



TECHNICAL INSTRUCTIVE
Statutory Certification for
MLC, 2006
Maritime Labour Certificate (MLC)

Code: PO02-TI09
Version: 02
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1. Objectives.

- .1 The purpose of this Instructive is to provide procedures and criteria for the conduct of inspections to verify compliance with the requirements of the Maritime Labour Convention, 2006 (MLC, 2006) and for the issuance of the corresponding Maritime Labour Certificate (**MLC**) and Declaration of Maritime Labour Compliance (**DMLC**). This Instructive also provides procedures governing the actions to be taken when deficiencies associated with the MLC, 2006, are identified by PSCOs.

2. Application.

- .1 The MLC, 2006, in accordance with the Regulation 5.1.3, is applied to ships of:
 - .1 500 gross tonnage or over, engaged in international voyages; and
 - .2 500 gross tonnage or over, flying the flag of an MLC, 2006 Member and operating from a port, or between ports, in another country.
- .2 The MLC, 2006, is also applied to any ship not covered by the provisions of paragraph 2.1 above, at the voluntary request of the Shipowner to the flag State Administration concerned.
- .3 In accordance with the provisions of paragraph 2.2 above, the Panamanian flagged ships with a gross tonnage from 200 GT to 499 GT engaged in international voyage or voyages between ports, may voluntarily request the MLC, for which compliance with all national regulations shall be required.
- .4 This Instructive will enter into force on **01 January 2021**.

3. Scope.

- .1 This Instructive must be used by the Marine Division and MLC Inspectors to carry out the Statutory Certification of the ship in compliance with the requirements of the MLC, 2006, which comprises:
 - .1 Review and approval of the DMLC-Part II.
 - .2 Conducting the certification services and verification activities (inspections) in compliance with the requirements of the MLC, 2006, as implemented in the national legislation referenced in the DMLC-Part I.
 - .3 Issuance of the corresponding MLC, including Interim and Short-Term MLC.
 - .4 Withdrawal of Certification.
- .2 This Instructive must be used by the Marine Division and MLC Inspectors to carry out the voluntary certification of the ship in compliance with the requirements of the MLC, 2006, and national legislation, at the request of the Shipowner.
- .3 This Instructive must be used by the Marine Division, as responsible of the MLC, 2006, Certification, to ensure that the certification process is carried out in accordance with the provisions of the MLC, 2006, and national legislation referenced in the DMLC-Part I.
- .4 For the certification of Panamanian flagged ships, and in addition to the procedures and criteria provided by this Instruction, the requirements of the Merchant Marine Circular MMC-269 issued by PMA must be fulfilled.

4. Relevant documentation.

- .1 The following documentation is relevant for the control of this Instructive:
 - .1 ILO Maritime Labour Convention, 2006.
 - .2 IACS N^o.40-Procedural Requirements for MLC, 2006 Certification.



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- .3 PMA MMC-269-MLC, 2006, Certification Process.
- .4 National Legislation of the flag States, as required.
- .2 Under permission granted by IACS Procedure, Volume 1: General Procedures, D3.6, Term and Conditions for use the IACS Resolutions, URs, CSR and Technical Information by the Classification Societies which are not members of IACS, the PR 40 has been used in this Instructive as reference for providing technical requirements.

5. Definitions.

- .1 **Inspection:** means a process of systematic and independent verification, through the collection of objective evidence, to determine whether the conditions, procedures and processes on board comply with the flag State requirements for the implementation of the MLC, 2006, (DMLC Part I) and whether the processes are effective in achieving the objectives of the MLC, 2006, through measures as defined in DMLC Part II.
- .2 **Inspector:** means a person who is qualified and authorized to carry out MLC Inspections in accordance with the requirements of the ICS Class/Procedure PE02-P01 for Training and Qualification of Technical Staff.
- .3 **DMLC:** means Declaration of Maritime Labour Compliance referred to in Regulation 5.1.3 of MLC, 2006. The DMLC consists of two parts:
 - a) **Part I:** Drawn up by the Competent Authority referencing national requirements subject to inspection and certification;
 - b) **Part II:** Drawn up by the Shipowner describing the measures adopted to ensure initial and ongoing compliance with the national requirements between inspections and the measures proposed to ensure that there is continuous improvement.
- .4 **Competent Authority:** means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned.
- .5 **Deficiency:** means a breach of the requirements of the Convention as implemented through the national laws and regulations of the Administration.
- .6 **Serious deficiency:** means deficiency that constitute a serious or repeated breach of the requirements of the Convention (including seafarer's rights) or that represent a significant danger to seafarer's health, safety or security.
- .7 **Observation:** means a statement of fact made during an inspection and substantiated by objective evidence. It may also be a statement made by the Inspector referring to a weakness in MLC procedures that if not addressed may lead to a deficiency in the future.
- .8 **Shipowner:** means 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 this Convention, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the Shipowner.
- .9 **Cold lay-up:** means that a ship is taken out of service, moored in a secure location and all systems are shut down with minimum ongoing maintenance to prevent deterioration of the hull structure and machinery. Watch men or a specialist lay-up crew may be employed to ensure the safety and security of the ship.



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- .10 **Anniversary date:** means the day and month of each year which will correspond to the date of expiry of the MLC.
- .11 **International voyage:** means a voyage from a country to a port outside such country.

