



THE MLC, 2006 FOR SHIPS FLYING THE LUXEMBOURG FLAG
PROCEDURE FOR SHIPOWNERS TO OBTAIN THE DMLC PART I
and
THE MARITIME LABOUR CERTIFICATE

The MLC 2006 Convention enters into force for Luxembourg on 20th August 2013.
All applicable ships should be MLC compliant and certified by the date of entry into force of the Convention.

PREAMBLE

In accordance with MLC 2006 requirements, the DMLC Part I will be issued by the Government Commissioner for maritime affairs. Shipowners are requested to prepare the DMLC Part II for each of their ships and to organize their certification through the Recognized Organization (RO).

After completion of the ship's inspection, the RO will issue an Interim or a Maritime Labour Certificate with a limited validity on behalf of the Government of Luxembourg. The full term certificate will be issued by the Government Commissioner for maritime affairs at a later stage and as soon as the relevant information has been received.

RECOGNIZED ORGANIZATIONS

The Government Commissioner for maritime affairs has delegated the inspection activities and part of the certification process under the MLC 2006 to the ROs listed below:

American Bureau of Shipping (ABS);
Bureau Veritas SA (BV);
China Classification Society (CCS);
Croatian Register of Shipping (CRS);
DNV;
Korean Registry (KR);
Lloyd's Register (LR);
Nippon Kaiji Kyokai (NKK);
Registro Italiano Navale (RINA).

Based on the Requirement 5.1.2, Standard A5.1.2 and Guidance B5.1.2 ROs are duly entitled to carry out the following tasks:

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.

The Government Commissioner for maritime affairs may however, on a case by case basis and where appropriate, decide to carry out above mentioned tasks through the maritime administration, or by public institutions, other organizations (including those of another Member) or duly qualified inspectors (as outlined in Standard 5.1.4).

REQUEST FOR THE DMLC PART I:

Step 1: Shipowners should perform a gap analysis of the ship and the company policies against the national provisions of Luxembourg outlined in the DMLC Part I;

Step 2: Any areas of concern, such as where an equivalency/exemption may be considered, shall be brought to the attention of the Government Commissioner for maritime affairs for evaluation.

Step 3: A formal request for the issuance of the DMLC Part I must be prepared by the shipowner and sent to the Government Commissioner for maritime affairs, detailing the following information for each vessel:

- 1) Vessel's Name;
- 2) IMO Number;
- 3) Gross Tonnage;
- 4) Keel laying date;
- 5) Type of ship;
- 6) Trade: international or coastal (with description);
- 7) Details of the crew of board (crew list);
- 8) Any equivalencies as may have been granted by the previous Flag State (indicate "none" otherwise);
- 9) Any exemptions that may have been granted (before 20th August 2013) by the previous Flag State or by the Government Commissioner for maritime affairs (indicate "none" otherwise);
- 10) Any exemptions that have been requested or may have been granted (after 20th August 2013) by the previous Flag State or the Government Commissioner for maritime affairs (indicate "none" otherwise);
- 11) RO selected for MLC 2006 (with email address);
- 12) Name and address of the Shipowner to where the original DMLC Part I needs to be sent.

Step 4: The DMLC Part I is issued by the Government Commissioner for maritime affairs; an electronic copy is emailed to the shipowner while the original document will follow in due time.

ISSUANCE OF AN INTERIM MARITIME LABOUR CERTIFICATE

Interim Maritime Labour Certificates may be issued for newbuildings or existing ships if one or more of the following conditions is / are applicable:

1. New ship on delivery;
2. New ship to the Company;
3. Ship changing flag to Luxembourg.

Existing vessels, not falling under any of these categories, shall not be required to undergo an interim certification. At the time of the interim inspection, the DMLC Part I and DMLC Part II are not required to be on board.

