need to preserve confidentiality and of the seafarers' work and rest schedules.

5.3 **Intermediate Inspections:**

- 5.3.1 Intermediate Inspections shall be conducted to ensure continuing compliance with the national requirements implementing the MLC, 2006. An intermediate inspection shall be conducted between the second and third anniversary dates¹ of the ML Certificate.
- 5.3.2 The scope and depth of the intermediate inspection shall be equal to an inspection for renewal of the ML Certificate.
- 5.3.3 The Certificate shall be endorsed by the RO following satisfactory intermediate inspection.

5.4 **Renewal Inspections:**

- 5.4.1 Renewal Inspections shall encompass inspections for all requirements (as per Initial Inspection) and be completed as follows:

¹ Anniversary date means the day and month of each year which will correspond to the date of expiry of the ML Certificate.

- 5.4.2 When the renewal inspection is completed within three (3) months before the expiry of the existing ML Certificate, the new ML Certificate shall be valid from the date of completion of the renewal inspection for a period not exceeding five (5) years from the date of expiry of the existing ML Certificate.
- 5.4.3 When the renewal inspection is completed more than three (3) months before the expiry date of the existing ML Certificate, the new ML Certificate shall be valid for a period not exceeding five (5) years starting from the date of completion of the renewal inspection.

6.0 Certificate Issuances

The following current and valid documents must be maintained aboard each Marshall Islands flag vessel to which the MLC, 2006 applies.

- 6.1 A copy of the MLC, 2006 shall be maintained on board and available to the seafarers.

6.2 ML Certificate:

- 6.2.1 The ML Certificate, issued by the relevant RO, attests that seafarer working and living conditions aboard a ship meet all Republic of Marshall Islands laws and regulations that govern the implementation of the MLC, 2006.

- 6.2.2 An RO shall issue or renew an ML Certificate to a Republic of Marshall Islands flag ship after verifying upon inspection that the fourteen mandatory requirements for working and living conditions itemized below meet National standards for implementing the MLC, 2006 as detailed in DMLC Part I.

- Minimum age
- Medical certification
- Qualifications of seafarers
- Seafarers' employment agreements
- Use of any licensed or certified or regulated private recruitment and placement service
- Hours of work or rest
- Manning levels for the ship
- Accommodation
- On-board recreational facilities
- Food and catering
- Health and safety and accident prevention
- On-board medical care
- On-board complaint procedures
- Payment of wages

- 6.2.3 An ML Certificate endorsed by the RO must have attached to it a Declaration of Maritime Labour Compliance as well as any record of inspection as detailed in 6.3,

below.

6.3 Declaration of Maritime Labour Compliance (DMLC)

- 6.3.1 This document outlines the national laws or provisions that give effect to the 14 mandatory inspection items required for certification and the measures put in place by the ship owner/operator to ensure compliance with these inspection items.

6.3.2 The DMLC consists of two parts:

- .1 **Part I:** the statement drawn up by the Administrator that references or describes the national laws, regulations or provisions with respect to the 14 mandatory inspection items required for certification. The DMLC Part I will also record any flexibility, substantial equivalencies or exemptions which may have been applied to the relevant ship. Further details with regard to the DMLC Part I developed by the Administrator are described in Annex 1 – Part 1.
- .2 **Part II:** the statement drawn up by the ship owner/operator identifying the measures adopted to ensure ongoing compliance with the national requirements detailed in the DMLC Part I, and enabling continuous improvement between inspections. The format for the DMLC Part II, provided in Annex 1 – Part 2, should indicate:
 - a. when ongoing compliance shall be verified;
 - b. persons responsible for verification;
 - c. records to be taken;
 - d. procedures to be followed when non-compliance is noted; and.
 - e. to ensure ongoing compliance, the DMLC Part II also should include general international requirements concerning advances in technology and scientific findings concerning workplace design; and

6.3.3 The DMLC Part II shall be certified compliant by the relevant RO prior to issuance of the ML Certificate to the ship owner/operator.

6.4 **Interim ML Certificate (IMLC)**

6.4.1 An IMLC may be issued:

- .1 to new ships on delivery;
- .2 when a ship changes flag; or
- .3 when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.

6.4.2 An IMLC must conform to the model provided in the MLC, 2006, and only may be issued following verification that:

- .1 the ship has been inspected, as far as reasonable and practicable, for items listed in provision 6.2.2, above;
- .2 the shipowner has demonstrated to the RO that the ship has adequate procedures to comply with the MLC, 2006;

.3 the master is familiar with the MLC, 2006 and the responsibilities for implementation; and

.4 relevant information has been submitted to the RO to produce a DMLC.

