



## Governing Body

329th Session, Geneva, 9–24 March 2017

GB.329/LILS/3(Rev.)

**Legal Issues and International Labour Standards Section**  
*International Labour Standards and Human Rights Segment*

**LILS**

Date: 6 March 2017

Original: English

### THIRD ITEM ON THE AGENDA

## **Proposed amendments to the form for reports to be requested under article 22 of the ILO Constitution in relation to the Maritime Labour Convention, 2006, as amended (MLC, 2006)**

#### **Purpose of the document**

Amendments to the Maritime Labour Convention, 2006, were approved in June 2014 by the International Labour Conference and entered into force on 18 January 2017. In the present document, the Governing Body is invited to examine and approve a revised report form to be used by the governments of ratifying States as a basis for their reports on the application of the Maritime Labour Convention, 2006, as amended (MLC, 2006), in accordance with article 22 of the ILO Constitution. The proposed changes to the report form were consulted with the Officers of the Special Tripartite Committee of the MLC, 2006 (see the draft decision in paragraph 8).

**Relevant strategic objective:** Promote and realize standards and fundamental principles and rights at work, as well as promote social dialogue.

**Main relevant outcome/cross-cutting policy driver:** Outcome 2: Ratification and application of international labour standards.

**Policy implications:** None.

**Legal implications:** Form to be used in the context of constitutional reporting obligations.

**Financial implications:** None.

**Follow-up action required:** None.

**Author unit:** International Labour Standards Department (NORMES).

**Related document:** GB.326/LILS/6.



## Introduction

1. In June 2014, the International Labour Conference approved the amendments to the Code of the Maritime Labour Convention, 2006 (MLC, 2006),<sup>1</sup> that had been adopted on 11 April 2014 by the Special Tripartite Committee established under Article XIII of the Convention. These amendments entered into force on 18 January 2017. They relate to the Code implementing Regulation 2.5 – *Repatriation* – with a view to better address the specific problems faced in cases of abandonment of seafarers, and Regulation 4.2 – *Shipowners' liability* – to further elaborate the existing requirement in Standard A4.2, paragraph 1(b), for shipowners to provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard.<sup>2</sup>
2. The entry into force of the amendments requires the revision of the report form under article 22 of the ILO Constitution for the MLC, 2006. This revision provided an opportunity to examine the report form in the light of the first three years of supervision (2014–16) carried out by the Committee of Experts on the Application of Conventions and Recommendations. Since the entry into force of the Convention, the Committee examined 42 first reports from governments on the measures adopted, in law and practice, to implement the MLC, 2006. This work allowed the Committee, and the International Labour Office serving as its secretariat, to identify aspects of the report form which could be improved in order to facilitate the monitoring process.

## Consideration of proposals for amendments to the form for reports on the Maritime Labour Convention, 2006, as amended (MLC, 2006)

3. The proposed changes to the report form are presented in the appended document in track changes. First, a summary of the new requirements of the Convention following the entry into force of the amendments as well as questions in relation to Standards A2.5.2 – *Financial security*; and A4.2.1 – *Shipowners' liability*, paragraphs 8–14; and A4.2.2 – *Treatment of contractual claims*, the relevant Guidelines and appendices, have been added to the form.
4. Second, new questions have been incorporated regarding important aspects of the Convention which had not been covered in the initial report form. This concerns in particular the definition of ship, the signature and content of the seafarer's employment agreement and dispute settlement procedures for social security. In accordance with Article 23(2) of the ILO Constitution, a question regarding the governments' obligation to communicate copies of the report to the representative organizations of employers and workers has also been added.

<sup>1</sup> The text of the MLC, 2006, as amended, is available on the ILO's MLC, 2006, website at: <http://www.ilo.org/global/standards/maritime-labour-convention/text/lang--en/index.htm>.

<sup>2</sup> Japan and the Netherlands notified the Director-General of the ILO that they would be bound by the amendments only after a subsequent express notification of their acceptance (Article XV, para. 8(a) of the Convention). Italy and Lithuania notified the Director-General that they would not give effect to the amendments for a period of one year (Article XV, para. 8(b)). As of 10 February 2017, the Office was awaiting the formal declaration of acceptance from the following countries: Albania, Bangladesh, Belize, Cabo Verde, China, Estonia, Fiji, Gabon, Honduras, India, Iran, Jordan, Kenya, Maldives, Mongolia, New Zealand, Portugal, Sri Lanka and Thailand. Relevant information can be found at: <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11001:0::NO>.

5. Third, a set of changes has been proposed to improve the report form in various ways in order to better reflect the text of the Convention and correct a few typos. Concerning the issue of enforcement, with the objective of simplifying the task of governments, it is suggested to move the relevant question from Part I – where they were requested to provide a summary of all the provisions ensuring enforcement of the Convention as a whole – to Part II – where a separate question has now been asked in relation to Titles 1–4. In addition, a request to indicate the applicable national provisions and reproduce the relevant texts when possible, has been inserted for each question as, in many cases, governments provided a yes or no answer without any reference to the applicable legislation. A request for information on “cases of substantial equivalence” has also been systematically incorporated in the form as it appeared from the practice that governments were not necessarily aware of the need to reflect these elements in the report.
6. Fourth, the reference to the Certification of Able Seamen Convention, 1946 (No. 74) has been deleted as it is no longer relevant. Indeed, Regulation 1.3, paragraph 4 of the MLC, 2006, provides that, obligations under Convention No. 74 are to be replaced once “mandatory provisions covering its subject matter have been adopted by the International Maritime Organization”. Such provisions have now been adopted as part of the “Manila amendments” to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) which entered into force on 1 January 2012.
7. Finally, in order to facilitate the preparation and examination of subsequent reports, it is proposed to adjust the report form so as to allow governments to submit the second and subsequent reports using the same document. Following the established practice, when compiling the second report, governments would only be required to complete or update the information already provided in their first report and to reply to any requests of the Committee of Experts or observations from workers’ and employers’ organizations. Areas to be filled in for the second and subsequent reports would appear in different colours. The Office would transmit to governments, together with the request for the second report, a word document containing the information provided by governments in the first report as well as the relevant comments of the Committee of Experts. It is expected that having an updated and complete document with all the information on the application of the Convention will facilitate both the task of the constituents and the Committee of Experts.

## Draft decision

8. *The Governing Body approves the report form for the Maritime Labour Convention, 2006, as amended (MLC, 2006), which is appended to GB.329/LILS/3, to be used as the basis for the preparation of reports due under article 22 of the ILO Constitution.*

## Appendix

Appl.22.MLC  
Maritime Labour Convention, 2006, as amended

INTERNATIONAL LABOUR OFFICE GENEVA

### REPORT FORM

FOR THE

## MARITIME LABOUR CONVENTION, 2006, AS AMENDED (MLC, 2006)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The matters with which this Convention deals may be beyond the immediate competence of the ministry responsible for labour questions, so that the preparation of a full report on the Convention may necessitate consultation of other interested ministries or government agencies.

#### Article 22 of the Constitution of the ILO

Report ~~for the period~~ \_\_\_\_\_ to

made by the Government of

on the

**MARITIME LABOUR CONVENTION, 2006, as amended (MLC, 2006)**

(ratification registered on \_\_\_\_\_)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>First report</b> for the period from _____ to _____.</p> <p>If this is your Government’s first report following the entry into force of the Convention in your country, full information should be given on the way in which your country has given effect to its obligations under the Convention, including actions taken on each of the questions set out in this report form.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Second report</b> for the period from _____ to _____.</p> <p>In subsequent reports, information need normally be given only on the following points:</p> <p>(a) <u>any new question or request for information included in a revised version of the report form since your Government’s last report;</u></p> <p>(ab) any new legislative or other measures affecting the application of the Convention;</p> <p>(bc) <u>replies to</u> the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;</p> <p>(ed) <u>replies to comments by the supervisory bodies</u> – The report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.</p> |
| <p><b>Third report</b> for the period from _____ to _____.</p> <p>See instructions for subsequent reports above, under “Second report”.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p><b>Fourth report</b> for the period from _____ to _____.</p> <p>See instructions for subsequent reports above, under “Second report”.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

*First report*

~~1. If this is your Government’s first report following the entry into force of the Convention in your country, full information should be given on the way in which your country has given effect to its obligations under the Convention, including actions taken on each of the questions set out in this report form.~~

*Subsequent reports*

~~2. In subsequent reports, information need normally be given only on the following points:~~

- ~~(a) — any new legislative or other measures affecting the application of the Convention;~~
- ~~(b) — replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;~~
- ~~(c) — **replies to comments by the supervisory bodies** — The report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference~~

~~Committee on the Application of Standards.~~Use of this report form

31. This report form is divided into two parts. **Part I, “General questions”, asks for information and supporting materials. Part II, “Specific information”, indicates some questions that should be covered in the report. The report form has been designed to facilitate completion** from both a physical and a substantive point of view. Members are, in the first place, invited to use the electronic version of the report form and to insert the requested information in the expandable field beside each question. For those national administrations that are not in a position to use the electronic report form, ~~a copy is also attached and~~ responses may be provided by referring to the relevant questions.

42. From a substantive point of view, one of the innovations in the Convention is its emphasis on ensuring that there is not only compliance with its provisions but also documentary evidence of compliance. Consequently, in implementing the Convention, Members will already have produced documents such as the **Declaration of Maritime Labour Compliance (DMLC)**, required by Regulation 5.1.3 and provided information that is also needed for reporting under article 22 of the Constitution. To take advantage of information already provided, a number of questions in Part II of this form suggest the following statement as a possible answer: “Adequate information on all matters is to be found in the enclosed DMLC, Part I  / Part II .

53. If the information in the DMLC, Part I and/or Part II, covers all the subject of the section concerned and fully complies with the requirements in Standard A5.1.3 paragraph 10(a) and/or (b), with due consideration being given to Guideline B5.1.3, one or both boxes at the end of this statement can be checked () in which case the individual questions in the section concerned need not be answered. However, additional information on how the Regulation concerned is implemented in your country may be provided in a section located underneath the questions concerned. If the information in the DMLC concerning national implementing measures is not also applicable to ships that are not subject to certification (see Regulation 5.1.3, paragraph 1), additional information should be provided concerning the measures applicable to those categories of ships. In addition, some of the Regulations or Standards envisage that the competent authority in each member State produce various kinds of documents related to implementation of obligations (for example, the standard medical report form for use on board ships flying the Member’s flag as required by Standard A4.1, paragraph 2, and Guideline B4.1.2). Where relevant, copies of these particular documents are requested under the heading “**Documentation**”.

64. Furthermore, in order to avoid the need to refer in detail to the content of specific measures, reference can be made in this form to the relevant provisions of the legislation, collective agreement or other document concerned which has been provided to the Office in English, French or Spanish (in connection with Part I, “General questions”).

75. ~~Beneath~~ In the section for “Additional information”, ~~there is a section headed “Explanations”~~. ~~Explanations~~ are required where a national implementing measure differs from the requirements set out in Standards found in Part A of the Code of the **Maritime Labour Convention MLC**, 2006. This would include, for example, **cases of substantial equivalence** referred to in Article VI, paragraph 3, and of **determinations that have been made regarding the application of differing national measures** that are provided for on the basis of Article II, paragraph 6. Even though the substantial equivalence may have been referred to in the DMLC, Part I, an explanation should be provided, in particular, as to the ways in which the Member concerned was not in a position to implement the rights and principles concerned in the manner set out in Part A of the Code (Article VI, paragraph 3) and as to how the national measure complies in all material respects with the corresponding Part A requirement. In the case of a determination under Article II, paragraph 6, which is also to be reported to the Director-General of the International Labour Office (Article II, paragraph 7), an explanation should be provided as to the reason for a determination that it would not be reasonable or practicable at the present time to apply certain details of the Code to a ship or particular categories of ships (Article II, paragraph 6).

86. It should be noted that this report form takes account of the Articles and Regulations and the provisions of Part A of the Code of the **Maritime Labour Convention MLC**, 2006, and also refers, where appropriate, to the Guidelines, which comprise Part B of the Code. These Guidelines are not mandatory. Their purpose is to provide guidance as to the way in which Members should implement the (mandatory) provisions in Part A of

the Code. In accordance with Article VI, paragraph 2, Members are required to “give due consideration to implementing their responsibilities in the manner provided for in Part B of the Code”. The special status of the Guidelines in Part B of the Code is reflected in the example and the explanation set out in paragraphs 9 and 10 of the Explanatory Note to the Regulations and Code. Paragraph 10 states, in its last sentence, “... by following the guidance provided in Part B, the Member concerned, as well as the ILO bodies responsible for reviewing implementation of international labour Conventions, can be sure without further consideration that the arrangements the Member has provided for are adequate to implement the responsibilities under Part A to which the Guideline relates”. This statement is based on the 2003 Legal Adviser’s opinion on the relationship between Parts A and B of the Code (see appendix to this report form for the full text of this Opinion).