6. General provisions for the ship certification.

- .1 MLC, 2006, requires ships to carry and maintain a MLC certifying that the working and living conditions of seafarers on the ship, including measures for ongoing compliance to be included in the DMLC referred to in paragraph 6.2 below, have been inspected and meet the requirements of national laws or regulations or other measures implementing this Convention.
- .2 MLC, 2006, requires ships to carry and maintain a DMLC stating the national requirements implementing this Convention for the working and living conditions for seafarers and setting out the measures adopted by the Shipowner to ensure compliance with the requirements on the ship or ships concerned.
- .3 According to definition 5.3, the DMLC referred to in paragraph 6.2 above, consist of two parts: Part I and Part II (DMLC-Part I and DMLC-Part II).
- .4 The DMLC-Part I shall be requested by the Shipowner to the flag State Administration when the ship is going to start the certification process in accordance with MLC, 2006, Regulation 5.1.3 and Standard A5.1.3. The RO requested the DMLC-Part I must be responsible to issue the MLC. If a RO requests the DMLC-Part I and another RO issues the MLC, the first RO will incur in a bad practice.
- .5 Once the DMLC-Part I is issued by the flag State Administration, the Shipowner shall complete the DMLC-Part II describing the measures adopted to ensure initial and ongoing compliance with the national requirements specified in the DMLC-Part I between inspections, and the measures proposed to ensure that there is continuous improvement.
- .6 The issuance of a MLC is conditional upon:
 - .1 The DMLC review and approval have been completed by the Inspector, unless already approved by the flag State Administration.
 - .2 Deficiencies have been rectified or a plan for rectification has been accepted.
- .7 The issuance of a MLC shall be carried out after the ship has been inspected and verified to be in compliance with:
 - .1 The requirements of the MLC, 2006.
 - .2 The national requirements of the DMLC-Part I.
 - .3 The measures describing in the DMLC-Part II.
- .8 The MLC and DMLC shall comply with the format required by the Administration.
- .9 The DMLC-Part I and Part II, shall be attached to the MLC.
- .10 In compliance with MLC, 2006, Appendix A5-1, the matters that must be inspected and found to meet national laws and regulations or other measures implementing the requirements of MLC, 2006, regarding the working and living conditions of seafarers on ships before a MLC can be issued, are the following:
 - .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).



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- .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).
- .15 Financial security for repatriation (Regulation 2.5).
- .16 Financial security relating to Shipowners' liability (Regulation 4.2).
- .11 A current valid MLC, DMLC-Part I and DMLC-Part II, accompanied by an English-language translation where it is not in English, shall be carried on the ship and a copy shall be posted in a conspicuous place on board where it is available to the seafarers. A copy shall be made available in accordance with national laws and regulations, upon request, to seafarers, flag State Inspectors, authorized Port State Control Officers, and Shipowners' and seafarers' representatives.
- .12 The ship certification shall be carried out through the following certification services and verification activities (Inspections):
 - .1 DMLC Part II review and approval (endorsement).
 - .2 Interim Inspection.
 - .3 Initial Inspection.
 - .4 Intermediate Inspection.
 - .5 Renewal Inspection.
 - .6 Additional Inspection, when required by the Administration.
- .13 The inspection process involves review of Shipowner measures for seafarer working and living conditions onboard as described in the DMLC-Part II, and onboard verification of those measures through review of documentation and records, visual observation, general discussion and private interviews with seafarers.
- .14 Any MLC Inspection is a sampling process. The inspection is not exhaustive in nature and is merely a snapshot of the working and living conditions onboard at the time of Inspection. The issuance of the MLC is based upon verification that the sample is in compliance with the MLC, 2006, and the national requirements of the relevant flag State Administration stated in the DMLC-Part I. Where non-conformities have not been found and reported, it does not mean that none exist.
- .15 The ship certification shall be carried out by issuing the following Statutory Certificates:
 - .1 Interim MLC: It shall be issued by the Inspector upon satisfactory completion of the Interim Inspection. The Interim MLC shall be issued valid for six (6) months counted from the completion date of the Interim Inspection.
 - .2 Short-Term MLC: It shall be issued by the Inspector upon satisfactory completion of the Initial or Renewal Inspection in order to permit the operation of the ship while the Full-Term MLC is prepared. The Short-Term MLC shall be issued valid for five (5) months counted from the completion date of the Initial or Renewal Inspection.



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- .3 Full-Term MLC: It shall be issued by the Marine Division upon satisfactory verification of the Initial or Renewal Inspection carried out by the Inspector. The Full-Term MLC shall be issued for a period not exceeding five (5) years counted from the completion date of the Initial or Renewal Inspection. A certificate of shorter validity may be issued in accordance with flag State requirements.
- .16 The validity of the Full-Term MLC shall be subject to an Intermediate Inspection to ensure continuing compliance with the national requirements implementing MLC, 2006. If only one Intermediate Inspection is carried out and the period of validity of the MLC is five years, it shall take place between the second and third anniversary dates of the Certificate.
- .17 When the Initial, Intermediate or Renewal Inspection cannot be completed within the specified period in the MLC, 2006, an authorization shall be requested to the relevant Administration in accordance with Section 11/11.8 below.
- .18 The Full-Term MLC shall cease to be valid in any of the following cases:
 - .1 If the Intermediate or Renewal Inspection are not completed within the period specified under MLC, 2006;
 - .2 If the MLC is not endorsed at the Intermediate Inspection (or wrong endorsement);
 - .3 If the MLC is not endorsed at the Additional Inspection, when required;
 - .4 When a ship changes flag;
 - .5 When a Shipowner ceases to assume the responsibility for the operation of a ship; and; and
 - .6 When substantial changes have been made to the structure or equipment covered in Title 3 of the MLC, 2006.
- .19 The “type of ship” to be entered on the MLC shall be the same type of ship that is registered in the Navigation Register (Patent of Navigation).
- .20 For minimum requirements relating to non-routine MLC, 2006, Certification Scenarios, not, refer to Annex 2.
- .21 When the Full-Term MLC become invalid, the Marine Division shall immediately notify the flag State Administration concerned. When possible, the MLC shall be removed from the ship.
- .22 A Full-Term MLC may be withdrawn in accordance with the conditions specified in Section 17 below.
- .23 The MMC-269 issued by PMA provides guidance, methods and criteria that shall be fulfilled for the Implementation and Certification of the MLC, 2006, on Panamanian flagged ships.

