

Sept., 2012

## MLC 2006 – Preliminary information from the Faroese Maritime Authority

As will be known, the MLC convention has now been ratified by 30 member countries. This means that by **20<sup>th</sup> August 2013** all 30 countries shall have finalized the legal work to implement the requirements of the convention.

You should note that as from the day that the MLC convention comes into effect, all Faroese ships (fishing vessels excepted) of 500 GRT and larger in international trade, or that trade between ports in another in another country (see 5.1.3 of MLC) must have their MLC-certification in place.

The MLC approval will be stated in two different documents, which are to be found on board:

- 1) *Maritime Labour Certificate* – abbreviated MLC, and
- 2) *Declaration of Maritime Labour Compliance* – abbreviated DMLC.

The former – **MLC** – is a document providing the same information about the ship, which is required on the “Safety Management Certificate” (SMC) and “International Ship Security Certificate” (ISSC).

The latter – **DMLC** – is divided into two parts; DMLC1 and DMLC2.

### DMLC1:

This first part of the DMLC is designed for the flag state to acknowledge that national rules and regulations have been updated to encompass MLC requirements. By this we would like to inform you that the work with Faroese legislation is presently on-going.

Although we do not yet have the exact paragraph in each Act to be mended, nor the exact name to every Executive Order that will be issued, we shall nevertheless provide you with an overview of the 14 MLC requirements that imply changes to rules and regulations or a new Executive Order from the Faroese Authorities.

When ready, this part of the document will encompass the following information from FMA:

No.	MLC requirement	Faroese regulations
1.	Regulation 1.1 Minimum age	<ul style="list-style-type: none"> <li>- Governmental Act amended, which prohibits the employment of personnel under 16 years of age on board Faroese Ships.</li> <li>- Executive Act to be drawn, which highlights dangerous work and prohibits personnel under the age of 18 to take part in such work, except in limited circumstances. It further restricts night work for personnel under 18 and defines night period.</li> </ul>
2.	Regulation 1.2 Medical certification	<ul style="list-style-type: none"> <li>- Gov. Act No. 4 from 15th Jan 1988 about seamen with later amendments, <b>ch. 7</b>,</li> <li>- Gov. Act No. 63 from 3rd July 1998 about manning of ships with later amendments, §13, <b>part 2</b>,</li> <li>- Gov. Act No. 124 from 22 Dec.2010 about amendments to í Gov. Act about seamen and</li> <li>- Exec. Order No. 131 from 28th Dec. 2010 about medical examination of seafarers with later amendment</li> </ul> <p>Stipulate the requirement to all seafarers to hold a medical certificate. Such certificate is valid not longer than 2 years.</p>
3.	Regulation 1.3 Qualifications of seafarers	<ul style="list-style-type: none"> <li>- Gov. Act No. 63 from 3rd July 1998 about manning of ships with later amendments, <b>ch. 4 &amp; 5</b></li> </ul> <p>stipulates requirements to the competence and to certification of seafarers.</p> <ul style="list-style-type: none"> <li>- Exec. Order No. 20 from 22 April 2010 about certificates and competence requirements to personnel on board ships,</li> </ul> <p>stipulates exact requirements to the different positions for seagoing personnel.</p> <ul style="list-style-type: none"> <li>- Exec. Order No. 27 from 6th March 2001</li> </ul> <p>stipulates particular requirements to education and competence of personnel on passenger ships.</p>

Sept., 2012

4.	Regulation 2.1 Seafarers' employment agreements	<ul style="list-style-type: none"> <li>- Gov. Act No. 4 from 15th Jan 1988 about seamen with later amendments, <b>ch. II</b> og</li> <li>- Gov. Act No. 71 from 20th May 2011 to amend Gov. Act about seamen, Gov. about safety at sea and Gov. Act about manning of ships, stipulate the requirements to employment and employment contracts.</li> </ul>
5.	Regulation 1.4 Use of any licensed or certified regulated private recruitment and placement service	<ul style="list-style-type: none"> <li>- Governmental Act amended, and</li> <li>- New Executive to be drawn stipulate the requirements to the approval of manning agents the operation of placement services .</li> </ul>
6.	Regulation 2.3 Hours of rest	<ul style="list-style-type: none"> <li>- Gov. Act No. 4 from 15th Jan 1988 about seamen with later amendments, <b>ch. 6</b> and</li> <li>- Gov. Act No. 71 from 20th May 2011 to amend Gov. Act about seamen, Gov. about safety at sea and Gov. Act about manning of ships, <b>§ 55</b>, and</li> <li>- New Exec. Order stipulate the requirements to rest hours for seafarers.</li> </ul>
7.	Regulation 2.7 Manning levels for the ship	<ul style="list-style-type: none"> <li>- Gov. Act No. 63 from 3rd July 1998 about manning of ships with later amendments, <b>ch. 1, 2 &amp; 3 and</b></li> <li>- New Exec. Order stipulate the requirements to the manning level on board Faroese ships.</li> </ul>
8.	Regulation 3.1 Accommodation	Technical Notice B ("Fráboðan B") will be updated early 2013 to regulate Faroese implementation of the requirements.
9.	Regulation 3.1 Onboard recreational facilities	Technical Notice B ("Fráboðan B") will be updated early 2013 to regulate Faroese implementation of the requirements.
10.	Regulation 3.2 Food and catering	<ul style="list-style-type: none"> <li>- New Exec. Order with requirements to cooks, who do not hold a certificate, and</li> <li>- New Exec. Order with requirements to sea-going personnel who work with food , stipulate the requirements to sea-going personnel engaged in the galley and regulate activities in relations to food handling catering.</li> </ul>
11.	Regulation 4.3 Health and safety and accident prevention	<ul style="list-style-type: none"> <li>- Gov. Act No. 165 from 21st Dec. 2001 about safety at sea with later amendments, <b>§6, part, 2, and §§ 24 – 29</b>, and</li> <li>- New Exec. Order to be drawn stipulate the requirements to accommodation on board ships.</li> </ul>
12.	Regulation 4.1 Onboard medical care	<ul style="list-style-type: none"> <li>- New Notice from FMA about medical chest and medical assistance on board ships (presently in circulation for comments) stipulate the requirements to medial assistance and medicines on board Faroese ships.</li> </ul>
13.	Regulation 5.1.5 Onboard complaint procedures	<ul style="list-style-type: none"> <li>- Gov. Act No. 4 from 15th Jan 1988 about seamen with later amendments, <b>ch. IV</b> and</li> <li>- New Exec. Order to be drawn stipulate the seafarer's rights in grievance processes related to conditions that are in breach with the requirements of the MLC 2006.</li> </ul>
14.	Regulation 2.2 Payment of wages	<ul style="list-style-type: none"> <li>- Gov. Act No. 4 from 15th Jan 1988 about seamen with later amendments, <b>ch. 3/§ 18, ch. 9 &amp; 10 and</b></li> <li>- New Exec. Order to be drawn stipulate the seafarer's rights in relation to payment of wages.</li> </ul>

