



STATUTORY INSTRUMENTS.

S.I. No. 376 of 2014



MERCHANT SHIPPING (MARITIME LABOUR CONVENTION) (FLAG
STATE INSPECTION AND CERTIFICATION) REGULATIONS 2014

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I, PASCHAL DONOHOE, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 87 of the Merchant Shipping Act 2010 (No. 14 of 2010) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)), and for the purpose of giving effect to Council Directive 2009/13/EC of 16 February 2009¹ and to Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013², hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Merchant Shipping (Maritime Labour Convention) (Flag State Inspection and Certification) Regulations 2014.

(2) These Regulations (other than Regulation 4) come into operation on 20 August 2014.

(3) Regulation 4 comes into operation on 21 July 2015.

Interpretation

2. In these Regulations—

“Act of 1992” means the Merchant Shipping Act 1992 (No. 2 of 1992);

“Act of 2010” means the Merchant Shipping Act 2010 (No. 14 of 2010);

“anniversary date” means the day and month of each year which will correspond to the date of expiry of the relevant maritime labour certificate;

“certification inspection” means an inspection carried out for the purposes of certifying a ship and includes an initial inspection, an intermediate inspection and a renewal inspection referred to in Regulation 9;

“Code” means the Code of the Convention;

“competent authority” means that part of the Department of Transport, Tourism and Sport which is known as the Marine Survey Office;

“Convention” means the Maritime Labour Convention 2006 adopted at Geneva on 23 February 2006;

¹OJ No. L 124, 20.5.2009, p. 30

²OJ No. L 329, 10.12.2013, p. 1

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 12th August, 2014.

“declaration of maritime labour compliance (“DMLC”)” means the two-part document issued with a maritime labour certificate under Regulation 11 and consisting of—

- (a) Part I which contains the information referred to in Standard A5.1.3, paragraph 10(a) of the Convention, and
- (b) Part II which contains the measures referred to in paragraph 10(b) of that Standard;

“Directive 2009/13/EC” means Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners’ Associations (ECSA) and the European Transport Workers’ Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC¹;

“Directive 2013/54/EU” means Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006²;

“interim maritime labour certificate” means a certificate issued under Regulation 12 and in the form set out in Schedule 2;

“international voyage” means a voyage from a port in one country to a port in another country;

“Irish MLC requirements” means the obligations imposed on persons by these Regulations and the other requirements of the Convention as implemented in the domestic law of the State;

“Irish ship” has the meaning assigned to it by section 2 of the Act of 2010;

“Marine Notice” means a notice, described as such, issued by the Minister, as may be amended or replaced from time to time;

“maritime labour certificate” means a certificate issued under Regulation 11 with a DMLC attached;

“Minister” means the Minister for Transport, Tourism and Sport;

“recognised organisation” means a recognised organisation to which an authorisation under the European Communities (Ship Inspection and Survey Organisations) Regulations 2011 (S.I. No. 275 of 2011) has been granted or continued and which has been granted an authorisation under Regulation 7;

“Regulations of 2011” means the European Communities (Passenger Ships) Regulations 2011 (S.I. No. 322 of 2011);

“seafarer” means any person, including the master, who is employed or engaged or works in any capacity on board a ship and whose normal place of work is on

the ship but does not include a person who is a pilot within the meaning of section 2 of the Harbours Act 1996 (No. 11 of 1996);

“seagoing”, in relation to a ship, means—

- (a) a ship in respect of which a certificate is required to be in force in accordance with the Merchant Shipping (Load Lines) Act 1968 (No. 17 of 1968),
- (b) a passenger boat that proceeds to sea of Class P3, P4, P5 or P6, in respect of which a passenger boat licence is required to be in force in accordance with the Act of 1992,
- (c) a passenger ship of Class I, II, II(A), III or VI in respect of which a passenger ship certificate is required to be in force in accordance with the Act of 1992,
- (d) a passenger ship of Class A, B, C or D in respect of which a passenger ship safety certificate is required to be in force in accordance with the Regulations of 2011,
- (e) a high-speed passenger craft in respect of which a High Speed Craft Safety Certificate and a Permit to Operate High Speed Craft outside waters of Categories A, B, C or D are required to be in force in accordance with the Regulations of 2011,
- (f) a Dynamically Supported Craft (“DSC”) in respect of which a DSC Construction and Equipment Certificate, and a DSC Permit to Operate High Speed Craft outside waters of Categories A, B, C or D are required to be in force in accordance with the Regulations of 2011, or
- (g) any other ship that proceeds to sea beyond the limits of smooth or partially smooth waters;