7. Responsibilities of ICS Class.

- .1 Where ICS Class has been authorized to carry out the Statutory Certification for MLC, 2006, on behalf of the flag State, may face a situation where the national legislation does not fully address an inspection requirement or appropriate criteria for expressions such as sufficient, adequate or proper has not been defined. In such situations, ICS Class should seek clarification from the flag State Administration to avoid inconsistent application of the national requirements.
- .2 MLC, 2006, certification services and verification activities (inspections) shall be provided by trained, qualified and authorized Inspectors in accordance with the Procedure PE02-P01 for Training and Qualification of Technical Staff.



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8. Responsibilities of the Inspector.

- .1 The Inspector is responsible for:
 - .1 Planning for an efficient inspection;
 - .2 Ensuring a DMLC review has been conducted;
 - .3 Ensuring the DMLC-Part II has been endorsed;
 - .4 Complying with applicable requirements;
 - .5 Clearly communicating deficiencies and observations;
 - .6 Reporting inspection results; and
 - .7 Reviewing rectification plans and verifying effectiveness of the corrective actions taken by the ship's Master or Shipowner.
- .2 Any MLC Inspection is a sampling process and the Inspector is responsible for using his professional judgment and expertise when determining the depth of the Inspection for each requirement subject to inspection under the MLC, 2006.

9. Plan Approval/Examination for the newbuilding and substantial alterations to accommodation of an existing ship.

- .1 Requirements related to accommodation and recreational facilities, as stipulated in MLC, 2006, Regulation 3.1, must be verified during the plan approval/examination and survey process by the Classification Society responsible for the newbuilding or substantial alterations project. Following the ship construction, the Classification Society shall issue a Statement or other documentary evidence confirming that the ship was built or substantial alterations were made to the accommodation of an existing ship in accordance with the requirements of the MLC, 2006, Regulation 3.1 and the relevant flag State requirements.
- .2 Exemptions are only to be considered where Regulation 3.1 clearly specifies that the Competent Authority (after consultation with the Shipowners' and seafarers' organizations) may grant exemptions. When in doubt regarding requirements from Regulation 3.1 a Classification Society should seek clarification from the flag State Administration as appropriate.

10. DMLC-Part II review and endorsement.

- .1 The MLC, 2006, Regulation 5.1.3, requires a DMLC-Part II to be established for each ship. The DMLC-Part II shall be reviewed and approved by the Administration or RO on behalf of the Administration.
- .2 Before the Initial Inspection of the ship for compliance with MLC, 2006, a DMLC-Part II review shall be completed by the Inspector unless carried out by the Administration. The scope of the review is to verify that the DMLC-Part II, provided by the Shipowner, addresses the requirements in the DMLC Part I issued by the Administration, including measures for initial and ongoing compliance.
- .3 The issue date of the DMLC-Part II shall be on or after the issue date of the DMLC-Part I. This does not apply to cases where the Administration re-issues DMLC-Part I, which does not require any amendments to the existing DMLC Part II.
- .4 The DMLC-Part II shall contain the Name of the ship, the IMO Number and Gross Tonnage, corresponding to the format provided by the Administration.
- .5 The review of the DMLC-Part II shall be carried out using and completing the form: MLC-DMLC-Part II-Checklist for Review & Endorsement (refer to Section 19 below).



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- .6 All measures included by the Shipowner on DMLC-Part II shall be reviewed by the Inspector. Before commencing the revision process of DMLC-Part II, Shipowner must ensure and forward, as applicable and as appropriate, the following documents to the Inspector responsible for the revision of the DMLC-Part II:
 - .1 A copy of DMLC-Part I issued by the Administration.
 - .2 The documentation specified at the beginning of the form: MLC-DMLC-Part II- Checklist for Review & Endorsement (in items N^o.1 to 14).
- .7 Once the review of DMLC-Part II is completed with satisfactory results, the Inspector will coordinate the date of the Initial Inspection of the ship with the Shipowner.
- .8 After completing the Initial Inspection of the ship with satisfactory results, the Inspector proceed with the endorsement of the DMLC-Part II in the corresponding space available by inserting the following information:
 - .1 Name of competent authority of duly Recognized Organization: Inter maritime Certification Services (ICS).
 - .2 Name: Full name of the Inspector.
 - .3 Title: Maritime Labour Inspector.
 - .4 Address: 77 Street N^o. 26, San Francisco, Panama, Republic of Panama.
 - .5 Signature: Inspector signature.
 - .6 Place: Port and Country.
 - .7 Date: dd-mm-yyyy (refer to paragraph 10.14 below)
 - .8 Seal or stamp of the authority as appropriate: Seal or stamp of ICS Class.
- .9 During the certification period, after the review and endorsement of the DMLC-Part II, any future amendment introduced to the DMLC-Part II shall be submitted to the initial review. After completing an Inspection on the ship, the new DMLC-Part II (amended) shall be endorsed.
- .10 If during the certification period, the name of the ship, the Shipowner, the operator Company, the RO or the gross tonnage of the ship changes, the existing DMLC-Part I shall be reissued by the Administration.
- .11 If during the certification period, the name or address of the Shipowner changes, the DMLC-Part II shall be updated by the Shipowner. The existing DMLC-Part I remains the same, not need to be reissued by the Administration.
- .12 To confirm the actions required and the scope of inspection and certification for each particular case mentioned in paragraphs 10.10 and 10.11 above, reference to be made to minimum requirements relating to non-routine MLC, 2006, Certification Scenarios, specified in Annex 2.
- .13 Before the Renewal Inspection of the ship for compliance with MLC, 2006, a DMLC-Part II review shall also be completed by the Inspector subject to provisions of this Section. After completing the Renewal Inspection of the ship with satisfactory results, the Inspector proceed with the endorsement of the DMLC-Part II in accordance with paragraph 10.8 above.
- .14 The endorsement date of the DMLC-Part II and the completion date of the Initial or Renewal Inspection stated in the MLC, shall be the same.
- .15 The issuance of a new DMLC-Part I and DMLC-Part II for the Intermediate Inspection is not required, unless a change of RO takes place at the same time of this Inspection. The new DMLC-Part II shall be reviewed and endorsed by the new (gaining) RO.