.5 A DMLC need not be issued for the period of validity of the interim certificate.

6.4.3 An IMLC must be endorsed by the RO.

6.5 Non-Certified Ships

6.5.1 Any other ship registered under the Republic of the Marshall Islands flag, to which the MLC, 2006 does not apply, may request voluntary certification subject to submission of a completed DMLC Part II and the satisfactory completion of all inspection requirements necessary for certification.

6.5.2 All Republic of the Marshall Islands ships, regardless of whether they are required to carry a ML Certificate, shall meet the requirements specified in DMLC Part I and shall be subject to inspection verifying that this requirement is met.

6.6 Certificate Formats

6.6.1 The ROs shall develop templates for the DMLC and ML Certificate which conform to the model prescribed by the MLC, 2006.

6.6.2 A copy of these documents must be posted in a conspicuous place on board the ship to be available to the seafarers onboard.

6.6.3 If the DMLC and ML Certificate are not in English, an English-language translation of these documents must accompany the originals for a ship engaged in an international voyage.

7.0 Certificate Validity

7.1 **ML Certificate:** An ML Certificate shall remain valid for a period of five (5) years, and shall be subject to an intermediate inspection between the second and third years of validity.

7.2 **Interim ML Certificate (IMLC):** An IMLC may be issued for a period not to exceed six (6) months. An inspection in accordance with provision 6.2.2, above, shall be carried out prior to expiry of the interim certificate to enable issue of the ML Certificate. No further IMLC may be issued following this initial six (6) months.

7.3 **Causes for Invalidation:** An ML Certificate or IMLC shall cease to be valid in any of the following cases:

- .1 the relevant inspections are not completed within the specified time periods;
- .2 the ML Certificate is not endorsed by the RO;
- .3 when a ship changes flag;
- .4 when a shipowner ceases to assume the responsibility for the operation of a ship; and
- .5 when substantial changes have been made to the structure or equipment covered in Title 3 of the MLC, 2006, "*Accommodation, Recreational Facilities, Food and Catering.*"

7.4 **Grandfathering:** ML Certificates issued during the voluntary period prior to the MLC, 2006 coming into full force and effect shall be convertible to full Convention certificates when the MLC, 2006 comes into force.

8.0 Deficiencies and Certificate Withdrawal

- 8.1 An RO, or other authorized inspector, shall require the rectification of deficiencies in seafarers' working and living conditions that have been identified as the result of an inspection and shall carry out inspections in this regard at the request of a port State. Where there are grounds to believe that deficiencies constitute a serious breach of the MLC, 2006 (including seafarers' rights), or represent a significant danger to seafarers' safety, health or security, an inspector shall, with the authorization of the Administration, prohibit a ship from leaving port until necessary corrective actions are taken.
- 8.2 An ML Certificate or IMLC shall be withdrawn by the RO or the Administrator if there is evidence that a ship does not comply with the requirements of the MLC, 2006 and that the required corrective action has not been taken. When considering the withdrawal of an ML Certificate, the seriousness and frequency of the deficiencies shall be considered.
- 8.3 Where there is no clear breach of the requirements that endangers the safety, health or security of the seafarers and where there is no prior history of similar breaches, an RO shall have the discretion to give advice instead of instituting or recommending withdrawal of an ML Certificate.
- 8.4 If the Administrator receives a complaint that is not manifestly unfounded or obtains evidence that a ship that flies its flag does not conform to the requirements of the MLC, 2006 or that there are serious deficiencies in the implementation of measures set out in the DMLC, the Administrator shall undertake to investigate the matter and ensure that action is taken to remedy the deficiencies found.

9.0 Record Keeping

9.1 ML Certificates

ROs shall maintain publicly available records of ML Certificates issued.

9.2 Inspection Reports

RO Inspectors shall submit a report of each inspection to the Administration. The RO shall supply one copy of the report in English, and, if necessary, one in the working language of the ship to the master of the ship. The ship's master shall post a copy set on the ship's notice board.

9.3 Inspection Records

A record of inspections shall be kept by the master with any significant deficiencies found during the inspection noted and their date of remedy recorded. This record, if not in English, shall be accompanied by an English-language translation and appended to the DMLC so that it is available to seafarers, flag State inspectors, authorized officers in port States and shipowners' and seafarers' representatives.