“ship” means any vessel, whether publicly or privately owned, which is ordinarily engaged in commercial operations, being a vessel other than a fishing vessel, warship or naval auxiliary;

“shipowner”, in relation to a ship, has the meaning assigned to it in the Convention and includes an owner within the meaning of section 2 of the Act of 2010;

“surveyor of ships” means a person appointed under section 724 of the Merchant Shipping Act 1894 to be a surveyor of ships for the purposes of that Act.

Application

3. These Regulations apply to all seagoing Irish ships wherever they may be.

Requirement for certain ships to be certified

4. (1) Every seagoing Irish ship of 500 gross tonnage or over that—

- (a) engages in or intends to engage in international voyages, or
- (b) operates or intends to operate from a port, or between ports, in another state,

is required to be certified in accordance with these Regulations.

(2) A shipowner of a seagoing Irish ship that is not required under paragraph (1) to be certified may request that his or her ship be certified in accordance with these Regulations.

(3) A request for the purposes of paragraph (2) shall be made to the competent authority.

(4) If a ship to which paragraph (1) applies proceeds or attempts to proceed to sea without a valid maritime labour certificate and DMLC or a valid interim maritime labour certificate, the shipowner and the master commits an offence.

Inspection of ships

5. (1) The reference in this Regulation, and each subsequent reference in these Regulations, to a ship that is required to be certified under Regulation 4(1) shall be deemed to include a reference to a ship that would, if Regulation 4 were in operation at any time before 21 July 2015 (but not a time earlier than 20 August 2014), be required to be certified under Regulation 4(1).

(2) A ship that is required to be certified under Regulation 4(1) or to which Regulation 4(2) applies shall be subject to—

- (a) certification inspections, and
- (b) periodic inspections at such intervals as may be determined by the competent authority for the purpose of verifying that the working and living conditions of seafarers on board the ship meet, and continue to meet, Irish MLC requirements.

(3) A ship to which these Regulations apply other than a ship referred to in paragraph (2) shall be subject to inspection, at intervals not exceeding 3 years, for the purpose of verifying—

- (a) that the ship is in compliance with Irish MLC requirements, and
- (b) that the working and living conditions of seafarers on board the ship meet, and continue to meet, those requirements.

Certified ships

6. A ship that is required to be certified under Regulation 4(1), or that a shipowner has requested to be certified under Regulation 4(2), shall be considered to be certified for the purposes of these Regulations if it carries in respect of that ship—

- (a) a maritime labour certificate to which there is a DMLC attached, both of which are in force, or
- (b) an interim maritime labour certificate which is in force.

Recognised organisation

7. (1) The Minister may, in accordance with Regulation 5.1.2 and Standard A5.1.2 of the Convention and Articles 3 and 4 of Directive 2013/54/EU, authorise a recognised organisation to carry out on his or her behalf inspection and certification services for the purposes of these Regulations.

(2) The inspection and certification services referred to in paragraph (1) include—

- (a) carrying out the inspections referred to in Regulation 5,
- (b) requiring the rectification of deficiencies, and
- (c) issuing, endorsing and renewing maritime labour certificates.

(3) A recognised organisation may only undertake any of the tasks referred to in paragraphs (1) and (2) if it is authorised under paragraph (1) to carry out such tasks.

(4) A recognised organisation which contravenes paragraph (3) commits an offence.

Application for certification

8. (1) Subject to paragraph (2), a shipowner of a ship that is required to be certified under Regulation 4(1), or to which Regulation 4(2) applies, shall apply to the competent authority or the recognised organisation for a certification inspection to be carried out before a maritime labour certificate may be issued in respect of the ship.

(2) Before making an application for an initial inspection to be carried out, a shipowner shall—

- (a) provide the competent authority with such information as the competent authority may request to enable it to draw up Part I of the DMLC with respect to the ship, and
- (b) after receipt of the DMLC Part I from the competent authority, draw up Part II of the DMLC with respect to the ship.

