



MLN 5.

Revision No 0

DEPARTMENT OF ECONOMIC DEVELOPMENT

MLC Title 5 Implementation Dates Frequently Asked Questions

This MLN explains in a question and answer format the MLC implementation dates, and how they apply to Isle of Man (IOM) registered vessels.

Documents referred to in this notice:

Maritime Labour Convention 2006

Most regulations and notices are available on the Isle of Man Government website:

www.iomshipregistry.com or by contacting marine.survey@gov.im

MLC will be in force internationally on 20th August 2013 and we are starting to get enquiries on a daily basis regarding the many different MLC requirements. Currently we are working with over 35 shipowners to help ensure their vessels are MLC compliant and we have carried out over 40 MLC inspections on board Isle of Man (IOM) registered vessels. For many shipowners MLC is already happening and is now an important aspect of how they operate their vessels.

In order to assist shipowners we have produced the following summary of the most commonly asked questions regarding implementation dates with our response below.

1. When do vessels have to comply with MLC?

MLC was ratified on 20 August 2012 and enters into force internationally 12 months later so all vessels to which MLC applies have to comply with the MLC requirements by **20 August 2013**. If a vessel visits a country that has ratified MLC on or after this date and they receive a PSC inspection they must be able to demonstrate that they can meet the convention requirements.

2. When will the IOM ratify MLC?

The ratification process is slightly different for the IOM compared to other ship registries because the UK is the signatory to the International Labour Organisation's conventions and when the UK ratifies MLC it can extend the ratification to the IOM. The latest information is that the UK intends to ratify MLC before August 2013 and then extend MLC to the IOM before the in force date (20 August 2013). In order to ensure this is possible the IOM is working to have our MLC regulations approved by the UK and Tynwald (the IOM parliament) before July 2013.

3. When do IOM registered ships have to be inspected for MLC?

Once MLC has been extended to the IOM we have 12 months to ensure all IOM registered vessels have been inspected for MLC compliance. All vessels must have been inspected and issued with the appropriate MLC certification by this date. While this date will be confirmed after MLC is extended to us we are taking this to provisionally be 20th August 2014.

For vessels that are due an international safety management (ISM) audit and an international ship and port facility security (ISPS) audit before this date we will carry out the initial MLC inspection at the same time so that we can harmonise all three certificates. There are 540 IOM registered vessels which require an inspection, so in order to prevent a bottleneck of inspections which could mean we are forced to turn down inspections due to a lack of surveyor availability, we have implemented a phase in approach.

The phase in approach started in September 2012 and since then we have encouraged all ships that have requested an ISM/ISPS audit to also have an MLC inspection. This has been on condition that we have received and reviewed the shipowner's DMLC Part II and the seafarers' employment agreements prior to attending the vessel.

We have also been working with operators of bulk carriers to encourage them to have their vessels inspected before August 2013. This is in accordance with Resolution XVII from the 94th International Labour Organisation Conference held in Geneva in Feb 2006 which requests Governments to develop plans for the phasing in of certification starting with bulk carriers and passenger ships after the MLC ratification date.

4. If a vessel is not due an ISM audit until after 20 August 2014 when should the initial MLC inspection be carried out?

An MLC inspection would have to be requested and carried out before 20 August 2014. In addition to carrying out an MLC inspection, a renewal ISM and ISPS audit would also be carried out so the ISM and ISPS certificates will have their expiry dates harmonised with the maritime labour certificate.

5. Does the IOM have enough surveyors to carry out so many MLC inspections?

We currently have 10 fully trained IOM based surveyors and 2 further surveyors available when training is completed. We also have local surveyors based in China and Singapore who are MLC trained and 9 other surveyors based in various locations around the world who will receive MLC training. So by August 2013 we should have a total of 21 surveyors all trained for MLC inspections.

6. When do commercial vessels (including commercial yachts) of less than 500gt have to be inspected and with what certification will they be issued?

All commercial vessels of less than 500gt will have to be inspected before 20 August 2014. For commercial yachts the inspection should be carried out at the same time as the survey for the intermediate or renewal certificate of compliance for a large charter yacht. There are also a small number of general cargo vessels of less than 500gt which operate locally around the IOM and for these vessels we will arrange with the vessel's operators a suitable time for carrying out the inspection.

The IOM requires all vessels under 500gt to be issued with a DMLC Part I and II which will include an annex which will be signed and dated by the surveyor and can be used as evidence that an inspection has been carried out. There is also the option for the vessel to voluntarily request a maritime labour certificate but there will be an additional fee charged for this.

7. For vessels of 500gt and over when will the IOM issue MLC certification?

Once MLC has been extended to the IOM we will issue a maritime labour certificate and a DMLC Part I and II to all vessels which have already received a successful MLC inspection. The maritime labour certificate shall be harmonised with the vessel's safety management certificate. All vessels that are inspected after IOM MLC regulations come into force will be issued with a DMLC Part I and II and a maritime labour certificate following the successful completion of the inspection.

8. What will happen to an IOM registered vessel if it visits a country that has ratified MLC after August 2013 and receives a Port State Control inspection?

We want to make it clear that there is no requirement for a vessel to have MLC certification by 20th August 2013 **unless** it flies the flag of one of the first 30 countries that ratified MLC.

If an IOM registered vessel visits a country that has ratified MLC on or after 20 August 2013 and receives a Port State Control (PSC) inspection the vessel may be inspected to ensure compliance with the convention requirements of MLC.

The PSC officer may also carry out a more detailed inspection if the vessel has not yet been inspected by the flag State for MLC (and therefore does not have a maritime labour certificate or a DMLC Part I and II). The more detailed inspection can involve checking any of the 14 areas which form part of the MLC inspection requirements and if any of these areas do not comply with the MLC requirements, such as the seafarer employment agreements not being valid, an MLC deficiency may be raised. It should be noted however that a more detailed inspection should not cause problems for shipowners who have ensured MLC is in place on their vessels and the Master and seafarers on the vessel should be able to clearly demonstrate compliance.

If you have not yet been in contact with the Ship Registry to prepare your IOM registered vessels for MLC then please visit our website (www.iomshipregistry.com) where you will find the following available -

- a. MLN Guidance notes on the relevant IOM MLC regulations.
- b. DMLC Part I - This shows how the IOM regulations will enforce the requirements of the 14 inspection items.
- c. DMLC Part II – This is a web document that can be filled in by the shipowner and sent back to us. If this information meets the IOM requirements then we will import this onto our computer based certificate generating programme.

If you have any further questions please contact us at marine.mlc@gov.im and we will do our best to advise you.