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To,
OWNERS/MANAGERS, DEPUTY REGISTRARS,
CLASSIFICATION SOCIETIES/RECOGNIZED ORGANIZATIONS

SUBJECT: **PROCEDURES RELATED TO THE CERTIFICATION OF VESSELS ACCORDING TO
MARITIME LABOR CONVENTION 2006**

1. Purpose

- 1.1. The purpose of this Circular is to inform all parties concerned about the procedures which shall be followed in order a vessel which flies the flag of Comoros to be certified according to the Maritime Labor Convention 2006.

2. Definitions

- 2.1. This Circular applies immediately to all ships flying the flag of Comoros.
- 2.2. Shipowner is the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on Shipowners in accordance with this Convention, regardless of whether any other organization or persons fulfill certain of the duties or responsibilities on behalf of the Shipowner.
- 2.3. Anniversary date is the day and month of the year which correspond to the date of expiry of the Maritime Labor Statement of Compliance.

3. Application

- 3.1. This Circular applies to all ships flying the flag of Comoros with a gross tonnage of 500 GT or more, engaged in:
- a) International voyages;
 - b) Operating from a port, or between ports in another country;
 - c) Ships not falling in the above categories may be certified voluntary.



- 3.2. This Circular does not apply to ships which navigate
- a) Exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;
 - b) Ships engaged in fishing or in similar pursuits;
 - c) Ships of traditional build such as dhows and junks;
 - d) Warships or naval auxiliaries.
- 3.3. Ships required to be certified according to the requirements of the Maritime Labor Convention 2006 shall carry and maintain a Maritime Labor Certificate and a Declaration of Maritime Labor Compliance (DMLC) Part I (issued by the Administration) and DMLC Part II (developed by Shipowner and endorsed by the Administration or a duly authorized Recognized Organization) issued in English.
- 3.4. In case of doubt if a ship shall be certified according to the Maritime Labor Convention 2006, this Administration shall be contacted in order to determine the relevant requirements.

4. Certification procedures

- 4.1. Prior to any MLC Audit, the Shipowner (or any other person/company duly authorized by him) shall apply to this Administration for the issuance of the DMLC Part I which will include the following information:
- a) The list of matters to be inspected in accordance with the MLC 2006 (i.e., the 16 areas listed in Appendix A5-I);
 - b) In each of those areas, the national requirements embodying the relevant provisions of the Convention;
 - c) Ship-type specific requirements under national legislation;
 - d) Record of any substantially equivalent provisions;
 - e) Clearly indicates any exemption granted by this Administration as provided in Title 3 of the MLC 2006.
- 4.2. The DMLC Part II shall be developed by the Shipowner and shall identify the measures adopted to ensure ongoing compliance between inspections with the national requirements stated in the DMLC Part I and the measures proposed to ensure that there is continuous improvement. After the completion of the DMLC Part II from the Shipowner, it shall be submitted to the duly authorized Recognized Organization for review within:



- a) Two months after the completion of the Interim MLC 2006 Certification of the vessel. When the Recognized Organization confirms that the submitted DMLC Part II meets the requirements set by the Convention and this Administration, it may endorse it.
- b) Before the conduction of the Initial MLC 2006 Audit, in case that the vessel will not have an interim stage of MLC 2006 Certification. When the Recognized Organization confirms that the submitted DMLC Part II meets the requirements set by the Convention and this Administration, it may endorse it.

4.3. Interim Maritime Labor Statement of Compliance

4.3.1. A Maritime Labor Convention 2006 Statement of Compliance may be issued on an Interim basis in the following cases:

- a) New ships on delivery;
- b) When a ship changes flag;
- c) When a Shipowner assumes responsibility for the operation of a ship which is new to that Shipowner.

4.3.2. An Interim Maritime Labor Statement of Compliance may be issued for a period not exceeding six months by the duly authorized Recognized Organization.

4.4. Maritime Labor Statement of Compliance

4.4.1. A Maritime Labor Statement of Compliance shall be issued to each ship following a successful initial inspection and verification by the duly authorized Recognized Organization.

4.4.2. The Maritime Labor Statement of Compliance shall be issued by the duly authorized Recognized Organization for a period which shall not exceed five years, upon successful inspection and verification of this Administration's requirements as outlined in the DMLC Part I implementing the provisions of the Convention regarding the working and living conditions of seafarers on the ship, including measures for ongoing compliance which are included in the Declaration of Maritime Labor Compliance.