## PART I. GENERAL QUESTIONS

### I. Implementing measures

Please give a list of the laws and regulations and collective agreements implementing the provisions of the Convention, with particular reference to the seafarers’ employment and social rights referred to in Article IV. Please provide a copy of those laws or regulations and collective agreements. If any of this material is available from the Internet, the link to the relevant document may be provided instead of the document itself.

If, in your country, ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect.

### II. Principal documents

Please provide, in English, French or Spanish (or the English translation required by Standard A5.1.3, paragraph 12), a copy of the standard Maritime Labour Certificate, including Part I of the Declaration of Maritime Labour Compliance (DMLC) as well as an example or examples of Part II of the DMLC which have been prepared by a shipowner and have been accepted by your country, when certifying a ship or ships. (Specific identifying information regarding the ship or shipowner should be removed from the example or examples.) Additional documentation on other matters will be requested in Part II of this report form.

### III. Fundamental rights and principles

Please indicate how account has been taken, in the context of the Convention, of the following fundamental rights and principles referred to in Article III:

(a) unless your country has ratified Conventions Nos 87 and 98: freedom of association and the effective recognition of the right to collective bargaining;

(b) unless your country has ratified Conventions Nos 29 and 105: the elimination of all forms of forced or compulsory labour;



(c) unless your country has ratified Conventions Nos 138 and 182: the effective abolition of child labour;

(d) unless your country has ratified Conventions Nos 100 and 111: the elimination of discrimination in respect of employment and occupation.

#### IV. Competent authority and consultations

Please identify the competent authority or authorities having power to issue and enforce regulations, orders or other instructions in respect of subject matter covered by the Convention.  
(Article II, paragraph 1(a))

Please list the shipowners' and the seafarers' organizations that the competent authority or authorities consult in matters relating to the implementation of the Convention.

Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation. If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

#### V. Scope of application

Do the measures implementing the Convention cover, as a seafarer, any person who is employed or engaged or works in any capacity on board a ship to which the Convention applies?  
(Article II, paragraphs 1(f) and 2)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If no, please explain:

Have cases of doubt as to whether any categories of persons are to be regarded as seafarers arisen?  
(Article II, paragraphs 1(f), 2 and 3)?

If yes, please provide full information on the consultation process and its result ~~(Article II, paragraph 3):~~

For purposes of the Convention what is the definition of a ship under national law?  
(Article II, paragraphs 1(i) and 4)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Have cases of doubt arisen as to whether a vessel or a particular category of vessels are to be regarded as ships covered by the Convention?  
(Article II, paragraphs 4 and 5)

~~Have cases of doubt arisen as to whether a ship or a particular category of ship, or a similar navigating means, is covered by the Convention?~~

If yes, please provide full information on the consultation process and its result ~~(Article II, paragraph 5):~~

In the case of ships under GT-200 GT which are not engaged in international voyages, have any measures been taken under Article II, paragraph 6, to apply differently certain details of the Code?  
(Article II, paragraph 6)

If yes, please provide full information on the consultation process required by Article II, paragraph 6 and indicate the content of the measures concerned.

## VI. Enforcement

Please summarize the provisions of laws or regulations or other measures which prohibit violations of the requirements of the Convention and, in accordance with international law, establish sanctions or require the adoption of corrective measures to discourage such violations (Article V, paragraph 6).

If possible, provide specific information regarding Title 1 to 4 of the Convention.

## VII. Statistical information

Please *either* provide the data requested below *or* refer below to relevant reports submitted to the United Nations Conference on Trade and Development (UNCTAD) (*Annual Review of Maritime Transport*), the International Maritime Organization (IMO), the World Health Organization (WHO), etc., and supply a copy of those reports or a reference to a public web site containing this data:

| Data requested                                                                               | Ships on international voyages or voyages between ports in other countries | Ships not on international voyages or voyages between ports in other countries | The information is only an estimate as data are not formally collected on this matter |
|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Number of seafarers working on <u>national</u> flag ships that are covered by the Convention |                                                                            |                                                                                |                                                                                       |
| Number of seafarers who are nationals or residents or otherwise domiciled in the territory   |                                                                            |                                                                                |                                                                                       |
| Number (if any) of private recruitment and placement services operating in the territory     |                                                                            |                                                                                |                                                                                       |
| Gender distribution among seafarers                                                          |                                                                            |                                                                                |                                                                                       |
| Number of ships flying your flag which are 3,000 GT or over                                  |                                                                            |                                                                                |                                                                                       |
| Number of ships < 3,000 GT and $\geq$ 500 GT                                                 |                                                                            |                                                                                |                                                                                       |
| Number of ships < 500 and $\geq$ 200 GT (please indicate if estimated)                       |                                                                            |                                                                                |                                                                                       |
| Number of ships < 200 GT (please indicate if estimated)                                      |                                                                            |                                                                                |                                                                                       |

## PART II. SPECIFIC INFORMATION

1. This section of the report follows the same organization as the Maritime Labour Convention, 2006, as amended (MLC, 2006). It is divided into five Titles (Titles 1–5). Each Title sets out the related Regulations and Code provisions and asks for specific information on how they have been given effect in your country.

For convenience, this form contains a description of the basic requirements in each area.<sup>1</sup> The relevant provisions of the Convention are identified in each question, so that their text can be consulted.

2. It will be noted that the provisions under each Regulation also include a reference to the Guidelines in Part B of the Code to the Convention. As mentioned above at point 68 in the guidance for drawing up reports (see page 4), it is not mandatory for Members to follow the Guidelines when implementing the Regulations and Standards. However, if a Member has chosen to do so, the ILO supervisory bodies would not have to consider further the adequacy or sufficiency of the Member’s implementation of the relevant provisions of the Convention.

**Title 1. Minimum requirements for seafarers to work on a ship**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Regulation 1.1 – Minimum age</b><br/> <b>Standard A1.1; see also Guideline B1.1</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <ul style="list-style-type: none"> <li>• Persons below the age of 16 shall not be employed or engaged or work on a ship.</li> <li>• Seafarers under the age of 18 shall not be employed or engaged or work where the work is likely to jeopardize their health or safety.</li> <li>• Night work for seafarers under the age of 18 is prohibited. (“Night” covers a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m.)</li> <li>• Special attention should be paid to the needs of seafarers under the age of 18, in accordance with national laws and regulations.</li> </ul> |
| <p>Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/>/Part II <input type="checkbox"/></p> <p><b><i>Please check one or both boxes or provide the information below.</i></b></p>                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>What is the minimum age of seafarers?<br/> <i>(Regulation 1.1, paragraph 1; Standard A1.1, paragraph 1)</i></p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p>                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>What period is defined as “night”?<br/> <i>(Standard A1.1, paragraph 2)</i></p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>Is night work prohibited for seafarers under 18?<br/> <i>(Standard A1.1, paragraph 2)</i></p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                           |

<sup>1</sup>. The description of basic requirements is based on the text of the MLC, 2006 as well as the *Guidelines for flag State inspections under the Maritime Labour Convention, 2006* (MEFS/2008/8(Rev.)), adopted by the tripartite meeting of experts in September 2008.

Are any exceptions made to the night work prohibition?  
(Standard A1.1, paragraph 3)

If yes, please summarize the exceptions, indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Is employment of seafarers under 18 prohibited where the work is likely to jeopardize their health or safety?  
(Standard A1.1, paragraph 4)

Please indicate applicable national provisions and, if possible, reproduce the relevant texts.

What types of work have been determined to be likely to jeopardize the health or safety of seafarers under 18?  
(Standard A1.2~~1~~, paragraph 4)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

**Additional information** concerning implementation of Regulation 1.1 including cases of substantial equivalence.  
(see above: Practical guidance for drawing up reports, point 5).

**Explanations** (see above: Practical guidance for drawing up reports, point 7).

### Regulation 1.2 – Medical certificate Standard A1.2; see also Guideline B1.2

- Seafarers are not allowed to work on a ship unless they are certified as medically fit to perform their duties.
- A certificate must be in English for seafarers working on ships ordinarily engaged on international voyages.
- The medical certificate must have been issued by a duly qualified medical practitioner and must be still valid.
- The period of validity for a certificate:
  - two-year maximum for medical certificates except for seafarers under 18, in which case it is one year;
  - six-year maximum for a colour vision certificate.

NB. *Certificates issued in accordance with, or meeting the substance of, the applicable requirements, under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, are to be accepted as meeting these requirements.*

|                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/>/Part II <input type="checkbox"/></p> <p><b>Please check one or both boxes or provide the information below.</b></p>                                                                 |
| <p>Are seafarers required to be certified as medically fit to perform their duties?<br/>(Regulation 1.2, paragraph 1; Standard A1.2, paragraph 1)</p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p>                          |
| <p>What requirements (or guidance) have been established concerning the nature of the medical examination and the right of appeal?<br/>(Standard A1.2, paragraphs 2 and 5)</p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p> |
| <p>What are the requirements concerning persons who can issue medical certificates and any certificate solely concerning eyesight?<br/>(Standard A1.2, paragraph 4)</p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p>        |
| <p>What are the periods of validity for medical and colour vision certificates?<br/>(Standard A1.2, paragraph 7)</p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p>                                                           |
| <p><b>Additional information</b> concerning implementation of Regulation 1.2, <u>including any cases of substantial equivalence.</u><br/>(see above: Practical guidance for drawing up reports, point 5).</p>                                                                                   |
| <p><del><b>Explanations</b> (see above: Practical guidance for drawing up reports, point 7).</del></p>                                                                                                                                                                                          |
| <p><b>Documentation:</b> please provide, in English (see Standard A1.2, paragraph 10) an example of the standard wording in medical certificates.</p>                                                                                                                                           |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Regulation 1.3 – Training and qualifications</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <ul style="list-style-type: none"> <li>• Seafarers must be trained or certified as competent or otherwise qualified to perform their duties on board ship.</li> <li>• Seafarers must have successfully completed training for personal safety on board ship.</li> <li>• <del>Obligations under Convention No. 74, if ratified, continue to apply.</del></li> </ul> <p>NB. Training and certification in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, is to be accepted as meeting these requirements.</p> |

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II

**Please check one or both boxes or provide the information below.**

Do all seafarers have to be trained, certified or otherwise qualified for the duties they are to carry out on board ship?

(Regulation 1.3, paragraph 1; see also paragraph 4)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Are all seafarers required to successfully complete training for personal safety on board ship?

(Regulation 1.3, paragraph 2)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Is training and certification in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, accepted?

(Regulation 1.3, paragraph 3)

**Additional information** concerning implementation of Regulation 1.3, including any cases of substantial equivalence.

~~(see above: Practical guidance for drawing up reports, point 5).~~

~~**Explanations** (see above: Practical guidance for drawing up reports, point 7).~~

#### **Regulation 1.4 – Recruitment and placement**

**Standard A1.4; see also Guideline B1.4.1.**

- Seafarer recruitment and placement services must not charge seafarers for their services.
- If private seafarer recruitment and placement services are operating in their territory, Members are responsible for establishing an effective inspection and monitoring system with respect to those services (Regulation 5.3; Standard A5.3, paragraph 1).
- If seafarer recruitment and placement services for nationals to work on flag ships are operated by seafarers' organizations in the Member's territory, they must be operated in accordance with Standard A1.4 in the Convention.
- Any public seafarer or recruitment service in a Member's territory must be operated in an orderly manner that promotes seafarers' employment rights under the Convention.
- Flag States are responsible for requiring, in cases where shipowners use recruitment and placement services based in States not party to the MLC, 2006, that these shipowners have an appropriate system in place for ensuring, as far as practicable, that these recruitment and placement services meet the requirements under Standard A1.4.

**Please check the boxes below or provide the information requested.**

If **private** seafarer recruitment and placement services, or services operated by seafarers' organizations to place seafarers on national flag ships, are operating in your country, please provide information about the standardized system for licensing or certification or other form of regulation (*Regulation 1.4; Standard A1.4, paragraphs 2, 3, 4 and 5*) and the inspection and monitoring system for those services. (*Standard A1.4, paragraph 6*)-

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

No private services operate in our country

If **private** seafarer recruitment and placement services are operating in your country, please provide information on the system of protection that they are required to establish (by way of insurance or other measures) to compensate seafarers for monetary loss that they may incur as a result of the failure of the recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.  
(*Standard A1.4, paragraph 5(c)(vi)*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

No private services operate in our country

If **public** recruitment and placement services are operating in your country, please state the basic principles ensuring that they are operated in an orderly manner (*Standard A1.4, paragraph 1*). See guidance in *Guideline B1.4.1, paragraph 2*.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

No public services operate in our country

If public or private recruitment placement services are operating in your country, please outline the machinery and procedures for investigating complaints about their activities.  
(*Standard A1.4, paragraph 7*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

No public or private services operate in our country



Where shipowners use recruitment and placement services that operate in countries that have not ratified the Convention, what kind of action is expected of them in order to ensure, as far as practicable, that the services concerned meet the requirements of the Convention?

