



TECHNICAL CIRCULAR No. 147 of 24th August 2013

To:	All Surveyors/Auditors
Applicable to flag:	All Flags
Subject:	Enforcement of the MLC Convention in European Union (EU)
Reference	ILO MLC

Enforcement of the MLC Convention in European Union (EU)

PSC within the European Union (EU) is slightly complicated because not all EU Member States have ratified the Convention, and those that have ratified have done so at different times. What is important to understand is that those that have ratified MLC, 2006 may take full enforcement actions, including issuing deficiencies and detaining vessels, and that this will be recorded in the Paris Memorandum of Understanding (MOU) database.

Countries that have not ratified will be inspecting for compliance with ILO 147 (the ILO Merchant Shipping (Minimum Standards) Convention, 1976) with deficiencies and detentions recorded in national databases. Enforcement of MLC, 2006 and ILO 147 will occur in the Paris MOU region during the period of transition until all EU Member States have ratified MLC, 2006, at which point enforcement will be based on compliance with the MLC, 2006. Some countries within the Paris MOU are expected to utilize separate labor inspectors as opposed to PSC Officers (PSCOs)

ILO Resolution XVII provides in part that during a period of one year following the initial entry into force of the Convention, Members (both flag and port States) should give due consideration to allowing ships to continue to operate without the certificate and declaration referred to, provided that their inspectors have no evidence that the ships do not conform to the requirements of the Convention. MSD 001 (11/01) 2 of 3 MSA No. 39-13It is the RMI Maritime Administrator's (the "Administrator") understanding that there are no indications that Paris MOU Member States will not respect this recommendation of ILO Resolution XVII on documentation.

What this means is that except for the Maritime Labour Certificate and accompanying Declarations of Maritime Labour Compliance (DMLC) (Parts I and II), everything else on board the ship must be in full compliance with the MLC, 2006 requirements by 20 August 2013. Enforcement will be applied to all ship types, and will not be concentrated on just

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Page 1 of 2

passenger ships and bulk carriers as recommended by ILO Resolution XVII. Instead, inspection will be based on the Paris MOU ship risk profile wherein ships to be targeted are those considered High Risk: oil, chemical, gas, bulk, passenger and from "black list" flags. However, a ship's history, including any outstanding deficiencies and overall condition, may trigger an inspection, regardless of the flag it flies.

REFERENCES:

- ILO MLC
- Paris Memorandum of Understanding (MOU)

ATTACHMENTS: No.

Kindest Regards,

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