9.4 Investigation Report

In the case of an investigation pursuant to a major incident, an RO or other authorized inspector shall submit a report to the Administrator as soon as practicable, but not later than one month following the conclusion of the investigation.

9.5 Change of Flag

If a Marshall Islands-flagged ship changes flag and both States concerned have ratified the MLC, 2006, the RO, on behalf of and upon notification of the Administrator, shall transmit to the competent authority of the other Member copies of the ML Certificate and DMLC carried by the ship before the change of flag and, if applicable, copies of the relevant inspection reports if the competent authority requests them within three (3) months after the change of flag has taken place.

9.6 Annual Report

9.6.1 The Administrator shall maintain records of inspections and shall publish an annual report on inspection activities within a reasonable time, not exceeding six (6) months after the end of the year. The Annual Report shall contain:

- .1 A list or relevant laws and regulations, as amended, relevant to seafarers' working and living conditions;
- .2 Details of the Republic of the Marshall Islands system of inspection;
- .3 Statistics of ships subject to inspection;
- .4 Statistics on seafarers subject to national laws and regulations;
- .5 Statistics and information on violations of legislation, penalties imposed and cases of MLC, 2006 detention of ships; and
- .6 Statistics on reported occupational injuries and diseases affecting seafarers.

9.6.2 ROs shall assist the Administrator in meeting this requirement by providing statistics and

other information required to produce this Annual report.

10.0 Seafarer Complaints

- 10.1 Each shipowner shall provide for on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of this MLC, 2006, including seafarers' rights.
- 10.2 Reference shall be made to Marine Notice No. 7-053-1, *On-Board Complaint Procedures*.

11.0 Confidentiality

- 11.1 All inspectors shall treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.



REPUBLIC OF THE MARSHALL ISLANDS

OFFICE OF THE MARITIME ADMINISTRATOR

Maritime Labour Convention, 2006 Declaration of Maritime Labour Compliance – Part I

(NOTE: This Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the authority of
the Government of the Republic of the Marshall Islands

With respect to the provisions of the Maritime Labour Convention (MLC), 2006, the following referenced ship:

Name of Ship	IMO Number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a) the provisions of the MLC, 2006 are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions where they differ from the MLC, 2006 are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided in the section provided for this purpose below;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under national legislation are referenced under the requirements concerned.

1. Minimum age (Regulation 1.1)

- **Maritime Act, 1990, as amended (MI-107) §826 – Minimum age at sea.**
- **Maritime Regulations (MI-108) §7.49 – Minimum Age.**
 - For the purposes of this requirement, “night” is defined as the period starting at 20:00 hrs and ending at 06:00 hrs.
 - Seafarers under the age of 18 shall be prohibited from engaging in employment or work which is considered “hazardous” as determined by the shipowner/operator in accordance with relevant international standards.
- **Marine Notice 7-049-1-Hazardous Work and Consideration of Health and Safety Issues for Seafarers under the Age of 18.**
 - Addresses and provides criteria and the international standards for the determination of “hazardous” employment or work with regard to seafarers under the age of 18.

2. Medical certification (Regulation 1.2)

- **Maritime Act, 1990, as amended (MI-107) §825 – Required documents for seafarers.**
- **Maritime Regulations (MI-108) §7.47.4 – Medical Certificates.**
 - Each seafarer employed on board a vessel registered under the Maritime Act shall be in possession of a physical examination certificate in the official form required by the Republic of the Marshall Islands, the STCW Convention 1978, as amended, or by another State Party to the ILO Convention Concerning the Medical Examination of Seafarers, attesting to the holder’s medical fitness for duty.
 - The certificate must be signed by a medical practitioner licensed in the place of examination.
 - Medical information required to be recorded on the medical certificate and the duration of validity of the certificate is the same as referred to in the Convention.
 - Provisions for urgent cases are the same as referred to in the Convention except that the term “expired medical certificate of recent date” is defined as a medical certificate which is expired for a period not greater than 6 months.
- **Marine Guideline 7-47-1 - Guidance on Medical Exams and Certificates for Seafarers.**
 - Contains model medical exam form for the physical examination and the required Physical Exam Certificate (Form MI-105M) that must be submitted to the Office of the Maritime Administrator.

