



TECHNICAL CIRCULAR No. 140 of 17th July 2013

To:	All Surveyors/Auditors
Applicable to flag:	All Flags
Subject:	Port State Enforcement of MLC
Reference	ILO –Maritime Labour Convention

Port State Enforcement of ILO MLC

The *International Chamber of Shipping (ICS)* has issued advice to shipowners to help them pre-empt port state control problems when the Convention enters in force, next month, on 20 August.

The advice explains the measures that port state control officers are entitled to take, which initially will vary from country to country depending upon the date when the port state ratified the Convention.

The enforcement mechanism is new and is complicated by the fact that the MLC does not actually require flag states that have ratified the Convention to issue certification immediately. The ILO Diplomatic Conference which adopted the MLC in 2006 also adopted a Resolution agreeing that port states should take a pragmatic approach to enforcement for the first 12 months following entry into force worldwide. But it is still rather unclear how this will be applied in practice. Shipowners should therefore take sensible precautions.

Regardless of the progress which may or may not have been made by a vessel's flag state, ships are required to meet the standards in the Convention.

An important part of PSC enforcement will be the Declaration of Maritime Labour Compliance (DMLC Part II), a part of which requires companies to complete themselves for each of their ships, and which should serve as prima facie evidence that the ship meets MLC standards.

ICS therefore recommends that companies prepare, for all their ships, a DMLC Part II before 20 August, in order to minimize potential difficulties should their ships be subjected to PSC enforcement under the MLC.

In the event that the flag state has not yet ratified the Convention, or has not yet issued

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ships with a DMLC Part I containing details of the national requirements with which ships should demonstrate compliance, ICS suggests that companies should nevertheless prepare a DMLC Part II for all their ships - even if this has to be adjusted once the flag state is ready to issue guidance. ICS suggests that companies can refer to the model contained in the 'International Shipping Federation (ISF) Guidelines on the Application of the MLC' which were produced by ICS last year.

ICS also recommends that ships carry evidence to show they have contacted their flag state requesting inspection for compliance with the MLC and the format required for the completion of the DMLC.

REFERENCES:

- **ILO –Maritime Labour Convention**

ATTACHMENTS: No.

Kindest Regards,

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