(3) An application for a certification inspection shall be accompanied by—

- (a) Part I and II of the DMLC,
- (b) such information, documents or certificates relating to the ship as the competent authority or recognised organisation may request for the purposes of the inspection, and
- (c) the prescribed fee (if any).

Certification inspections

9. (1) A ship that is required to be certified under Regulation 4(1), or that a shipowner has requested to be certified under Regulation 4(2), shall be subject to the following inspections—

- (a) an initial inspection before the ship is put into service or before a maritime labour certificate is issued for the first time,
- (b) an intermediate inspection to be carried out one or more times while a maritime labour certificate is in force so long as the first intermediate inspection is not earlier than the second anniversary date nor later than the third anniversary date of the issue of that certificate,
- (c) a renewal inspection, to be carried out before the fifth anniversary date of the issue of the maritime labour certificate.

(2) Each certification inspection referred to in paragraph (1) shall be such as to verify—

- (a) that the ship as respects the matters listed in Appendix A5-I of the Convention is in compliance with Irish MLC requirements summarised in the DMLC Part I, and
- (b) that the shipowner has put in place measures to ensure that the ship and the working and living conditions of seafarers on board the ship meet, and will continue to meet, those requirements.

(3) The measures referred to in paragraph (2)(b) shall be set out in Part II of the DMLC.

(4) A certification inspection shall be carried out by a surveyor of ships or a recognised organisation.

Certification inspection report

10. (1) On completion of a certification inspection, the surveyor of ships or recognised organisation concerned shall draw up an inspection report which shall include the following:

- (a) a record of any deficiencies found during the inspection,
- (b) where any deficiencies have been found, the corrective measures required to be taken to remedy such deficiencies, and

- (c) the recommendation of the surveyor of ships or the recognised organisation as to whether—
 - (i) in the case of an initial inspection, a maritime labour certificate should be issued,
 - (ii) in the case of an intermediate inspection, the maritime labour certificate should continue in force, or
 - (iii) in the case of a renewal inspection, the maritime labour certificate should be renewed.

(2) An inspection report shall be furnished by the surveyor to the competent authority or the recognised organisation, as applicable, and a copy of each report shall be given to the master of the ship.

Issue of DMLC and maritime labour certificate

11. (1) Where, after the completion of an initial inspection or a renewal inspection carried out in accordance with Regulation 9(1)(a) or (c), the competent authority or recognised organisation, as the case may be, is satisfied that the Irish MLC requirements are being complied with, the competent authority or the recognised organisation shall issue a DMLC and maritime labour certificate.

(2) A maritime labour certificate shall be issued for such period, beginning on the date of completion of the relevant inspection and expiring no later than 5 years from that date, as is specified in the certificate.

(3) Notwithstanding paragraph (2), when a renewal inspection is carried out—

- (a) earlier than 3 months before the expiry date of the existing maritime labour certificate, the new certificate shall be in force from the date of completion of the renewal inspection and shall expire on a date that is not later than 5 years from the date of completion of that inspection,
- (b) not earlier than 3 months before the expiry date of the existing maritime labour certificate, the new certificate shall be in force from the date of completion of the renewal inspection and shall expire on a date that is not later than 5 years from the date of expiry of the existing certificate.

(4) Where, after completion of an intermediate inspection carried out in accordance with Regulation 9(1)(b), the competent authority is satisfied that the Irish MLC requirements are being complied with, the competent authority or the recognised organisation which carried out the inspection on behalf of the competent authority shall endorse the maritime labour certificate.

(5) The competent authority may have regard to the results of a survey or inspection carried out before these Regulations came into operation when deciding whether it is satisfied that Irish MLC requirements are being complied with.

(6) A maritime labour certificate shall be in the form and contain the matters specified in Schedule 1.

Interim maritime labour certificate

12. (1) An interim maritime labour certificate may be issued in respect of a ship to which Regulation 4(1) or (2) applies where it is—

- (a) a new Irish ship on delivery,
- (b) transferred from the flag of another state to the State and becomes an Irish ship, or
- (c) a ship the responsibility for the operation of which is new to the shipowner.