(*Regulation 1.4, paragraph 3; Standard A1.4, paragraphs 9 and 10*)

Adequate information on this matter is to be found in the enclosed DMLC, Part I /Part II

**Additional information** concerning implementation of Regulation 1.4, including any cases of substantial equivalence.

(see above: ~~Practical guidance for drawing up reports, point 5~~).

**Explanations** (see above: ~~Practical guidance for drawing up reports, point 7~~).

### Enforcement

Please summarize the provisions of laws or regulations or other measures which prohibit violations of the requirements under Title 1 of the Convention and, in accordance with international law, establish sanctions or require the adoption of corrective measures to discourage such violations (Article V, paragraph 6).

## Title 2. Conditions of employment

### Regulation 2.1 – Seafarers’ employment agreements Standard A2.1; see also Guideline B2.1

- All seafarers must have a seafarers’ employment agreement (SEA) signed by both the seafarer and the shipowner or shipowner’s representative (or, where they are not employees, other evidence of contractual or similar arrangements).
- A SEA must, at a minimum, contain the matters set out in Standard A2.1, paragraph 4(a)–(j) and, as applicable, (k), of the MLC, 2006 (*Standard A2.1, paragraph 4*).
- Where a collective bargaining agreement forms all or part of the SEA, the agreement must be on board the ship with relevant provisions in English (except for ships engaged only in domestic voyages) (*Standard A2.1, paragraph 2*).
- Seafarers are to be given an opportunity to examine and seek advice on a SEA before signing (*Standard A2.1, paragraph 1(b)*).
- Seafarers must be given a document containing a record of their employment (that does not contain any statement as to the quality of their work or wages) on the ship (*Standard A2.1, paragraphs 1(e) and 3; Guideline B2.1.1, paragraph 1*).
- Information about the conditions for their employment must be easy for seafarers to obtain when on board ship and must be accessible for inspection-related reviews.
- Minimum notice periods for early termination of a SEA must be established in laws or regulations.

Adequate information on all matters is to be found in the enclosed DMLC, Part I / Part II /seafarers' employment agreement / collective agreement provisions . (A link to a publicly accessible web site containing the applicable collective agreement may also be provided.)

***Please check one or more boxes or provide the information below.***

Do national laws or regulations provide that seafarers working on ships flying your country's flag must have a seafarers' employment agreement (SEA) signed by both the seafarer and the shipowner or shipowner representative (or, where they are not employees, other evidence of contractual or similar arrangements), providing them with decent working and living conditions on board the ship, and that the shipowner and seafarer concerned have each a signed original of the SEA.  
(Standard A2.1, paragraph 1(a) and (c))

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

What are the minimum notice periods to be given by seafarers and by shipowners for the early termination of a seafarer's employment agreement?  
(Standard A2.1, paragraph 5)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Do national laws or regulations or collective agreements provide for circumstances justifying termination of the employment agreement at shorter notice or without notice?  
(Standard A2.1, paragraph 6)

If yes, please summarize the provisions concerned and, if possible, reproduce the relevant texts:

Please summarize your country's requirements to ensure that seafarers are given an opportunity to review and seek advice on their SEA before signing, reproducing the relevant texts if possible.  
(Standard A2.1, paragraph 1(b))

Please summarize your country's requirements to ensure that seafarers have easy access on board ship to information about their conditions of employment reproducing the relevant texts if possible.  
(Standard A2.1, paragraph 1(d))

Do laws or regulations provide that seafarers are given a document containing a record of their employment on board the ship?  
(Standard A2.1, paragraphs 1(e) and 3)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please indicate whether, in the case in which a collective bargaining agreement forms all or part of a SEA, a copy of that agreement is available on board and whether a copy of a standard form of agreement and the portions of a collective bargaining agreement subject to port state inspection under Regulation 5.2 are available in English (except for ships only engaged in domestic voyages).  
(Standard A2.1, paragraph 2)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please provide information on any laws and regulations requiring that the SEA contain the matters set out in Standard A2.1, paragraph 4(a)–(j) and, as applicable, (k).

Please reproduce the relevant texts.

**Additional information** concerning implementation of Regulation 2.1, indicating any cases of substantial equivalence.  
(~~see above: Practical guidance for drawing up reports, point 5).~~

~~**Explanations** (see above: Practical guidance for drawing up reports, point 7).~~

**Documentation:** Please provide in English (*see Standard A2.1, paragraph 2 and guidance in Guideline B2.1.1, paragraph 1*):

- an example of the approved document for seafarers' record of employment (*Standard A2.1, paragraphs 1 and 3*);
- the standard form or an example of a seafarers' employment agreement (please remove individual identification information if there is no standard form used) (Standard A2.1, paragraph 2(a));
- the relevant portion of any applicable collective bargaining agreement (*Standard A2.1, paragraph 2(b)*).

### **Regulation 2.2 – Wages Standard A2.2; see also Guideline B2.2**

- Seafarers must be paid at no greater than monthly intervals and in full for their work in accordance with their employment agreements and any applicable collective agreement.
- Seafarers are entitled to an account each month indicating their monthly wage and any authorized \* deductions (such as allotments \*\*).
- Flag States may wish to consider requiring shipowners to carry on board their ships' documents such as a copy of payroll or electronic record sheets.
- Charges for remittances/allotment transmission services must be reasonable and exchange rates in accordance with national requirements.

\* No unauthorized deductions, such as payments for travel to or from the ship.

\*\* An allotment is an arrangement whereby a proportion of seafarers' earnings is regularly remitted, on their request, to their families or dependants or legal beneficiaries whilst the seafarers are at sea.

Adequate information on all matters is to be found in the enclosed seafarers' employment agreement / collective agreement provisions  / DMLC, Part I  / Part II

**Please check one or both more boxes or provide the information below.**

What are the main items that must be included in the monthly account that seafarers are entitled to receive on board ship?

(Regulation 2.2 and Standard A2.2, paragraph 2)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please outline the measures taken by shipowners to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries.

(Standard A2.2, paragraphs 3 and 4)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

What is the basis for determining the reasonable charge, if any is made, by shipowners for transmission services and for determining any relevant exchange rate?

(Standard A2.2, paragraph 5)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

For countries that adopt national laws or regulations to govern ~~the calculation or amount of~~ seafarers' wages, has the guidance in Guideline B2.2 been given due consideration?

(Standard A2.2, paragraph 6)

If yes, please summarize or provide a reference to the relevant national legislation provided under Part I, item I.

**Additional information** concerning implementation of Regulation 2.2, including any cases of substantial equivalence.

~~(see above: Practical guidance for drawing up reports, point 5).~~

~~**Explanations** (see above: Practical guidance for drawing up reports, point 7).~~

**Regulation 2.3 – Hours of work and hours of rest**  
**Standard A2.3; see also Guideline B2.3**

- The maximum hours of work or the minimum hours of rest must be established in national laws or regulations (the minimum hours of rest must not be less than ten hours in any 24-hour period and 77 hours in any seven-day period, or the maximum hours of work must not exceed 14 hours in any 24-hour period and 72 hours in any seven-day period).
- Account must be taken of the danger posed by the fatigue of seafarers.
- Hours of rest may be divided into no more than two periods, one of which must be at least six hours; the interval between consecutive periods of rest must not exceed 14 hours.
- Any mandatory musters or drills must be conducted in a way that minimizes disturbance of rest hours and does not induce fatigue.
- Seafarers on call must be given compensatory rest if the normal rest period is interrupted.
- A schedule/table of service at sea and service in port for all positions, in a standardized format in the working language(s) of the ship and English, and the applicable limits under a law or regulation or a collective agreement, must be posted in an accessible location on board ship.
- Seafarers' daily hours of work or rest must be recorded in an approved standard format and in the working language(s) of the ship and English and must be endorsed by the seafarer (who is given a copy) and the master (or authorized person).

Adequate information on all matters is to be found in the enclosed DMLC, Part I / Part II

***Please check one or both boxes or provide the information below.***

Are the requirements in your country that implement Regulation 2.3 based on maximum hours of work *or* on minimum hours of rest?  
(*Regulation 2.3, paragraphs 1 and 2*)

Maximum hours of work

Minimum hours of rest

Please indicate how account is taken of the danger posed by the fatigue of seafarers.  
(*Standard A2.3, paragraph 4*)

Please state the maximum hours of work or minimum hours of rest, including any measures that may have been adopted for seafarers under the age of 18.  
(*Standard A2.3, paragraphs 2 and 5; Standard A1.1, paragraph 2; see guidance in Guideline B2.3.1*)

How many hours of work per 24 hours?

How many hours of work per seven days?

*or*

How many hours of rest per 24 hours?

How many hours of rest per seven days?

Measures for seafarers under the age of 18:

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Are more than two periods of rest per 24 hours prohibited in all cases?  
Must one period of rest per 24 hours always be at least six hours in length?  
Must the interval between periods of rest in all cases be 14 hours at most?  
(*Standard A2.3, paragraph 6*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If the answer to any question is “no”, please provide the necessary information:

Please indicate the requirements relating to the minimizing of disturbances by drills, etc., and the granting of compensatory rest covered by *Standard A2.3, paragraphs 7, 8, 9 and 14*.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

What is the normal working hours standard for seafarers, including any measures that may have been adopted for seafarers under the age of 18?  
(*Standard A2.3, paragraph 3; Standard A1.1, paragraph 2; see guidance in Guideline B2.3.1*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Have any collective agreements been authorized or registered that permit exceptions to the established limits?  
(*Standard A2.3, paragraph 13*)

If yes, please provide a copy of the relevant provisions under “Documentation” below.

What measures are taken to ensure the recording of accurate daily hours of work or rest?

What measures are taken to ensure that seafarers receive a copy of the records pertaining to them endorsed by the master, or a person authorized by the master, and by the seafarers?  
(*Standard A2.3, paragraph 12*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

***Additional information*** concerning implementation of Regulation 2.3, including any cases of substantial equivalence.  
(~~see above: Practical guidance for drawing up reports, point 5).~~)

***Explanations*** (~~see above: Practical guidance for drawing up reports, point 7).~~)

**Documentation:** Please provide, in English (see *Standard A2.3, paragraphs 10 and 11*):

- a copy of the approved standardized table for shipboard working arrangements (*Standard A2.3, paragraphs 10 and 11*);
- a copy of the standard form established by the competent authority for the recording of seafarers' daily hours of work or their daily hours of rest (*Standard A2.3, paragraph 12*);
- a copy of any authorized or registered collective agreement provisions that establish seafarers' normal working hours or permit exceptions to the established limits (*Standard A2.3, paragraphs 3 and 13*).

**Regulation 2.4 – Entitlement to leave  
Standard A2.4; see also Guideline B2.4**

- Seafarers must be given paid annual leave.
- Seafarers are to be granted shore leave to benefit their health and well-being and consistent with the operational requirements of their positions.
- The minimum annual paid leave must be determined in laws and regulations.
- Subject to any collective agreement or national laws or regulations providing a differing method of calculation, the entitlement to paid annual leave is to be calculated on the basis of 2.5 calendar days per month of employment.
- Except in cases authorized by the competent authority, any agreement to forgo the minimum leave must be prohibited.

Adequate information on all matters is to be found in the enclosed seafarers' employment agreement  / collective agreement provisions

***Please check one or both boxes or provide the information below.***

What is the minimum paid annual leave for seafarers on ships flying the flag of your country?  
(*Standard A2.4, paragraphs 1 and 2*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

How are seafarers' entitlements to paid annual leave calculated in your country?  
(*Standard A2.4, paragraph 2; see also guidance in Guideline B2.4*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Are any agreements to forgo the minimum annual leave with pay prohibited under national legislation?  
(*Standard A2.4, paragraph 3*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Have any agreements to forgo annual leave with pay been authorized by the competent authority in your country?

*(Standard A2.4, paragraph 3)*

If yes, please specify the kinds of cases that have been provided:

Are shipowners required to give seafarers appropriate shore leave?

