



REPUBLIC OF CYPRUS
MINISTRY OF
COMMUNICATIONS AND WORKS



DEPARTMENT
OF MERCHANT SHIPPING
LEMESOS

Circular No. 24/2012

8 June, 2012

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To all Owners, Managers, Representatives
of Ships under the Cyprus Flag
and Recognized Organizations

Subject: Maritime Labour Convention 2006 – Ratification and Early Implementation by Cyprus.

1. PURPOSE:

The Government of the Republic of Cyprus ratified the Maritime Labour Convention, 2006 (MLC, 2006) by virtue of the *Maritime Labour Convention, 2006 (Ratification) and for Matters Connected Therewith Law of 2012*, (Law No 6(III)/2012, published in the Official Gazette of the Republic No 4159, Supplement I (III) dated 11th May, 2012).

The MLC, 2006 (the Convention) will come into force 12 months after the date in which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of 33 per cent.

The purpose of this Circular is to inform Owners, Managers and Representatives of ships under Cyprus Flag, of the requirements of the Cyprus Maritime Administration (Department of Merchant Shipping (DMS) regarding the implementation of the MLC, 2006.

Shipowners may apply for the issuance of the Declaration of Maritime Labour Compliance Part I (DMLC Part I) as from the date of issue of this Circular (see paragraphs 4.3 and 11 below). Such a possibility is offered under the transitory provisions of section 163 of Ratification Law 6(III)/2012.

2. APPLICATION:

2.1 SHIP

The MLC, 2006 applies to all ships, (irrespective of tonnage) whether publicly or privately owned, ordinarily engaged in commercial activities.

Commercial activity is considered to be any maritime activity undertaken for the purpose of generating revenue which includes but is not limited to activities such as maritime transport, trade, transit, chartering, towing, salvage, offshore supply, offshore support, accommodation, exploration/exploitation/processing of sea-bed mineral resources, research etc.

The MLC, 2006 does not apply to ships engaged in fishing or in similar pursuits and ships of traditional build, to warships or naval auxiliaries, and to ships which navigate exclusively in



inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply.

2.2 SEAFARER

The MLC, 2006 applies to all Seafarers on all Ships covered by the MLC, 2006

A Seafarer is any person who is employed or engaged or works in any capacity on board a ship to which the MLC, 2006 applies. In the event of doubt as to whether any categories of persons are to be regarded as seafarers, the matter will be determined by the DMS, in consultation with the shipowners' and seafarers' organizations concerned. In considering such matters, the DMS in consultation with the shipowners' and seafarers' organizations, will consider the following issues:

1. The duration of stay on board of the persons concerned;
2. The frequency of the periods of work spend on board;
3. The location of the person's principal place of work;
4. The purpose of the person's work on board;
5. The protection that would normally be available to the persons concerned with regard to their labour and social conditions, to ensure that it is comparable to that provided under the Convention.

Subject to the above criteria, the following categories of persons are not considered as Seafarers:

1. scientists, researchers, divers, specialist off-shore technicians, etc. whose work is not part of the routine operation of the ship;
2. harbour pilots, inspectors, surveyors, auditors, superintendents etc. who although trained and qualified in maritime skills and perform key specialist functions, their work is not part of the routine operation of the ship;
3. guest entertainers, repair technicians, port workers whose work is occasional and short term with their principal place of employment being ashore;
4. non-marine personnel, employed under outsourced service agreements, the terms of which determine the conditions under which the service provider will supply the necessary personnel;

Special factors and circumstances in a certain situation may lead the DMS to determine whether a person is or is not a Seafarer.

3. RECOGNISED ORGANIZATIONS:

3.1 The Government of the Republic of Cyprus delegates according to *the Merchant Shipping (Recognition and Authorization of Organizations) Law of 2011*, (Law 128(I)/2011) its inspection and certification functions under the MLC, 2006 to the following Recognised Organizations (ROs):

1. American Bureau of Shipping (ABS)
2. Bureau Veritas (BV)
3. China Classification Society (CCS)
4. Det Norske Veritas (DNV)
5. Germanischer Lloyd (GL)
6. Korean Register of Shipping (KR)
7. Lloyds Register (LR)
8. Nippon Kaiji Kyokai (NK)
9. Polski Rejestr Statkow (PRS)

10. Registro Navale Italiano (RINA)
11. Russian Maritime Register of Shipping (RS)

3.2 The inspection and certification functions include the following:

1. Approval of Drawings and Specifications;
2. Approval of Declaration of Maritime Labour Compliance Part II;
3. Interim inspection and issuance of Certificate;
4. Initial inspection and issuance of Certificate;
5. Intermediate inspection and endorsement of Certificate;
6. Renewal inspection and renewal of Certificate;
7. Withdrawal of a Certificate;
8. Require rectification of deficiencies found during inspections ;
9. Inspections at the request of a Port State for rectification of deficiencies found during Port State Control Inspections ;
10. Investigate Complaints if specifically authorised by the DMS, but, responsibility for resolution of a complaint, remains with the DMS.