(2) Where the competent authority or a recognised organisation has verified that—

- (a) a ship has been inspected, insofar as is reasonable and practicable, as respects the matters listed in Appendix A5-I of the Convention,
- (b) the shipowner has demonstrated that the ship has adequate procedures to comply with Irish MLC requirements,
- (c) the master of the ship is familiar with the Convention requirements and what is required to ensure compliance with those requirements, and
- (d) the competent authority has the information which would be necessary to draw up Part I of the DMLC as respects the ship,

the competent authority or the recognised organisation, as the case may be, may issue an interim maritime labour certificate.

(3) An interim maritime labour certificate shall not be issued in relation to a ship if—

- (a) an interim maritime labour certificate has previously been issued in relation to that ship, and
- (b) no valid maritime labour certificate has since been issued in respect of that ship.

(4) An interim maritime labour certificate may be issued for a period not exceeding six months and shall not be renewed on its expiry.

(5) If a shipowner of a ship in respect of which an interim maritime labour certificate has issued wishes to have a maritime labour certificate issued in respect of the ship, the shipowner shall ensure that prior to the expiry of the interim maritime labour certificate, the ship is subject to inspection in accordance with Regulation 9(1)(a).

Cesser or withdrawal of maritime labour certificate

13. (1) A maritime labour certificate ceases to be in force—
- (a) if the certification inspections of the ship are not completed within the periods specified under Regulation 9,
 - (b) if the certificate is not endorsed in accordance with Regulation 11(4),
 - (c) upon any substantial changes being made to the structure or equipment of the ship,
 - (d) if the ship's accommodation or its recreational facilities for seafarers or the ship's food and catering facilities sustain damage or otherwise become deficient and that damage or deficiency has not been rectified,
 - (e) when the shipowner who was the owner of the ship when the relevant certificate was issued in respect of the ship ceases to have responsibility for the operation of that ship, or
 - (f) upon transfer of the ship to the flag of another state.
- (2) An interim maritime labour certificate shall cease to be in force on the happening of any thing referred to in paragraph (1)(c), (d), (e) or (f).
- (3) The competent authority may withdraw a maritime labour certificate or an interim maritime labour certificate if it is satisfied that—
- (a) the certificate has been issued on foot of false or misleading information, or
 - (b) corrective action set out in a correction plan prepared by a surveyor of ships or a recognised organisation has not been taken to the satisfaction of the competent authority.
- (4) In considering whether to withdraw a certificate under paragraph (3)(b), the competent authority shall take into account the seriousness or frequency of the deficiencies in respect of which such corrective action was required.

Documents to be carried on board ship and made available

14. (1) The shipowner and the master of a ship shall ensure that there is carried on board the ship at all times a copy of the Maritime Labour Convention.
- (2) The shipowner and the master of a ship shall ensure that seafarers have access to the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention 2006 annexed to Directive 2009/13/EC. The access to the Agreement may be provided electronically.
- (3) The shipowner and the master of a ship in respect of which a maritime labour certificate or an interim maritime labour certificate is in force in relation

to the ship shall ensure that the following documents are carried on board the ship and posted in a conspicuous place on board the ship where they are available to seafarers—

- (a) the maritime labour certificate or interim maritime labour certificate for the ship,
- (b) in the case of a ship in respect of which a maritime labour certificate is in force, the declaration of maritime labour compliance.

(4) The shipowner or the master shall make the documents referred to in paragraph (3) available, upon request, to an organisation that represents seafarers.

(5) A shipowner or master who contravenes a requirement of this Regulation commits an offence.

(6) All inspection reports prepared for the purposes of these Regulations shall be posted on the ship's notice board and be made available, upon request, to organisations representing seafarers.