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11. Certification services and verification activities (inspections).

11.1 Interim Inspection.

- .1 The Interim Inspection/Certification may only be conducted under the following conditions:
 - a) to new ships on delivery;
 - b) when a ship changes flag; or
 - c) when a Shipowner assumes responsibility for the operation of a ship which is new to that Shipowner.
- .2 In the Interim Inspection circumstances, it may not be possible to verify full and effective implementation of procedures, but in order to issue an Interim MLC, the following must be confirmed during the inspection:
 - a) the ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I of MLC, 2006, (refer to Section 6/6.10 above), taking into account verification of items stated below;
 - b) the Shipowner has demonstrated to the competent authority or ICS Class that the ship has adequate procedures to comply with the MLC, 2006;
 - c) the Master is familiar with the requirements of the MLC, 2006, and the responsibilities for implementation; and
 - d) relevant information has been submitted to the competent authority to produce the DMLC-Part I.
- .3 The DMLC-Part I and DMLC-Part II need not be issued for the Interim Certification of the ship. A DMLC-Part I and DMLC-Part II need not be issued for the period of validity of the Interim MLC (A5.1.3.8).
- .4 For the Interim Certification of the ship, the two (2) MLC financial securities shall be valid for the period of validity of the Interim MLC.
- .5 Upon satisfactory completion of the Interim Inspection, an Interim MLC shall be issued to the ship valid for six (6) months counted from the completion date of the Interim Inspection.
- .6 No subsequent Interim MLC may be issued, nor may the existing Interim MLC be extended. The Initial Inspection shall be carried out prior to expiry date of the Interim MLC to enable issue of the Full-Term.

11.2 Initial Inspection.

- .1 The Initial Inspection include a full and detailed verification of the matters listed in Appendix A5-I of MLC, 2006, (refer to Section 6/6.10 above), taking into account every aspect related to the working and living conditions of seafarers, including those measures adopted by the Shipowner in order to safeguard the seafarer's health.
- .2 The Initial Inspection may be carried out provided there is sufficient evidence that the Shipowner's measures specified in the DMLC Part II have been implemented for at least one (1) month.
- .3 Upon satisfactory completion of the Initial Inspection, the DMLC-Part II shall be endorsed in accordance with Section 10/10.8 above.



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- .4 Upon satisfactory completion of the Initial Inspection, a Short-Term MLC shall be issued in order to permit the operation of the ship while the Full-Term MLC is prepared. The Short-Term MLC shall be issued valid for five (5) months counted from the completion date of the Initial Inspection to certify:
 - a) that this ship has been inspected and verified to be in compliance with the requirements of the MLC, 2006, and the provisions of the DMLC.
 - b) that the seafarer's working and living conditions specified in Appendix A5-I of the MLC, 2006, were found in compliance with the national requirements implementing the MLC, 2006. These national requirements are summarized in the DMLC-Part I.

11.3 Intermediate Inspection.

- .1 The purpose of the Intermediate Inspection is to verify:
 - a) ongoing compliance with MLC, 2006, as implemented through national laws and regulations;
 - b) amendments to the DMLC-Part I and Part-II (if any) have been effectively implemented;
 - c) that rectification to previous deficiencies have been completed.
- .2 The scope of the Intermediate Inspection shall be the same as for Initial Inspection and shall be carried out between the second and the third anniversary date of the Full-Term MLC, to ensure continuing compliance with the national requirements implementing the MLC, 2006.
- .3 Upon satisfactory completion of the Intermediate Inspection, the Full-Term MLC shall be endorsed by the Inspector accordingly.
- .4 At the Intermediate Inspection, one of the two Scenarios specified in paragraph 11.4 below will appear.

11.4 Scenarios during the Intermediate Inspection.

- .1 **Scenario N°.1**-Intermediate Inspection for ships holding a Full-Term MLC issued by ICS Class.
 - .1 Applicable forms:
 - a) Full-Term MLC duly endorsed at the Intermediate Inspection.
 - b) MLC Shipboard Inspection Plan.
 - c) MLC Shipboard Inspection Report.
 - d) MLC Shipboard Inspection-Checklist for Document Review.
 - e) MLC Shipboard Inspection-Checklist for Tour of Ship.
 - f) MLC Non-Conformity Report, if any.
 - .2 Mandatory supporting documentation:
 - a) Company DOC.
 - b) Ship SMC.
 - c) DMLC Part I and Part II.
 - d) Navigation Register (Patent of Navigation).
 - e) CICA.
 - f) Crew List.
 - g) Two MLC financial securities valid.
 - h) Other additional document/information as required by the Marine Division.



