



## TECHNICAL CIRCULAR No. 124 of 21<sup>st</sup> April 2013

To:	All Surveyors/Auditors
Applicable to flag:	All Flags
Subject:	<b>MLC, 2006- Workers and Ships B8-B14</b>
Reference:	<b>MLC, 2006 – Maritime Labour Convention, 2006</b>

### **MLC, 2006, Workers and Ships B8-B14**

#### **B8. Is there a general tonnage limitation on the application of the Maritime Labour Convention, 2006 (MLC, 2006)?**

There is no general tonnage limitation to the MLC, 2006. However there is some flexibility which can be applied by a Flag State regarding the application of particular requirements based on the gross tonnage (GT) of ships. For example the requirement for certification (in addition to inspection) of working and living conditions on a ship is not mandatory for ships less than 500 GT that do not go on international voyages or voyage between foreign ports. In connection with on board accommodation requirements there is some flexibility based on the gross tonnage of the ships concerned. In addition, a determination can be made under Article II paragraph 6 [see B7. Can a ratifying country make exemptions from certain provisions of the MLC, 2006?].

#### **B9. Are ships that do not go on international voyages covered by the MLC, 2006?**

The MLC, 2006 applies to all ships irrespective of the nature of their tonnage or their voyage other than ships which navigate exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply. However there is some flexibility which can be applied by a Flag State regarding the application of particular requirements based on the gross tonnage (GT) of ships and voyages. For example the requirement for certification (in addition to inspection) of working and living conditions on a ship is not mandatory for ships less than 500GT that do not go on international voyages or voyage between foreign ports. In addition, a determination can be made under Article II paragraph 6 [see B7. Can a ratifying country make exemptions from certain provisions of the MLC, 2006?]. Ships or seafarers that do not go on international voyages are not required to comply with some of the requirements for English language versions of documents such as medical certificates under the MLC, 2006.

#### **Customer Service Center**

5201 Blue Lagoon Drive, 9<sup>TH</sup>. Floor,  
Miami, Fl., 33126  
Tel: 1 (305) 716 4116,  
Fax: 1 (305) 716 4117,  
E-Mail:

[joel@conarinagroup.com](mailto:joel@conarinagroup.com)

#### **Technical Head Office**

7111 Dekadine Ct.  
Spring, Tx., 77379  
Tel: 1 (281) 370 9363,  
1 (713) 204 6380

E-Mail: [tho@conarinagroup.com](mailto:tho@conarinagroup.com),

[houston@conarinagroup.com](mailto:houston@conarinagroup.com)

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**B10. Are ships that exist at the time the MLC, 2006 is ratified by a country excluded?**

The MLC, 2006 applies to all ships covered by the Convention [see B4. What ships does the MLC, 2006 apply to?]. However, the technical requirements, of a structural nature, relating to accommodation in Title 3 may not apply to ships construction prior to entry into force of the Convention for the country concerned [see C3.1.a. Do the accommodation requirements of Title 3 apply to existing ships?].

**B11. Does the MLC, 2006 apply to smaller ships such as ships below 200 GT?**

[See B8. Is there a general tonnage limitation on the application of the Maritime Labour Convention, 2006 (MLC, 2006)?].

**B12. Does the MLC, 2006 apply to offshore resource extraction or similar vessels?**

The question whether the MLC, 2006 applies to offshore resource extraction or similar vessels (e.g., MODUs and dredgers) or vessels that are not self-propelled will depend on two factors: whether the vessel is considered “a ship” under the relevant national law and the location of its activities. The Convention leaves, to be decided by reference to the relevant national law or practice and court decisions, the more general question of whether, or the circumstances in which, a particular waterborne vessel would be considered a ship. If the vessel is considered a ship, it would then be necessary to see whether it should be a ship covered by the MLC, 2006. This would depend upon whether or not it navigates exclusively in inland waters or waters within or closely adjacent to sheltered waters or areas where port regulations apply [see B4. What ships does the MLC, 2006 apply to?].

**B13. Does the MLC, 2006 apply to yachts?**

Unless a yacht is of traditional build or otherwise expressly excluded by the MLC, 2006 [see B4. What ships does the MLC, 2006 apply to?] or is not ordinarily engaged in commercial activities [see B5. When is a ship considered to be “ordinarily engaged in commercial activities”?] and, in principle, if its operations mean that it comes within the definition of a ship under Article II, paragraph 1(i), then it is covered by the MLC, 2006.

**B14. Who is the shipowner under the MLC, 2006?**

The MLC, 2006 defines a shipowner as 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 the Convention. This definition applies even if any other organizations or persons fulfill certain of the duties or responsibilities on behalf of the shipowner. This comprehensive definition was adopted to reflect the idea that irrespective of the particular commercial or other arrangements regarding a ship’s operations, there must be a single entity, “the shipowner”, that is responsible for seafarers’ living and working conditions. This idea is also reflected in the requirement that all seafarers’ employment agreements must be signed by the shipowner or a representative of the shipowner [see C2.1. Seafarers’ employment agreements].

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5201 Blue Lagoon Drive, 9<sup>TH</sup>. Floor,  
Miami, Fl., 33126  
Tel: 1 (305) 716 4116,  
Fax: 1 (305) 716 4117,  
E-Mail:

[joel@conarinagroup.com](mailto:joel@conarinagroup.com)

**Technical Head Office**

7111 Dekadine Ct.  
Spring, Tx., 77379  
Tel: 1 (281) 370 9363,  
1 (713) 204 6380

E-Mail: [tho@conarinagroup.com](mailto:tho@conarinagroup.com),

[houston@conarinagroup.com](mailto:houston@conarinagroup.com)

**REFERENCES:**

- **MLC, 2006 – Maritime Labour Convention, 2006**

**ATTACHMENTS:** No.

Kindest Regards,  
Cosmin Bozenovici  
Naval Architect – Conarina Technical Head Office

**Customer Service Center**

5201 Blue Lagoon Drive, 9<sup>TH</sup>. Floor,  
Miami, Fl., 33126  
Tel: 1 (305) 716 4116,  
Fax: 1 (305) 716 4117,  
E-Mail:

[joel@conarinagroup.com](mailto:joel@conarinagroup.com)

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Spring, Tx., 77379  
Tel: 1 (281) 370 9363,  
1 (713) 204 6380

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[houston@conarinagroup.com](mailto:houston@conarinagroup.com)