4. INSPECTION AND CERTIFICATION

4.1 GENERAL

All ships under the Cyprus flag to which the MLC, 2006 applies, of 500gt or over that are engaged in international voyages and ships of 500gt or over that fly the Cyprus flag and operate from a port or between ports of another country, must be certified for compliance with the 14 areas set out in Appendix A5-1 of the Convention which are subject to mandatory inspection.

All ships under Cyprus flag to which the Convention applies, but are not required to be certified (under 500gt not engaged in international voyages, or not operating from a port or between ports of another country) are still subject to inspection at intervals not exceeding three years, in accordance with the same requirements, as for certified ships.

At the request of the Shipowner to the DMS, a ship which is not required to be certified may be certified (provided all requirements for a certified ship are met).

All inspections will be carried out in accordance with the ILO document, “*Guidelines for flag State inspections under the Maritime Labour Convention, 2006*”.

4.2 APPROVAL OF DRAWINGS AND SPECIFICATIONS

4.2.1 Existing ships

Existing ships (which according to section 74(2) of Ratification Law 6(III)/2012 were constructed before the entry into force of the MLC, 2006 for Cyprus), must have been constructed and equipped in compliance with ILO C92 and C133 as applicable.

In the case of existing ships not constructed in compliance with MLC 2006, or ILO C92 and C133 as applicable, the DMS must be contacted for instructions.

4.2.2 New ships

New ships (constructed on or after the date of entry into force of the MLC, 2006 for Cyprus), must be constructed and equipped in compliance with MLC, 2006 Title 3 requirements, as implemented by national legislation.

For ships under construction that have been or are to be registered under the Cyprus flag, the shipowner shall submit to the RO of the ship, for examination and approval, drawings and specifications with relation to the following MLC, 2006 requirements as implemented by the national legislation:

1. Regulation 3.1: Seafarer Accommodation and Recreational Facilities ;
2. Regulation 3.2: Food and Catering ;
3. Regulation 4.3: Health and Safety Protection and Accident Prevention ;

4.2.3 Where major modifications are made

Drawings and specifications regarding modifications must be submitted to the RO of the ship, for examination and approval.

(A ship is deemed to have been constructed on the date when its keel is laid or when it is at a similar stage of construction)

4.3 DECLARATION OF MARITIME LABOUR COMPLIANCE (DMLC)

The Declaration of Maritime Labour Compliance (DMLC) must be attached to the Maritime Labour Certificate (MLC). It shall have two parts: Part I & Part II .

The DMS will commence to issue the Declaration of Maritime Labour Compliance Part I (DMLC Part I) to ships under Cyprus flag, as from the date of issue of this Circular.

4.3.1 DMLC Part I will be duly completed by the DMS and shall generally contain the following:

1. List of matters to be inspected (Appendix A5-I of the Convention) ;
2. Reference to the legal national provisions as well as concise information on the content of the national requirements in each of the matters listed in Appendix A5-I of the Convention ;
3. Reference to ship-type specific requirements under national legislation ;
4. Record of substantially equivalent provisions under paragraph 3&4 of Article VI of the Convention as applicable ;
5. Record of exemptions if granted under Title 3 of the Convention.

4.3.2 Part II must be completed by the shipowner and must identify the measures adopted to ensure ongoing compliance with the national requirements between inspections and the measures proposed to ensure that there is continuous improvement.

4.3.3 The RO of the ship must ascertain compliance with the national requirements and the requirements of the Convention, by examination of the DMLC Part II.

The examination of the DMLC Part II is a two step process:

Step 1: Verification that the proposed measures satisfy the national and Convention requirements.

It shall include examination amongst other documents, of:

Seafarers Employment Agreements (SEA);
Collective Bargaining Agreements (CBA) if any;
Shipowner's management systems manuals.

Step 2: Successful completion of an initial onboard inspection (see next paragraph) to verify that the shipowner has implemented the proposed measures documented in DMLC Part II.

