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Introduction of MLC inspections for ships not required to have maritime labour certificate

Entry into force of the Maritime Labour Convention

The Maritime Labour Convention (MLC) (ILO Convention No. 186 of 23 February 2006) entered into force for Norwegian ships on 20 August 2013. The convention has been implemented into Norwegian acts and regulations.

Upon the entry into force of the MLC, a requirement for maritime labour certificate was introduced for Norwegian cargo ships and passenger ships of 500 gross tonnage and safety tonnage and upwards engaged on foreign voyages, or operating from a port, or between ports, in another country.

[Read more here](#) about the process of being issued a maritime labour certificate.

Ships not required to have a maritime labour certificate shall be subject to an MLC inspection by 31 December 2016.

For cargo ships and passenger ships not covered by the requirement for a maritime labour certificate, the MLC introduced requirements for inspections of maritime labour conditions (MLC inspections). This applies to cargo ships and passenger ships with trade area 3 / class D or greater:

- engaged on domestic voyages, regardless of gross tonnage;
- engaged on foreign voyages, of less than 500 gross tonnage or safety tonnage.

The requirement for MLC inspections also applies to State-owned ships used for commercial purposes.

The requirement for MLC inspections will not apply to cargo ships and passenger ships with trade area 2 or lesser trade area, cargo ships of 50 gross tonnage or less, or ships which are protected or given status as historical by the Norwegian Directorate for Cultural Heritage.

The NMA has undertaken that all Norwegian ships covered by the requirement for MLC inspection shall be inspected by 31 December 2016.

1. The process for MLC inspection

Who	What
The company	Ensures that the ship meets and complies with the requirements of Norwegian acts and regulations concerning seafarers' working and living conditions.
The company	Sends a request for an MLC inspection (for ships not required to have maritime labour certificate) on form KS-0115E.
The Norwegian Maritime Authority	Carries out MLC inspection on board and issues an MLC report following satisfactory inspection.

2. Legislative provisions on MLC inspections

The requirement for MLC inspections for ships with passenger certificate and trading certificate is stipulated by Regulations of 15 June 1987 No. 506 on survey for the issue of certificates to passenger ships, cargo ships and lighters, and on other surveys, etc. section 12 (1) a) 3 and section 22 (1) a) 3.

These Regulations will, however, be repealed by the new Regulations on supervision and certificates for Norwegian ships and mobile offshore units which were circulated for review on 25 June 2014, with deadline for comments on 8 August 2014. When the new Regulations enter into force, the requirement for MLC inspection will have its legal basis in these Regulations for ships with the following main certificates:

- Passenger Ship Safety Certificate in domestic trade (SPE)
- Construction and Equipment Certificate, cf. A.373(X) (DSC)
- High-Speed Craft Safety Certificate (HSC)
- Passenger Certificate (PS) / Passenger Certificate, vehicle ferry (PSF)
- Trading certificate for cargo ships (FSL)

3. Preparation by the company

Ships not required to hold a maritime labour certificate, are not required to be issued DMLC I and DMLC II, but the ship shall nevertheless meet the requirements of the same acts and regulations as mentioned in DMLC I.

DMLC I - Declaration of Maritime Labour Compliance – Part I

The DMLC I contains a list of the 14 areas of supervision for the MLC. Below each of the 14 areas, references to Norwegian acts and regulations to be satisfied have been included.

DMLC II - Declaration of Maritime Labour Compliance – Part II

The DMLC II contains the company's procedures/routines, or references to relevant procedures/routines, for the implementation of and compliance with the 14 areas of supervision for the MLC. For ships with a safety management system (ISM), relevant procedures/routines may form part of the ship's ISM manual.

Even though there is no formal requirement for these documents for ships not required to have maritime labour certificate, they may nevertheless be helpful for the companies when ensuring that the ship meets and complies with the requirements of Norwegian acts and regulations concerning seafarers' working and living conditions. Word templates for KS-0207-2E DMLC I and KS-0207-3E DMLC II are found [on our website](#).

4. Request for MLC inspection

The company shall use the form KS-0115 Request for survey.

To find the form, which may be submitted both electronically¹⁾ and manually, go to our Norwegian website, select the menu point "Skjema" (eng: Forms), click "IN ENGLISH" in the right-hand corner, and then select "Forms Directory".

When filling out the form, please select the inspection type "MLC survey (for ships not required to have MLC certificate)". You will find this survey type under Other inspections or Other surveys in the electronic or manual form, respectively.

An MLC inspection shall be requested in connection with a survey for the ship's main certificate, alternatively in connection with an audit for the ship's safety management certificate (ISM).

It is a precondition that the ship is fully manned when an MLC inspection is being carried out.

An MLC inspection may be requested even if the new Regulations have not yet entered into force, cf. point 2.

1) Due to an error in the system, the electronic request form has not been updated with the inspection type "MLC survey (for ships not required to have MLC Certificate)". We therefore ask that you use the manual form for now.