Powers of surveyor of ships

15. (1) For the purposes of verifying that—

- (a) these Regulations and Irish MLC requirements are being complied with, and
- (b) the working and living conditions of seafarers on board the ship meet and, continue to meet, Irish MLC requirements,

a surveyor of ships may—

- (i) at all reasonable times go on board a ship and inspect the ship, its equipment, any article and any document carried on it,
- (ii) make such tests (either on the ship or ashore or at dock), ask such questions, carry out any examination, test or inquiry which the surveyor of ships considers necessary,
- (iii) in advance of an inspection or during an inspection, require the production of any books, log books, registers, certificates or other documents, records or other information related to the matters listed in Appendix A5-I of the Convention or Part I of a DMLC, as the case may be,
- (iv) check the maritime labour certificate and DMLC and other documents required to be kept on board the ship,
- (v) inspect and take copies of, or extracts from, records or documents pertaining to the ship, found on the ship,

- (vi) take photographs or make any record or visual recording of any activity on the ship, or
 - (vii) require that such corrective measures are taken as the surveyor of ships considers necessary having regard to any deficiencies identified.
- (2) In exercising his or her powers under paragraph (1), a surveyor of ships shall make all possible efforts to avoid a ship being unduly delayed.
- (3) In this Regulation, “surveyor of ships” includes a recognised organisation.

On-board complaints procedure

16. (1) The shipowner or the master of a ship to which these Regulations apply shall ensure that there is available to a seafarer on that ship a procedure to make a complaint alleging a breach of the requirements of the Convention, these Regulations or Irish MLC requirements and for that complaint to be resolved fairly, effectively and expeditiously.

- (2) A complaints procedure referred to in paragraph (1) shall—
- (a) seek to have the matter resolved at the lowest level possible on board the ship,
 - (b) enable a seafarer to complain directly to the master of the ship and appropriate external authorities, and
 - (c) include the right of a seafarer to be accompanied or represented during any hearing which takes place under that procedure.
- (3) A shipowner and the master of a ship shall ensure that a seafarer joining a ship is or has been provided with—
- (a) a copy of the complaint procedure applicable on board the ship referred to in paragraph (1),
 - (b) contact information for the competent authority,
 - (c) where applicable, contact information for the authority which is the competent authority in the seafarer’s country of residence, and
 - (d) the name of the person on board the ship who can, on a confidential basis, provide the seafarer with impartial advice on their complaint and otherwise assist them in following the complaint procedure.
- (4) A seafarer may make a complaint to a surveyor of ships alleging a breach of the requirements of the Convention, and the surveyor of ships shall treat the source of the information provided in the complaint as confidential.
- (5) The shipowner or the master of a ship shall ensure that a seafarer is not subject to any victimisation on the grounds that the seafarer has made a complaint, whether through an on-board procedure or through the auspices of a surveyor of ships, alleging a breach of the requirements of the Convention.

- (6) For the purposes of paragraph (2)(a), seeking to resolve a complaint at the lowest level possible means—
- (a) having the complaint considered by the lowest level of manager or officer who has the expertise or authority appropriate to consider such a complaint, provided that the person considering the complaint is not directly involved with the particular complaint,
 - (b) if that person is unable to resolve or reject the complaint, referring the complaint for consideration by the next level of manager or officer who has the expertise and authority appropriate to consider such a complaint, provided that the person considering the complaint is not directly involved with the particular complaint, and
 - (c) referring the complaint to successively higher levels of manager or officer, who has such expertise and authority, for his or her consideration until it is resolved or rejected.
- (7) Nothing in this Regulation shall affect any right of complaint or redress that a seafarer has apart from this Regulation.
- (8) A shipowner or master who fails to comply with this Regulation commits an offence.
- (9) In this Regulation—
- “external authorities” include—
- (a) the competent authority,
 - (b) the competent authority in a seafarer’s country of residence,
 - (c) a port state inspector;
- “victimisation” means any adverse action taken or threatened by any person against a seafarer for making a complaint that is not manifestly vexatious or maliciously made and includes any adverse action taken or threatened by any person against a person who supports or assists a seafarer in making a complaint.
- Other offences*
17. (1) Any person who—
- (a) forges or counterfeits a maritime labour certificate or an interim maritime labour certificate,
 - (b) knowingly alters a maritime labour certificate or an interim maritime labour certificate,
 - (c) in connection with any inspection carried out in accordance with these Regulations, furnishes false information knowing it to be false or being reckless as to whether it is so,

- (d) with intent to deceive, uses, lends or allows to be used by another, a maritime labour certificate or an interim maritime labour certificate, or
- (e) obstructs or impedes or, without reasonable excuse, fails to comply with a request or requirement of a surveyor of ships or a recognised organisation in exercising a power conferred on such a person under Regulation 15,

commits an offence.

