



# REPUBLIC OF THE MARSHALL ISLANDS

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### **TECHNICAL CIRCULAR**

**Circular Number: 2**

**Revision: 1**

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**Date: 19 March 2008**

#### **ILO Convention No. 92 and No. 133 Documents of Compliance**

### **1.0 Introduction**

- 1.1 Effective 3 July 2007, the Marshall Islands became a member of the International Labor Organization (ILO), and it has ratified the ILO Consolidated Maritime Labour Convention (MLC) of 2006. The MLC updates and consolidates 68 previous ILO Conventions, including ILO Conventions No. 92 and No. 133 dealing with crew accommodations, and will come into force for new construction 12 months after 30 member States with a total share in the world gross tonnage of ships of 33% ratify the Convention. Until that time, vessels registered in the Marshall Islands will not be required to comply fully with these consolidated ILO Conventions. The Administration, however, has for some time recognized ILO Conventions No. 92 and No. 133 as industry standards for which voluntary compliance is highly recommended.
- 1.2 Vessel owners or operators often desire documentation that verifies their ships comply with one of these conventions to satisfy coastal State requirements or charter agreements. Therefore, the Administration has developed statements of fact, in the form of Documents of Compliance, which certify that shipboard accommodations comply with either ILO Convention No. 92 or No. 133. This optional certification may be issued, at the request of a vessel owner or operator, upon satisfactory completion of the necessary plan review and shipboard surveys.
- 1.3 Shipowners currently considering new construction are advised to review Marine Notice 7-044-1 on 'Accommodations, Recreational Facilities, Food, Catering and Water' for guidance on these requirements under the new MLC 2006.

### **2.0 Documents of Compliance**

- 2.1 Marshall Islands Form MI-286 is used to certify compliance with Part III of ILO Convention No. 92, Accommodation of Crews Convention, as revised.
- 2.2 Marshall Islands Form MI-287 is used to certify compliance with Part III of ILO Convention No. 92, Accommodation of Crews Convention, as revised and the provisions of Part II of ILO Convention No. 133, Accommodations of Crews (Supplementary Provisions) Convention.

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2.3 Since the Document of Compliance is essentially a certification that specific ILO Convention requirements have been satisfied, the applicability of the Convention to a given vessel type and the date that the Convention entered into force are of little significance. A ship having accommodations that comply with Part III of ILO Convention No. 92 may be issued Form MI-286 regardless of ship type, size, or date of build. Similarly, a vessel that meets Part III of ILO Convention No. 92 and Part II of ILO Convention No. 133 can be issued Form MI-287 irrespective of ship type, size, or date of build.

### **3.0 Procedures**

3.1 A vessel owner or operator of a Marshall Islands flag vessel that desires the issuance of an ILO Document of Compliance should make application directly to the classification society that classes the vessel. The application should specify whether an ILO Convention No. 92 or No. 133 Document of Compliance is requested.

3.2 The classification society should perform the necessary plan review and shipboard surveys for the requested certification. Inasmuch as compliance is not mandatory, deviations from specific convention requirements should be considered as "Exceptions" to convention requirements. Any "Exceptions" noted during the plan review or survey phases should be documented.

3.3 Upon satisfactory completion of the plan review and surveys, the appropriate Document of Compliance may be issued. The Document of Compliance should state whether the ship is in "full" or "substantial" or "partial" compliance with the appropriate convention. If the ship is in "substantial" or "partial" compliance, the "Exceptions" should be listed in the space provided on the face of the Document of Compliance. The list of "Exceptions" may be continued on the reverse side of the Document of Compliance, as necessary.

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