4.3.4 If the RO is satisfied that all requirements are met:

1. The RO of the ship certifies Part II ;
2. A copy of the DMLC must be posted at a conspicuous place on board which is accessible to the seafarers ;
3. A copy of the DMLC must be made available upon request to seafarers, Flag State Inspectors, PSC Officers and shipowners' and seafarers' representatives;
4. The results of all subsequent inspections must be recorded to the DMLC.

4.4 INITIAL INSPECTION AND ISSUANCE OF THE MARITIME LABOUR CERTIFICATE

All existing ships under Cyprus flag to which the MLC, 2006 applies, and new ships having completed an interim inspection shall undergo an initial inspection and receive a *Maritime Labour Certificate (MLC)*, within the period commencing upon ratification of the Convention by at least 30 States with a total share in the world gross tonnage of ships of 33 per cent, until 12 months after that date.

1. An initial inspection shall be carried out to verify the proposed measures documented in DMLC Part II by the shipowner for ensuring initial compliance with the Convention and the national requirements implementing the Convention ;
2. A MLC shall be issued by the RO, on completion of a satisfactory initial inspection ;
3. A Declaration of Maritime Labour Compliance (DMLC) must be attached to the MLC for it to be valid ;
4. The MLC shall be issued for a period not exceeding five years.

4.5 INTERMEDIATE INSPECTION AND ENDORSEMENT OF THE MLC

The validity of the MLC will be subject to an intermediate inspection. The scope and depth of the intermediate inspection shall be equal to an inspection for renewal of the MLC.

1. It shall be carried out between the second and third anniversary dates of the MLC (*Anniversary date means the day and month of each year which will correspond to the date of expiry of the MLC*);
2. The MLC shall be endorsed by the RO, following satisfactory intermediate inspection;
3. When the intermediate inspection is not carried out as required, (between the second and third year) the MLC will cease to be valid - *If it is subsequently requested, the DMS shall be contacted by the Shipowner or the RO for instructions .*

4.6 RENEWAL INSPECTION AND RENEWAL OF THE MLC

For a Maritime Labour Certificate renewal inspection, all national requirements (as per initial inspection) implementing the Convention need to be verified.

1. When the renewal inspection has been completed within three months before the expiry date of the existing MLC, the new certificate will be valid for a period of five years from the date of expiry of the existing MLC;
2. When a renewal inspection is completed more than three months before the expiry date of the existing MLC, the new MLC shall be valid for a period not exceeding five years, starting from the date of completion of the renewal inspection;

3. When the renewal inspection is not carried out as required, (within three months before the MLC expires) the DMS shall be contacted by the shipowner or the RO for instructions.

4.7 INTERIM INSPECTION AND ISSUANCE OF AN INTERIM MLC

4.7.1 Interim inspections shall be carried out, (on new and existing ships) if one of the following conditions exists:

1. New ship on delivery;
2. New ship to the Company;
3. Ship changes flag to Cyprus;
4. Reactivation of a laid- up ship ;

Existing vessels, to which any one of the above conditions does not apply, are not required to undergo an interim inspection.

At the time of the interim inspection, the DMLC (Parts I and II) is not required to be onboard. A draft DMLC may be available onboard during the inspection.

4.7.2 The inspection shall include verification that:

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

An interim certificate shall be issued following satisfactory completion of an interim inspection for a period not exceeding six (6) months.

Unless so authorized by the DMS, interim certificates shall not be extended or reissued .

4.8 CESSATION OF CERTIFICATES

A MLC and a DMLC shall cease to be valid if any one of the following situations arises:

1. Required inspections as stated above are not carried out;
2. MLC is not endorsed at the intermediate inspection ;
3. A ship changes Company ;
4. A ship changes flag ;
5. Substantial modifications made to the structure or equipment.

4.9 CHANGE OF FLAG

When a ship registered in Cyprus changes flag and both States concerned have ratified the Convention, the RO of the ship on behalf of and upon notification of the Registrar of Cyprus Ships shall transmit as soon as possible to the Competent Authority of the other Member State, copies of the MLC and DMLC carried by the ship before the change of flag, and, if applicable, copies of the relevant inspection reports if the Competent Authority requests them within three months after the change of flag has taken place.

4.10 MLC AND DMLC WITHDRAWAL

The RO of the ship shall withdraw the MLC and the DMLC if there is evidence of serious or frequent deficiencies and the required corrective action has not been taken.

5. ON-BOARD COMPLAINT PROCEDURES

5.1 The shipowner must establish on-board procedures for the fair, effective and expeditious handling of seafarers' complaints alleging breaches of the requirements of the Convention, including seafarers' rights, in accordance with the national requirements and the requirements of the Convention. The shipowner must develop and provide all seafarers, with a copy of the on-board complaint procedures in English, or in the working language of the ship.

