**UK IMPLEMENTATION OF THE MARITIME LABOUR CONVENTION, 2006**

**MERCHANT SHIPPING (MARITIME LABOUR CONVENTION) (SURVEY AND CERTIFICATION) REGULATIONS 2013 – POST IMPLEMENTATION REVIEW**

**The following relevant documents are included:**

Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013

Merchant Shipping Notice 1848 (Amendment 2)

Merchant Shipping Notice 1849(M)

Marine Guidance Note 487(M)

Impact assessment:

**Introduction:**

The Merchant Shipping (Maritime Labour Convention) (Survey and Certification) Regulations 2013 (the MLC Survey and Certification Regulations) implement the minimum requirements of the Maritime Labour Convention, 2006 (the MLC) in respect of the UK’s flag state responsibilities for the survey and inspection of UK ships, the inspection of non-UK ships in UK ports, and on-board and on-shore complaints procedures.

An impact assessment DfT00193 was carried out during preparation of the MLC Survey and Certification Regulations which estimated the cost to shipowners, seafarers and the MCA of introducing the new survey and inspection regime and complaints procedures.

The purpose of this review is to:-

(a) assess the extent to which the policy objectives of the Regulations are achieved, and

(b) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

As part of this review we need to consider the impacts of the Regulations.

**Effects of the MLC Survey and Certification Regulations:**

1. Introduce a survey and certification regime on seafarer living and working conditions for UK ships of 500GT and over operating on international voyages, in line with the requirements of the MLC on survey and certification (Regulation 5.1 of the MLC (2013 Regulations 7 to 9)).
2. Provide for the appointment of a recognised authority other than the UK authorities to undertake these surveys and the issue of MLC certificates where appropriate (This could include another maritime administration, or a classification society.)
3. Introduce an inspection regime for other ships under 500GT or not engaged on international voyages which are subject to the MLC;
4. Provide for issue of interim certificates to such ships in specified circumstances (regulation 10)
5. Enable the Secretary of State to survey ships registered in other States and to issue certificates with respect to such ships, at the request of the Flag State of that ship (regulation 10 of the 2013 Regulations);
6. Specify conditions for the validity of a Maritime Labour Certificate (regulation 12)
7. Make provision for documentation relating to the survey and certification of UK ships, including Declaration of Maritime Labour Compliance (DMLC) Part 1, issued by the flag state to specify the relevant requirements for the ship under the MLC, and DMLC Part 2 prepared by the shipowner which sets out how the ship complies and will continue to comply with those requirements (regulation 13 and 14);
8. Require UK shipowners to put in place complaints procedures for seafarers as regards alleged breaches of the requirements of the MLC and for those complaints to be resolved fairly, effectively and expeditiously (regulation 15);
9. Make provision for a seafarer to make a complaint to the MCA as regards alleged breaches of the requirements of the MLC, and for the MCA to treat such complaints confidentially;
10. Make provision for UK inspection of ships of other flags calling at UK ports, to ensure that they comply with the MLC (regulation 18).

**Questions for stakeholders**

|  |  |  |
| --- | --- | --- |
| Please indicate (🗸) the category which best describes your business | | |
| Micro: | 0-9 Employees |  |
| Small: | 10 -49 Employees |  |
| Medium: | 50-249 Employees |  |
| Large: | 250+ Employees |  |
| Trade association | Please specify number of members |  |

**1. Direct costs**

1.a. In 2013 we estimated that initial surveys would take the following time:

**Table 7: Central assumptions for “Initial MLC Inspections” not conducted simultaneously with ISM surveys**

|  |  |
| --- | --- |
| **Vessel Type** | **Initial MLC Inspection** |
| **Hours** |
| **Cruise ships** | 20 |
| **Other passenger ships** | 12 |
| **Large yachts** | 8 |
| **Bulk carriers** | 10 |
| **Cargo vessels** | 8 |

Were these estimates representative of the time taken in practice?

1.b. What were the costs to your business associated with the familiarisation of the new regulations?

1.c. Could these costs have been minimised by implementing the Regulations in a different way?

If, yes please state how the costs could have been minimised.

1.d. Have there been any increases in costs or savings passed on to other businesses as a result of the MLC Survey and Certification Regulations?

1.e Have there been any unexpected costs as a result of these regulations? If so, please explain.

**2. MLC and ISM**

We said in the Impact Assessment that there was an overlap between the requirements of the ISM Code and those of the MLC. We estimated that “initial MLC Inspections” and “Intermediate MLC Inspections” would take 30% less time when they are combined with the ISM survey. This has been borne out by the inspections carried out to date.

2.a. In your experience, did this estimate prove accurate?

If not accurate, please state why

2.b. Did the regime of aligning the MLC and ISM inspection present any unforeseen complications?

**3. Rectification of deficiencies and complaints procedures**

3.a Has there been an increase in the number of enforcement actions as a result of the MLC Survey and Certification Regulations? for example rectification plans.

If so, how much?

3.b. Has the MLC resulted in an increase in seafarer complaints and more costs to the shipowner in terms of administering the on board complaints system?

If so by how many?

3.c. Have you noticed any benefits in respect of a global level playing field on living and working conditions for seafarers?

If yes, please outline any benefits noticed.

4. If you have ships flagged with other EU member states, are there any differences between the way the MLC survey and certification regime has been implemented in the UK and implementation in other European countries?

If so, what is the impact of these differences?

5. If your business is a micro business, i.e. one with between 1 and 9 staff, have there been any particular impacts on your business?

6. Have there been any unintended effects of the MLC Survey and Certification Regulations? If so, what have these been?

7. Are there ways that the MLC Survey and Certification Regulations could be improved or that the implementation of the regulation could have been done better?

8. Can the MLC Survey and Certification Regulations and supporting documents be improved upon?