3. Qualification of seafarers (Regulation 1.3)

- **Maritime Act, 1990, as amended (MI-107) §825 – Required documents for seafarers.**
- **Maritime Regulations (MI-108) §7.47.1 – Training and Qualifications.**
 - Requirements for merchant marine personnel certification (MI-118), established pursuant to Marshall Islands Maritime Act 1990, Chapter 1, Section 109 and Marshall Islands Maritime Regulation Section 1.04, comply fully with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.

4. Seafarers' employment agreements (Regulation 2.1)

- **Maritime Act, 1990, as amended (MI-107) §830 – Grounds for discharge.**
- **Maritime Act, 1990, as amended (MI-107) §853 – Contracts for seafaring labor.**
- **Maritime Regulations (MI-108) §7.45.1 – Seafarer Employment Agreements.**
- **Maritime Regulations (MI-108) §7.47.3 – Seafarer's Identification and Record Books.**
- **Maritime Regulations (MI-108) §7.48 – Certificates of Service.**
 - Records of employment are recorded in seafarer's identification and record books. Seafarers not required to possess a seafarer identification and record book are issued certificates of service, the provisions of which are the same as referred to in the Convention.

5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)

- **Maritime Regulations (MI-108) §7.45.2 – Recruitment and Placement Services.**
- **Marine Notice 7-045-1-Demonstrating Compliance of Recruitment and Placement Services.**

6. Hours of work or rest (Regulation 2.3)

- **Maritime Act, 1990, as amended (MI-107) §842 – Working hours, rest hours and overtime.**
- **Maritime Regulations (MI-108) §7.51 – Hours of Work and Hours of Rest.**
 - Terminology used is the same as referred to in the Convention.
- **Marine Notice 7-051-2 – Minimum Hours of Rest.**
 - The Administration has established a minimum hours of rest standard for the regulation of Hours of Work and Hours of Rest.
 - Provides forms for the Table of Working Arrangements and for the Records of Hours of Rest.

7. Manning levels for the ship (Regulation 2.7)

- **Maritime Act, 1990, as amended (MI-107) §804 – Full complement required.**
- **Maritime Regulations (MI-108) §7.38 – Manning Requirements for Vessels Registered under the Maritime Act.**

8. Accommodation (Regulation 3.1)

- **Maritime Act, 1990, as amended (MI-107) §863 – Accommodations**
- **Maritime Regulations (MI-108) §7.44 – Accommodations, Recreational Facilities, Food, Water and Catering.**

- **Marine Notice 7-044-1 – Accommodations, Recreational Facilities, Food, Catering and Water** (sections 1 thru 13 and 16 thru 18).

9. On-board recreational facilities (Regulation 3.1)

- **Maritime Regulations (MI-108) §7.44 – Accommodations, Recreational Facilities, Food, Water and Catering.**
- **Marine Notice 7-044-1 – Accommodations, Recreational Facilities, Food, Catering and Water** (sections 1, 14, 16, 17 and 18).

10. Food and catering (Regulation 3.2)

- **Maritime Regulations (MI-108) §7.38.5d – Manning Requirements for Vessels Registered under the Maritime Act / Responsibility of Shipowners/Operators.**
- **Maritime Regulations (MI-108) §7.44 – Accommodations, Recreational Facilities, Food, Water and Catering.**
- **Marine Notice 7-044-1 – Accommodations, Recreational Facilities, Food, Catering and Water** (sections 1, 15, 16 and 17).
- **Marine Guideline 7-44-1, Food Handling, Storage and Preparation**
 - Compliments Marine Notice 7-044-1.

11. Health and safety and accident prevention (Regulation 4.3)

- **Maritime Act, 1990, as amended (MI-107) §710 – Marine casualty investigations.**
- **Maritime Regulations (MI-108) §6.36 – Reports of Marine Casualties or Incidents.**
- **Maritime Regulations (MI-108) §7.41 – Master’s Duties and Responsibilities**
 - **.10 Accident Prevention.** The Master of each vessel shall appoint from amongst the crew a suitable person or a committee responsible for accident prevention, and such person or committee shall in addition to any other duties assigned by the Master hold safety meetings, conduct routine inspections and ensure that any conditions aboard the vessel not in substantial compliance with the applicable provisions of the accident prevention code or codes currently approved by the Administration are brought to the prompt attention of the Master.
- **Maritime Regulations (MI-108) §§7.43.1 and 7.43.2 – Health and Safety Protection and Accident Prevention.**
- **Marine Notice 2-011-13 – International Safety Management (ISM) Code.**
- **Marine Notice 7-049-1 – Hazardous Work and Consideration of Health and Safety Issues for Seafarers under the Age of 18.**
 - Addresses and provides criteria for the determination of ‘hazardous’ employment or work with regard to seafarers under the age of 18.
- **Marine Guideline 2-11-3 – Guidelines on the Basic Elements of a Shipboard Occupational Health and Safety Program.**