4.4.3. The validity of the Maritime Labor Statement of Compliance shall be subject to an Intermediate inspection by the Recognized Organization to ensure continuing compliance with the Administration's requirements implementing the provisions of the Convention, and it shall take place between the second and third anniversary dates of the Statement of Compliance. The scope of the Intermediate inspection shall be equal to an inspection for renewal of the Statement of Compliance. The Statement of Compliance shall be endorsed by the Recognized Organization following satisfactory Intermediate inspection.



- 4.4.4. Notwithstanding paragraph 4.4.2 above, when the Renewal inspection has been completed within three months before the expiry date of the existing Maritime Labor Statement of Compliance, the new Maritime Labor Statement of Compliance shall be valid from the date of completion of the renewal inspection for a period not exceeding five years from the date of expiry of the existing Statement of Compliance. In such a case the period of validity may exceed five (5) years.
- 4.4.5. When the renewal inspection is completed more than three (3) months before the expiry date of the existing Maritime Labor Statement of Compliance, the new Maritime Labor Statement of Compliance must be valid for a period not exceeding five years starting from the date of completion of the renewal inspection.

5. Cease of Statement of Compliance's validity

- 5.1. A Maritime Labor Statement of Compliance ceases to be valid in the following cases:
- a) If the relevant inspections are not completed within the periods prescribed by the MLC 2006;
 - b) If the Statement of Compliance is not endorsed following an Intermediate inspection;
 - c) When a ship changes flag;
 - d) When a Shipowner ceases to assume the responsibility for the operation of a ship;
 - e) When substantial changes have been made to the structure or equipment covered in Title 3 of the MLC 2006.
- 5.2. Under paragraphs 16 and 17 of Standard A5.1.3, a Maritime Labor Statement of Compliance shall be withdrawn if there is evidence that the ship concerned does not comply with the requirements of MLC, 2006 and any required corrective action has not been taken.

6. Amendments to MLC 2006 Regulations 2.5 (Repatriation) and 4.2 (Shipowner's liability) as of 18 January 2017

- 6.1. ILO adopted amendments to the Maritime Labor Convention on 11 June 2014, which have the aim to improve the protection of seafarers against financial risks in possible hazardous situations. The amendments contain standards for financial protection of seafarers' entitlements when abandoned by the ship owner. In addition, the amendments of the Maritime Labor Convention provide minimum requirements for financial security (P&I Club or insurer) for



compensation claims for the death or disability of seafarers due to occupational accidents, diseases or hazards. The amendments of the Maritime Labor Convention will enter into force on 18 January 2017.

6.2. Existing vessels

6.2.1. Shipowners of vessels which are currently certified according to the MLC 2006 shall submit to this Administration, first renewal inspection, a copy of the Financial Security Certificates (Standard A2.5.2 & Standard A4.2.1) issued by an approved financial security provider in the format described in the new Appendices A2-I and A4-I of the MLC 2006 as amended. This Administration will then re-issue the DMLC Part I in the new format as per the 2014 MLC amendments and the Recognized Organization which is responsible for carrying out the renewal MLC inspection shall endorse the new DMLC Part II in the new format as per the 2014 MLC amendments and issue the MLC Statement of Compliance upon satisfactory completion of the Audit.

6.2.2. From 18 January 2017 all vessels flying the flag of Comoros shall maintain both financial security (P&I Club or insurer) and Shipowner's Liability Certificates which shall be verified during the first intermediate inspection on or after 18 January 2017. The Recognized Organization should include in the correspondent MLC check list the verification of the two (2) financial securities (P&I Club or insurer) and shall verify these requirements during the inspections.

7. Related documents

7.1. Application for the issuance of DMLC Part I;

7.2. Form of DMLC Part II.

8. Contact

8.1. Should you require any additional information, you may contact our Technical Department as provided below:

PIC: Ayaz Burud

E-mail: info@nta.gov.km

Tel. (Office hours): +2697739779

Emergency: +2693437145

We take this opportunity to reassure that human life, marine environment and property are always considered as a priority for the Maritime Administration of Comoros which is committed to the safety of the maritime industry and the users around the world.