In developing such procedures the following shall be taken into account:

1. Victimization of a seafarer for filing a complaint is prohibited ;
2. Such procedures, shall seek to resolve complaints at the lowest level possible ;
3. Seafarers shall have the right to complain directly to the Master and where they consider it necessary, externally i.e. to the Company, to the DMS, to the authorised RO, and/or port state authorities ;
4. Seafarers filing complaints will not abolish the right to seek redress through other legal means ;
5. Such procedures shall nominate another seafarer to advise or accompany or represent, during the complaint procedure, the complainant seafarer;
6. All complaints and the decisions on them should be recorded and a copy should be given to the seafarer concerned.

5.2 The on-board complaint procedures shall contain at least the following:

5.2.1 Contact Information

1. Contact information for the Company's MLC, 2006 Designated Person (DP) or any other person appointed by the Company ;
2. Contact information at the DMS/Cyprus, (MLC, 2006 Contact Point) ;
3. Contact information for the Competent Authority in the seafarer's country of residence;
4. Name of a person or persons on board the ship who can on a confidential basis advise and assist the seafarer to follow the complaint procedures.

5.2.2 Complaint Process

1. The complainant seafarer shall submit in writing his complaint to his superior officer or to the head of the department ;
2. Where a solution cannot be found at this level, the superior officer shall refer the complaint to the head of the department ;
3. The head of the department shall interview the seafarer as soon as it is convenient with a view to solving the complaint within prescribed time limits ;
4. If the complainant seafarer is not satisfied with the way his complaint has been handled, he may request for an interview with the Master, who shall then handle the case personally;
5. If no satisfactory result is achieved, the seafarer concerned may appeal to the management of the Company/ MLC, 2006 Designated Person or any other person appointed by the Company;
6. If no satisfactory result is achieved the seafarer concerned may appeal to the Department of Merchant Shipping (DMS/Cyprus – MLC, 2006 Contact Point) or if it is more convenient, to a Consular Officer of the Republic abroad.

6. ON-SHORE COMPLAINT PROCEDURES

6.1 Seafarers serving on a ship under Cyprus flag in a foreign port

The DMS Cyprus, (MLC, 2006 Contact Point) will submit a Corrective Action Plan whenever it is notified by a foreign port authority, that a seafarer serving on a ship under Cyprus flag reported a complaint to that authority.

7. RECRUITMENT AND PLACEMENT SERVICES(MANNING AGENTS)

Shipowners who use Manning Agents based in a State party to the MLC, 2006, for the employment of seafarers to work on board Cyprus flag ships, shall only use Licensed or Certified or regulated Manning Agents in accordance with MLC, 2006 Standard A1.4 requirements. The License or Certificate issued by the State where the Manning Agent(s) providing seafarers to the ship, is/are established must be on board.

If Manning Agents based in a State not party to the MLC, 2006 are used, these shall conform to MLC, 2006 Standard A1.4.5 and Standard A1.4.9. For these Manning Agent(s), either one of the following must be on board:

- 1) Company's Own Audit Report for Manning Agent (Stating that they have verified compliance with the Standard A.1.4) ;
- 2) Copy of the Manning Agency Quality Management Certificate (e.q. ISO 9001);
- 3) Copy of ROs Certificate Attesting Compliance with Standard A.1.4.

8. FINANCIAL SECURITY

Shipowners are required to arrange financial security, arising under the MLC, 2006 Ratification Law of 2012, and MLC, 2006 Regulations: 2.5: Repatriation 2.6:Seafarer compensation for the ship's loss or foundering and 4.2: Shipowners' liability. A P&I Club "Certificate of Entry" is deemed to satisfy this requirement.

9. HEALTH AND SAFETY PROTECTION AND ACCIDENT PREVENTION

Shipowners are required to develop and implement occupational safety and health policies and programs on ships, including risk evaluation as well as training and instruction of seafarers, in accordance with Ratification Law 6(III)/ 2012 and Regulation 4.3 of the MLC, 2006. In developing such programs, shipowners shall take account of the "*Cyprus Code of Safe Working Practices for Merchant Seafarers*" (CCSWP) as well as, of the *IMO MSC-MEPC.2 / Circ.3 of 5 June, 2006 "Guidelines on the Basic Elements of a Shipboard Occupational Health and Safety Programme"*.