SCHEDULE 1

Regulation 11

Maritime Labour Certificate

(Note: This Certificate shall have a Declaration of Maritime Labour Compliance attached)

Issued under the provisions of Article V and Title 5 of the
Maritime Labour Convention, 2006
(referred to below as “the Convention”)
under the authority of the Government of:

(full designation of the State whose flag the ship is entitled to fly)

by
(full designation and address of the competent authority or recognised
organisation duly authorised under the provisions of the Convention)

Particulars of the ship

Name of ship

Distinctive number or letters

Port of registry

Date of registry

Gross tonnage¹

IMO number.....

Type of ship.....

Name and address of the shipowner.....

.....

This is to certify:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.

2. That the seafarers’ working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country’s

¹For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

national requirements implementing the Convention. These national requirements are summarised in the Declaration of Maritime Labour Compliance, Part I.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4 of the Convention.

This Certificate is valid only when the Declaration of Maritime Labour Compliance issued at on is attached.

Completion date of the inspection on which this certificate is based was
Issued at on

Signature of the duly authorised official issuing the Certificate

(Seal or Stamp of issuing authority, as appropriate)

Endorsements for mandatory intermediate inspection and, if required, any additional inspection

This is to certify that the ship was inspected in accordance with Standards A5.1.3 and A5.1.4 of the Convention and that the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the abovementioned country's national requirements implementing the Convention.

Intermediate inspection:
(to be completed between the second and third anniversary dates)

Signed
(Signature of authorised official)
Place
Date
(Seal or stamp of the authority, as appropriate)

Additional endorsements (if required)

This is to certify that the ship was the subject of an additional inspection for the purpose of verifying that the ship continued to be in compliance with the national requirements implementing the Convention, as required by Standard A3.1, paragraph 3, of the Convention (re-registration or substantial alteration of accommodation) or for other reasons.

Additional inspection:
(if required)

Signed
(Signature of authorised official)
Place
Date
(Seal or stamp of the authority, as appropriate)

Additional inspection:
(if required)

Signed
(Signature of authorised official)
Place.....
Date
(Seal or stamp of the authority, as
appropriate)

Additional inspection:
(if required)

Signed
(Signature of authorised official)
Place.....
Date
(Seal or stamp of the authority, as
appropriate)

Maritime Labour Convention, 2006**Declaration of Maritime Labour Compliance — Part I**

(Note: This Declaration must be attached to the ship's Maritime Labour Certificate)

Issued under the authority of: *(insert name of competent authority as defined in Article II, paragraph 1(a), of the Convention)*

With respect to the provisions of the Maritime Labour Convention, 2006, the following referenced ship:

Name of ship	IMO number	Gross tonnage

is maintained in accordance with Standard A5.1.3 of the Convention.

The undersigned declares, on behalf of the abovementioned competent authority, that:

- (a) the provisions of the Maritime Labour Convention are fully embodied in the national requirements referred to below;
- (b) these national requirements are contained in the national provisions referenced below; explanations concerning the content of those provisions are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4, are provided <under the corresponding national requirement listed below> <in the section provided for this purpose below> *(strike out the statement which is not applicable)*;
- (d) any exemptions granted by the competent authority in accordance with Title 3 are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under national legislation are also referenced under the requirements concerned.

1. Minimum age (Regulation 1.1)
2. Medical certification (Regulation 1.2)
3. Qualifications of seafarers (Regulation 1.3)
4. Seafarers' employment agreements (Regulation 2.1)
5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)

- 6. Hours of work or rest (Regulation 2.3)
- 7. Manning levels for the ship (Regulation 2.7)
- 8. Accommodation (Regulation 3.1)
- 9. On-board recreational facilities (Regulation 3.1)
- 10. Food and catering (Regulation 3.2)
- 11. Health and safety and accident prevention (Regulation 4.3)
- 12. On-board medical care (Regulation 4.1)
- 13. On-board complaint procedures (Regulation 5.1.5)
- 14. Payment of wages (Regulation 2.2)

Name:.....

Title:.....

Signature:.....

Place:.....