*(Regulation 2.4, paragraph 2)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

**Additional information** concerning implementation of Regulation 2.4, indicating any cases of substantial equivalence.

*(see above: Practical guidance for drawing up reports, point 5).*

**Explanations** *(see above: Practical guidance for drawing up reports, point 7).*

**Documentation:** Please provide a copy of the provisions in any applicable collective agreement which provides for the calculation of the minimum paid annual leave on a basis that differs from a minimum of 2.5 days per month of employment *(Standard A2.4, paragraph 2)*.

Where the provisions are not available in English, French or Spanish, please provide a summary in one of these languages.

### Regulation 2.5 – Repatriation

Standards A2.5.1 and A2.5.2; see also Guideline B2.5

The provisions of the Code for Regulation 2.5 (Standard A2.5 and Guideline B2.5) were amended in 2014.



**Standard A2.5.1 – Repatriation**

- Seafarers are to be repatriated, at no cost to themselves except to the extent that the Code permits otherwise.
- Seafarers are entitled to repatriation in the following circumstances:
  - if the seafarers’ employment agreement expires while they are abroad;
  - when their seafarers’ employment agreement is terminated:
    - by the shipowner; or
    - by the seafarer for justified reasons; and
  - when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances.
- Seafarers’ repatriation entitlements are to be provided for in national laws and regulations or other measures or collective bargaining agreements.
- Ships must provide financial security to ensure that repatriation will occur.
- A copy of the applicable national provisions regarding repatriation must be carried on ships and made available to seafarers in an appropriate language.
- Repatriation of seafarers on ships coming into port or navigating a country’s waters is to be facilitated.
- Repatriation of a seafarer is not to be refused because of the financial situation of the shipowner or the shipowner’s refusal to replace a seafarer.

**Standard A2.5.2 – Financial security**

- Ships must have a financial security system to assist seafarers in the event of their abandonment must be in place for ships.
- Seafarers shall be deemed to have been abandoned where shipowners:
  - fail to cover the cost of the seafarers’ repatriation; or
  - have left the seafarers without the necessary maintenance and support; or
  - have otherwise unilaterally severed their ties with the seafarers including failure to pay contractual wages for a period of at least two months.
- Ships that have to be certified according to Regulation 5.1.3 shall carry on board – and post in a conspicuous place – a certificate or other documentary evidence of financial security.
- The financial security system in case of abandonment of seafarers shall be sufficient to cover:
  - outstanding wages and other entitlements due from the shipowner to the seafarer, limited to four months;
  - all expenses reasonably incurred by the seafarer, including the cost of repatriation; and
  - the essential needs of the seafarer including such items as: adequate food, clothing where necessary, accommodation, drinking water supplies, essential fuel for survival on board the ship and necessary medical care.

Adequate information on all matters is to be found in the enclosed seafarers' employment agreement  / collective agreement provisions  / DMLC, Part I /Part II

**-Please check one or ~~both~~ more boxes or provide the information below.**

What kind of financial security is provided by ships flying the flag of your country?  
(Regulation 2.5, paragraph 2)

Does national legislation require the provision of an expeditious and effective financial security system to assist seafarers in the event of their abandonment?

(Standard A2.5.2, paragraph 1)

If yes, please indicate the applicable national provisions, reproduce the relevant texts and specify if the financial security system was determined after consultation with the shipowners' and seafarers' organizations concerned.

(Standard A2.5.2, paragraph 3)

What are the circumstances (including the maximum period of service on board a ship) in which a seafarer has a right to repatriation?  
(Regulation 2.5, paragraph 1; Standard A2.5.1, paragraphs 1 and 2; see guidance in Guideline B2.5.1, paragraphs 1 and 2)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Are there any circumstances in which a seafarer can be expected to pay for the cost of his or her repatriation?  
(Standard A2.5.1, paragraph 3)

If yes, please indicate the circumstances and the applicable national provisions and, if possible, reproduce the relevant texts.

What entitlements are to be accorded by shipowners for the repatriation of seafarers?  
(Standard A2.5.1, paragraph 2(c); see guidance in Guideline B2.5.1, paragraphs 3–5)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Has your country ~~refused~~ received a requests to facilitate repatriation of a seafarer?  
(Standard A2.5.1, paragraphs 7 and 8)

If yes, ~~please provide information~~ how did your country respond?:-

What are the circumstances under which a seafarer is considered abandoned according to national legislation?

*(Standard A2.5.2, paragraph 2)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Does national legislation provide that ships that need to be certified according to Regulation 5.1.3 must carry on board a certificate or other documentary evidence of financial security issued by the financial security provider?

If yes, please specify if the certificate or other documentary evidence must contain the information required by Appendix A2-I and has to be in English or accompanied by an English translation, and if a copy must be posted in a conspicuous place on board.

*(Standard A2.5.2, paragraphs 6 and 7)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Does national legislation require that the financial security system is sufficient to cover outstanding wages and other entitlements; all expenses incurred by the seafarer (including the cost of repatriation); and the essential needs of the seafarers, as defined in *Standard A2.5.2, paragraph 9*?

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Does national legislation provide for at least 30 days of notice by the financial security provider to the competent authority of the flag State before the financial security can cease?

*(Standard A2.5.2, paragraph 11)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

**Additional information** concerning implementation of Regulation 2.5, including any cases of substantial equivalence.

*(see above: Practical guidance for drawing up reports, point 5).*

**Explanations** *(see above: Practical guidance for drawing up reports, point 7).*

**Documentation:** Please provide:

- a copy of the provisions on seafarers' entitlement to repatriation in any applicable collective bargaining agreements (*Standard A2.52.5.1, paragraph 2*);
- an example of the kind of documentation that is accepted or issued with respect to the financial security that must be provided by shipowners (*Regulation 2.5, paragraph 2*). Where this material is not available in English, French or Spanish, please provide a summary in one of these languages.

|                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Regulation 2.6 – Seafarers’ compensation for the ship’s loss or foundering</b><br/> <b>Standard A2.6; see also Guideline B2.6</b></p>                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>• Rules must be made to ensure that shipowners pay seafarers on board an indemnity against unemployment resulting from their ship’s loss or foundering.</li> </ul>                                                                                                                                                                                            |
| <p>Adequate information on all matters is to be found in the enclosed seafarers’ employment agreement <input type="checkbox"/>/ collective agreement provisions <input type="checkbox"/></p> <p><b><i>Please check one or both boxes or provide the information below.</i></b></p>                                                                                                                   |
| <p>How is the indemnity to be provided by shipowners to seafarers against injury, loss or unemployment in the case of a ship’s loss or foundering calculated (including any limitations)?<br/> <i>(Standard A2.6, paragraph 1; see guidance in Guideline B2.6, paragraph 1)</i></p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p> |
| <p><b><i>Additional information</i></b> concerning implementation of Regulation 2.6, <u>including any cases of substantial equivalence.</u><br/> <del>(see above: Practical guidance for drawing up reports, point 5).</del></p>                                                                                                                                                                     |
| <p><del><b><i>Explanations</i></b> (see above: Practical guidance for drawing up reports, point 7).</del></p>                                                                                                                                                                                                                                                                                        |

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Regulation 2.7 – Manning levels</b><br/> <b>Standard A2.7; see also Guideline B2.7</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <ul style="list-style-type: none"> <li>• Ships must have a sufficient number of seafarers employed on board to ensure that ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about fatigue and the particular nature and conditions of voyage.</li> <li>• Ships must comply with the manning levels listed on the safe manning document (SMD) or equivalent issued by the competent authority.</li> <li>• Manning levels must take account of food and catering requirements.</li> </ul> |
| <p>Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/>/ Part II <input type="checkbox"/></p> <p><b><i>Please check one or both boxes or provide the information below.</i></b></p>                                                                                                                                                                                                                                                                                                                          |
| <p>Do the safe manning levels which are determined or approved by the competent authority avoid or minimize excessive hours of work and ensure sufficient rest for seafarers to assure the safety and security of the ship and its personnel in all operating conditions and considering the particular nature and conditions of a voyage?<br/> <i>(Regulation 2.7; Standard A2.7, paragraphs 1 and 2; see guidance in Guideline B2.7)</i></p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p>  |

How do the safe manning levels take into account the requirements under Regulation 3.2 and Standard A3.2 concerning food and catering?  
(Standard A2.7, paragraph 3)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

~~The answer is apparent from the documentation requested below~~

~~How are if there are complaints or disputes about determinations on the safe manning levels on a ship; how are these addressed investigated and settled?  
(see guidance in *Guideline B2.7*)~~

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

~~**Additional information** concerning implementation of Regulation 2.7, indicating any cases of substantial equivalence.  
(see above: Practical guidance for drawing up reports, point 5).~~

~~**Explanations** (see above: Practical guidance for drawing up reports, point 7).~~

**Documentation:** For each type of ship (passenger, cargo, etc.) please provide, in English, a typical example of a safe manning document or equivalent issued by the competent authority (*Standard A2.7, paragraph 1*), together with information showing the type of ship concerned, its gross tonnage and the number of seafarers normally working on it.

### **Regulation 2.8 – Career and skill development and opportunities for seafarers’ employment Standard A2.8; see also Guideline B2.8**

- Each Member must have national policies aimed at strengthening the competencies, qualifications and employment opportunities of seafarers domiciled in its territory.
- Clear objectives must be established for vocational guidance, education and training, including ongoing training of seafarers whose duties on board ship primarily relate to safe operation and navigation.

According to our records, there are no seafarers domiciled in our territory

***Please check the box or provide the information below.***

Does your country have national policies to encourage the career and skill development and employment opportunities for seafarers that are domiciled in your country?  
(*Regulation 2.8, paragraph 1; Standard A2.8, paragraphs 1 and 3; see guidance in Guideline B2.8.1*)

*Please provide relevant information:*

Does your country have a register or list of seafarers that govern their access to employment?  
(see guidance in *Guideline B2.8.2*)

There are no registers or lists governing seafarers’ employment

**Additional information** concerning implementation of Regulation 2.8, including any cases of substantial equivalence.  
(see above: Practical guidance for drawing up reports, point 5).

**Explanations** (see above: Practical guidance for drawing up reports, point 7).

### **Enforcement**

Please summarize the provisions of laws or regulations or other measures which prohibit violations of the requirements under Title 2 of the Convention and, in accordance with international law, establish sanctions or require the adoption of corrective measures to discourage such violations (Article V, paragraph 6).

## **Title 3. Accommodation, recreational facilities, food and catering**

### **Regulation 3.1 – Accommodation and recreational facilities** **Standard A3.1; see also Guideline B3.1**

- All ships must be in compliance with the minimum standards established by the MLC, 2006, providing and maintaining decent accommodation and recreational facilities for seafarers working or living on ships, or both, consistent with promoting seafarers' health and well-being.
- Seafarer accommodation must be safe and decent and must meet national requirements implementing the MLC, 2006 (*Standard A3.1, paragraph 1*).
- Frequent inspections of seafarer accommodation areas must be carried out by the master or a designate (*Standard A3.1, paragraph 18*) and recorded; the records must be available for review.
- Particular attention must be paid to the requirements relating to:
  - the size of rooms and other accommodation spaces (*Standard A3.1, paragraphs 9 and 10*);
  - heating and ventilation (*Standard A3.1, paragraph 7*);
  - noise and vibration and other ambient factors (*Standard A3.1, paragraph 6(h)*);
  - sanitary and related facilities (*Standard A3.1, paragraphs 11 and 13*);
  - lighting (*Standard A3.1, paragraph 8*);
  - hospital accommodation (*Standard A3.1, paragraph 12*).
- The requirements under Regulation 3.1 also cover:
  - recreational facilities (*Standard A3.1, paragraphs 14 and 17*);
  - occupational safety and health and accident prevention requirements on ships, in light of the specific needs of seafarers who both live and work on ships (*Standard A3.1, paragraphs 2(a) and 6(h)*).
- Ships that were constructed \* before the entry into force of the MLC, 2006, for your country must:
  - provide and maintain decent accommodation and recreational facilities for seafarers working or living on board, or both, consistent with promoting the seafarers' health and well-being in accordance with national legislation (*Regulation 3.1, paragraph 1*); and
  - meet the standards set out in Conventions Nos 92 and/or 133, if applicable in your country (because of ratification, through substantial equivalence due to ratification of Convention No. 147, the Protocol of 1996 to Convention No. 147 or otherwise) (*Regulation 3.1, paragraph 2*).

The requirements of the Code relating to ship construction and equipment do not apply to these ships, unless applied by national law. The other Code requirements do apply.

\* A ship is deemed to be constructed on the date its keel is laid or when it is at a similar stage of construction.

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II

**Please check one or both boxes or provide the information below.**

Has your country adopted laws and regulations to ensure that all ships covered by the Convention which fly its flag (including those constructed prior to the Convention's entry into force for your country) maintain decent accommodation and recreational facilities for seafarers on board?