5. When to send request for MLC inspection?

The NMA shall carry out MLC inspections on approximately 700 ships by 31.12.2016. In order to reach this goal, we ask that companies request MLC inspection together with the next survey as shown below, depending on the ship's main certificate type.

Main certificate type	When to request inspection
Passenger Ship Safety Certificate in domestic trade	At the first renewal survey
High-Speed Craft Safety Certificate	At the first renewal survey, or at the 2nd/3rd periodical inspection, whichever comes first
Passenger Certificate / Passenger Certificate for vehicle ferry	At the first renewal survey, or at the 2nd/3rd annual inspection, whichever comes first

Trading certificate for cargo ships	At the first renewal survey, or at the intermediate inspection, whichever comes first
Construction and Equipment Certificate, cf. A.373(X) (vessels constructed pursuant to the 1978 HSC Code)	At the first renewal survey

Alternatively:

Safety Management Certificate (ISM)	At the first renewal audit or intermediate audit on board
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For ships which have previously undergone an ILO 178 survey carried out by the NMA or a classification society, a request for an MLC inspection shall be submitted to the NMA at the latest within 3 years after the previous ILO 178 survey. MLC inspections will replace ILO 178 surveys.

Note: MLC inspections have not been delegated to recognised classification societies for ships not required to have maritime labour certificate, even if the ship has a Safety Management Certificate issued by a classification society. The NMA will carry out all MLC inspections on board Norwegian ships not required to have maritime labour certificate.

6. Execution of MLC inspection on board

When the NMA carries out an MLC inspection on board, various methods will be used, such as document review, visual inspection, general discussions and private interviews with seafarers.

The NMA will use a check list for the MLC inspection, and will review the 14 areas of supervision required by the MLC.

Following a satisfactory inspection, the inspector will issue an MLC report which will be made available to all seafarers on board. A list of recommendations will be issued if deficiencies are found. This list of recommendations shall be attached to the MLC report.

7. Specifically to newbuildings, import and change of company

For newbuildings, for import (ships transferred from foreign to Norwegian ship register) and for ships changing companies, an MLC inspection shall be carried out. At this time it may be difficult to check the actual compliance with the MLC. In such cases, the MLC inspection shall verify that:

- the company has satisfactory procedures/routines in place, which demonstrate compliance with the rules implementing the MLC (cf. list of Norwegian acts and regulations in DMLC I);
- the master is familiar with the Norwegian rules implementing the MLC, 2006 and with his or her responsibility for implementing and complying with these rules on board.

All 14 areas of supervision required by the MLC will be controlled to the greatest possible extent.

If the verification and inspection are not satisfactory, the MLC report may be withheld until the deficiencies have been rectified, or a recommendation to request a new MLC inspection within 6 months may be issued.

8. Specifically to alteration of the accommodation

Substantial alterations of the accommodation will require examination of drawings and inspection by the NMA. This shall be requested on form KS-0115E as a "conversion/change" inspection. Documentation from the NMA confirming that the alteration has been inspected shall be attached to the existing MLC report on board.

9. Unannounced inspection

The NMA may carry out unannounced inspection in accordance with the MLC.

10. Exemption from requirement for maritime labour certificate for single voyage in foreign trade

Cargo ships and passenger ships of 500 gross tonnage and safety tonnage and upwards engaged on foreign voyages, are required to have a maritime labour certificate. The company may, however, apply for exemption from the requirement for maritime labour certificate for cargo ships and passenger ships of 500 gross tonnage and safety tonnage and upwards, which are certified for domestic voyages, but which have to undertake a single voyage in foreign trade. This is under the condition that the ship has undergone a satisfactory MLC inspection completed not more than 3 years before the ship is back in domestic trade, and that the voyage is undertaken without cargo and passengers.

An application for exemption may be sent to post@sdir.no with reference to the local office of the NMA which is issuing the trading permit for the voyage.

11. Fees

MLC inspections and inspections related to conversion/change are subject to charges, cf. section 25.1.2 and section 27 of the [Regulations of 2 February 1996 No. 115 \(Fees Regulations\)](#).

12. Legislation

You will find the documents mentioned below on our website:

- [Legislation / Regulations](#)
- [Maritime Labour Convention](#)

Acts and regulations

- Regulations of 15 July 1987 No. 506 on survey for the issue of certificates to passenger ships, cargo ships and lighters, and on other surveys, etc.
- Applicable acts and regulations mentioned in DMLC I

International legislation

- The ILO's website related to the MLC: Maritime Labour Convention, 2006 (MLC 2006)

References

- The text of the MLC in Norwegian and English:
Storting proposition No. 73 (2007-2008). Regarding consent to ratification of ILO Convention No. 186 of 23 February 2006 on maritime labour (with Norwegian translation of the MLC, 2006)
- ILO flag state guidelines
- Guidelines for Norway's implementation of the Maritime Labour Convention (MLC)

13. Questions

If you have any questions regarding request for MLC inspection, please contact your nearest local office of the NMA, or the section for inspection and emergency preparedness at the main office.

Bjørn Pedersen
Acting Director General of Navigation and Shipping

Alf Tore Sørheim
Acting Head of Department