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# **Proposal from the group of Shipowner representatives appointed to the Special Tripartite Committee to amend the Code of the Maritime Labour Convention, 2006 (MLC, 2006)**

## **The renewal of the maritime labour certificate**

### **Background**

1. The group of Shipowner representatives appointed to the Special Tripartite Committee established under Article XIII of the MLC, 2006 have advised the Seafarer representatives appointed to the Committee that they wish to table the following proposal to amend the Code of the MLC, 2006 at the next meeting of the ILO Special Tripartite Committee in 2016. The Office recalls that the International Chamber of Shipping (ICS) had previously raised this matter with the ILO International Labour Standards Department and was advised that the only mechanism available to bring such a proposal into effect would be by way of an amendment to the MLC, 2006.
2. This proposal seeks to bring the renewal process for the maritime labour certificate in line with the renewal of certificates under International Maritime Organization (IMO) Conventions.

### **Current status**

3. MLC, 2006, Standard A5.1.3, paragraph 3, states “when the renewal inspection has been completed within three months before the expiry of the existing maritime labour certificate, the new maritime labour certificate shall be valid from the date of completion of the renewal inspection for a period not exceeding five years from the date of expiry of the existing certificate”.
4. The renewal inspection for vessels of some flag States may be conducted by “recognized organizations (RO)”.
5. Following the inspection, the flag administration will issue the new certificate on the basis of the RO’s inspection result that the ship is in conformity with MLC, 2006, standards and national law. However, some flag States do not permit ROs to issue the new certificate on their behalf.
6. There is, therefore, a possibility that the vessel may not receive the new certificate before the expiry date of the existing maritime labour certificate, despite the renewal inspection having been successfully completed. The old certificate may therefore expire before receipt of the new one.
7. If a port State control (PSC) inspection is scheduled shortly after the renewal survey without the new certificate having been received, the vessel must prove to PSC inspectors that the renewal survey has been successfully completed and that it is waiting to receive a new certificate from the flag administration. In many cases, this might be difficult, and could result in a deficiency and therefore a delay to the ship.

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## Proposal

8. It is proposed to amend Standard A5.1.3 and the relevant Appendix A5-II of the Code of the MLC, 2006, to allow flag State administrations, including duly authorized ROs acting on their behalf, to extend the validity of the existing maritime labour certificate for up to five months from the expiry date. This would be conditional on the required MLC, 2006 renewal inspection having been successfully conducted and the ship having been found to be in compliance with the relevant requirements of the Convention. This would align the MLC, 2006 provisions with the process adopted under, for example, provisions in the IMO's SOLAS Convention, 1974, Annex Regulation 14(d).

### ***Proposed amendments to the Code of the MLC, 2006***

9. Add the following new paragraph [4bis] after the present paragraph 4 of Standard A5.1.3 – Maritime labour certificate and declaration of maritime labour compliance:

[4bis] Where, after a renewal inspection completed prior to the expiry of a maritime labour certificate, the ship has been found to continue to meet the national requirements implementing this Convention, but a new certificate cannot immediately be issued to that ship, the competent authority, or the recognized organization duly authorized for this purpose, may renew the certificate by extending its validity for a further period which shall not exceed five months from the expiry date, and endorse the certificate accordingly.

10. Add the following text at the end of the model form for the maritime labour certificate contained in Appendix A5-II:

*Extension after renewal inspection (if applicable)*

This is to certify that, following a renewal inspection referred to in paragraph 4bis of Standard A5.1.3, the ship was found to continue to be in compliance with the national requirements implementing this Convention and that the present certificate is hereby extended until [date (not more than five months after the expiry date)] pending the issue of the new certificate to the ship.

Completion date of the inspection on which this extension is based was

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Signature of the duly authorized official issuing the certificate.

(Seal or stamp of issuing authority, as appropriate.)