*(Regulation 3.1, paragraph 1; Standard A3.1, paragraph 1)*

If yes, please summarize the content of the legislative provisions concerned:

For ships constructed prior to the Convention's entry into force for your country, are the relevant requirements in Convention No. 92 or No. 133 (or of Convention No. 147 or its Protocol) applicable with respect to matters relating to construction and equipment?

*(Regulation 3.1, paragraph 2)*

If no, please indicate the kinds of requirements that are considered to relate to construction and equipment and are thus not applicable to those ships:

Do the laws and regulations establishing the minimum standards for seafarers' on-board accommodation and recreational facilities take account of the requirements in Regulation 4.3 and the Code regarding occupational safety and health and accident prevention?

*(Standard A3.1, paragraph 2(a))*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If no, please explain how these concerns are taken into account:

Are the inspections required under Regulation 5.1.4 carried out when a ship is registered or re-registered and/or when seafarer accommodation is substantially altered?

*(Standard A3.1, paragraph 3)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If no, please explain:

Please summarize the content of your country's general requirements for accommodation implementing *paragraph 6(a)–(f) of Standard A3.1.*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Have any exceptions (other than for passenger ships and special purpose ships) been made with respect to the location of sleeping rooms?  
(Standard A3.1, paragraph 6(c) and (d))

If yes, please indicate the kinds of exceptions made and reproduce the relevant texts.

Please summarize the content of your country's measures to prevent exposure to hazardous levels of noise and vibration and other ambient factors-  
(Standard A3.1, paragraph 6(h))

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please summarize the content of your country's requirements for heating and ventilation implementing paragraph 7 of Standard A3.1.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please summarize the content of your country's requirements for lighting implementing paragraph 8 of Standard A3.1.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please summarize the content of your country's requirements for sleeping rooms implementing paragraph 9 of Standard A3.1.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please summarize the content of your country's requirements for mess rooms implementing paragraph 10 of Standard A3.1.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please summarize the content of your country's requirements for sanitary and laundry facilities implementing paragraphs 11 and 13 of Standard A3.1.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please summarize the content of your country's requirements for hospital accommodation implementing paragraph 12 of Standard A3.1.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.



Please summarize the content of your country's requirements for recreational facilities, amenities and services implementing *paragraphs 14, 15 and 17 of Standard A3.1*.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Have any exemptions for ships less than 200 GT been given?  
(*Standard A3.1, paragraphs 20 and 21*)

If yes, please indicate the kinds of exemptions given:÷

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Have any variations to take account of the interest of seafarers having differing and distinctive religious and social practices been permitted?  
(*Standard A3.1, paragraph 19*)

If yes, please indicate the kinds of variations permitted:÷

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.÷

What is the required frequency for on-board inspections of seafarers' accommodation that are to be carried out by or under the authority of the master and what are the requirements for recording and review of those inspections?  
(*Standard A3.1, paragraph 18*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

**Additional information** concerning implementation of Regulation 3.1, indicating any cases of substantial equivalence.  
(see above: ~~Practical guidance for drawing up reports, point 5~~).

**Explanations** (see above: ~~Practical guidance for drawing up reports, point 7~~).

**Regulation 3.2 – Food and catering**  
**Standard A3.2; see also Guideline B3.2**

- Food and drinking water must be of appropriate quality, nutritional value and quantity, taking into account the requirements of the ship and the differing cultural and religious backgrounds of seafarers on the ship.
- Food is to be provided free of charge to seafarers during the period of engagement.
- Seafarers employed as ships’ cooks \* with responsibility for preparing food must be trained and qualified for their positions.
- Seafarers working as ships’ cooks must not be less than 18 years old.
- Frequent and documented inspections of food, water and catering facilities must be carried out by the master or a designate.

\* “Ship’s cook” means a seafarer with responsibility for food preparation (*Regulation 3.2, paragraph 3; Standard A3.2, paragraphs 3 and 4*).

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II

***Please check one or both boxes or provide the information below.***

Are shipowners required to provide seafarers, free of charge, during their period of engagement, food and drinking water on board ship that is of appropriate quality, nutritional value and quantity taking into account the differing cultural and religious backgrounds of seafarers?

(*Regulation 3.2, paragraphs 1 and 2; Standard A3.2, paragraph 2(a)*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

~~Are ships provided with instructions or guidance concerning the organization and equipment of catering departments so as to meet the requirements of~~ **Are shipowners required measures in place to ensure that the organization and equipment of the catering department are such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions?**

(*Standard A3.2, paragraph 2(b)?*)

If yes, please indicate the nature and frequency of the instructions or guidance:

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Are ships’ cooks required to have completed a training course approved or recognized by the competent authority?

(*Standard A3.2, paragraphs 2(c), 3 and 4*)

If yes, please outline the main elements of the training course:

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Have dispensations been issued to permit a non-fully qualified cook to serve as ship’s cook pursuant to *Standard A3.2, paragraph 6*?

If yes, please indicate the frequency and the kind of cases in which dispensations were issued:

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts. :-

What is the required frequency and format for the documented on-board inspections by or under the authority of the master of:

- supplies of food and drinking water;
- spaces and equipment used for storage and handling of food and drinking water;
- the galley and other equipment used for the preparation and service of food?

(Standard A3.2, paragraph 7)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Are ships' cooks required to be ~~aged at least over the age of~~ 18?

(Standard A3.2, paragraph 8)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

**Additional information** concerning implementation of Regulation 3.2, including any cases of substantial equivalence.

(see above: Practical guidance for drawing up reports, point 5).

**Explanations** (see above: Practical guidance for drawing up reports, point 7).

### Enforcement

Please summarize the provisions of laws or regulations or other measures which prohibit violations of the requirements under Title 3 of the Convention and, in accordance with international law, establish sanctions or require the adoption of corrective measures to discourage such violations (Article V, paragraph 6).

## Title 4. Health protection, medical care, welfare and social security protection

### Regulation 4.1 – Medical care on board ship and ashore Standard A4.1; see also Guideline B4.1

- Seafarers must be covered by adequate measures for the protection of their health and have access to prompt and adequate medical care, including essential dental care, whilst working on board.
- The medical care on board must include a qualified medical doctor (or, in permitted cases, at least one seafarer in charge), a medicine chest, medical equipment and a medical guide as well as a prearranged system for obtaining onshore specialist medical advice.
- Health protection and care are to be provided at no cost to the seafarer, in accordance with national law and practice.
- Seafarers must be allowed to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.

## MEDICAL CARE ON BOARD

Adequate information on all matters is to be found in the enclosed DMLC, Part I / Part II   
seafarers' employment agreement /collective agreement provisions

***Please check one or more boxes or provide the information below.***

Are measures in place to ensure that seafarers on ships flying your country's flag have health protection including access to prompt on-board medical diagnosis and treatment by qualified medical and/or dental personnel, and access to the necessary facilities, medicines, equipment and expertise, that is comparable to care available for workers ashore?

*(Regulation 4.1, paragraph 1; Standard A4.1, paragraphs 1(a) and (b), 3 and 4(a)–(c))*

If yes, please summarize the content of the relevant requirements:

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Are measures in place to ensure that ~~In what circumstances must a~~ seafarers ~~are~~ be permitted by the shipowner/master to visit a qualified medical doctor or dentist without delay in ports of call, where practicable?

*(Standard A4.1, paragraph 1(c))*

If yes, in what kinds of cases may such a visit be refused?

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

When are ships flying your country's flag required to carry on board a qualified medical doctor who is responsible for providing medical care to seafarers?

*(Standard A4.1, paragraph 4(b))*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Are~~Is~~ medical and dental treatment, required medicine and related care on board provided to seafarers free of charge?

*(Regulation 4.1, paragraph 2; Standard A4.1, paragraph 1(d))*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If no, please indicate the extent to which seafarers may have to cover the cost:

Must shipowners bear the cost of medical care provided to seafarers when landed in a foreign port?

*(Regulation 4.1, paragraph 2; Standard A4.1, paragraph 1(d))*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If no, please indicate the extent to which seafarers may have to cover the cost:

Are ships' medicine chests, medical equipment and medical guides inspected at regular intervals, to ensure that they are properly maintained?

(*Standard A4.1, paragraph 4(a)*; see guidance in *Guideline B4.1.1, paragraph 4*)

If yes, please indicate the content of such inspections, as well as who carries them out and at what intervals.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Are ships required to carry appropriate equipment and maintain up-to-date contact information for radio or satellite communication to obtain onshore medical advice while on a voyage?

(*Standard A4.1, paragraphs 1(b) and 4(d)*; see guidance in *Guideline B4.1.1, paragraph 6*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

#### MEDICAL CARE ASHORE

Are seafarers on board ships voyaging in your country's waters or visiting its ports given access to medical facilities on shore when in need of immediate medical or dental care?

(*Regulation 4.1, paragraph 3*; see guidance in *Guideline B4.1.3*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Our country is landlocked

Is there a law or regulation to provide for a system using satellite or radio or similar forms of communication, to provide medical advice, free of charge, 24 hours a day to all ships?

(*Standard A4.1, paragraph 4(d)*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Our country is landlocked

If no, please explain whether any level of service is provided and, where applicable, identify any barriers to providing such services:

**Additional information** concerning implementation of Regulation 4.1, indicating any cases of substantial equivalence.

(see above: Practical guidance for drawing up reports, point 5).

**Explanations** (see above: Practical guidance for drawing up reports, point 7).

**Documentation:** Please provide:

- an example of the standard medical report form for seafarers (*Standard A4.1, paragraph 2*; see guidance in *Guideline B4.1.2, paragraph 1*);
- a copy of the requirements for the medicine chest and medical equipment and for the medical guide (*Standard A4.1, paragraph 4(a)*; see guidance in *Guideline B4.1.1, paragraphs 4 and 5*).

**Regulation 4.2 – Shipowners’ liability**

**Standards** A4.2.1 and A4.2.2; see also **Guidelines** B4.2.1 and B4.2.2

The provisions of the Code for Regulation 4.2 (Standard A4.2 and Guideline B4.2) were amended in 2014.

- Seafarers have a right to material assistance and support from the shipowner with respect to the financial consequences of sickness, injury or death occurring while they are serving under a SEA or arising from their employment under such agreement.
- Shipowners are liable to defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or in-capacity has been declared of a permanent character.
- Shipowners or their representatives must take measures are to be taken to-for safeguarding the property left on board by sick, injured or deceased seafarers.
- Shipowners are to provide financial security (in the form of a social security scheme or insurance or fund or other similar arrangements) to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out in national law, the SEA or collective agreement.
- ~~Measures are to be taken to safeguard the property of seafarers left on board by sick, injured or deceased seafarers.~~
- This system of financial security must meet the following requirements:
  - the contractual compensation must be paid in full and without delay;
  - there shall be no pressure to accept a payment less than the contractual amount;
  - when time is needed to assess the full compensation, interim payments must be made to the seafarer to avoid undue hardship;
  - the seafarer must receive payment without prejudice to other legal rights (but such payment may be offset by the shipowner against any damages resulting from any other claim made by the seafarer against the shipowner and arising from the same incident); and
  - the claim for contractual compensation may be brought directly by the seafarer concerned, their next of kin, or a representative of the seafarer or designated beneficiary.
- Effective arrangements must be in place to receive, deal with and impartially settle contractual claims through expeditious and fair procedures.
- Ships shall carry on board – and post in a conspicuous place – a certificate or other documentary evidence of financial security issued by the financial security provider.

Adequate information on all matters is to be found in the enclosed seafarers’ employment agreement  / collective agreement provisions  / DMLC, Part I /Part II

*Please check one or ~~more~~both boxes or provide the information below.*

Has your country adopted legal provisions requiring shipowners to provide seafarers with material assistance and support with respect to the financial consequences, including burial expenses, of sickness, injury or death occurring while serving under seafarers' employment agreements or arising from their employment under such agreements?

*(Regulation 4.2, paragraph 1; Standard A4.2.1, paragraphs 1 and 3)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If yes, please provide a reference to those provisions if they are in English, French or Spanish; otherwise, please summarize their content:

Do your national laws or regulations limit the period during which a shipowner will continue to be liable to cover medical and other expenses incurred due to the seafarers' injury or sickness and to pay wages to the seafarers when no longer on board?

*(Standard A4.2.1, paragraphs 2 and 4)*

If yes, please specify the number of weeks, from the day of the injury or the commencement of the sickness, during which the shipowner remains liable. ÷

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Do your national laws or regulations exclude the shipowners' liability in certain cases?

*(Standard A4.2.1, paragraph 5)*

If yes, please indicate those cases:

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

What kinds of financial security are shipowners required to provide in order to assure compensation in the event of death or long-term disability of seafarers due to an occupational injury, illness or hazard?