An Interim Certificate, valid for a period not exceeding six (6) months, shall only be issued when the RO (acting on behalf of the Government Commissioner for maritime affairs), has verified that:

1. The ship complies as far as is reasonable and practicable, with the matters listed in Appendix A5-1 of the Convention;
2. The ship has adequate procedures in place to comply with the Convention;
3. The master is familiar with the requirements of the Convention and the responsibilities for its implementation;
4. A draft of the DMLC Part II has been submitted to the RO of the ship for review.

ISSUANCE OF THE MARITIME LABOUR CERTIFICATE

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.

Step 1: Upon the reception of the DMLC Part I from the Government Commissioner for maritime affairs, the DMLC Part II shall be prepared by the Shipowner.

Step 2: Upon the completion of the DMLC Part II, the ship inspection process for issuance of the Maritime Labour Certificate shall be arranged by the Shipowner with the RO. This process may include some preparatory documentation review ashore prior to the onboard inspection. A Maritime Labour Certificate with a limited validity of not more than six (6) months is issued by the RO.

The RO shall forward as soon as possible a copy of the Maritime Labour Certificate (with a limited validity), the DMLC Part I, the DMLC Part II and the inspection report/inspection log to the Luxembourg Maritime Administration.

Step 3: Once notified by the RO that the ship fulfils the Luxembourg National provisions, a Maritime Labour Certificate valid for five (5) years will be issued by the Government Commissioner for maritime affairs.

This certification process shall be finalized before the expiration of the Maritime Labour Certificate with a limited validity.

Both the original of the DMLC Part I (issued by the Government Commissioner for maritime affairs) and the DMLC part II (completed by the shipowner and approved by the RO) shall be placed on board together with the limited Maritime Labour Certificate (issued by the RO) or the full term Maritime Labour Certificate (issued by the Government Commissioner for maritime affairs).

INTERMEDIATE INSPECTION AND ENDORSEMENT OF THE MLC

The validity of the Maritime Labour Certificate (full term) shall be subject to an intermediate inspection carried out by the RO on behalf of the Government Commissioner for maritime affairs. The scope and extent of the intermediate inspection shall be equal to an inspection for renewal of the certificate. The intermediate inspection shall be carried out between the second and third anniversary dates of the Maritime Labour Certificate.

The certificate, issued by the Government Commissioner for maritime affairs, shall be endorsed by the RO, following a satisfactory intermediate inspection. If the intermediate inspection is not carried out as required, the validity of the Maritime Labour Certificate shall cease immediately.

RENEWAL INSPECTION AND RENEWAL OF THE MARITIME LABOUR CERTIFICATE

The Maritime Labour Certificate shall be renewed after verification that all the national requirements implementing the MLC are being met. Upon satisfactory renewal inspection, the RO shall issue a Maritime Labour Certificate with a limited validity of not more than six (6) months.

A copy of the Maritime Labour Certificate (with a limited validity), the DMLC Part I, the DMLC Part II and the inspection report / inspection log must be forwarded by the RO to the Luxembourg Maritime Administration as soon as possible.

When the renewal inspection is completed within three months before the expiry date of the existing full term certificate, the new certificate shall be valid for a period of five years from the date of expiry of the existing one.

When a renewal inspection is completed more than three months before the expiry date of the existing Maritime Labour Certificate, the new certificate shall be valid for a period not exceeding five years, starting from the date of completion of the renewal inspection.

CESSATION OF CERTIFICATES

The Maritime Labour Certificate and the DMLC shall cease to be valid if anyone of the following situations arises:

1. Required inspections are not carried out;
2. The Maritime Labour Certificate is not endorsed at the intermediate inspection;
3. The shipowner has changed;
4. A ship changes flag;
5. Substantial modifications have been made to the structure or equipment of the ship.

MARITIME LABOUR CERTIFICATE AND DMLC

The RO of the ship shall withdraw the Maritime Labour Certificate and the DMLC if there is evidence of serious, frequent or recurring deficiencies and where the required corrective action has not been taken.

The Government Commissioner for maritime affairs may have a Maritime Labour Certificate withdrawn, if and when the circumstances so dictate.

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