Date:.....

(Seal or stamp of the authority, as appropriate)

Substantial equivalencies

(Note: Strike out the statement which is not applicable)

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted (insert description if applicable):

.....
.....

No equivalency has been granted.

Name:.....
Title:.....
Signature:.....
Place:.....
Date:.....
(Seal or stamp of the authority, as appropriate)

Exemptions

(Note: Strike out the statement which is not applicable)

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

.....
.....

No exemption has been granted.

Name:.....
Title:.....
Signature:.....
Place:.....
Date:.....
(Seal or stamp of the authority, as appropriate)

Declaration of Maritime Labour Compliance — Part II*Measures adopted to ensure ongoing compliance between inspections*

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

1. Minimum age (Regulation 1.1)

2. Medical certification (Regulation 1.2)

3. Qualifications of seafarers (Regulation 1.3)

4. Seafarers' employment agreements (Regulation 2.1)

5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)

6. Hours of work or rest (Regulation 2.3)

7. Manning levels for the ship (Regulation 2.7)

8. Accommodation (Regulation 3.1)

9. On-board recreational facilities (Regulation 3.1)

10. Food and catering (Regulation 3.2)

11. Health and safety and accident prevention (Regulation 4.3)

12. On-board medical care (Regulation 4.1)

13. On-board complaint procedures (Regulation 5.1.5)

14. Payment of wages (Regulation 2.2)

I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of Shipowner:

Company address:

Name of the authorised signatory:

Title:

Signature of the authorised signatory:

Date:

(Stamp or seal of the shipowner)

The above measures have been reviewed by (*insert name of competent authority or duly recognised organisation*) and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name:.....

Title:.....

Address:.....

Signature:.....

Place:.....

Date:.....

(Seal or stamp of the authority, as appropriate)

SCHEDULE 2

Regulation 12

Interim Maritime Labour Certificate

Issued under the provisions of Article V and Title 5 of the
Maritime Labour Convention, 2006
(referred to below as “the Convention”)
under the authority of the Government of:

(full designation of the State whose flag the ship is entitled to fly)

by
(full designation and address of the competent authority or recognised
organisation duly authorised under the provisions of the Convention)

Particulars of the ship

- Name of ship
- Distinctive number or letters
- Port of registry
- Date of registry
- Gross tonnage¹
- IMO number
- Type of ship
- Name and address of the shipowner.....

This is to certify, for the purposes of Standard A5.1.3, paragraph 7, of the Convention, that:

- (a) this ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Convention, taking into account verification of items under (b), (c) and (d) below;
- (b) the shipowner has demonstrated to the competent authority or recognised organisation that the ship has adequate procedures to comply with the Convention;
- (c) the master is familiar with the requirements of the Convention and the responsibilities for implementation; and

¹For ships covered by the tonnage measurement interim scheme adopted by the IMO, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969). See Article II(1)(c) of the Convention.

(d) relevant information has been submitted to the competent authority or recognised organisation to produce a Declaration of Maritime Labour Compliance.

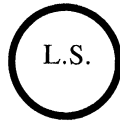
This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4.

Completion date of the inspection referred to under (a) above was

Issued at.....on

Signature of the duly authorised official
issuing the interim certificate

(Seal or stamp of issuing authority, as appropriate)



GIVEN under my Official Seal,
7 August 2014.

PASCHAL DONOHOE,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations:

- (a) implement the provisions of the Maritime Labour Convention 2006 relating to flag State responsibilities;
- (b) implement provisions of Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC; and
- (c) implement Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 concerning certain flag State responsibilities for compliance with and enforcement of the Maritime Labour Convention, 2006.

These Regulations set out the requirements of the Maritime Labour Convention regarding flag State responsibilities.

The Regulations provide that every seagoing Irish ship of 500 gross tonnage or over that operates internationally is required to be certified under the Maritime Labour Convention. The Regulations set out provisions regarding the inspection of ships, recognised organisations, the procedure regarding application for certification, and the issue of the maritime labour certificate and the Declaration of Maritime Labour Compliance (DMLC). The circumstances under which an interim maritime labour certificate may be issued, are also set out.

The Regulations also set out the Convention requirements regarding on-board complaints procedures.

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