



DMA RO Circular no. 002

Maritime Labour Convention, 2006. Inspection and certification

1. Rule references

- Maritime Labour Convention, 2006, as amended (MLC, 2006)
- Guidelines for Flag State Inspections under the Maritime Labour Convention, 2006
- Danish Ro Agreement
- Annex to Danish RO Agreement
- Order on Notice B from the Danish Maritime Authority, technical regulation on the construction and equipment, etc. of ships (Notice B)
- Order on accommodation and recreational facilities in merchant ships (Order on accommodation)
- Executive Order on the inspection and certification of merchant ships in accordance with the UN International Labour Organisation's Maritime Labour Convention (MLC)

2. Inspections

All inspections must be carried out in accordance with Chapter 2, Section 17 of Annex to RO Agreement and according to DMA homepage on [MLC -survey](#).

Where there are grounds to believe that deficiencies constitute a serious breach of the MLC 2006 (including seafarers' rights) or represent a significant danger to seafarers' safety, health or security, an RO must, without undue delay, inform the DMA for the purpose of prohibiting a ship from leaving port until necessary corrective actions are taken.

2.1. Ships constructed on or after 1 July 2018

Requirements for accommodation spaces are regulated in Order on accommodation. The Order fully implements the requirements in MLC, Regulation 3.1.

2.2. Ships constructed on or after 20 August 2013 and before 1 July 2018

Design requirements of Sections 5, 13, 18, 19, 28 and 30 in Order on accommodation shall not apply to ships built before 1 July 2018, which shall instead comply with the corresponding provisions of Chapter II-3 of Notice B in force at the time when the ship in question was built.

2.3. Ships constructed before 20 August 2013

The requirements for ship construction and equipment specified in ILO Convention No. 92 on Accommodation of Crews (revised) and ILO Convention No. 133 on Accommodation of Crews (Supplementary Provisions) will continue to apply if they were in effect prior to that date according to laws and practices. Both ILO 92 and ILO 133 are fully implemented in Chapter II-3 of Notice B in force at the time. Design requirements of Sections 5, 13, 18, 19, 28 and 30 in Order on accommodation shall therefore not apply to ships built before 20 August 2013, which shall instead comply with the corresponding provisions of Chapter II-3 of Notice B in force at the time when the ship in question was built

Upon the transfer of ships built before 20 August 2013 to the Danish flag, construction and equipment must be subject to plan approval to verify compliance with the applicable ILO standards under the law and practice of the DMA.



2.4. Exemptions

Exemptions granted at the owner's request in accordance with the MLC, 2006, Title 3, on accommodation, recreational facilities, food and catering and Order on accommodation must be approved by the DMA, please refer to Chapter 1, section 6 of Annex to RO Agreement.

It is the task of the RO to ensure that the shipowner receives the necessary exemptions before the ship is put into service, as the RO carries out regulatory work on behalf of the DMA. As exemptions concerning accommodation and recreational facilities, is part of the triparty system, the DMA accept that exemption applications are prepared by the shipowner and submitted to the DMA via the RO, but without a recommendation.

Ideally, the exemption application should be submitted to the DMA in the design phase, as these are constructive issues that are difficult to change once the ship has been completed. The ROs should therefore ensure a process for identifying any necessary needs for and processing exemptions in the design phase.

Exemptions may be made only where expressly permitted by the Order on accommodation and only in exceptional circumstances where essential circumstances justify such exemptions, and provided that the health and safety of seafarers is protected.

2.5. Maritime Labour Certificate

The date of registry to be indicated in the Maritime Labour Certificate is the date of registration when a Continuous Synopsis Record (CSR) has been issued to the ship.

The date and place, *"This certificate is valid only when the Declaration of Maritime Labour Compliance issued at..."*, to be indicated in the Maritime Labour Certificate is the date and place from DMLC, Part II.

2.6. Declaration of Maritime Labour Compliance (DMLC)

The DMA will continuously update the DMLC part I according to the newest versions of Danish laws and regulations governing the implementation of the MLC, 2006. The latest edition of the Danish DMLC part I is available through the DMA website.

A DMLC part I and II issued before entry into force of the latest edition of the Danish DMLC, part I remain valid until the first periodic MLC inspection following entry into force of the update.

At the first periodic MLC verification, latest edition of the Danish DMLC part I shall be on board and, if deemed necessary, an updated DMLC part II to be reviewed and signed by the classification society (RO) (on cargo ships in class) or the Danish Maritime Authority (on passenger ships and cargo ships not in class).

Clarification:

DMLC Part II should be reviewed and updated, if deemed necessary, to reflect the requirements of the new DMLC Part I.



Regardless of whether DMLC Part II is revised or not, it should be re-verified by the RO at the first periodic MLC verification, and the date of this verification should be updated on the MLC certificate.

There may be a period of time when there is a new DMLC Part I, an unverified new DMLC Part II and an old verified DMLC Part II on board. This in order to avoid additional MLC inspections.

If questions concerning the above is raised by e.g. PSCO or other authorities, the DMA can be contacted.

2.7. Interim Maritime Labour Certificate

A DMLC part I and II need not be issued for the period of validity of the Interim Maritime Labour Certificate.

3. Confidentiality

If, during MLC inspections or otherwise, a complaint is received by the RO, alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations, the DMA must be informed without delay.

An RO must treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and give no intimation to the ship owner, the ship owner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.