Please specify the form taken by the system of financial security and if it was determined after consultation with the shipowners' and seafarers' organizations concerned.

*(Standard A4.2.1, paragraph 1(b) and 8; Standard A4.2.2, paragraph 2)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

*(Standard A4.2, paragraph 1(b))*

Please indicate how national laws and regulations ensure that the system of financial security meets the following minimum requirements:

(a) payment of compensation in full and without delay;

(b) no pressure to accept payment less than the contractual amount;

(c) interim payments (while situation is being assessed) to avoid undue hardship;

(d) offsetting payment against any damages resulting from any other claim made by the seafarer against the shipowner and arising from the same incident;

(e) persons who can bring the claim for contractual compensation (seafarer, her/his next of kin, representative or designated beneficiary).

(Standard A4.2.1, paragraph 8)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Does national legislation provide that ships must carry on board a certificate or other documentary evidence of financial security issued by the financial security provider?

If yes, please specify if the certificate or other documentary evidence has to contain the information required in Appendix A4-I, be in English or accompanied by an English translation, and if a copy must be posted in a conspicuous place on board.

(Standard A4.2.1, paragraphs 11 and 14)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Does national legislation provide:

(a) for at least 30 days of notice by the financial security provider to the competent authority of the flag State before the financial security can cease;

(b) that the competent authority is notified by the financial security provider if a shipowner's financial security is cancelled or terminated;

(c) that seafarers receive prior notification if a shipowner's financial security is to be cancelled or terminated?

(Standard A4.2.1, paragraphs 9, 10 and 12)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

How does national legislation ensure that effective arrangements are in place to receive, deal with and impartially settle contractual claims relating to compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, through expeditious and fair procedures?

(Standard A4.2.2, paragraph 3)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.



Are there circumstances in which the shipowners' liability for the expense of medical care and board and lodging and burial expenses are assumed by the public authorities?

(Standard A4.2.1, paragraph 6; see guidance in Guideline B4.2.1, paragraphs 2 and 3)

If yes, please indicate the circumstances:

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Are shipowners or their representatives required to safeguard the personal property of sick or injured or deceased seafarers and/or to return it to them or their next of kin?

(Standard A4.2.1, paragraph 7)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

**Additional information** concerning implementation of Regulation 4.2, including any cases of substantial equivalence.

(see above: Practical guidance for drawing up reports, point 5).

**Explanations** (see above: Practical guidance for drawing up reports, point 7).

**Documentation:** Please provide an example of the kind of documentation that is accepted or issued with respect to the financial security that must be provided by shipowners (Standard A4.24.2.1, paragraph 1(b)).

Where this material is not available in English, French or Spanish, please provide a summary in one of these languages.

### **Regulation 4.3 – Health and safety protection and accident prevention Standard A4.3; see also Guideline B4.3**

- The working, living and training environment on ships must be safe and hygienic and conform to national laws and regulations and other measures for occupational safety and health protection and accident prevention on board ship. Reasonable precautions are to be taken on the ships to prevent occupational accidents, injuries and diseases including risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may result from the use of equipment and machinery on the ship.
- Ships must have an occupational safety and health policy and programme to prevent occupational accident injuries and diseases, with a particular concern for the safety and health of seafarers under the age of 18.
- A ship safety committee, which includes participation by the seafarer safety representative, is required (for ships with five or more seafarers).
- Risk evaluation is required for on-board occupational safety and health management (taking into account relevant statistical data).

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/>/ Part II <input type="checkbox"/></p> <p><b><i>Please check one or both boxes or provide the information below.</i></b></p>                                                                                                                                                                                                                                                                                                                                                                          |
| <p>Has your country adopted national laws and regulations and taken other measures, including the development and promulgation of national guidelines for the management of occupational safety and health, to protect seafarers that live, work and train on board ships flying its flag?<br/>(Regulation 4.3, paragraphs 1–3)</p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u><br/><del>If yes, please provide a reference to those provisions if they are in English, French or Spanish; otherwise, please summarize their content:</del></p> |
| <p>Do those laws and regulations and other measures address all matters in Standard A4.3, paragraphs 1 and 2, including any measures taken to protect seafarers under the age of 18?<br/>(Standard A4.3, paragraphs 1 and 2; see guidance in Guideline B4.3)</p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p> <p>If no, please indicate the matters that are not addressed:</p>                                                                                                                                                              |
| <p>Are those laws and regulations and other measures reviewed regularly, in consultation with shipowners' and seafarers' organizations, with a view to their revision to account for changes in technology and research and the need for continuous improvement?<br/>(Standard A4.3, paragraph 3)</p> <p><u>If yes, please indicate scope and results of such reviews.</u></p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p>                                                                                                                  |
| <p>Are ships with five or more seafarers on board required to have a safety committee which includes seafarer representatives?<br/>(Standard A4.3, paragraph 2(d))</p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p>                                                                                                                                                                                                                                                                                                                          |
| <p>Are occupational accidents, injuries and diseases reported taking into account guidance from the ILO?<br/>(Standard A4.3, paragraphs 5(a) and 6)</p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p> <p>If no, please explain what reports are required:</p>                                                                                                                                                                                                                                                                                 |

Are shipowners required to conduct risk evaluations for occupational safety and health on board ship?  
(Standard A4.3, paragraph 8)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If no, please explain what shipowners are required to do with respect to ascertaining and preventing risks:

**Additional information** concerning implementation of Regulation 4.3, including any cases of substantial equivalence.

(see above: Practical guidance for drawing up reports, point 5).

**Explanations** (see above: Practical guidance for drawing up reports, point 7).

**Documentation:** Please provide, in English, French or Spanish:

- an example of a document (e.g. Part II of the DMLC outlining a shipowner's practices or on-board programmes (including risk evaluation) for preventing occupational accidents, injuries and diseases (Standard A4.3, paragraphs 1(c), 2(b) and 8);
- a copy of the relevant national guidelines (Regulation 4.3, paragraph 2);
- a copy of the document(s) used for reporting unsafe conditions or occupational accidents on board ship (Standard A4.3, paragraph 1(d)).

#### **Regulation 4.4 – Access to shore-based welfare facilities** **Standard A4.4; see also Guideline B4.4**

- Shore-based welfare facilities, if they exist in your country, must be accessible to all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin, or the flag State of their ship.
- The development of welfare facilities should be promoted in appropriate ports determined after consultation with shipowners' and seafarers' organizations.
- The establishment of welfare boards must be encouraged to regularly review welfare facilities and service for appropriateness in the light of changes in the needs of seafarers resulting from developments in the shipping industry.

Our country is landlocked

**Please check the above box or provide the information below.**

How many shore-based seafarer welfare facilities are operating in your country?

Please provide information on plans for the development or further development of seafarer welfare facilities in your country.  
(Standard A4.4, paragraph 2)

|                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Is access to shore-based welfare facilities or services restricted in the case of certain categories of visiting seafarers coming into port?<br/>(Regulation 4.4, paragraph 1; Standard A4.4, paragraph 1)</p> <p>If yes, please indicate the kind of restrictions applied:</p>                                                             |
| <p>Have one or more welfare boards been established?<br/>(Standard A4.4, paragraph 3)</p> <p>If yes, please outline their composition and activities:</p>                                                                                                                                                                                      |
| <p><b>Additional information</b> concerning implementation of Regulation 4.4, <u>including any cases of substantial equivalence</u>.<br/>(see above: Practical guidance for drawing up reports, point 5).</p>                                                                                                                                  |
| <p><b>Explanations</b> (see above: Practical guidance for drawing up reports, point 7).</p>                                                                                                                                                                                                                                                    |
| <p><b>Documentation:</b> Please provide, in English, French or Spanish:</p> <ul style="list-style-type: none"> <li>• a list of all seafarers' shore-based welfare facilities and services, if any, operating in your country;</li> <li>• a copy of a report or review prepared by a welfare board, if any, on the welfare services.</li> </ul> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Regulation 4.5 – Social security</b><br/><b>Standard A4.5; see also Guideline B4.5</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <ul style="list-style-type: none"> <li>• All seafarers ordinarily resident in your country's territory are entitled to social security protection, complementing the protection provided by medical care and shipowners' liability, in the branches of social security notified by your country to the ILO Director-General (which must include at least three of the nine branches specified).</li> <li>• Social security protection must be no less favourable than that enjoyed by shoreworkers resident in your country's territory. This responsibility can be satisfied, for example, through appropriate bilateral or multilateral agreements or contribution-based schemes.</li> <li>• Your country must take steps, according to its national circumstances, individually and through international cooperation, to achieve progressively comprehensive social security protection for seafarers. The present report must include information regarding steps taken by your country to extend protection to branches other than those at present notified to the ILO.</li> <li>• Consideration must also be given to ways in which, in accordance with your national law and practice, comparable benefits will be provided to seafarers in the absence of adequate coverage in the nine branches specified.</li> <li>• To the extent consistent with its national law and practice, your country must cooperate with others to ensure the maintenance of social security rights acquired or in the course of acquisition.</li> <li>• Fair and effective procedures for the settlement of disputes must be established.</li> </ul> |

Below, please provide the answer and information relating to the following question: With respect to each of the nine branches listed in the left-hand column, is complementary social security protection provided to seafarers ordinarily resident in your country? If yes, please indicate ~~—by reference to the documentation requested below—~~ the main benefits provided in the branch concerned. (Standard A4.5, paragraphs 1 and 3)

If the branches specified at the time of ratification do not include medical care, sickness benefit and employer injury benefit, please indicate how due consideration has been given to Guideline B4.5, paragraph 1 in implementing Standard A4.5, paragraph 2.

|                                  |                                                                                                                                                                                                      |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Medical care</b>              | No <input type="checkbox"/><br>Yes <input type="checkbox"/> Main benefits provided:<br><br><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u> |
| <b>Sickness benefit</b>          | No <input type="checkbox"/><br>Yes <input type="checkbox"/> Main benefits provided:<br><br><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u> |
| <b>Unemployment benefit</b>      | No <input type="checkbox"/><br>Yes <input type="checkbox"/> Main benefits provided:<br><br><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u> |
| <b>Old-age benefit</b>           | No <input type="checkbox"/><br>Yes <input type="checkbox"/> Main benefits provided:<br><br><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u> |
| <b>Employment injury benefit</b> | No <input type="checkbox"/><br>Yes <input type="checkbox"/> Main benefits provided:<br><br><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u> |
| <b>Family benefit</b>            | No <input type="checkbox"/><br>Yes <input type="checkbox"/> Main benefits provided:<br><br><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u> |

|                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Maternity benefit</b>                                                                                                                                                                                                                                                                                          | No <input type="checkbox"/><br>Yes <input type="checkbox"/> Main benefits provided:<br><br><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u> |
| <b>Invalidity benefit</b>                                                                                                                                                                                                                                                                                         | No <input type="checkbox"/><br>Yes <input type="checkbox"/> Main benefits provided:<br><br><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u> |
| <b>Survivors' benefit</b>                                                                                                                                                                                                                                                                                         | No <input type="checkbox"/><br>Yes <input type="checkbox"/> Main benefits provided:<br><br><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u> |
| <p>Are there any branches in which benefits are provided that are less favourable than those provided to shoreworkers resident in your country?<br/>(Regulation 4.5, paragraph 3; Standard A4.5, paragraph 3)</p> <p>If yes, please indicate the branches concerned:</p>                                          |                                                                                                                                                                                                      |
| <p>Are dependants of seafarers ordinarily resident in your country provided with social security protection?<br/>(Regulation 4.5, paragraph 1)</p>                                                                                                                                                                |                                                                                                                                                                                                      |
| <p>Please indicate any steps taken or plans being made or discussed in your country to improve the benefits currently provided to seafarers or to extend social security protection for seafarers to branches not covered at present.<br/>(Regulation 4.5, paragraph 2; Standard A4.5, paragraph 11)</p>          |                                                                                                                                                                                                      |
| <p>Please indicate any bilateral or multilateral arrangements in which your country participates regarding the provision of social security protection, including the maintenance of rights acquired or in the course of acquisition.<br/>(Regulation 4.5, paragraph 2; Standard A4.5, paragraphs 3, 4 and 8)</p> |                                                                                                                                                                                                      |
| <p>Are shipowners' and, if applicable, seafarers' contributions to relevant social protection and social security systems or schemes monitored to verify that the contributions are made?<br/>(Standard A4.5, paragraph 5; see guidance in Guideline B4.5, paragraphs 6 and 7)</p>                                |                                                                                                                                                                                                      |

Has your country adopted any measures for providing benefits to non-resident seafarers working on ships flying its flag who do not have adequate social security coverage?  
(Standard A4.5, paragraphs 5 and 6; see guidance in Guideline B4.5, paragraph 5)

Has your country established what fair and effective procedures for the settlement of disputes relating to social security for seafarers have been established? as required by (Standard A4.5, paragraph 9?)