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- .2 **Scenario N°.2-Intermediate Inspection for ships holding a Full-Term MLC issued by other RO (change of RO).**
 - .1 The Inspector are not allowed to endorse the Full-Term MLC issued by other RO.
 - .2 The existing DMLC-Part I shall be reissued by the Administration. The new DMLC-Part II shall be reviewed and endorsed by the Inspector in compliance with Section 10 above.
 - .3 Applicable forms:
 - a) Short-Term MLC valid for five (5) months counted from the completion date of the Intermediate Inspection.
 - b) MLC Shipboard Inspection Plan.
 - c) MLC Shipboard Inspection Report.
 - d) MLC Shipboard Inspection-Checklist for Document Review.
 - e) MLC-DMLC-Part II-Checklist for Review & Endorsement.
 - f) MLC Shipboard Inspection-Checklist for Tour of Ship.
 - g) MLC Non-Conformity Report, if any.
 - .4 Mandatory supporting documentation:
 - a) Company DOC.
 - b) Ship SMC.
 - c) DMLC Part I.
 - d) DMLC Part II, duly endorsed by the Inspector.
 - e) Navigation Register (Patent of Navigation).
 - f) CICA and Crew List.
 - g) Two MLC financial securities valid.
 - h) Other additional document/information as required by the Marine Division.
 - .5 After verifying the documentation specified in items 11.4.2.3 and 11.4.2.4 above, and after confirming that the Intermediate Inspection has been fulfilled completely and is satisfactory in accordance with the provisions of this Instructive, the Marine Division will proceed to issue the corresponding Full-Term MLC with the same validity as the existing Certificate issued by the previous RO. The Full-Term MLC issued shall be endorsed at the Intermediate Inspection.
 - .6 This process does not require for any authorization from the Administration.
- .3 During the Intermediate Inspection, may appear other Scenarios not specified in paragraphs 11.4.1 and 11.4.2 above. To confirm the actions required and the scope of inspection and certification for these Scenarios, reference to be made to minimum requirements relating to non-routine MLC, 2006, Certification Scenarios, specified in Annex 2.



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11.5 Renewal Inspection.

- .1 The Renewal Inspection shall be carried out before the expire date of the Full-Term MLC.
- .2 The scope of the Renewal Inspection be the same as for Initial Inspection. The Renewal Inspection include a full and detailed verification of the matters listed in Appendix A5-I of MLC, 2006, (refer to Section 6/6.10 above), taking into account every aspect related to the working and living conditions of seafarers, including those measures adopted by the ship-owners in order to safeguard the seafarer's health.
- .3 The Renewal Inspection may be carried out provided there is sufficient evidence that the Shipowner's measures specified in the DMLC Part II have been fulfilled.
- .4 Upon satisfactory completion of the Renewal Inspection, the DMLC-Part II shall be endorsed in accordance with Section 10/10.8 above.
- .5 Upon satisfactory completion of the Renewal Inspection, a Short-Term MLC shall be issued in order to permit the operation of the ship while the Full-Term MLC is prepared. The Short-Term MLC shall be issued valid for five (5) months counted from the completion date of the Renewal Inspection to certify:
 - a) that this ship has been inspected and verified to be in compliance with the requirements of the MLC, 2006, and the provisions of the DMLC.
 - b) that the seafarer's working and living conditions specified in Appendix A5-I of the MLC, 2006, were found in compliance with the national requirements implementing the MLC, 2006. These national requirements are summarized in the DMLC-Part I.
- .6 Where, after a Renewal Inspection is completed prior to the expiry date of a Full-Term MLC, the ship is found to continue to meet national laws and regulations or other measures implementing the requirements of the MLC, 2006, but a new certificate cannot immediately be issued at the Renewal Inspection and made available on board that ship, the Inspector may extend the validity of the Full-Term MLC for a further period not exceeding five (5) months from the expiry date of the existing MLC, and endorse the MLC accordingly (Standard A5.1.3, paragraph 4). The new Full-Term MLC shall be issued in accordance with paragraph 11.7 below.

11.6 Additional Inspection.

- .1 The Administration may require an Additional Inspection to verify that the ship continued to be in compliance with the national requirements implementing the MLC, 2006, as required by Standard A3.1, paragraph 3 of the MLC, 2006 (re-registration or substantial alteration of accommodating) or for another reasons. The Administration shall determine the scope and depth of the inspection, which may vary from case to case. The Additional Inspection shall be completed within the time period agreed. The Administration shall follow up on the results of the inspection and take appropriate measures, as necessary.
- .2 To carry out an Additional Verification related to any of the following Scenarios, the authorization of the Administration is required:
 - a) PSC detention (Report of Inspection shall be submitted).
 - b) Flag State detention (Report of Inspection shall be submitted).
 - c) Re-registration.



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- d) When substantial alteration of accommodating.
- e) Follow-up of serious deficiencies (refer to Section 16/16.2 below).
- f) When the Administration considers it necessary to request an Additional Inspection in view of the nature of any non-conformity regarding of the DMLC Part I or Part II.
- g) Any other Scenario not specified in item 11.6.4 below.
- .3 Upon satisfactory completion of the Additional Inspection specified in item 11.6.2 above, the existing Full-Term MLC shall be endorsed by the Inspector accordingly.
- .4 To carry out an Additional Inspection related to any of the following Scenarios, which arise during the validity of the existing Full-Term MLC, the authorization of the Administration is not required:
 - a) Change of the ship's name.
 - b) Change of the ship's call sign.
 - c) Change of the ship's gross tonnage.
 - d) Change of the Shipowner's name.
 - e) Change of the Shipowner's address.
- .5 To confirm the actions required and the scope of inspection and certification for the Scenarios described in item 11.6.4 above, reference to be made to minimum requirements relating to non-routine MLC, 2006, Certification Scenarios, specified in Annex 2.
- .6 The Additional Inspection specified in item 11.6.4 above, shall be carried out under the authorization and instructions given by the Marine Division, on a case by case basis.
- .7 Upon satisfactory completion of the Additional Inspection specified in item 11.6.4 above, a Short-Term MLC shall be issued in order to permit the operation of the ship while the Full-Term MLC is prepared. The Short-Term MLC shall be issued valid for five (5) months counted from the completion date of the Additional Inspection. Afterward, the Marine Division will issue a new Full-Term MLC with the same validity as the existing Certificate. The new Full-Term MLC issued shall be endorsed at Additional Verification.
- .8 In case of change of the ship's call sign, ship's gross tonnage, Shipowner's name and Shipowner's address, an attendance on board is not required, considering that these changes do not affect the operation of the ship or the Company procedures. However, to carry out this process, an authorization shall be requested to the Administration supported by a copy of the valid MLC, the Navigation Register (Patent of Navigation) and the two (2) MLC financial securities updated.

11.7 Issuance of Full-Term MLC.

- .1 After verifying the documentation supporting the ship certification in compliance with Section 18 below, as appropriate, and upon confirmation that the Initial or Renewal Inspection has been fulfilled completely and is satisfactory in accordance with the requirements of the MLC, 2006, and the provisions of this Instructive, the Marine Division will proceed to issue the corresponding Full-Term MLC.
- .2 The Full-Term MLC shall be issued for a period not exceeding five (5) years counted from the completion date of the Initial or Renewal Inspection.



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- .3 Upon satisfactory completion of the Renewal Inspection, the issuance of the Full-Term MLC shall be made in compliance with the following requirements, as appropriate:
 - .1 When the Renewal Inspection has been completed within three (3) months before the expiry date of the existing Full-Term MLC, the new Full-Term MLC shall be valid from the completion date of the Renewal Inspection for a period not exceeding five (5) years from the expiry date of the existing MLC.
 - .2 When the Renewal Inspection is completed more than three (3) months before the expiry date of the existing Full-Term MLC, the new Full-Term MLC shall be valid for a period not exceeding five (5) years from the completion date of the Renewal Inspection.
 - .3 When the Renewal Inspection has been completed after the expiry date of the existing Full-Term MLC, the new Full-Term MLC shall be valid from the completion date of the Renewal Inspection for a period not exceeding five (5) years from the expire date of the existing MLC.

11.8 Authorization to postpone the MLC Inspections.

- .1 If for special circumstances and justified reasons, the Initial, Intermediate or Renewal Inspection cannot be carried out within the period specified in the MLC, 2006, the Shipowner, RO or legal representatives shall request an authorization to the Administration to postpone the required inspection. The request shall be performed prior to the expiration of the Interim MLC (for Initial Inspection) or prior to the expiration of the range date (window) for the Intermediate or Renewal Inspection.
- .2 The Letter from the Shipowner requesting authorization to postpone the MLC Inspection shall be addressed to the Administration. The Letter shall state the following information:
 - .1 The reasons that prevent to carry out the required inspection within the period specified in the MLC, 2006.
 - .2 The temporary measures that will be followed on board in order to keep the ship in compliance with the requirements of the MLC, 2006, and DMLC-Part I.
 - .3 The projected date and place where the inspection will take place.
- .3 To request the authorization mentioned-above, the following documentation shall be submitted to the Administration:
 - .1 Letter from the Shipowner, as specified in item 11.8.2 above.
 - .2 Email from ICS Class, accepting the request of the Shipowner, indicating the reason for not performing the inspection, and stating the exact date and place where such inspection will take place.
 - .3 Interim MLC (for postponement the Initial Inspection).
 - .4 Full-Term MLC (for postponement the Intermediate Inspection).
 - .5 Full-Term MLC endorsed at the Intermediate Inspection (for postponement the Renewal Inspection).
- .4 The MLC Inspections shall be postponed in accordance with the authorization and instructions given by the Administration on a case by case basis. The issuance of Conditional MLC may be authorized by the Administration, when required.
- .5 The request for postponing the MLC Inspections on Panamanian flagged ships, shall be performed in compliance with the MMC-269.



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12. Preparation for the inspection.

- .1 The Inspector shall prepare an Inspection Plan taking into account hours of work/rest schedule for the seafarers. When the activities are planned to be carried out during hours of darkness the Inspector's ability to gather information is not to be impaired (e.g. adequate and safe lighting to be provided as necessary).
- .2 The Inspection Plan shall be designed to be flexible in order to permit changes based on information gathered during the inspection and to permit the effective use of resources. The plan shall be agreed with the ship's master and communicated to all those involved in the inspection.
- .3 Initial, Intermediate and Renewal Inspections shall be performed only under normal operating conditions of the ship, e.g. when the ship is not in dry dock or in cold lay-up.
- .4 Interim Inspection may be conducted in circumstances other than normal operating conditions, provided the ship is fully manned.
- .5 The working documents (applicable forms) that shall be used to facilitate the planning the inspection, the conducting the inspection and to document results, including the Inspection Plan and the Inspection Report, are specified in Section 19 below.

13. Executing the inspection.

- .1 MLC, 2006, inspection may be conducted during the same visit as ISM and ISPS verifications audits, by harmonizing the overlapping requirements of these Codes/Convention, provided the ship is available for sufficient time. The scope of the inspection and audits shall be the same as when they are carried out independently.
- .2 All scheduled inspections (Initial, Intermediate and Renewal) shall be fully scoped inspections covering all of the aspects of MLC, 2006.
- .3 The inspection shall begin with an opening meeting.
- .4 The inspection shall include review of documentation and records, visual observations, general discussion and private interviews with seafarers to confirm that the Shipowner's measures for seafarers working and living conditions as described in the DMLC-Part II comply with the national requirements implementing the MLC, 2006. An inspection is based upon sampling within all areas and the Inspector must use professional judgment to determine the depth of inspection for each requirement.

14. Inspection Report.

- .1 The Inspection Report shall be accurate and complete, reflect the content of the inspection and shall include the following:
 - .1 Ship name and IMO number.
 - .2 Date of completion of the Inspection.
 - .3 Scope and objectives of the Inspection.
 - .4 Serious deficiencies, deficiencies and observations issued during the Inspection.
 - .5 Names of Inspectors and their roles.
 - .6 MLC Shipowner name.
- .2 Any deficiency identified shall be documented in the Non-Conformity Report attached to the Inspection Report. Both Reports are to be made available to the ship.



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15. Rectification of deficiencies.

- .1 The deficiency as described should state clearly the act or situation identified as non-compliant and provide appropriate references to requirements in the DMLC-Part I, DMLC-Part II, flag State requirements, and/or the MLC, 2006, as appropriate.
- .2 The content of the deficiency shall be complete and concise and written in such a manner as to be easily understood. Clarity should not be sacrificed for the sake of brevity.
- .3 Deficiencies should be rectified at the time of inspection, whenever possible.
- .4 Before a MLC may be issued, endorsed or renewed the Inspector would need to have confirmation either that all deficiencies noted during the inspection have been rectified or that a rectification action plan has been provided by the Shipowner and agreed by the Inspector.
- .5 When considering which action or actions to take, the Inspector should use professional judgement and take into account inter alia the following:
 - .1 Whether or not the deficiencies can be rapidly remedied in the port of inspection.
 - .2 Whether the deficiencies constitute a significant danger to seafarers' safety, health or security.
 - .3 The seriousness of the breach of the requirements of the MLC, 2006.
 - .4 Length and nature of the intended voyage or service.
 - .5 Prior history of similar deficiencies.
 - .6 Prior history with respect to rectifications.
- .6 Where deficiencies cannot be rectified, a rectification action plan shall be agreed at the time of the inspection. The proposed plan shall be reviewed by the Inspector to ensure the deficiency is properly addressed. The rectification action plan shall be implemented within a period not exceeding three (3) months from the completion of the inspection. The effectiveness of the corrective actions shall be verified not later than the next scheduled inspection (Intermediate or Renewal) or at any Additional Inspection that may be required, whichever comes earlier.
- .7 Failure to implement the agreed corrective actions may be treated as grounds for invalidation of the MLC.

16. Follow-up of serious deficiencies.

- .1 A serious deficiency raised on a ship must be rectified or downgraded before a MLC is issued and the ship can sail. Downgrading can only take place after verifiable action has been taken to remove any significant danger to seafarers' safety, health or security (including seafarers' rights). A plan for implementation of corrective actions and rectification of outstanding deficiencies must be approved by the Inspector where rectification is not possible at the time of the inspection. The approved plan must be implemented within a time period not exceeding three (3) months from the date of the inspection.
- .2 When a serious deficiency has been downgraded, at least one Additional Inspection shall be carried out within an agreed time frame, in order to verify implementation of the corrective actions (refer to Section 11/11.6.2 above). A Short-Term MLC valid up to three (3) months may be issued to allow for verification of necessary corrective actions during the Additional Inspection.
- .3 All serious deficiencies, including those that are downgraded during the inspection, shall be reported to the Administration.



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17. Withdrawal of Certification.

- .1 A MLC may be withdrawn if:
 - .1 Rectification of deficiencies is not completed within the agreed time period, or
 - .2 Where a periodical inspection has not been requested within the time window, or
 - .3 When the Shipowner does not make a request for inspection when substantial changes have been made to the structure (covered by Title 3 of MLC, 2006) of the ship, or
 - .4 A serious deficiency cannot be rectified or downgraded or an acceptable rectification plan cannot be provided for deficiencies raised.

18. Record of Information (supporting documentation).

- .1 After completing the certification services and verification activities (Inspections), the Inspector must provide to ICS Class-Head Office (Operation Department) with the following supporting documentation properly completed, as appropriate:
 - .1 For Interim Inspection.
 - a) Interim MLC issued.
 - b) MLC-Shipboard Inspection Plan.
 - c) MLC-Shipboard Inspection Report.
 - d) MLC-Shipboard Inspection-Checklist for Interim Inspection.
 - e) MLC-Non-Conformity Report, if any.
 - f) Company DOC.
 - g) Ship SMC.
 - h) Navigation Registry (Patent of Navigation).
 - i) Crew List.
 - j) CICA.
 - k) Two MLC financial securities valid.
 - l) Other additional document or information as required by Marine Division.
 - .2 For Initial and Renewal Inspection.
 - a) Short-Term MLC issued.
 - b) MLC-Shipboard Inspection Plan.
 - c) MLC-Shipboard Inspection Report.
 - d) MLC-Shipboard Inspection-Checklist for Document Review.
 - e) MLC-Shipboard Inspection-Checklist for Tour of Ship.
 - f) MLC-DMLC-Part II-Checklist for Review & Endorsement.
 - g) MLC-Non-Conformity Report, if any.
 - h) DMLC-Part I and DMLC-Part II (duly endorsed).
 - i) Company DOC.
 - j) Ship SMC.
 - k) Navigation Registry (Patent of Navigation).
 - l) Crew List.
 - m) CICA.
 - n) Two MLC financial securities valid.
 - o) Other additional document or information as required by Marine Division.
 - .3 For Intermediate Inspection:
According to Section 11/11.4.1 or 11.4.2, as appropriate.