12. On-board medical care (Regulation 4.1)

- **Maritime Regulations (MI-108) §7.42 – Medical Care of Officers and Crew.**
 - **.2 Hospital:** Vessels carrying 15 or more seafarers and engaged in a voyage of more than three (3) days' duration shall provide separate hospital accommodation to be used exclusively for medical purposes and that will, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention. Vessels engaged in coastal trade and capable of reaching qualified medical care and medical facilities within eight (8) hours may be exempted from this requirement.
 - **.4 Standard of Competence for Medical First Aid/Medical Care:** Vessels which do not carry a medical doctor shall be required to have one (1) seafarer on board who is in charge of medical care and administering medicine as part of their regular duties and one (1) seafarer on board competent to provide medical first aid. A single individual may serve in both capacities, provided he/she is certified for the two (2) competencies.
- **Marine Notice 7-042-1, Medical Care On Board Ship and Ashore: Medical Chest, Recordkeeping and Responsibilities and Training for Medical Care.**

13. On-board complaint procedures (Regulation 5.1.5)

- **Maritime Act, 1990, as amended (MI-107) §861 – Conciliation, mediation and arbitration of labor disputes, differences or grievances.**
- **Maritime Regulations (MI-108) §7.53 – Conciliation, Mediation and Arbitration.**
- **Marine Notice 7-053-1, On Board Complaint Procedures**
 - Contains specifics regarding the development of the on board complaint procedures.

14. Payment of wages (Regulation 2.2)

- **Maritime Act, 1990, as amended (MI-107) §827 – Payment of wages.**
- **Maritime Regulations (MI-108) §7.51.4 – Payment of Wages.**
- **Marine Notice 7-051-1, Payment of Wages – Account.**

Name: _____

Title _____

Signature: _____

Place: _____

Date _____

(Seal or stamp of the authority, as appropriate)

Substantial Equivalencies

(NOTE: Strike out the statement which is not applicable)

The following substantial equivalencies, and provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted *(insert description if applicable)*:

No equivalency has been granted.

Name: _____

Title _____

Signature: _____

Place: _____

Date _____

(Seal or stamp of the authority, as appropriate)

Exemptions

(NOTE: Strike out the statement which is not applicable)

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

No exemption has been granted.

Name: _____

Title _____

Signature: _____

Place: _____

Date _____

(Seal or stamp of the authority, as appropriate)

Maritime Labour Convention, 2006
Declaration of Maritime Labour Compliance – Part II

Measures adopted to ensure ongoing compliance between inspections

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

- | | |
|--|--------------------------|
| 1. Minimum age (Regulation 1.1) | ☐ |
| 2. Medical certification (Regulation 1.2) | ☐ |
| 3. Qualifications of seafarers (Regulation 1.3) | ☐ |
| 4. Seafarers' employment agreements (Regulation 2.1) | ☐ |
| 5. Use of any licensed or certified or regulated private recruitment | ☐ |
| 6. Hours of work or rest (Regulation 2.3) | ☐ |
| 7. Manning levels for the ship (Regulation 2.7) | ☐ |
| 8. Accommodation (Regulation 3.1) | ☐ |
| 9. On-board recreational facilities (Regulation 3.1) | ☐ |
| 10. Food and catering (Regulation 3.2) | ☐ |
| 11. Health and safety and accident prevention (Regulation 4.3) | ☐ |
| 12. On-board medical care (Regulation 4.1) | ☐ |
| 13. On-board complaint procedures (Regulation 5.1.5) | ☐ |
| 14. Payment of wages (Regulation 2.2) | ☐ |

I hereby certify that the above measure have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of shipowner:¹ _____

Company address: _____

Name of the authorized signatory: _____

Title: _____

Signature of the authorized signatory: _____

Date: _____

(Seal or stamp of the shipowner¹)

The above measures have been reviewed _____

(insert name of competent authority or duly recognized organization)

and, following inspection of the ship, have been determined as meeting the purposes set out Standards A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name: _____

Title: _____

Address: _____

Signature _____

Place: _____

Date: _____

(Seal or stamp of the authority, as appropriate)

1 *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention