



THE GOVERNMENT
OF THE GRAND DUCHY OF LUXEMBOURG
Ministry of the Economy

Maritime Administration

**Maritime Labor Convention (MLC) 2006 Annual Report
on Inspection Activities
from 1 January 2021 to 31 December 2021**

October 2022

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Introduction

The purpose of this report is to review the MLC inspection activities and to provide an overview on the conditions for seafarers on board Luxembourg flagged ships in the year 2021. The report is based on the Standard A5.1.4.13 MLC 2006 and on the guidance provided in B5.1.4.10. The statistic included in the report concern all ships to which MLC 2006 applies and all seafarers working on board.

1. Luxembourg MLC Legislation and Guidance

According to Luxembourg law, duly ratified international conventions are part of the national legal order and take precedence over national texts. Since the Act of 10th July 2011 approving ILO convention 185 and the Maritime Labour Convention (MLC), 2006 requirements are an integral part of the Luxembourg legal order, and all the provisions of the convention have to be considered as absolute minimum requirements.

The MLC 2006 was ratified by Luxembourg on 20 September 2011 and it entered into force on 20 August 2013, in line with the international enforcement date of the Convention.

Following laws and regulations were adopted in Luxembourg implementing the provisions of the MLC:

- **Law of 10 July 2011** - approving Convention 185 revising the Seafarers' Identity Documents Convention, 1958, adopted by the International Labour Conference of the International Labour Organisation at its ninety-first Session, which was held in Geneva and declared closed on June 19, 2003, and the Maritime Labor Convention, adopted by the International Labor Conference (Maritime) at its ninety-fourth session, which was held in Geneva on February 7, 2006" (Memorial A, July 22, 2011, No. 147, p. 2070)
- **Amended Grand-Ducal Regulation of 31 May 2015** - on certain flag State responsibilities with regard to compliance with and enforcement of the Maritime Labor Convention, 2006" (Memorial A, June 4, 2015, No. 95, p. 1580);
- **Grand-Ducal Regulation of 15 December 2021** - declaring the general obligation of the interprofessional agreement for seafarers (valid from 01.11.2021 to 31.10.2022) concluded between FEDIL Shipping, on the one hand, and the unions benefiting from the general national representativeness of the OGBL and the LCGB" (Memorial A, December 17, 2021, No 880);
- **Circular CAM 04/2015** – on certification of ships of 200 GT and more;
- **Circular CAM 01/2017** – addressing Amendments of 2014 to MLC 2006 concerning seafarers' repatriation and related cost and shipowner's liability in the event of death or long-term disability;
- **Circular CAM 09/2020** - addressing Amendments of 2018 to MLC 2006 related to piracy, Seafarers' Employment Agreement when seafarers are taken hostage;
- **Luxembourg DMLC I** - should there be a contradiction between Title III of Luxembourg Maritime Act of 9th November 1990 and the provisions of DLMC I, it is the DLMC I that shall be applied (because of the precedence of international over national law and in view of the ongoing revision of the aforesaid Title III).

Following additional guidance on how to achieve compliance has been issued:

- **CAM MLC, 2006 Frequently Asked Questions (FAQ);**
- **“Social Security: Applicable Rules”** – an overview of regulations which helps identify the applicable social security scheme;
- **“Electronic Copies of Certificates and Documents on Luxembourg Flagged Ships”** – a letter confirming that electronic versions of MLC documents should be used for auditing or inspecting purposes if the original documents are not yet on board;
- **“The Procedure for Shipowners to Obtain the DMLC Part I and the Maritime Labour Certificate”;**
- **“MLC 2006 on Board Complaint Procedure”** – guidance concerning lodging a complaint by seafarers in case of non-compliance with MLC 2006;
- **Seafarers' Employment Agreement** – a model contract given as example;
- **Model Format for Table of Shipboard Working Arrangements and Model Format for Record of Hours of Rest of Seafarer;**
- **“May a SEA be concluded under an electronic form?”** – a note on electronic version of SEA.

2. System of Inspection and Monitoring

2.1 MLC Inspections by RO

The Luxembourg Maritime Administration (Commissariat aux affaires maritimes - CAM) is the “Competent Authority” for ships under Luxembourg flag to which the MLC applies and as defined in the Article II (a) of the MLC.

The CAM, considering the requirements of the Regulation 5.1.2, Standard A5.1.2 and Guideline B5.1.2, has delegated the inspection activities and part of the certification process under the MLC 2006, including approval of DMLC Part II, to the Recognized Organizations (RO).

The list of authorized ROs is as follows:

- American Bureau of Shipping (ABS);
- Bureau Veritas (BV);
- Croatian Register of Shipping (CRS);
- DNV-GL;
- Korean Registry (KR);
- Lloyd’s Register (LR);
- Nippon Kaiji Kyokai (NKK);
- Registro Italiano Navale (RINA).

Following tasks were delegated to ROs in relation to MLC requirements:

- Certification of the crew accommodations (ILO 92, ILO 133);
- Certification of the crew accommodations and recreational areas for new buildings (MLC 2006);
- Review of the DMLC, endorsement and follow up;
- Inspection of the ships and follow up of the rectification of deficiencies;

- Delivery of the Interim Maritime Labour Certificate and the Maritime Labour Certificate with a limited validity;
- Intermediate inspection and endorsement of the full term Maritime Labour Certificate;
- Follow up of the Port State Control deficiencies rectifications;
- Follow up / relay of the crew's complaints.

MLC inspection reports are submitted by RO's to CAM, reviewed and kept on record. In addition, the MLC inspection reports can always be accessed by CAM on RO's websites. If necessary, CAM supports RO in following up on the deficiencies and gets in direct contact with the shipowner or verifies implementation of corrective actions during Flag State Inspections (FSI).

CAM monitors the performance of the ROs by means of regular RO audits, survey report reviews and through FSI.

The full term Maritime Labour Certificate is issued by CAM after receipt of the relevant information from ROs. A Maritime Labour Certificate as well as a DMLC shall be issued to ships of 200 GT or more, to which the Convention applies, following a successful initial onboard inspection. The Maritime Labour Certificate confirms that both the working and living conditions have been inspected and verified to meet national legislation implementing the MLC (cf. CAM circular 04/2015).

Ships below 200 GT are subject to an inspection at intervals not exceeding three years, although no obligation exists to issue a certificate. One has to note however that shipowners may request a certificate on a voluntary basis. It is strongly recommended that ships below 200 GT are issued with a certificate in order to simplify matters involving Port State Control inspections and to avoid undue delays in ports.

2.2 Flag State Inspections (FSI)

In addition to MLC inspections conducted by ROs, MLC compliance on board is also verified during FSIs by Luxembourg flag inspectors.

The FSIs are organized in principle on annual basis, or even more often if required considering the vessel's performance and trading area. The Luxembourg FSI Checklist, which Luxembourg flag inspectors refer to during FSIs, includes an MLC interview with the crew and a number of inspection items regarding MLC's key requirements. CAM carefully reviews all FSI reports and follows up with shipowners on corrective actions of all identified deficiencies – until they are fully rectified. The records from FSIs are stored electronically.

2.3 Port State Control (PSC) Inspections

CAM reviews PSC inspection reports and records the PSC inspection results including MLC related deficiencies. CAM monitors rectification of PSC deficiencies until corrective actions are fully implemented by shipowners.

3. Ships Inspected

Since no recruitment and placement service is located in Luxembourg, the statistics concern only inspections on board ships.

3.1 MLC Inspections by RO

The following is a record of MLC inspections carried out by ROs on board commercial ships and yachts under Luxembourg flag:

Number of interim inspections	26
Number of initial inspections	22
Number of intermediate inspections	25
Number of renewal inspections	23
Number of additional inspections	3
Total number of inspections	99
Number of inspections without deficiencies	83
Number of inspections with deficiencies	16
Total number of deficiencies	16

All deficiencies detected during these inspections are included in the table below (broken down by category):

Regulation 1.2 - Medical Certificate	1
Regulation 1.3 - Training and qualifications	2
Regulation 1.4 - Recruitment and placement	1
Regulation 2.1 - Seafarers' employment agreements	3
Regulation 2.3 - Hours of work and hours of rest	3
Regulation 3.1 - Accommodation and recreational facilities	4
Regulation 3.2 - Food and catering	1
Regulation 4.1 - Medical care on board ships and ashore	1
Total number of deficiencies	16

The following are all deficiencies with a detailed description of the identified issues:

Regulation 1.2 - Medical Certificate

- Expired medical certificate of Electrician

Regulation 1.3 – Training and qualifications

- Seafarer designated to take charge of medical care on board incompetent

- Crewmember qualified as Able Seafarer Engine (III/5) but employed as 1st Engineer. The STCW certificate of Electrician expired

Regulation 1.4 - Recruitment and placement

- Missing information regarding recognition of the recruiting office

Regulation 2.1 - Seafarers' employment agreements

- Seafarer's Employment Agreement (SEA) not as required – the place and date of contract commencement were missing
- The MLC shipowner (as per DMLC Part I) is different from the registered owner who signed SEA. The SEA does not specify how overtime hours, including Public holiday, area paid which is in contradiction with the applicable CBA that specifies that overtime is to be paid at basic salary plus 25%
- 2nd Engineers not provided with Seafarer Employment Agreement

Regulation 2.3 - Hours of work and hours of rest

- Records of seafarers' daily hours of work or rest not endorsed.
- Recording shipboard working arrangements not properly filled.
- Insufficient hours of rest. Records of overtime not maintained.

Regulation 3.1 - Accommodation and recreational facilities

- Crew Accommodation Document of Compliance only photocopy on board from previous flag and ex ship name
- Air Condition found out of order
- Damaged bathroom floor in Chief Engineer's cabin
- Flooring rims near door damaged and ventilation outlet in ceiling shielded off with tape in Cook's cabin
- Air Conditioning System in all accommodation spaces found out of order

Regulation 3.2 - Food and catering

- Fresh water analysis showing an abnormal deviation and the presence of heavy metals. Water was not suitable for human consumption

Regulation 4.1 - Medical care on board ships and ashore

- Expired medical equipment

The below table presents statistics concerning MLC certification of Luxembourg-registered ships (both commercial ships and yachts):

Number of interim Maritime Labour Certificates	28
Number of short term Maritime Labour Certificates	47
Number of full term Maritime Labour Certificates (issued by CAM)	43

In total, CAM issued 43 MLC full term certificates (41 based on initial or renewal inspection and 2 based on an intermediate inspection where the attending auditor of RO did not endorse the full term certificate).

3.2 Flag State Inspections

The following table presents statistics on MLC deficiencies identified during FSI. A total of 190 deficiencies were noted by Luxembourg flag inspectors. The large discrepancy in number of deficiencies found during MLC inspections (carried out by ROs) and FSIs is due to more detailed approach of Luxembourg flag inspectors introduced in order to enhance compliance of Luxembourg flagged ships and ensure good performance of the Luxembourg fleet during PSC inspections.

Total number of flag State inspections	112
Number of inspections without MLC deficiencies	54
Number of inspections with MLC deficiencies	58
Total number of MLC deficiencies	190

The MLC deficiencies detected during FSI categorized by MLC Regulations are included in the below overview:

Regulation 4.3 - Health and safety protection and accident prevention	108
Regulation 2.1 - Seafarers' employment agreements	26
Regulation 3.1 - Accommodation and recreational facilities	15
Regulation 3.2 - Food and catering	15
Regulation 4.1 - Medical care on board ships and ashore	9
Regulation 1.4 - Recruitment and placement	8
Regulation 1.3 - Training and qualifications	7
Regulation 1.2 - Medical certificate	1
Regulation 2.2 - Wages	1
Sum	190

Due to the high number of MLC deficiencies identified during FSIs, the following are only examples of issues in the top five (5) deficiency categories with the most occurrences:

Regulation 4.3 - Health and safety protection and accident prevention

- Floor plating engine room not fully bolted/loose
- Floor plating engine room dirty and slippery
- Floor insulating matting under several junction and switchboxes wrong type.
- Snap back zone not marked properly.
- Deck lighting not working.
- Mooring rope in fair/poor condition.
- Mooring ropes (under tension) secured to side drums/on the mooring winch warping head.
- Eye wash not available in paint store.

- Officers not familiar with all safety and fire equipment (BA set, firepump, firestation, Lifeboat release procedure).
- Ventilation in CO2 room out of order.
- Fire hoses with holes.
- Fireman outfit sets is without fire proof VHF radios.
- Water tight door found with holding-back device to a room protected by N2 alarm.
- Water tight door wasted/ not closing properly.
- Escape routes not marked or obstructed.
- Enclosed spaces without marking.

Regulation 2.1 - Seafarers' employment agreements

- SEA with scan copy of stamp and signatures.
- SEA expired.
- The overtime hours of some crew different from that mentioned in SEA.
- SEA not certified by the vessel's crewing company and Philippine Overseas Employment Administration.
- SEA of Philippine crew signed between a seafarer and the company that cannot carry shipowner's responsibility.

Regulation 3.1 - Accommodation and recreational facilities

- The results of weekly inspections of accommodation not registered.
- Records of inspection of accommodation do not reflect the situation on board.
- Laundry room and corridor outside not properly cleaned and maintained.
- Very rusty shower door.
- No A/C, no heating.

Regulation 3.2 - Food and catering

- No temperature log available for store room/freezer.
- Fresh water analysis overdue.
- Broken door to freezer room.

Regulation 4.1 - Medical care on board ships and ashore

- Proper medical logbook missing.
- Medical locker - instructions are not clearly posted.

4. Seafarers Subject to Luxembourg Legislation

According to the Luxembourg law and for the purpose of the application of the MLC, 2006, the word seafarer means any person who is employed or engaged or works in any capacity on board a ship. The categories of persons who are not considered seafarers (taking into account criteria provided in Resolution VII adopted by the International Labour Conference during its 94th (Maritime) Session) are listed in Luxembourg DMLC I, which is available on CAM's website.

4.1 Seafarers' Documents

In the year 2021, 2738 endorsements and 3102 seaman's books were issued to seafarers working on ships flying the Luxembourg flag.

4.2 Seafarer Complaints

A formal and appropriate complaint procedure for a fair, effective and expeditious handling of seafarer complaints shall be made available on board Luxembourg flagged ships as required by Regulation 5.1.5 MLC 2006. Every seafarer shall be also provided with the name of a person on board who can give impartial advice and on a confidential basis.

Seafarers are encouraged to follow the on board compliant procedures and seek to resolve issues at the lowest possible level by bringing the matter to their immediate supervisor or to the head of department. However, in case it is not possible to resolve the complaint on board or by contacting the shipowner, seafarers are always entitled to complain directly to CAM. All complaints received by CAM are treated with confidence. In addition, every seafarer has the right to file a complaint directly to an appropriate external authority, including competent labour courts.

In year 2021 CAM received 8 seafarer complaints concerning following matters constituting alleged breach of MLC 2006 requirements. A summary of the complaints is included in the table below.

No.	Cause of Complaint	Type of Ship	Source
1	Payment of wages	Commercial Yacht	ITF France
2	Payment of wages, entitlement to leave and work and rest hours	Commercial Yacht	Seafarer
3	Entitlement to leave	Commercial Yacht	Seafarer
4	Entitlement to leave	Commercial Ship	Seafarer
5	Payment of wages, entitlement to leave	Commercial Ship	Seafarer & Flag Inspector
6	Repatriation	Commercial Ship	ITF Netherlands
7	Work and rest hours and payment of wages	Commercial Ship	ITF USA
8	Payment of wages	Commercial Ship	Seafarer

4.3 Cases of Abandonment of Seafarers

There were no cases of abandonment of seafarers on board ships under Luxembourg flag in year 2021.

5. Violations of Legislation, Penalties Imposed and Cases of Detention

The statistics concern only PSC inspections in Paris and Tokyo MoU as these are main areas of operation of vessels under Luxembourg flag and no MLC deficiency was recorded during inspections in other PSC MoUs according to CAM's data.

5.1 Penalties

The Luxembourg Maritime Administration did not impose any penalties in 2021 – neither financial nor administrative.

5.2 PSC Inspections in Paris MoU

The following tables present statistics concerning PSC inspections in Paris MoU. Seventy-one PSC inspections were carried out on board Luxembourg-flagged vessels in 2021, eighteen of which resulted in MLC deficiencies.

PSC Inspections in Paris MoU	71
PSC Deficiencies	189
MLC Deficiencies	32
Share of MLC Deficiencies	17%
PSC Inspections with MLC Deficiencies	18
Share of all PSC Inspections	25%
MLC Deficiency Rate	0.45

In total thirty-two MLC deficiencies were detected during PSC inspections in Paris MoU.