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- .2 In addition to the supporting documentation listed in items 18.1.1 to 18.1.3 above, the following information shall also be provided by the Auditor, when required:
 - .1 Substantial alterations made in the ship's accommodation, according to Section 9 above.
 - .2 Evidences that, at the opinion of the Inspector, demonstrate the compliance of the ship with the requirements of the MLC, 2006, and the provisions of the DMLC.

19. Applicable Forms for ship certification.

- .1 MLC-Shipboard Inspection Plan (2017/01).
- .2 MLC-Shipboard Inspection Report (2013/07).
- .3 MLC-Shipboard Inspection-Checklist for Interim Inspection (2017/01).
- .4 MLC-Shipboard Inspection-Checklist for Document Review (2019/01).
- .5 MLC-Shipboard Inspection-Checklist for Tour of Ship (2019/01).
- .6 MLC-DMLC-Part II-Checklist for Review & Endorsement (2017/01).
- .7 MLC-Non-Conformity Report (2013/07).
- .8 MLC-Interim (2013/07).
- .9 MLC Short-Term (2013/07).
- .10 MLC Full-Term (2019/01).

20. Documented Information revoked and modifications.

- .1 Technical Instructive PO02-TI09-Statutory Certification for MLC, 2006 (MLC), version 01 (06-2020) has been revoked.
- .2 Section 0 "Content" has been included.

21. Annexes.

- .1 Annex 1: Port State Control.
- .2 Annex 2: MLC Certification Scenarios.

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Annex 1

PORT STATE CONTROL

1. When attending a ship as a result of a PSC action, the Inspector shall consider the objective evidence presented by the PSCO.
2. Where the Inspector considers that the evidence indicates the presence of a serious deficiency, the serious deficiency shall be documented and the Shipowner shall be notified immediately. The inspector shall proceed as indicated in Section 16 above.
3. In the absence of any specific instructions to the contrary, the scope of any Additional Inspection (refer to Section 11/11.6 above) carried out following the detention of a ship that holds an Interim MLC shall include, as a minimum, the deficiencies identified by PSCO. Implementation will be verified to the extent that the available evidence permits.
4. In cases where the PSCO alleges that there is evidence of a serious deficiency, and the Inspector considers that there is not, the PSCO, under the authority vested in the officer by the authorities of the port, will decide what further action is to be taken.
5. If the Inspector disagrees with the actions taken by the PSCO, the Inspector is to provide the PSCO with a written explanation of the disagreement and inform the flag State Administration concerned.
6. Notwithstanding the provisions of all paragraphs above, the Procedure PO02-P05 for Port State Control and Flag State Inspection, shall also be applied, as appropriate.



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Annex 2

MLC CERTIFICATION SCENARIOS

Nº.	Scenario	Condition	Action required	DMLC Part II	Scope of inspection and certification
1.	Change of ship's name	Conducted by Inspector	Additional Inspection on board	Amend DMLC-Part II with the ship's new name.	1. Verify correct ship's name on all Certificates and documents. 2. Issue Short-Term MLC with the ship's new name valid for five months. 3. Reissue Full-Term MLC with the ship's new name with the same expire date as the current MLC.
2.	Change in IMO ship type	1. Conducted by Inspector. 2. Substantial changes have been made to accommodation or DMLC-Part II	Interim Inspection on board.	Verify amendments to DMLC Part II, if any, have been submitted for approval.	1. Interim Verification as required by MLC, 2006, A5.1.3.7. 2. Issue Interim MLC with new ship type.
3.	Ship out of service between 3 and 6 months ⁽¹⁾	Conducted by Inspector	Additional Inspection on board if required by the flag State	-	Endorse MLC, as appropriate
4.	Ship more than 6 months out of service ⁽¹⁾	Conducted by Inspector	Additional Inspection on board	-	1. Confirm continued compliance with the DMLC-Part I and Part II. 2. Issue Short-Term MLC valid for five months. 3. Reissue Full-Term MLC with the same expire date as the current MLC.
5.	Intermediate inspections requested after the end of the inspection time window	Conducted by Inspector	Intermediate Inspection on board	-	1. Intermediate Inspection with scope as Initial. 2. Major deficiency raised that may be downgraded based on completion of Inspection. 3. Additional Inspection within 3 months required. 4. If reinstated, MLC to be endorsed with a statement (e.g. Validity reinstated with scope as initial). If re-issued, MLC to have same expiry date as previous certificate.



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MLC CERTIFICATION SCENARIOS

Nº.	Scenario	Condition	Action required	DMLC Part II	Scope of inspection and certification
6.	Change of ship's call sign, gross tonnage, shipowner's name, address.	-	Attendance on board not required	1. Company to submit the amended DMLC-Part II. 2. Verify changes in amended DMLC-Part II.	Issue Short-Term MLC valid for five months. 3. Reissue Full-Term MLC with the same expire date as the original MLC.

⁽¹⁾ These instructions do not apply to ships for which seasonal lay-ups are a normal part of their operational routine.

Note:

- 1. Above scenarios may be subject to flag State requirements and should only be applied in the absence of any instructions from the Administration.**
- 2. To apply any of above scenarios on Panamanian flagged ships, a prior authorization from PMA (MLC Section) is required.**