If yes, please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If no, please explain.

**Additional information** concerning implementation of Regulation 4.5, including any cases of substantial equivalence.  
(see above: Practical guidance for drawing up reports, point 5).

**Explanations** (see above: Practical guidance for drawing up reports, point 7).

### **Enforcement**

Please summarize the provisions of laws or regulations or other measures which prohibit violations of the requirements under Title 4 of the Convention and, in accordance with international law, establish sanctions or require the adoption of corrective measures to discourage such violations (Article V, paragraph 6).

## **Title 5. Compliance and enforcement**

**Note:** Title 5 has three primary Regulations (Regulation 5.1, Flag State responsibilities; Regulation 5.2, Port State responsibilities; and Regulation 5.3, Labour-supplying responsibilities). These three Regulations prescribe the details of the basic obligations set out in Article V, Implementation and enforcement responsibilities (see paragraphs 2–7).

Regulations 5.1 and 5.2 comprise a number of Regulations, each with its own Part A – Standards and Part B – Guidelines. They are dealt with in this report as separate Regulations, for example Regulation 5.1.1 – General principles.

### **Regulation 5.1 – Flag State responsibilities**

#### **Regulation 5.1.1 – General principles**

**Standard A5.1.1; see also Guideline B5.1.1**

**With reference also to Regulation 5.1.4 and Standard A5.1.4, paragraphs 1 and 2**

- Each country must have an effective system for the inspection and certification of labour conditions on ships flying its flag, with clear objectives and standards covering the administration of this system, as well as adequate overall procedures for the assessment of the extent to which those objectives and standards are being attained.
- The competent authority must appoint a sufficient number of qualified inspectors to fulfil its inspection and certification functions.

Please describe the basic structure and objectives of your country's system (including measures to assess its effectiveness) for the inspection and certification of maritime labour conditions in accordance with Regulations 5.1.3 and 5.1.4 to ensure that the working and living conditions for seafarers on ships that fly its flag meet, and continue to meet, the standards in the Convention.

*(Regulation 5.1.1, paragraphs 2 and 5; Standard A5.1.1, paragraph 1; Regulation 5.1.2, paragraph 2)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Are ships flying your country's flag required to have a copy of the Convention available on board?

*(Standard A5.1.1, paragraph 2)*

If yes, please provide the reference for this requirement and reproduce the relevant texts if possible:

**Additional information** concerning implementation of Regulation 5.1.1.

**Documentation:** Please provide, in English, French or Spanish:

- a report or other document containing information on the objectives and standards established for your country's inspection and certification system, including the procedures for its assessment;
- information on the budgetary allocation during the period covered by this report for the administration of your country's inspection and certification system and the total income received during the same period on account of inspection and certification services;
- the following statistical information:
  - number of ships flying your country's flag that were inspected during the period covered by this report for compliance with the requirements of the Convention;
  - number of inspectors, appointed by the competent authority or by a duly authorized recognized organization, carrying out those inspections during the period covered by this report;
  - number of full-term (up to five years) maritime labour certificates currently in force;
  - number of interim certificates issued during the period covered by this report in accordance with *Standard A5.1.3, paragraph 5.*

**Regulation 5.1 – Flag State responsibilities**

**Regulation 5.1.2 – Authorization of recognized organizations**

**Standard A5.1.2; see also Guideline B5.1.2 (and Regulation 5.1.1, paragraph 3)**



- Recognized organizations may be authorized to carry out certain inspection and certification functions, provided that:
  - those functions are expressly mentioned in the Code of the Convention as being carried out by the competent authority or a recognized organization;
  - the functions come within the authorization conferred by the competent authority;
  - the recognized organization has demonstrated that it has the necessary competence and independence.
- Countries must establish a system to ensure the adequacy of work performed by recognized organizations, and have procedures for communication with and oversight of such organizations.
- They must provide the ILO with the current list of recognized organizations, specifying the functions authorized.

Our country does not make use of recognized organizations

***Please check the above box or provide the information below.***

Has your country adopted laws or regulations or other measures governing the authorization of recognized organizations for inspection and certification functions?

If yes, please indicate the applicable national provisions and, if possible, reproduce the relevant texts.  
If yes, please provide a reference to those provisions if they are in English, French or Spanish, or summarize their content:

Are all recognized organizations granted the power to require rectification of deficiencies on ships and to carry out inspections at the request of port States?  
*(Standard A5.1.2, paragraph 2)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Has your country provided the ILO with a current list of recognized organizations authorized to act on your country's behalf, specifying the functions authorized?  
*(Standard A5.1.2, paragraph 4)*

Yes

No, the information is attached to this report

Please describe how your country reviews the competence and independence of recognized organizations, including information on any system established for oversight and communication of relevant information to authorized organizations.

*(Regulation 5.1.2, paragraph 2; Standard A5.1.2, paragraph 1)*

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

This information is already included above in connection with Regulation 5.1.1

***Additional information*** concerning implementation of Regulation 5.1.2.

***Documentation:*** Please provide, in English, French or Spanish, an example or examples of authorizations given to recognized organizations *(Regulation 5.1.1, paragraph 5; Regulation 5.1.2, paragraph 2)*.

| <b>Regulation 5.1 – Flag State responsibilities</b><br><b>Regulation 5.1.3 – Maritime labour certificate and declaration of maritime labour compliance</b><br><b>Standard A5.1.3; see also Guideline B5.1.3</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Ships must carry a maritime labour certificate if: <ul style="list-style-type: none"> <li>– they are 500 GT or more and engaged in international voyages; or</li> <li>– they are 500 GT or more and fly the flag of a country and are operating from a port, or between ports, in another country; or</li> <li>– a certificate is requested by the shipowner.</li> </ul> </li> <li>• The certificate certifies that the working and living conditions of the seafarers on the ship have been inspected and meet the requirements of your country’s laws or regulations or other measures implementing the Convention.</li> <li>• The certificate is issued after the 14 matters listed in Appendix A5-I have been inspected and found to be in compliance, for a period not exceeding five years, subject to at least one intermediate inspection during that period.</li> <li>• In prescribed cases, an interim certificate may be issued, only once, for a period not exceeding six months.</li> <li>• A declaration of maritime labour compliance (DMLC) must be attached to the certificate (if full term); Part I of the DMLC, which is drawn up by the competent authority, identifies the national requirements relating to the 14 matters listed in Appendix A5-I; Part II, which is drawn up by the shipowner and certified by the competent authority or a duly authorized recognized organization, identifies the measures adopted to ensure ongoing compliance with those national requirements.</li> <li>• The form and content of the certificates and the DMLC are prescribed in <i>Standard A5.1.3</i> and Appendix A5-II.</li> <li>• In prescribed circumstances, a maritime labour certificate ceases to be valid or must be withdrawn.</li> </ul> |
| <p><i>Below please provide a reference to the national provisions or other measures implementing the corresponding requirements of the Convention, if those provisions or measures are in English, French or Spanish; otherwise please provide the reference and summarize the content of those provisions or measures.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>The cases in which a maritime labour certificate is required; the maximum period of issue; the scope of the prior inspection; the requirement for an intermediate inspection; the provisions for renewal of the certificate.<br/>(<i>Regulation 5.1.3; Standard A5.1.3, paragraphs 1–4</i>)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>The cases in which a maritime labour certificate may be issued on an interim basis (<i>Standard A5.1.3, paragraphs 5(a)–(c)</i>); the maximum period of issue of interim certificates, if issued; the scope of the prior inspection required if interim certificates are issued.<br/>(<i>Standard A5.1.3, paragraphs 5–8</i>)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>The requirements for posting on the ship, and for making available for review, the maritime labour certificate and the declaration of maritime labour compliance.<br/>(<i>Regulation 5.1.3, paragraph 6; Standard A5.1.3, paragraphs 12 and 13</i>)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

The circumstances in which a maritime labour certificate ceases to be valid.  
(Standard A5.1.3, paragraphs 14 and 15; see guidance in Guideline B5.1.3, paragraph 6)

The circumstances in which a maritime labour certificate must be withdrawn.  
(Standard A5.1.3, paragraphs 16 and 17)

**Additional information** concerning implementation of Regulation 5.1.3.

**Documentation:** If available in your country, please provide, in English, a copy of the national interim maritime labour certificate.

**Regulation 5.1 – Flag State responsibilities**  
**Regulation 5.1.4 – Inspection and enforcement**  
**Standard A5.1.4; see also Guideline B5.1.4**

- Adequate rules must be made to ensure that inspectors have the training, competence, terms of reference, guidelines, powers, status and independence necessary or desirable to perform inspections effectively.
- Ships must be inspected at the intervals required for the purposes of certification, where applicable, and in no case at an interval exceeding three years.
- Where a complaint is received that is not manifestly unfounded, or there is evidence of non-conformity with the requirements of the Convention or there are serious deficiencies in the implementation of the measures in the declaration of maritime labour compliance, the matter must be investigated and any deficiencies remedied.
- If there are grounds to believe that deficiencies constitute a serious breach of the requirements of this Convention (including seafarers' rights), or represent a significant danger to seafarers' safety, health or security, inspectors must have the power to prohibit a ship from leaving port until necessary actions are taken (subject to any right of appeal).
- All reasonable efforts must be made to avoid a ship being unreasonably detained or delayed. Compensation must be paid in the case of the wrongful exercise of the inspectors' powers.
- Adequate penalties and other corrective measures must be effectively enforced for breaches of the requirements of the Convention (including seafarers' rights) and for obstructing inspectors in the performance of their duties.
- Inspectors must treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations.
- Inspectors must submit a report of each inspection to the competent authority, to be posted on the ship and sent, upon request, to the seafarers' representatives. The competent authority must maintain records of the inspections and publish an annual report.

Are all ships covered by the Convention that fly your country's flag inspected for compliance with the Convention's requirements at least once every three years?  
(*Regulation 5.1.4, paragraph 1; Standard A5.1.4, paragraph 4*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

If no, please indicate any categories of ships that are not inspected at all or inspected at greater than three-year intervals:

Please indicate the qualifications and training required for flag State inspectors carrying out inspections under the Convention.  
(*Standard A5.1.4, paragraph 3*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please summarize the measures adopted to guarantee that inspectors have a status and conditions of service ensuring that they are independent of changes of government and of improper external influences; and please indicate the manner in which those measures are enforced.  
(*Standard A5.1.4, paragraphs 3, 6, 11(a) and 17*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Are inspectors issued with a copy of the ILO's 2008 *Guidelines for flag State inspections under the Maritime Labour Convention, 2006*, or similar national guidelines and/or policy?  
(*Standard A5.1.4, paragraph 7; see guidance in Guideline B5.1.4, paragraph 2*)

Please summarize the procedures for receiving and investigating complaints, and ensuring that their source is kept confidential.  
(*Standard A5.1.4, paragraphs 5, 10 and 11(b); see guidance in Guideline B5.1.4, paragraph 3*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please describe the arrangements made to ensure that inspectors submit a report of each inspection to the competent authority, that a copy is furnished to the master and another posted on the ship's notice board.  
(*Standard A5.1.4, paragraph 12*)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

In what kinds of cases will a ship be prohibited from leaving port until necessary actions are taken to remedy deficiencies under the Convention?

(Standard A5.1.4, paragraph 7(c))

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please identify, and outline the content of, the legal provisions or principles under which compensation must be paid for any loss or damage from the wrongful exercise of the inspectors' powers, and where applicable, please provide examples in which shipowners have been awarded compensation.

(Standard A5.1.4, paragraph 16)

**Additional information** concerning implementation of Regulation 5.1.4.

**Documentation:** Please provide:

- a copy of the annual reports on inspection activities, in English, French or Spanish, that have been issued in accordance with *Standard A5.1.4, paragraph 13*, during the period covered by this report;
- a standard document issued to or signed by inspectors setting out their functions and powers (*Standard A5.1.4, paragraph 7*; see guidance in *Guideline B5.1.4, paragraphs 7 and 8*), together with a summary in English, French or Spanish if the document is not in one of those languages;
- a copy of any national guidelines issued to inspectors in implementation of *Standard A5.1.4, paragraph 7*, with an indication of the content in English, French or Spanish if the guidelines are not in one of those languages;
- a copy of the form used for an inspector's report (*Standard A5.1.4, paragraph 12*);
- a copy of any documentation that is available informing seafarers and interested others about the procedures for making a complaint (in confidence) regarding a breach of the requirements of the Convention (including seafarers' rights) (*Standard A5.1.4, paragraph 5*; see guidance in *Guideline B5.1.4, paragraph 3*), with an indication of the content in English, French or Spanish if the documentation is not in one of those languages.

