

12 August 2013

Paris MoU ready for enforcement of Maritime Labour Convention, 2006

In May 2013 the Port State Control Committee has adopted amendments to the Memorandum to include the Maritime Labour Convention, 2006 (MLC) as relevant instrument of the Paris MoU. Thus making the MLC requirements officially subject to port State control, including the possibility for more detailed inspections, expanded inspections and the possibility of detention in serious cases of non-compliance or where hazardous conditions exist.

The MLC applies to all ships engaged in commercial activities. International certification is required for all ships of 500GT and over, making international voyages. The requirements of the MLC have to be implemented on board at the entry into force date.

The ILO has adopted a Resolution requesting port States to allow ships to continue to operate without a Maritime Labour Certificate (and Declaration of Maritime Labour Compliance) during a period of one year after 20 August 2013. ILO invited the member States to take a pragmatic approach in this respect during the first year.

New guidelines for Port State Control Officers have been agreed to implement the practical issues of the new Convention in the inspection regime.

Only members of the Paris MoU who have ratified the MLC on or before 20 August 2012 are entitled to conduct PSC inspections from 20 August 2013. As a result the following twelve member States will start enforce the MLC: Bulgaria, Canada, Croatia, Cyprus, Denmark, Latvia, the Netherlands, Norway, Poland, the Russian Federation, Spain and Sweden.

Members of the Paris MoU who have ratified the MLC after 20 August 2012 will first be entitled to conduct PSC inspections 12 months after the date of this Members ratification. For these members enforcement of the Merchant Shipping

Convention (ILO 147) and the protocol of 1996 to the Merchant Shipping Convention (ILO P147) will initially prevail.

Ships from non-ratifying States should not receive any more favourable treatment than ships from States that have ratified the Convention. Under these circumstances, the ship will receive a more detailed inspection to ensure compliance with the MLC.

The European Maritime Safety Agency has implemented modifications to the THETIS database used by the PSC Authorities to accommodate MLC inspections.

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Notes to editors:

The MLC addresses a wide range of matters, including the obligations of shipping companies with respect to seafarers' contractual arrangements, working hours, health and safety, crew accommodation, catering standards, and seafarers' welfare.

The MLC has been designed to become a global instrument that, once it enters into force, will be the "fourth pillar" of the international regulatory regime for quality shipping, complementing the key Conventions of the International Maritime Organization (IMO) such as the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended (STCW) and the International Convention for the Prevention of Pollution from Ships, 73/78 (MARPOL).

Regional Port State Control was initiated in 1982 when fourteen European countries agreed to coordinate their port State inspection effort under a voluntary agreement known as the Paris Memorandum of Understanding on Port State Control (Paris MOU). Currently 27 countries are member of the Paris MOU. The European Commission, although not a signatory to the Paris MOU, is also a member of the Committee.

The Paris MoU is supported by a central database THETIS hosted and operated by the European Maritime Safety Agency in Lisbon. Inspection results are available for search and daily updating by MoU Members. Inspection results can be consulted on the Paris MoU public website and are published on the Equasis public website.

The Secretariat of the MoU is provided by the Netherlands Ministry of Infrastructure and the Environment and located in The Hague.

Port State Control is a check on visiting foreign ships to verify their compliance with international rules on safety, pollution prevention and seafarers living and working conditions. It is a means of enforcing compliance in cases where the owner and flag State have failed in their responsibility to implement or ensure compliance. The port State can require defects to be put right, and detain the ship for this purpose if necessary. It is therefore also a port State's defence against visiting substandard shipping.