Regarding Risk Evaluation, shipowners shall take account of the *CCSWP/ Chapter 1* and its four annexes and may use the Risk Assessment forms provided in the annexes.

Note: The elements of the occupational safety and health program may be integrated in the ISM Code's Safety Management System of the Company.

10. DMS/CYPRUS - MLC, 2006 CONTACT POINT

The MLC, 2006 Contact Point should be used for:

1. Asking questions regarding the implementation of the Convention;
2. Submission of Applications for the issue of the DMLC Part I;

3. Requests for information from PSC Authorities ;
4. Reporting complaints from seafarers serving on Cyprus flag ships .

DMS/CYPRUS, - MLC, 2006 CONTACT POINT

Tel: +357 25-823715

Fax: +357 25-305030

E - Mail: mlc@dms.mcw.gov.cy

11. PROCEDURE FOR THE ISSUANCE OF THE DMLC PART I

The shipowner shall submit to the DMS/Cyprus - MLC, 2006 Contact Point electronically (E-Mail: <mailto:mlc@dms.mcw.gov.cy>) an application using the form "[Application for the issuance of a DMLC PART I](#)"-EN05F202 properly completed, which can be downloaded from our website.

The DMS based on the information submitted by the shipowner, will issue the DMLC Part I for the ship. The DMLC Part I will be duly completed by DMS and the Part II will have to be completed by the shipowner.

The DMLC Part I will be sent by mail to the shipowner, or collected from DMS premises – Seafarers' Division. It will be charged with a due of the amount of 60 Euros which does not include consideration for exemptions and/or substantial equivalence.

The shipowner shall prepare the [DMLC Part II](#) and request an authorized RO to approve it and then proceed with the inspection and the issue of the Maritime Labour Certificate (MLC).

12. DOCUMENTS REQUIRED TO BE CARRIED ON BOARD

The documents required by MLC, 2006 can be downloaded from our website and should be available to Flag Inspectors and PSCO's when requested.

1. Standard Medical Certificate ;
2. Seafarer's Identification and Sea Service Record Book ;
3. [Seafarer Employment Agreement - SEA](#) ;
4. Collective Bargaining Agreement - CBA (if any);
5. [Copy of National Repatriation Provisions](#) ;
6. [Standardized Table of Shipboard Working Arrangements](#) ;
7. Standardized Table of Hours of Rest ;
8. [Safe Manning Document](#);
9. [Standard Medical Report Form for Seafarers](#) ;
10. Report Form of Personal Injury or loss of Life ;
11. [Model for On-Board Complaint Procedures](#);
12. Risk Assessment Form;
13. P&I Club "Certificate of Entry"

13. PUBLICATIONS REQUIRED TO BE CARRIED ON BOARD

The following publications must be placed on board and should be available to Flag Inspectors and PSCOs when requested. Links to these publications, are available from our website.

1. A copy of the [MLC, 2006](#) ;
2. A copy of the ILO publication [Accident Prevention at Sea and in Port](#) ;
3. A copy of the ILO publication [Ambient Factors in the Workplace](#) ;
4. International Medical Guide for Ships, 3rd Edition (WHO);
5. A copy of the publication [Guide to Ship Sanitation 3rd Edition \(WHO\)](#);
6. A copy of the ILO publication [Recording and Notification of Occ. Acc. and Diseases](#);
7. Medical First Aid Guide for use in Accidents Involving Dangerous Goods (MFAG), 2004 Edition (IMO) / (IMO/WHO/ILO) (Ships that carry or might carry Dangerous Goods);
8. International Code of Signals, 2005 Edition (IMO) ;
9. IAMSAR Manual Vol.3 (Latest Edition);
10. A copy of the [Cyprus Code of Safe Working Practices](#);
11. [IMO MSC-MEPC.2 / Circ.3 of 5 June, 2006 "Guidelines on the Basic Elements of a Shipboard Occupational Health and Safety Program"](#);
12. MLC, 2006 Ratification Law;
13. The present Circular;



Ioannis Efstratiou
Acting Director
Department of Merchant Shipping

Cc:

- Permanent Secretary, Ministry of Communications and Works
- Permanent Secretary, Ministry of Labor and Social Insurance
- Permanent Secretary, Ministry of Foreign Affairs
- Permanent Secretary, Ministry of Health
- Maritime Offices of the Department of Merchant Shipping abroad
- Diplomatic Missions and Honorary Consular Offices of the Republic
- Cyprus Shipping Chamber
- Cyprus Union of Shipowners
- Trade Union SEK
- Trade Union PEO

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