Regulation 4.3 - Health and safety protection and accident prevention	23
Regulation 3.2 - Food and catering	5
Regulation 2.3 - Hours of work and hours of rest	2
Regulation 2.1 - Seafarers' employment agreements	1
Regulation 3.1 - Accommodation and recreational facilities	1

The following are examples of issues in the top two deficiency categories with the most occurrences:

Regulation 4.3 - Health and safety protection and accident prevention

- Floorplates in forecastle not properly fixed, screws missing.
- Lighting inoperative in engine & casing.
- Some mooring lines are secured on the winch drums instead of on the dedicated mooring bollards on deck.
- Missing protection for machines in ER workshop.
- Electrical switchboard in engine room without rubber mat

Regulation 3.2 - Food and catering

- Expired food
- Rotten vegetables
- Hydrophore for fresh water feeders found with temporarily rubber piping installation

5.3 PSC Inspections in Tokyo MoU

Two inspections (out of sixteen carried out on board Luxembourg-flagged ships in 2021 in Tokyo MoU) resulted in only two MLC deficiencies which were both related to Health and Safety and Accident Prevention.

PSC Inspections in Tokyo MoU	16
Total Deficiencies	15
MLC Deficiencies	2
Share of MLC Deficiencies	13%
PSC Inspections with MLC Deficiencies	2
Share of all PSC Inspections	13%
MLC Deficiency Rate	0.13

5.4 Detention of Luxembourg Registered Ships

No MLC detention of a vessel flying Luxembourg flag occurred in 2021, however two Luxembourg flagged vessels were detained in 2021 with MLC deficiencies among other grounds for detention.

The first detention of a commercial ship with MLC detainable deficiencies occurred in January 2021 in Italy (Paris MoU). PSC identified 10 deficiencies that were “ground for detention” and two of them were MLC related.

The below table shows the details of the MLC detainable deficiencies identified during the above-mentioned inspection.

18315 – Provisions quality and nutritional value	Ground for detention	ISM related	Found, in galley dry store, tomato boxes expired.
09232 – Cleanliness of engine room	Ground for detention	ISM related	Found engine room well with a large quantity of diesel oil mixture.

The second detention with MLC detainable deficiencies concerned also a commercial ship and occurred in March in Turkey (Mediterranean MoU). Six of the detected deficiencies were marked as a “ground for detention” and one of them was MLC related.

The details of the MLC detainable deficiency identified during the above-mentioned PSC inspection are as follows:

0923 – Cleanliness of engine room	Ground for detention	Engine room very oily/dirty fire hazard.
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6. Occupational Injuries Affecting Seafarers

All incidents and accidents¹ are to be notified without delay to the “Administration des enquêtes techniques” (AET - article 10 of the law of 30th April 2008) as per CAM Circular CAM 05/2012. The AET is an impartial, permanent and independent investigative body. Pursuant SOLAS, Chapter I, Regulation 11.c), all accidents must also be reported to CAM.

Following table presents the data concerning reported accidents and incidents that occurred on board ships under Luxembourg flag in 2021, collected in accordance with the European Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector:

Very serious marine casualties	1
Serious marine casualties	3
Less serious marine casualties	35
Marine incident	320
Other	7
Total	366

Conclusion

Decent living and working conditions for seafarers on board ships flying Luxembourg flag are one of the priorities of Luxembourg. CAM is deeply engaged in achieving full MLC compliance of the fleet; therefore, conformity with MLC requirements is scrutinized also during regular flag State inspections, in addition to MLC inspections conducted by RO and every seafarer complaint received by the Administration is carefully analyzed and resolved.

There was no MLC detention of a Luxembourg flagged ship in 2021. The average number of deficiencies is about 0.16 per MLC inspection done by RO. For FSIs, the deficiency rate is higher and amounts to 1.7 as a result of the detailed approach adopted by Luxembourg during FSIs in order to ensure good performance of the Luxembourg fleet during PSC inspections. The MLC deficiency rate for PSC inspections is 0.45 in Paris MoU and 0.13 in Tokyo MoU.

¹ The terms “incident” and “accident” are to be understood in accordance with the definitions contained in the IMO Code for the investigation of Marine Casualties and Incidents.