Authority's stamp

Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Sign.: \_\_\_\_\_  
 Place: \_\_\_\_\_  
 Date: \_\_\_\_\_

Sept., 2012

## DMLC2:

In the second part – i.e. DMLC2 – the shipowner/management company shall check and tick out the various aspects that have been addressed to meet the MLC requirements. MLC guidelines **B 5.1.3.2** states that

- DMLC2 shall give reference to procedures in the Safety Management System of the DOC holder, which show that the company and ship meet the requirements in MLC.

With concrete example we may illustrate as follows:

- Under Item 11 “Health and safety and accident prevention” it is sufficient to refer to the exact procedure in the Company SMS.
- Likewise under Item 6 “Hours of work or rest” it is sufficient to refer to the relevant procedures, which is supposedly found in the SMS and possibly also in the personnel handbook.
- Etc.

As stated earlier, the Faroese Executive Orders have not yet been finalized. However, this should not prevent owners and management companies to start their preparations now by filling in their information into DMLC 2. This information will later provide the foundation for the MLC approval, which your classification society will issue on our behalf upon the inspection of each ship.

The **DMLC2** document that owners (or management companies) should fill in will contain the following information:

### Declaration of Maritime Labour Compliance Part II

The following measures have been drawn up by the shipowner (manager), named in the Maritime Labour Certificate to which this Declaration is attached, to ensure on-going compliance between inspections:

No.	MLC requirement	Reference to SMS
1	Nr. 1.1 Minimum Age – company policy/procedure	
2	Nr. 1.2 Medical certification – company policy/procedure	
3	Nr. 1.3 Qualifications of seafarers – company policy/procedure	
4	Nr. 2.1 Seafarers’ employment agreements – company policy/procedure	
5	Nr. 1.4 Use of any licensed or certified or regulated private recruitment and placement service – company policy/procedure	
6	Nr. 2.3 Hours of work or rest – company policy/procedure	
7	Nr. 2.7 Manning levels for the ships – company policy/procedure	
8	Nr. 3.1 Accommodation regulation – company policy/procedure	
9	Nr. 3.1 Onboard recreational facilities – company policy/procedure	
10	Nr. 3.2 Food and catering onboard – company policy/procedure	
11	Nr. 4.3 Health & safety and accident prevention – company policy/procedure	
12	Nr. 4.1 Onboard medical assistance – company policy/procedure	
13	Nr. 5.1.5 Onboard grievance procedures – company policy/procedure	
14	Nr. 2.2 Payment of Wages – company policy/procedure	

When the above table has been finalized and the company is able to refer to implemented procedures for all aspects, the overview should be kept for the certification. When the inspection has been made on board, and the information from the inspection has been collated, the aggregate information will form the ground of issuance of the certificate.

The MLC certificate will be signed by the authority, i.a. the Class on behalf of the authority, and by the DOC holder responsible for the management of the ship.

Sept., 2012

## **MLC and Interim MLC**

Finally, a closing word on the interim approval (certificate) under the MLC convention:

The interim certification will be required

- For newbuildings when taken from the yard,
- for ships that are new in the company's fleet, having their SMC/ISSC issued the first time,
- and for ships that are being transferred to the Faroese flag.
- 
- Other ships will have their certificate issued directly with no interim period.

As for the SMC and ISSC the interim certificate expires after 6 months. Please note, however, that in the case of the MLC there is not room for extension of the interim period.

As for the SMC and ISSC the certification period is 5 years with an intermediate audit, which is to be performed between the 2<sup>nd</sup> and the 3<sup>rd</sup> year.

--- 00 ---