**Regulation 5.1 – Flag State responsibilities**  
**Regulation 5.1.5 – On-board complaint procedures**  
**Standard A5.1.5; see also Guideline B5.1.5**

- Ships must have on-board procedures for the fair, effective and expeditious handling of seafarers' complaints alleging breaches of the requirements of the MLC, 2006 (including seafarers' rights).
- Those procedures must seek to resolve complaints at the lowest level possible although seafarers must have a right to complain directly to the master and to appropriate external authorities.
- The procedures must include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization for filing complaints. Such victimization must be prohibited.
- All seafarers must be provided with a copy of the on-board complaint procedures applicable on the ship.

Adequate information on all matters is to be found in the enclosed DMLC, Part I / Part II

**Please check one or both boxes or provide the information below.**

|                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Has the competent authority in your country developed a model for a fair and expeditious and well-documented on-board complaint procedure for ships that fly your country's flag?<br/>(Regulation 5.1.5, paragraph 1; Standard A5.1.5, paragraphs 1–3; see guidance in Guideline B5.1.5, paragraphs 1 and 2)</p> <p>If yes, please indicate the extent to which this model must be followed by shipowners:</p> |
| <p>Please identify, and outline the content of, the legal provisions or principles under which victimization of seafarers for filing a complaint is prohibited and penalized in your country.<br/>(Regulation 5.1.5, paragraph 2)</p>                                                                                                                                                                             |
| <p>Please outline the arrangements made to ensure that all seafarers are provided with a copy of the on-board complaint procedures applicable on the ship, including contact information relevant to that ship and to the seafarers concerned.<br/>(Standard A5.1.5, paragraph 4)</p> <p><u>Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.</u></p>            |
| <p><b>Additional information</b> concerning implementation of Regulation 5.1.5.</p>                                                                                                                                                                                                                                                                                                                               |
| <p><b>Documentation:</b> Please provide a copy of your country's model for on-board complaint procedures, if developed, or of typical procedures that are followed on ships that fly its flag, with a translation into English, French or Spanish if the procedures are not in one of these languages.</p>                                                                                                        |

|                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Regulation 5.1 – Flag State responsibilities</b><br/><b>Regulation 5.1.6 – Marine casualties</b></p>                                                                                                                                                                                        |
| <ul style="list-style-type: none"> <li>• An official inquiry must be held into any serious marine casualty, leading to injury or loss of life that involves ships flying your country's flag.</li> <li>• ILO Members must cooperate in the investigation of serious marine casualties.</li> </ul> |
| <p>Please indicate the relevant legal provisions and any other measures implementing Regulation 5.1.6, providing a summary in English, French or Spanish if the provisions or measures are not in one of those languages.</p>                                                                     |

Please describe what arrangements and requirements exist for holding an official inquiry into cases of serious marine casualties that involve a ship flying your country's flag and lead to injury or loss of life, indicating whether the final reports of such inquiries are normally made public.

(Regulation 5.1.6, paragraph 12)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please supply information on the number of inquiries held during the period covered by this report.

**Additional information** concerning implementation of Regulation 5.1.6.

## **Regulation 5.2 – Port State responsibilities**

### **Regulation 5.2.1 – Inspections in port**

#### **Standard A5.2.1; see also Guideline B5.2.1**

- Every foreign ship calling, in the normal course of its business or for operational reasons, in a port may be the subject of inspection by an authorized officer of your country for the purpose of reviewing compliance with the requirements of the Convention (including seafarers' rights) relating to the working and living conditions of seafarers on the ship.
- The inspection must be based on an effective port State inspection and monitoring system.
- If a ship carries a maritime labour certificate issued in accordance with the Convention, that certificate and the declaration of maritime labour compliance attached to it must be accepted as prima facie evidence of compliance. The inspection must then be limited to a review of the certificate and declaration, except in the cases specified under (a)–(d) of *Standard A5.2.1, paragraph 1*.
- In the cases specified in *Standard A5.2.1, paragraph 1 (a) – (d)* a more detailed inspection may be carried out. Such inspection must be carried out where the working and living conditions believed or alleged to be defective could constitute a clear hazard to the safety, health or security of seafarers or where the authorized officer has grounds to believe that any deficiencies constitute a serious breach of the requirements of the Convention (including seafarers' rights).
- The more detailed inspection must, in principle, cover the 14 matters listed in Appendix A5-III, except in the case of a complaint.
- The procedures to be followed where deficiencies or non-conformities are found (including the detention of the ship in port until rectification or acceptance by the authorized officer of a plan of action for rectification) are set out in *Standard A5.2.1, paragraphs 4–6*.
- All possible efforts must be made to avoid a ship being unduly detained or delayed. Compensation must be paid for any loss or damage where a ship is found to be unduly detained or delayed.

Our country is not a port State

**Please check the above box or provide the information below.**

Please specify any regional port State control Memorandum of Understanding (MOU) in which your country participates.

(Regulation 5.2.1, paragraph 3)

Has your country established an effective port State inspection and monitoring system, for the purpose of reviewing compliance with the requirements of the MLC, 2006 (including seafarers' rights)?  
(*Regulation 5.2.1, paragraphs 1, 4 and 5*)

If yes, please describe the system, including the method used for assessing its effectiveness.

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

Please indicate the number of authorized officers appointed by the competent authority and please provide information on the qualifications and training required for carrying out port State control.

Are authorized officers given guidance as to the kinds of circumstances justifying detention of ship (such as the relevant guidance contained in the ILO's 2008 *Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006*, or similar national guidance or guidance provided by a regional port State control MOU)?  
(*Standard A5.2.1, paragraph 7*)

If yes, please identify the guidance:

Please identify, and outline the content of, the legal provisions or principles under which compensation must be paid for any loss or damage for a ship being unduly detained or delayed and, where applicable, please provide examples in which shipowners have been awarded compensation.  
(*Standard A5.2.1, paragraph 8*)

**Additional information** concerning implementation of Regulation 5.2.1.

**Documentation:** Please provide:

- a copy of any national guidelines issued to inspectors in implementation of *Standard A5.2.1, paragraph 7*, with an indication of the content in English, French or Spanish if the guidelines are not in one of those languages;
- the following statistical information for the period covered by this report:
  - number of foreign ships inspected in port;
  - number of more detailed inspections carried out according to *Standard A5.2.1, paragraph 1*;
  - number of cases where significant deficiencies were detected;
  - number of detentions of foreign ships due, wholly or partly, to conditions on board ship that are clearly hazardous to the safety, health or security of seafarers, or constitute a serious or repeated breach of the requirements of MLC, 2006 (including seafarers' rights).

**Note:** If this information is also provided in connection with a regional PSC arrangement, a copy of that report or link to the relevant web site where these data can be accessed is sufficient.



**Regulation 5.2 – Port State responsibilities****Regulation 5.2.2 – Onshore complaint-handling procedures****Standard A5.2.2; see also Guideline B5.2.2**

- A complaint by a seafarer alleging a breach of the requirements of this Convention (including seafarers' rights) may be reported to an authorized officer in the port at which the seafarer's ship has called.
- The authorized officer must undertake an initial investigation. If the complaint falls within the scope of *Standard A5.2.1*, a more detailed inspection may be carried out. Otherwise, where appropriate, the authorized officer must seek to promote a resolution of the complaint at the shipboard level.
- If the investigation or the inspection reveals a non-conformity justifying detention of the ship, the procedure provided for in *Standard A5.2.1, paragraph 6*, must be followed.
- Otherwise, if the complaint has not been resolved, the authorized officer notifies the flag State, seeking advice and a corrective plan of action.
- If the complaint is still not resolved, the port State must transmit a copy of the authorized officer's report, accompanied by any reply from the flag State, to the ILO Director-General; the appropriate shipowners' and seafarers' organizations in the port State are similarly informed.
- Appropriate steps must be taken to safeguard the confidentiality of complaints made by seafarers.

Our country is not a port State

*Please check the above box or provide the information below.*

Has your country established procedures, including steps taken to safeguard confidentiality, for seafarers calling at its ports to report a complaint alleging breach of the requirements of the MLC, 2006 (including seafarers' rights)?

*(Regulation 5.2.2, paragraph 1; Standard A5.2.2, paragraphs 1–7; see guidance in Guideline B5.2.2)*

If yes, please describe the procedures, referring to the corresponding legal provisions or measures:

Please provide information on the number of such complaints that were reported during the period covered by this report and on the complaints that were resolved and reported to the ILO Director-General.  
*(Standard A5.2.2, paragraph 6)*

*Additional information* concerning implementation of Regulation 5.2.2.

**Documentation:** Please provide, in English, French or Spanish a copy of a document, if any, that describes the onshore complaint-handling procedures.

**Regulation 5.3 – Labour-supplying responsibilities****Standard A5.3; see also Guideline B5.3**

- ILO Members must establish an effective inspection and monitoring system for enforcing their labour-supplying responsibilities, particularly those regarding the recruitment and placement of seafarers.
- Members must also implement social security responsibilities for seafarers that are its nationals or residents or are otherwise domiciled in their territory.

There are no seafarers in our country

***Please check the above box or provide the information below.***

Please describe the system in your country for the inspection and monitoring and enforcement (including legal proceedings for breaches of the requirements under Regulation 1.4) of its labour-supplying responsibilities under the MLC, 2006, including the method used for assessing its effectiveness.  
(Regulation 5.3, paragraphs 3 and 4; Standard A5.3, referring to Standard A1.4)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

This information has been provided in the context of Regulation 1.4

If you have seafarers who are nationals or ordinarily resident or domiciled in your country, have arrangements been made to ensure that they receive social security protection irrespective of the flag of the ship on which they are working?  
(Regulation 5.3, paragraph 1)

Please indicate the applicable national provisions and, if possible, reproduce the relevant texts.

This question has been answered in the context of Regulation 4.5

***Additional information*** concerning implementation of Regulation 5.3.

## Appendix

### **Legal Adviser's opinion on the relationship between Parts A and B of the Code (extract of Appendix D to Report I (1A) of the 94th (Maritime) Session of the International Labour Conference, 2006) <sup>1</sup>**

#### ***Coexistence of mandatory and non-mandatory provisions in a Convention***

Questions were addressed to the Legal Adviser (in 2003) by the Government representatives of the Netherlands and Denmark, as well as those of Cyprus and Norway, as to the various consequences flowing from the coexistence in the draft consolidated Convention of binding and non-binding provisions for ratifying Members.

The High-level Tripartite Working Group on Maritime Labour Standards is, in accordance with its mandate, working on a consolidated Convention as a new type of instrument compared with those adopted up to now. The consolidation of maritime instruments in force is aimed at placing all substantive elements in a single instrument in an approach radically different to that employed up to now, where Conventions contain detailed technical provisions, often accompanied by Recommendations. From this perspective, conclusions cannot be drawn from the traditional formal arrangement based on the distinction between a Convention – where the provisions are binding – and a Recommendation – where they are not. The future instrument is a Convention open to ratification by States Members providing explicitly for the coexistence of binding and non-binding provisions (proposed Article VI, paragraph 1). The provisions of Part A of the Code would be binding; those of Part B would not.

Some international labour Conventions set out, alongside binding provisions, others that are of a different nature. <sup>2</sup> The novelty introduced in the future instrument essentially resides in the great number of non-binding provisions in the instrument. It should equally be noted that other organizations, such as the IMO, have adopted conventions containing the two types of provisions without any apparent legal problems in their application.

Members ratifying the Convention would have to conform to the obligations set out in the Articles, the Regulations and Part A of the Code. Their only obligation under Part B of the Code would be to examine in good faith to what extent they would give effect to such provisions in order to implement the Articles, the Regulations and Part A of the Code. Members would be free to adopt measures different from those in Part B of the Code so long as the obligations set out elsewhere in the instrument were respected. Any State Member which decided to implement the measures and procedures set out in Part B of the Code would be presumed to have properly implemented the corresponding provisions of the binding parts of the instrument. A Member which chose to employ other measures and procedures would, if necessary, and particularly where the Member's application of the Convention was questioned in the supervisory machinery, have to provide justification that the measures taken by it did indeed enable it to properly implement the binding provisions concerned.

<sup>1</sup> ILO: *Adoption of an instrument to consolidate maritime labour standards*, Report I(1A), International Labour Conference, 94th (Maritime) Session, Geneva, 2006.

<sup>2</sup> See, for example, the Occupational Health Services Convention, 1985 (No. 161), Article 9, paragraph 1: "... occupational health services should be multidisciplinary".